Advocating for free culture

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Agenda

Introduction

Policy areas

Censorship
Copyright
Privacy
Access to knowledge
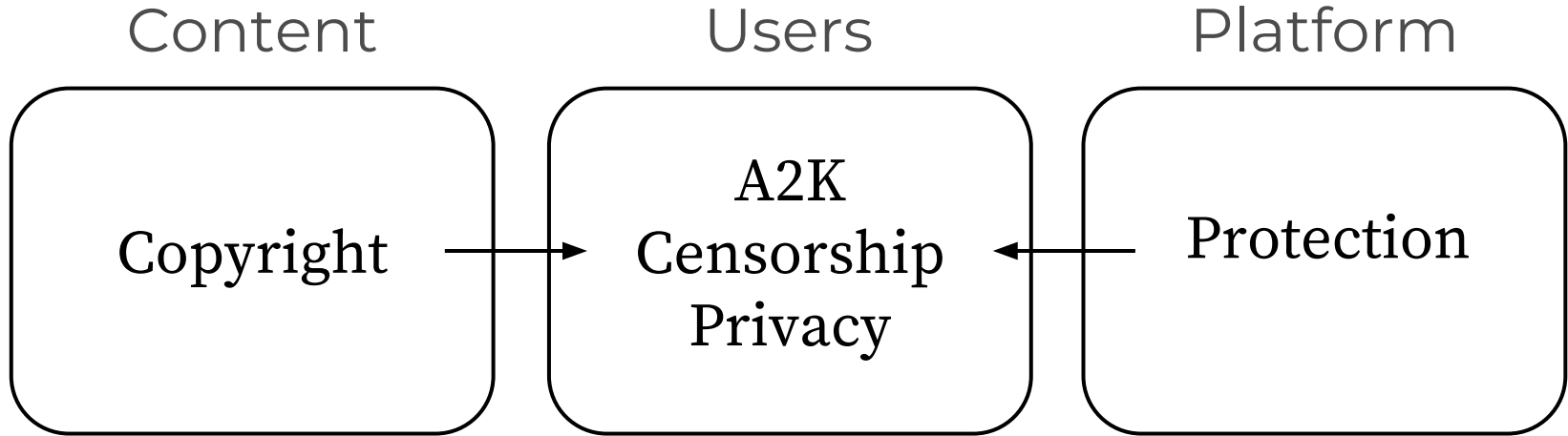Intermediary liability

Advocacy strategies

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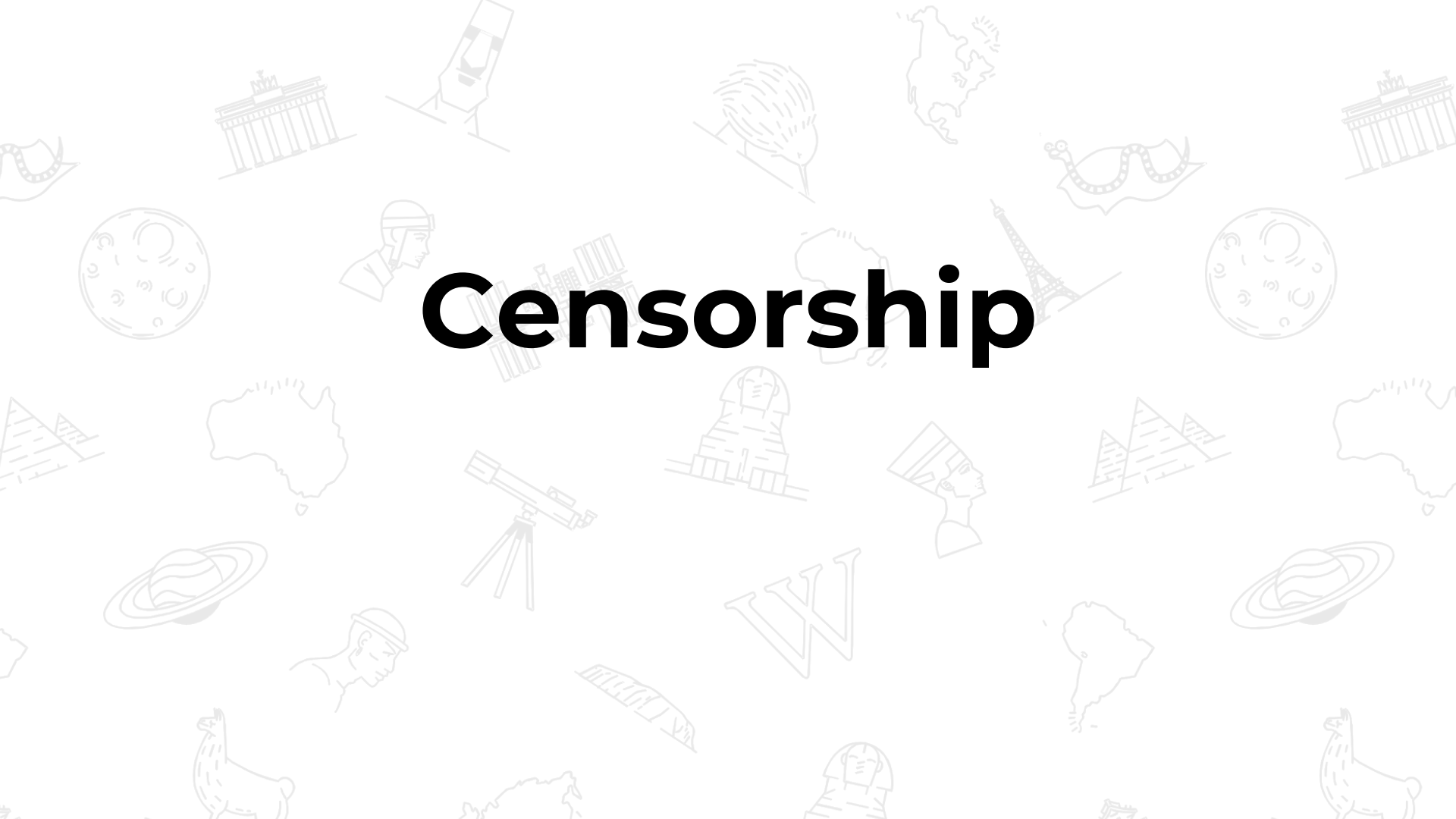# The Wikimedia Mission (Abridged)

