

Copyright Public Policy Advocacy Mapping

2023 Report

Executive Summary

This report summarizes findings from the Wikimedia Foundation Global Advocacy team's mapping of the copyright public policy advocacy activities of Wikimedia affiliates. The goal of this mapping exercise was to learn what public policy advocacy initiatives around copyright reform Wikimedia affiliates have taken, their motivations to do so, their methods for engaging in advocacy work, the common challenges and successes they may have experienced, as well as the capacity and resources they invested in this work. It does not cover copyright advocacy activities of the Wikimedia Foundation. This report covers key findings and provides recommendations to advance affiliate capacity to protect and promote the copyright priorities of the Wikimedia movement. The mapping has also produced a comprehensive repository of affiliates' campaign materials that is now publicly available to inspire, provide resources for policy action, and create synergies between advocacy efforts.

This report may take copyright as a case study, but the insights it contains speak to how movement members across Wiki projects can protect and promote the priorities of the movement. Findings highlight how copyright laws, copyright advocacy, and Wiki campaigns such as [Wiki Loves Monuments](#) or [Wiki Loves Folklore](#), are often intertwined. The essential role of access to funding structures, the challenges and incredible resources of peer-learning and knowledge exchange, and strategic benefit of working with at times unlikely allies are also pertinent. In addition to the learnings and challenges highlighted in this report, the stories it contains of what advocacy looks like in this movement are equally compelling.

This research targeted Wikimedians—user groups, chapters, and relevant individuals—who have worked on copyright public policy advocacy initiatives since 2016. Copyright public policy advocacy is understood as “actions intended to defend and promote copyright public policies set by governments, as opposed to those set by educational or cultural institutions like galleries, archives, or museums.” This report shares findings from 30 individuals, which were collected through semi-structured interviews.

Findings & Recommendations

What copyright topics do Wikimedians engage with, and why? Wikimedians tend to engage in copyright advocacy when: existing legislation impedes their participation in Wikimedia projects or campaigns; when an opportunity for copyright reform arises at the national or regional level; or, out of a commitment to free knowledge when this is challenged by local copyright regimes.

Copyright topics of interest are those that serve Wikimedians’ goal to simplify access to content and the free use of content such as: fair use/fair dealing and research exceptions; expanding the public domain; orphan works; and, public broadcasting.

Who pursues copyright advocacy? Copyright advocacy is largely pursued by: chapters with paid staff; groups with a very motivated (and often copyright-knowledgeable) individual who will catalyze action; or, groups who have access to a policy expert through their allies.

The majority of actions have taken place in Northern and Western Europe.

What tactics do Wikimedians use to engage in copyright advocacy? Wikimedians pursue a range of tactics that focus on awareness raising, direct engagement with policymakers when possible, and working through coalitions. There is no strategic litigation and little public protesting.

What challenges do Wikimedians face in their advocacy efforts? Resource constraints related to time, money, and personnel are the greatest barriers. These influence other core challenges such as: access to legal expertise; the ability to monitor and prioritize policy developments; creating compelling arguments and countering oppositional narratives; and, individual burn-out.

What resources or capacity investments would support affiliates’ advocacy work? Wikimedians would benefit from position papers and talking points on key copyright issues, as well as examples of typical advocacy products like responses to public comments, opinion pieces, or open letters. Expanded regional networks to connect with media, allies, and policy

stakeholders as well as potential funders is important. Continued support for monitoring, analyzing and prioritizing policy developments is necessary. There is a desire for more consistent coordination, capacity building, and communication around copyright advocacy among affiliates.

Recommendations

1. The Wikimedia Foundation and affiliates should collaborate to co-produce templates, position papers, talking points, and centralize existing resources;
2. The Foundation should explore opportunities to support affiliates’ access to third-party funding that can cover personnel time spent on copyright public policy advocacy work or access to legal expertise, such as by sharing information about funding opportunities from external actors;
3. Affiliates should confirm the coordination structures that they wish to establish, and how the Foundation can support these;
4. The monitoring of policy developments can be crowdsourced;
5. Affiliates who pursue advocacy should try to ensure there are two people working on any given initiative, and be dedicated to documenting their work. This is important to combat the risk of overburdening one or a few individuals, the loss of institutional memory, and to contact networks when one individual stops working on the issue.

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Output: Compiled Copyright Campaign Resources

Affiliates were asked to share copies of the copyright advocacy/campaign materials that they created and used during their initiatives. These resources have been [compiled into a resource](#) that is publicly accessible.

The table of copyright advocacy campaign materials may provide inspiration and templates for policy action on copyright topics. It can also help build synergies between affiliates' advocacy efforts by enabling them to identify who within the movement is working on a specific copyright topic, where they are located, and how to contact them to work together and learn from each other.

