

Note to Gowers Review Team from Lord Puttnam of Queensgate, CBE

Dear Andrew,

As my personal submission to your Review I 'm attaching some extracts from a speech I gave at the launch of the Creative Archive initiative in April 2005. I've chosen this (slightly unusual) form in the hope that it will deliver more value to your Review team than a series of answers to quite technical questions, many of which almost certainly fall well outside my sphere of competence.

The main point the speech covers, and to which I'd very much like to draw your attention, is that a generous interpretation of 'open access' to IP is, or should be, at the heart of both our own education system, and our broader policies towards international development.

The issues being examined by your Review are far more than simply economic – they are key to the development of informed and tolerant citizens in a modern democracy. This applies almost as much to issues surrounding patents and trademarks as to those of copyright which formed the principal subject of my speech.

I very much hope that the Review team will ensure that the fundamental links between a vibrant, open and flexible IP regime and the longer term issues of active citizenship within an informed democracy can be addressed in your final report.

Yours very sincerely

Lord Puttnam of Queensgate, CBE.

21st April 2006

Edited Extracts from a speech by Lord Puttnam at the launch of the 'Creative Archive' on the April 13th, 2005 at 28 Portland Place, London W.1

Public benefit, above private gain, must be the guiding principle that informs the use of content that is financed in whole or in part through the public purse. The Creative Archive is an opportunity to demonstrate that ethic in practice. It brings together four organisations, the BBC, the British Film Institute, Channel 4 and the Open University, all of whom are absolutely committed to the public interest.

Here in the UK we possess a truly extraordinary depth and breadth of intellectual resource which, if made more freely available, could be used to the benefit of citizens the length and breadth of the country – and I stress “length and breadth” because for me one of the real opportunities offered by initiatives such as the Creative Archive is the ability once and for all to reach down into the roots of local communities. This also offers the opportunity to create new communities of individuals, united by their interests rather than by their geography. Communities engaged with a huge variety of engaging, and sometimes even inspiring, content.

The ability for schools and young people especially to use video and audio ‘clips’ from creative work of all kinds can only serve as an enormous spur to innovation as well as to the development and training of new creative talent, by nurturing ever more important skills such as editing and sound production. It’s the equivalent of “clip art” but in a context that’s governed by a clearly-defined set of protocols.

The true relevance of skills learnt in this new world of the ‘creative media’ goes far beyond their value to the medium itself. Creative people are curious about the world, they enjoy discovery, and research indicates that they are generally better able to cope with uncertainty. It seems to me that these are characteristics that have a growing importance for every one of us as citizens in the early 21st Century.

In the past, much of the premium attached to IP rights flowed as a natural consequence of its scarcity.

It is a far greater challenge to ensure that the value of IP remains respected in a world in which the IP itself is infinitely reproducible, frequently at zero marginal cost.

Unless as citizens we learn to value IP, it becomes all but impossible to maximise its potential to contribute to an equitable, prosperous and diverse society.

I’d like to offer a word or two about the broader implications of how we treat IP in relation to disseminating knowledge and ideas to the benefit of people in other parts of the world.

As president of UNICEF here in the UK I’m keenly aware that this whole issue of how we treat intellectual property has enormous implications for our relationship with the developing world.

The sharing of creativity and knowledge in the form of IP must be at the heart of any approach to sustainable development on the broader international stage. I’m

not at all comfortable with the idea that, in an increasingly interdependent world, any one nation could or should seek to advance at the expense of others.

Any nation overtly setting out to do so would soon discover that such a strategy is, in the long-run, entirely self-defeating. It could also be represented as veering uncomfortably close to neo-colonialism.

We cannot once again drift into being the economic beneficiaries of the suffering of others, as if this were some irresistible “force of nature”.

The question of IPR and the developing world is a massive one. It was addressed by the report of the Commission on Intellectual Property Rights undertaken for the Department for International Development in 2002. Suffice to say these broader questions around the relationship between IPR and international development cannot any longer simply be pushed under the carpet.