Empower people to share educational content under a free license or in the public domain, and to disseminate it globally.

Five fields of policy

Content   Users   Platform

Copyright → A2K Censorship Privacy ← Protection

Censorship

Censorship

The freedom to share and access knowledge is a fundamental value of Wikimedia.

How can we actively resist being blocked, filtered, or modified by governments and private parties?

"We will never facilitate, enable or condone censorship of the Wikimedia projects....

In making decisions, we will not allow censorship of the projects as a means to facilitate other strategic goals: to the contrary, our strategic goal is to preserve and make available the material in the projects in perpetuity, and other initiatives must be consistent with that mission."
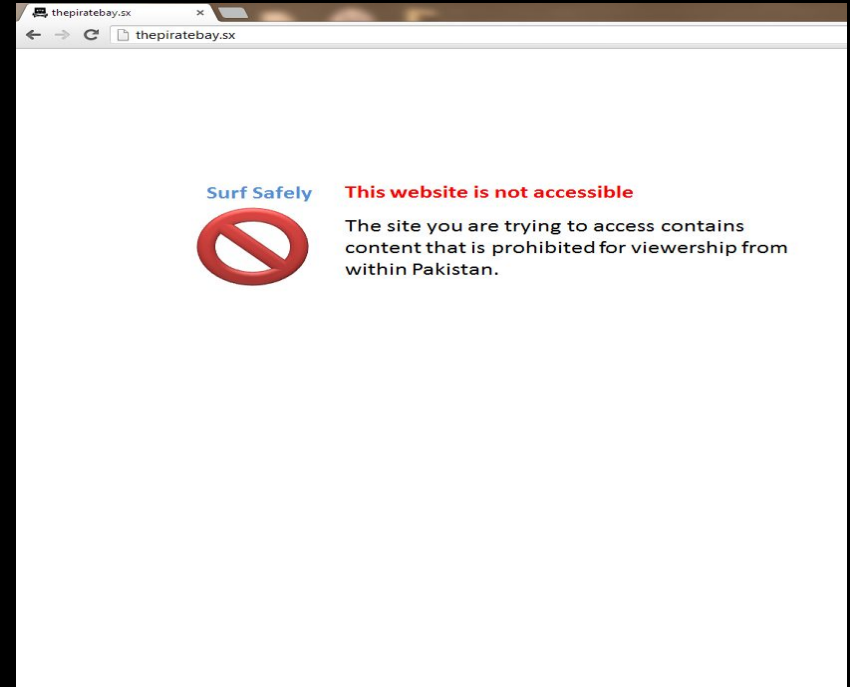
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"Hard" censorship

- Contact content provider or ISP
- Block of specific pages
- Block of IP
- DNS poisoning
- Speed throttling
- Offensive attacks