Findings

I. Motivation: Which movement members pursue copyright advocacy? What motivates them to do so, and what copyright topics do they prioritize?

Who pursues copyright advocacy

Copyright advocacy is largely pursued by Wikimedia chapters with paid staff, even if they are not public policy professionals. This work often maps onto the presence of one passionate or knowledgeable individual who will drive the effort forward, often for multiple years, as is the case with Wikimedia South Africa, Wikimedia Sweden, and Philippine Wikimedia Community User Group. Wikimedians also tend to pursue copyright public policy advocacy in areas where they have a knowledgeable contact from the broader free knowledge network in their region (for example, Wikimedians in Sub-Saharan Africa can follow the example of Wikimedia South Africa, just as the Uzbek Language Community leans into learnings from Wikimedia Georgia). Other times, this accessible public policy professional to lean on is a WMF Regional Policy Specialist or member of Wikimedia Europe.

Who does not pursue copyright advocacy

This mapping did not capture any or much copyright advocacy activity taking place in the regions listed below.¹

- Caribbean;
- South Asia;
- Central Asia;
- Middle East and North Africa (we interviewed Wikimedia Morocco User Group).

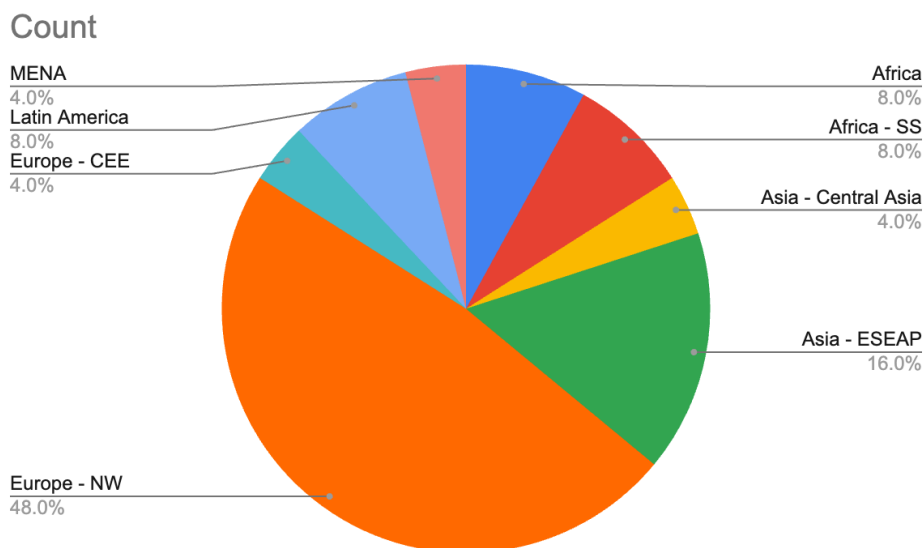


Figure 1. This pie chart represents the geographic distribution of the participants who were interviewed as part of the mapping.

This does not mean that Wikimedians in these regions are not interested in copyright advocacy. A series of factors explain their absence in this mapping. English as a predominant research language may have posed a barrier for researchers to access some individuals and materials. Referral networks were also crucial to identify the right contacts, and the narrow nature of the researchers' starting networks in some regions further limited the number of contacts in these geographies. The political context of these regions is another factor, as copyright may simply not be an issue and/or priority on the local political agenda. Wikimedians in these regions might also prioritize other public policy topics, such as privacy and freedom of expression, as these more directly impact their ability to contribute to and use Wikimedia projects. The

¹ Region categorization is based on the [Foundation categories](#).

financial resources and time available to groups of Wikimedians in these locations are also typically constrained, which presents both a barrier to getting involved in public policy advocacy and their ability to respond to the research team's calls for engagement. It is equally important to note that despite the limited participation from these regions in the mapping exercise, all of them work collaboratively or individually to advance copyright priorities of the movement topics by raising awareness and educating the public about open licenses, or by working with cultural and heritage institutions to increase access to their collections.

Why Wikimedians pursue copyright public policy advocacy: *They encounter challenges when they wish to participate in movement campaigns, competitions, or contribute to projects.*

Wikimedians are motivated to work on copyright public policies when they identify these to be barriers to broadening access to knowledge. Often, but certainly not always, the copyright restrictions that Wikimedians come to target with their advocacy efforts are the restrictions that they encounter when they are participating in an organized Wikimedia campaign.

Media competitions such as WikiLovesAfrica, WikiLovesEarth, or WikiLovesMonuments were referenced frequently as the reason that affiliates started to pursue advocacy actions. These competitions are a driving force behind Wikimedians' interest in freedom of panorama (FOP). Often, enthusiastic Wikimedians upload an image to Wikimedia Commons, only to later have it taken down by administrators who inform them that there is no freedom of panorama in their respective countries. Wikimedians from Morocco, Georgia, Ghana, the Philippines, Estonia, and other countries described how the frustration at being left out from major competitions and events across the movement incentivized them to advocate for freedom of panorama. Freedom of panorama has a unique position as a topic of interest in our movement—we dive into detail on the matter later in this report.

