

On the Importance of and Suggestions to Establishing Public Domain

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Abstract

The information era is paradoxically facing the danger of an ever-shrinking public domain, which is vital to the creation, accumulation, dissemination and enjoyment of works and the furtherance of mankind. This paper endeavors to stress the importance of maintaining public domain and to envision concrete suggestions to its success. It comes up with the following: 1. To conceptualize and institutionalize public domain at the level of Constitution, so as to strike a fine balance between public and private interest. Whenever private copyright gets expanded, public interest shall be counter-balanced by taking into consideration of the need of a healthy public domain. 2. To introduce copyright substitution levies as an extra source of income for copyright holders as premises for legalizing private reproductions, which are anyway beyond the reach of law. 3. To abolish criminal penalty for private and non-commercial reproductions. 4. To create a legal environment that is conducive to the acquirement of information. 5. To release works owned by public sector into public domain via Creative Common mechanism.

Keywords: public domain, copyright substitution levies, intellectual property rights, copyright, Patent, Trademark, Fair Use, TRIPs Agreement, Berne Convention, Free Culture

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