Blocked Messsage Pakistan,
Wiki.0hlic, Public Domain

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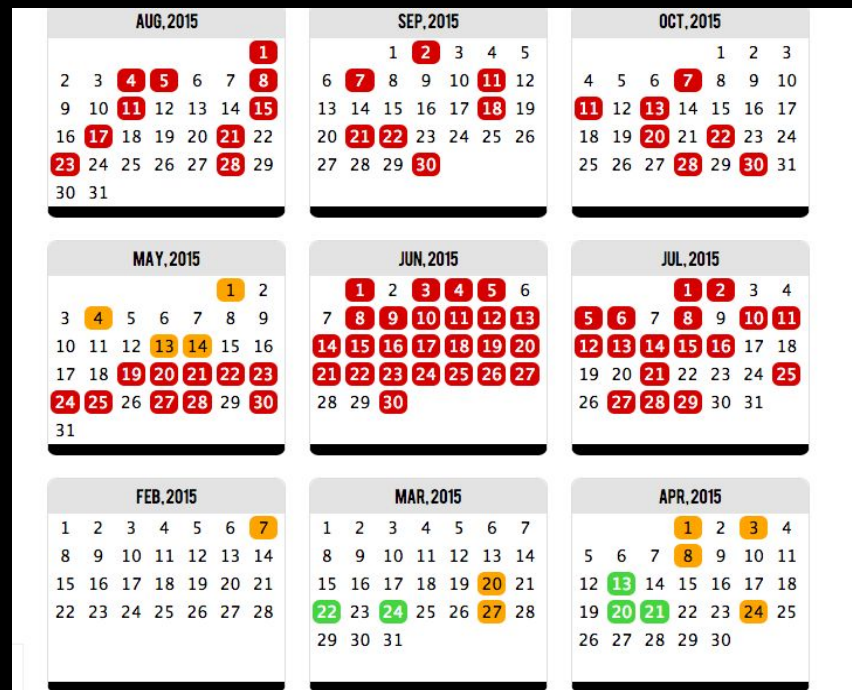
Detecting censorship

- News and on-the-ground reports

- Server side tracking

- Client side tracking

- Research studies

Screenshot of Greatfire.org,
Copyright by GreatFire, used under
Fair Use

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Censorship study 2016 (with Berkman-Klein Center)

- Server Side log analysis
  - Article level (historical)
  - Project level

- Client side tracking

- Analysis of Results

Copyright

Copyright

"To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."
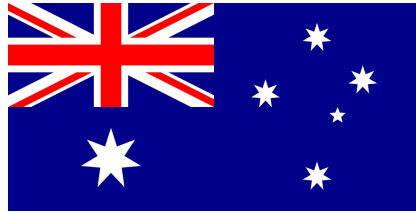
Copyright as...

- An important tool for creating new works

- A potential impediment to free knowledge and culture

- A balancing act

Copyright reform

Freedom of panorama

- Public photography

- Commercial v. non-commercial

- Reform in South Africa?

Sunset over Lake Mälaren with 1854 statue of Carl XIV John of Sweden removed. Statue is in the public domain. <u>Original image</u> by Jacob Truedson Demitz is in the public domain, <u>derivative work</u> by Kevin Jacobsen licensed under <u>CC BY-SA 4.0.</u>

Fair use

- A flexible copyright exception

- Reform in Australia?

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Bridgeman abroad

- A new copyright in public domain works?

- Reiss Engelhorn

Francois Tomb at Vulci, Public Domain

Copyright & inequality

"When people are deprived of access to books in a language they understand, they lose the opportunity to engage in the written world as both a consumer and as a creator of culture and knowledge."

-Leah Shaver

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Privacy

Privacy

- A fundamental right (ICCPR & UDHR)

- An essential platform for freedom of expression

Inside a customer Data Suite in Union Station, Global Access Point, Public Domain

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Privacy on the projects

- Collect little & short retention

- Anonymous editing (by anyone)

- Privacy Policy

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Privacy on the projects

- Resist private/government requests for information

  - Published in transparency report

- HTTPS encryption

Surveillance

- Global surveillance disclosures

- Necessary & Proportionate
  Principles

- *Wikimedia Foundation v. NSA*

Stop Surveillance Poster, Rich Black, CC BY-SA 3.0

Access to knowledge

Access to knowledge

Access to free knowledge is not a privilege for few. It is a right for all.

What can we do to change cost and accessibility barriers?

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Lyon Declaration

"We therefore call...to ensure that everyone has access to, and is able to understand, use and share the information that is necessary to promote sustainable development and democratic societies."

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Lyon fete des Lumieres 2013, Myrabella, CC BY-SA 4.0

Open access

- **OA policy**

- **Formal collaborations**

- **Government works**

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Offline innovations

- Kiwix

  - Offline WP in Mali

- Internet shutdown in Cameroon

A right to link

- *Magyar Jeti Zrt v. Hungary* (ECtHR)

- *GS Media BV v. Sanoma* (ECJ)

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Intermediary liability protection

Intermediary liability protection

Protecting the Wikimedia projects from liability for third-party content, such as allegedly defamatory or infringing content.

Intermediary liability on the Wikimedia projects

- Transparency report

  - ~40 copyright notices per year

  - ~400 content takedown requests per year

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Legal framework

United States

- CDA 230
- DMCA 512

EU

- E-Commerce Directive

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Developments

- Possible DMCA 512 reform

- Erosion of CDA 230 in the courts

- Wins in Italy, France, & Germany

Advocacy strategies

Initial questions

What are the most important issues for Wikimedia?

Where can Wikimedia have a unique impact?

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Four steps

1) Raise awareness

2) Organize

3) Take action

4) Join or lead a campaign

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