A scenario that Wikimedia Italy faces represents other copyright-related challenges that can arise in the context of cultural heritage media campaigns and competitions in our movement. The [Codice dei Beni Culturali e del Paesaggio](#) stipulates that images of monuments, churches, or other cultural heritage sites cannot be reused for commercial purposes unless one requests explicit permission from the institution which hosts the work of cultural heritage and pays a fee. The administrative code, passed in 2004, was recently enforced by the Ministry of Culture with a [2023 decree](#) which states that every cultural institution should ask for a fee for commercial reuse of images of their own collections. The law does not prevent Wikimedians from adding content to Wikimedia Commons or other projects. However, the Commons community [only accepts works](#) “that are not subject to copyright restrictions which would prevent them being used *by anyone, anytime, for any purpose.*” In the same vein, Wikimedia Italy sees this

as a restriction to the public domain and a misuse of Wikimedia projects, as these are meant to freely provide content even if that content ends up being used for commercial purposes. From this perspective, the code compromises "the access to online information and the reuse of images etc." This government policy is an example of how Wikimedians encounter legislation that challenges the principles of the free knowledge movement, which can motivate them to advocate for copyright public policy changes.

Why Wikimedians pursue copyright public policy advocacy: *They perceive policies to impact the movement's mission around access to knowledge and knowledge equity.*

Wikimedians advocate for copyright reforms to promote access to knowledge. Often, these advocacy efforts are aimed at overcoming policies and norms that are obstacles to access in terms of disability, geographical, or linguistic needs. We can infer that the legal environment related to copyright laws fails to satisfy these needs. Wikimedians also voiced a desire to adjust copyright regulations in a way that would make it easier to share documents and resources across borders, particularly when a resource is only available in one specific library. This was most often heard from Wikimedians based in the majority world, such as in countries like South Africa and Nigeria.

Opportunities for action on these issues often present themselves when there are public copyright reform policies, either generally or related to specific topics such as cultural policy, open science and open access. For example, the latter was mentioned by Wikimedia Australia as a prominent issue in the country.

The factors that may drive whether a group will engage in copyright advocacy include:

- **Participation** in photography contests like WikiLovesMonuments, WikiLovesAfrica, or others which lead to content being removed by Wikimedia Commons administrators or Wikimedians encountering tensions with existing copyright regimes;
- **A principled desire** to promote or defend movement values of knowledge access and equity that national or regional copyright restrictions may challenge;
- **Opportunity** for action on copyright topics given national contexts like political agenda or current events.

Deep Dive: Freedom of Panorama

Freedom of Panorama (FOP) is a unique topic of interest for our movement in the context of copyright advocacy. This mapping has highlighted that it is a topic (and term) that may not require public policy efforts to be resolved. It also suggests that public policy campaigns on the topic are unlikely to be successful, especially in the majority world.

Why it matters

Participation and representation are two key reasons that Wikimedians care about FOP, but availability bias is likely influential.

1. **Participation.** Lack of FOP impedes their ability to participate in Wikimedia campaigns and competitions such as WikiLovesMonuments.
2. **Representation.** Lack of FOP [disproportionately impacts regions in the majority world](#) such as the African continent, Eastern Europe, and Southeast Asia. This is an equity issue as cultures within these countries are prevented from sharing large parts of their tangible cultures and physical reflections of their histories with the rest of the digital world.
3. **Availability bias.** FOP may be a topic of interest merely because it is well known, otherwise known as '[availability bias](#).' It is one of the few topics that has been the subject of a dedicated and movement-spanning advocacy campaign, although mainly in Europe. It is also less complex than other copyright topics such as public domain or fair use, and can be examined independently from other matters. The fact that the concept is clear and that the ask is straightforward likely lowers the barrier to entry in terms of campaigning for copyright policy reform.

What copyright policy topics are the subject of Wikimedians' advocacy efforts?

Copyright topics of interest are those that serve Wikimedians' overall goal to *simplify access and use of as much content as possible* so that free knowledge projects can collect, curate, and disseminate knowledge. They also fight against disinformation and strive to protect fundamental rights in the digital world, recognizing that knowledge relies on a climate where these rights are safeguarded. Wikimedians advocate the topics listed below because they believe these are essential to contribute to the democratization of knowledge and the dissemination of accurate and reliable information.

1. **Freedom of Panorama (FOP):** See the text box above for more information. Wikimedians' desires related to this topic depend on the [state of FOP in their countries](#).

Some wish to introduce FOP, others simply want to have clarity on it, while some want to expand it to cover monuments or their interiors.

2. **Fair use/fair dealing and research exceptions:** Wikimedians discuss fair use in relation to adding copyrighted images or excerpts to articles, particularly when their use is considered transformative, educational, or critical. This topic arose in the context of copyright licensing to include exceptions for digitization, translation, and screen readers; text and data mining exceptions related to artificial intelligence; and, flexibility for libraries and archives.² The motivation is to make more information available, in particular for research purposes (i.e., academic research or public policy reports) along the lines of Wikimedia Deutschland's '[Public Money, Public Good](#)' campaign, which was referenced by interviewees as an example multiple times.³ Digitization is particularly important in regions where print resources may be at risk in the context of natural disasters (major libraries have burned down, for instance, in Nigeria, [South Africa](#), and [Brazil](#)).
3. **Protecting, promoting, and expanding the public domain:** Wikimedians seize opportunities to expand the availability of public domain materials and the clarity of their copyright status. This can involve educational and awareness-raising campaigns as well as work on copyright duration and potential extensions, advocating a balanced approach that considers the public's access to knowledge. This work is often pursued with allied organizations and often targets galleries, libraries, archives and museums (GLAM) like private collections and physical or digital archives.
4. **Orphan works:** The issue of orphan works can be relevant to Wikimedians who may want to use certain works but face legal uncertainties due to untraceable copyright holders. This is most relevant for Wikipedia.
5. **Public broadcasting:** Structural reform of public broadcasting toward free licensing of publicly funded content is pursued by Wikimedia Deutschland.

² The topic of flexibility for libraries and archives for fair use or research exceptions was pursued by Wikimedia Colombia during the 2018 Copyright Reform in the country. Due to their lobbying, the lending of physical books was included. This opened the conversation to audiovisual and digital content. Others who mentioned fair use: Wikimedia Sweden, Wikimedia Morocco, Wikimedia Australia, African Library and Information Associations and Institutions (AfLIA), and Wikimedia Europe.

³ The campaign was referenced by Wikimedia Australia and Wikimédia France.

II. Tactics: How do Wikimedians pursue copyright advocacy?

Direct engagement with policymakers and government officials is a common method via which Wikimedians engage in copyright policy advocacy

This can include:

- Participating in public consultations, requests for comments, workshops, roundtable discussions, and/or public hearings;
- Private meetings with select politicians and/or government officials;
- Joining decision-making arenas at the local, national, regional, and international levels, such as World Intellectual Property Organization (WIPO) or expert councils (such as Eric Luth from Wikimedia Sweden has done).

Awareness raising, media campaigns, and education are some of the most common components of affiliates' advocacy efforts

Campaign work and materials to support raising awareness of issues often focus on:

- Producing and disseminating position papers and thought leadership articles via blogs, social media, and mainstream media. Some affiliates even work with public affairs agencies, such as Wikimedia Italy and Wikimedia France;
- Hosting and/or attending event series, webinars, and conferences; as well as ,
- Much of this work focuses on promoting the use of free licenses, particularly in geographies where chapters don't have as many resources, previous experience, opportunities, and/or interest in engaging in direct advocacy, such as Wikimedia Serbia and Wikimedia Indonesia. This helps to address the lack of awareness in the information ecosystem in general— in which both government actors and civil society organizations like libraries or galleries are unaware of how free licensing works.

Building precedent of a practice to point to the value of copyright reform is another tactic that affiliates pursue, often alongside education and awareness-raising efforts

This approach came up when direct lobbying⁴ was too difficult or ineffective.

Example 1: Wikimedia Italy

Wikimedia Italy is leveraging participation in WikiLovesMonuments and their projects with museums as advocacy tactics to counter the [Administrative Code of Italy](#), which claims that the government has economic rights for the use of cultural heritage images. Wikimedia Italy plans to leverage their participation in WikiLovesMonuments to [raise awareness about heritage protection](#) and how [the Administrative Code compromises access to online information](#) about these cultural heritage sites. In the past, Wikimedia Italy have diligently obtained written authorization from the owners or managers of heritage sites to allow participants to capture photographs without any fees. This authorization is formalized through an official document that explicitly refers to the relevant legislation.

Since 2022, Wikimedia Italia has intentionally chosen not to collect explicit authorization. The goal is to create a history of case studies to point to the grassroots benefits and interest in documenting and celebrating the cultural significance of these sites without administrative hurdles. This year they will run the campaign with churches and religious buildings—they already have an endorsement from the Vatican City authorities, together with the Union of Jewish Italian Communities, the National Association of Italian Municipalities, and the International Council of Museums Italy.⁵ This will help show there is bottom-up support for an open-access policy.

Example 2: Wikimedia Serbia

Wikimedia Serbia is thinking about their work with GLAMs in a similar manner, whereby they understand their efforts at having more libraries digitize their content and make it available online as an important way to build a precedent of practice. When the time is right, these examples can be referenced as successful examples of why the government should support more flexible copyright legislation.

⁴ Direct lobbying is when you are engaging with lawmakers themselves and attempting to influence their position on a concrete piece of legislation. The involvement of legislation is key—general interest conversations with legislators or their staff do not count as direct lobbying. Direct lobbying does include conversations with legislators or staff about the potential contents of legislation not yet proposed. It also includes advocating for the veto of proposed legislation.

⁵ Wikimedia Italia shared more about their campaign and plans in an advocacy workshop on January 30, 2024. See [slide deck](#) and [video recording](#).

Alliances with other organizations are key to Wikimedians' copyright advocacy efforts

Wikimedians almost always worked closely with other organizations on advocacy campaigns. These collaborations are essential to share information, networks, and resources, including legal expertise, policy input, funds, and to increase the importance of the cause being championed since a larger group is harder to ignore. On their own, it is much more difficult for Wikimedians to monitor, build, and propose policy adjustments as they often lack the technical knowledge, networks, and time to do so. Wikimedians also face considerable challenges when it comes to working with allies. These difficulties are outlined in the next section.

The following groups were mentioned as reliable allies:

- Creative Commons
- Communia
- Open Society Foundations
- Open Knowledge Foundation
- Electronic Information for Libraries (EIFL)
- International Federation of Library Associations and Institutions (IFLA)

III. Outcomes: What success do Wikimedians see in relation to their copyright advocacy efforts? What challenges do they face?

Success stories include copyright public policy advocacy campaigns in Australia, Colombia and across the European Union

1. EU Directive on Copyright in the Digital Single Market (Copyright Directive; also, DSM Directive) (2016-2019)

Wikimedia Europe, at that time still called Free Knowledge Advocacy Group EU, and individual members of the group referenced the 2016–2019 [EU Directive on Copyright in the Digital Single Market \(DSM\)](#) as a major success: An entire new paragraph to [Article 14](#) of the DSM Directive was added to the EU legislation to ensure a public domain safeguard. The safeguard preserves the public domain status of works even when it comes to their digital copies. This was a campaign that focused exclusively on changing legislation and fixing a very real problem—i.e., one that had led to a large lawsuit—and it worked. Article 14 of the DSM is the only rule in the entire reform legislation that was

successfully introduced by civil society, without any preexisting suggestion from the European Commission.⁶

An inflection point in this campaign involved [a lawsuit that the Reiss-Engelhorn Museums](#) in Mannheim, Germany, brought against the Wikimedia Foundation and Wikimedia Deutschland. The case focused on whether photographs of works in the public domain, or their digital representation, are also part of the public domain. The court did not rule in the Wikimedia movement's favor. Nonetheless, it was a useful example that helped Wikimedians argue for the importance of updating copyright legislation such that it would safeguard the public domain in the digital age. A representative of Wikimedia Deutschland mentioned “losing the high-level court case at the right time, right before the negotiations in Brussels entered their final stretch” as an important factor that contributed to the inclusion of the safeguard.

Other factors contributing to this success include access to the relevant parliamentary committee in Brussels, good contacts in the Ministry of Justice (which was responsible for drafting the implementing laws for the DSM Directive), and high coordination among European Wikimedia chapters. The split of activities between EU chapters and Wikimedia Europe throughout the campaign are described on [this Meta-Wiki page](#).

Additional aspects of the DSM copyright reform process that Wikimedians tried to influence and their outcomes are listed below:

- **Universal Freedom of Panorama in Europe:** Unsuccessful. For campaign resources, see the [Meta-Wiki project page](#) from Wikimedia Belgium;
- **Text and Data Mining exceptions:** Moderately successful. General exceptions were introduced (see [Article 4](#)), but they are not mandatory; and,
- **Avoidance of upload filters:** Unsuccessful. However, a rule was included in [Article 17](#) that made it possible for EU member states to implement the rule in a less dangerous manner.

2. #FairCopyrightOz campaign (2017)

In 2017 Wikimedians in Australia advocated support of the introduction of Fair Use (see the [campaign Meta-Wiki page](#), which is still accessible) with a campaign called #FairCopyrightOz that ran banners on English Wikipedia when viewed in Australia. The campaign partnered with digital rights and librarian organizations such as Electronic

⁶ A member of Wikimedia Deutschland emphasized how rare this was when he called it “[A] historic success, to be credited to the Free Knowledge Advocacy Group and everyone around it.”

Frontiers Australia and the Australian Digital Alliance. The political result was “no change”: as often is the case, at least policies did not worsen.

The campaign was spearheaded by one passionate individual from the Australian community. It was not run through the affiliate, Wikimedia Australia.⁷ It kicked off when a government-commissioned [report recommended that fair use be introduced](#) in Australia, which was the [sixth such report to do so](#) since 1998. In response to this report, the community member posted a [campaign idea on the Australian Wikipedians' noticeboard](#). This led to a [more formal discussion](#). The individual received permission from the Wikimedia Foundation's Legal Department to run the banners, and worked with others from the Foundation to operationalize them. This dual-pronged approach was essential: as the community member put it, “[B]oth community *and* WMF needed to see that the other group was supportive, but neither wanted to feel like the decision had already been made by the other.”

The banners were run on English Wikipedia in Australia in May 2017. Starting at 100%, they were then shown to about half of the Australian visitors to English Wikipedia for several days, and then shrunk to 15% of visitors for the following weeks. The banner messages rotated through four messages, which can be [viewed here](#). Australian Wikipedians community-consensus discussion on running this banner advocacy campaign [is archived here](#). Here's an example:

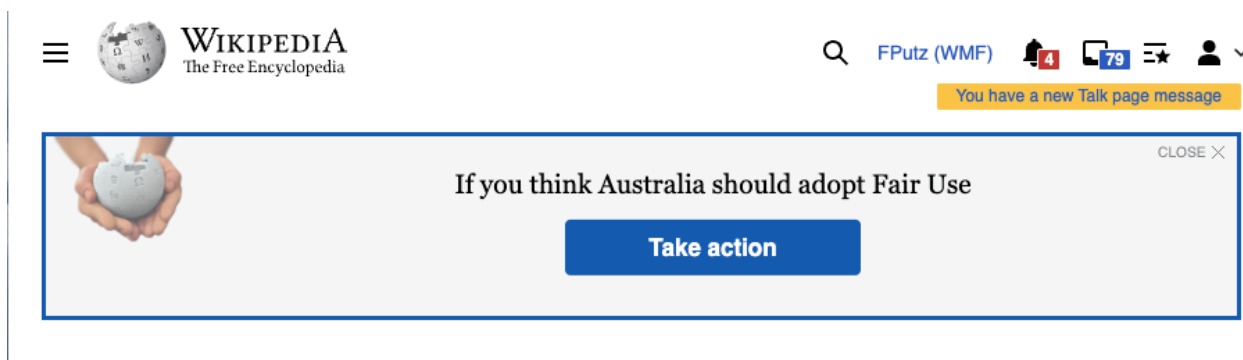


Figure 2. Image of campaign banner.

The banners would take the reader to a [campaign landing page on Meta](#) (this was a requirement from the Foundation's legal team⁸). The campaign webpage is linked to two additional sites: first, an English [Wikipedia article about the topic](#) itself, a requirement

⁷ Wikimedia Australia did not come up with the idea, nor did they have any extra resources to offer such as staff or budget.

⁸ The intermediary Meta page would ensure that people did not click straight from a Wikipedia banner to a third party site. WMF Legal also reviewed the third party site's cookies policies before they consented to linking to it.

from a significant proportion of the community in order to support the campaign on the basis that we should not advocate a topic if Wikipedia itself didn't cover it too; second, a third-party website that included the more formal advocacy components, such as key talking points, advice on how to talk to ministers, write to the press, and obtain signatures for a petition. Remnants of what it looked like can be seen [here](#). This website was coordinated by the aforementioned allied organizations, who were already familiar to and trusted by the Australian Wikimedia community. In this alliance, the Foundation's role was to support the campaign publicly (Katherine Maher, then CEO of the Wikimedia Foundation, [spoke out](#) on the subject), host the banners, and drive traffic to the third-party website.

The political outcomes of this campaign were moderate, but very positive in the context of Wikimedians' participation in advocacy. In August 2017, the government published its official response to the Productivity Commission's recommendations and, with regards to the specific recommendation to introduce fair use, stated that it "notes this recommendation and will further consult" in early 2018. Even if the campaign had been successful, it would not have had an impact on Wikipedia readers or editors as English Wikipedia already allowed fair use content (even though such content remains technically illegal in Australia and all jurisdictions with prescriptive copyright exception doctrines).

The campaign was a success in relation to how Wikimedians were able to participate in public policy advocacy, and the sustained coordination between the Foundation and community to achieve this copyright reform goal. The petition received about 10 thousand signatures as well as mainstream publicity, and Wikimedians were able to throw its weight into an existing discussion around fair use and copyright more generally. For the Australian community member who kicked it all off, it is also important to note that this was a rare instance in which Wikimedians campaigned *for* a change, rather than assumed a defensive position in response to a new objectionable law. It allowed Wikipedia to showcase what fair use looked like in practice, and to counter the opposing narrative that the legislative reform proposal was untested and risky.

3. Colombian copyright reform (2017–2018)

From 2017–2018, the Colombian government pursued copyright reform. Wikimedia Colombia contributed to the reform and policy discussion via the existing political processes.⁹ This included submitting official comments and speaking before the

⁹ Wikimedia Colombia shared more about their experience in an advocacy workshop on January 30, 2024. See [slide deck](#) and [video recording](#).

Congress. This campaign for a more balanced copyright regime was successful because many stakeholders worked together to advocate access to knowledge.

Wikimedia Colombia had already been active in terms of advocacy. They had been following the process of Colombia's [copyright laws since 2011](#). When the reform was announced, they were able to promote policy positions that supported Wikimedia and other free knowledge projects. Their position asked for the introduction of fair use clauses to promote the public domain and the translation of works into Indigenous languages. Their arguments were documented in a [public blog post](#), which they also used to urge the Wikimedia community to submit comments including these positions.

The chapter focused on the importance of enabling the over 60 Indigenous languages in the country to flourish, as well as the importance of public domain resources in the context of education. Mónica Bonilla, the Executive Director of Wikimedia Colombia, gave [a statement](#) before the Congress about the importance of supporting translation into Indigenous languages, which was addressed to the Minister of Commerce, Industry, and Tourism, the Minister of the Interior, and a member of Congress. She worked on this statement and the general position alongside the [Wayuu people](#).

More flexibility for copyright exceptions were introduced for libraries and archives. For example, the lending of physical books was included, which later opened the conversation to the lending of audiovisual and digital content as well. They also succeeded in including other perspectives (i.e., not just rights holders versus users) into the text of the law, like on the topic of privacy, where there had initially been discussion on ensuring all users were registered and could be identified.

Elements that contributed to the campaign's success included working alongside a well-networked coalition, having capacity to follow the debates and process from the initial stages, and access to legal expertise. Wikimedia Colombia found close allies among [RedPaTodos](#), a coalition that stands for human rights in digital spaces and often works at the intersection of copyright legislation and internet issues. Wikimedia Colombia was never an official member of the coalition, but free access values were shared across the groups. The two were able to exchange information, expertise, and contacts, including legal expertise and insider knowledge from those who understood how best to operate within Colombia's political processes. For example, some of that expertise came from Fundación Karisma, which was part of RedPaTodos. International networks of copyright reform activists were also at play as Fundación Karisma worked closely with lawyers from [American University](#) (such as Peter Jaszi¹⁰), which has a department with a history of supporting Wikimedians during copyright advocacy

¹⁰ His contributions were seen as directly resulting in [Law 1915](#) from the 2018 process.

pushes.¹¹ In addition, Wikimedia Colombia was able to have exchanges with the Ministry of Culture.

Success factors are context-dependent and manifold; successful moments often involve a combination of the factors

- 1. Diverse and unlikely allies:** Wikimedians tend to work with a small group of “usual suspects” in terms of allied organizations. However, many interviewees shared that collaborations and coalitions are even more effective when they include unlikely allies, or organizations whose overlapping interests with Wikimedia are not obvious. This has worked well for Wikimedia South Africa’s collaborations with creator-rights organizations like actors guilds, teacher unions, and disability rights groups. However, this can be a difficult balance to strike. Publicly partnering with the companies that are often targeted by legislation can make it easy for Wikimedia’s positions to be co-opted or conflated with those of for-profit partners, as in the context of the EU DSM Directive.

A wide network provides benefits like:

- Information on how different sides of an issue understand a legislation;
 - Building better arguments thanks to a wider understanding of the issue;
 - Broadening the network of contacts to target and turn into champions;
 - Making it more likely to swing those who are on the fence or reach compromises with them;
 - Capturing media attention, as unlikely alliances can have a “wow” effect.
- 2. Wikimedia’s reputation as “the good guys”:** Wikimedia’s brand reputation can help to boost the visibility of a given cause or coalition, even if the Wikimedians spearheading the advocacy work are not very experienced or well-known in policy circles. Wikimedia Sweden, Wiki Movimento Brazil, and others quickly became key players among larger networks of allies due to Wikimedia’s global brand.

Wikimedia’s involvement is also understood as important to overcome the structural bias towards the cause of rights holders' in copyright discussions: it opens the door to talk about the other aspects of the issue that are involved, and how legislation can impact educational content. Wikimedia Colombia shared that policymakers appreciated their comments about how increased copyright enforcement would negatively affect

¹¹ The Program on Information Justice and Intellectual Property (PIJIP), particularly Professor Sean Flynn, has worked closely with Wikimedia South Africa and also played an active role in the Right to Research conference that the Foundation’s [Global Advocacy team helped sponsor in 2023](#). There is also overlap between PIJIP-educated lawyers who go on to participate in Wikimedia projects like in Colombia and Brazil.

teachers and librarians, since Wikimedia Colombia offered a unique perspective in these discussions that went beyond those of creators versus rights holders. In Nigeria, Wikimedians have been able to push copyright conversations thanks to Wikimedia's importance to education initiatives in the country.

- 3. Favorable political agenda or country context:** The time has to be right for copyright reform to be discussed. Copyright reform either has to be on the political agenda already or act as a catalyst to place the topic on the agenda. In terms of the former, Wikimedia Colombia and South Africa had an opportunity to engage in advocacy because the government announced that they would update copyright laws. In terms of the latter, Wikimedia Italy benefited from two high-profile copyright cases that did not involve them, but which raised awareness about copyright issues. Generative artificial intelligence (AI) presents another such moment nowadays.
- 4. Momentum from litigation:** Litigation can play a role in shaping the context and political agenda in a way that is favorable to advocating copyright reform. In 2015, Wikimedia Deutschland and the Foundation were sued by the Reiss-Engelhorn Museums in Germany. This helped open the door to more high-profile advocacy work. In 2016, Wikimedia Sweden was defeated in the courts related to a FOP lawsuit. Despite severe financial losses for the chapter, the case helped them prioritize advocacy, invest in building networks with allies, and acted as a catalyst for greater advocacy work. Litigation, even when unsuccessful and brought against Wikimedia affiliates, can be used to strategically communicate about the problematic aspects of the law that Wikimedians are advocating should be reformed.
- 5. Access to legal and policy professionals:** This has been integral for Wikimedians when they pursue advocacy campaigns. It is not always a given that they will have dedicated and ongoing support from the Foundation, or that their allies or coalition members include lawyers or policy professionals who understand how the political system works in a given country. Wikimedians' initiatives have been successful when they can consistently work with the same legal or policy expert to help analyze legislation, identify risks and opportunities, and prepare or review official responses, public comments, and amendments.
- 6. Explicit commitment to public policy advocacy via staff and annual plans:** Wikimedians who prioritize public policy advocacy officially have more capacity to monitor policy developments early on and identify the right moment and means by which to engage. They are also more likely to have capacity to engage, or to ask for support early enough. A few chapters have identified public policy advocacy as part of their annual plans or strategic directions, such as Wikimedia Indonesia, Wikimedia Italy, Wikimedia Deutschland, and Wikimedia UK. Others have hired dedicated public

policy staff, including Wikimedia Chile, Wikimedia Italy, Wikimedia Sweden, Wikimedia Czech Republic, Wikimédia France, and Wikimedia Deutschland.

- 7. Checking the Wiki-boxes: Securing a mandate from the community, and writing a Wikipedia article!** A big takeaway from Wikimedians participating in advocacy is how important it is to secure a mandate from the local community to pursue advocacy on a given topic. This was essential to the 2017 [#FairCopyrightOz campaign](#) as well as the ongoing [South African copyright reform initiative](#). Another important way to stick to the culture of this movement is to write a Wikipedia article about the law in question!

Challenges related to copyright advocacy

- 1. Capacity restraints: Time, money, people.** These were the top challenges that affiliates mentioned as barriers to their advocacy efforts. A lack of time, money, and people can also be the root issue behind other barriers to advocacy work. Access to legal expertise is a major topic in this subset of challenges.
- 2. Identifying the right issue:** Wikimedians shared it is difficult to monitor policy developments, identify which issues matter for their work, and prioritize which one to engage with so that they're not spread too thin.
- 3. Physical presence & access:** Physical presence at stakeholder engagement meetings and other in-person opportunities is difficult if there's no dedicated staff. Receiving invitations and access to important meetings or officials is also difficult for Wikimedians. Depending on the country, it can be difficult for civil society organizations to speak with politicians. Wikimedians need more connections to legislators and politicians, or to allies who can bridge those connections for them. Contacts among the political opposition are also important. Turnover among politicians and other stakeholders is another barrier.
- 4. Confidence:** Wikimedians expressed that it can be intimidating to work on public policy topics as well as with lawyers and subject matter experts. Speaking with government officials was also pointed to as something that required significant confidence.
- 5. Stamina and institutional memory:** Public policy advocacy work often requires sustained effort. This is a challenge for many affiliates, especially as advocacy work is often shouldered by a single individual or a small group who also have other responsibilities. The workload can be overwhelming for a single person or even a small group. As a result, advocacy expertise and relevant contact networks are lost when that one individual or small group stops working on advocacy.

6. **Low awareness of Wikimedia's position on various policy topics:** Affiliates often find themselves explaining why Wikimedia - whether individual community members or an affiliate - is involved in XYZ debate. This also includes sharing basic how Wikimedia operates (and dispelling many misconceptions), as well as the difference between Foundation, affiliates, and community. Often people will have to get through all of that to even get to a position. Their efforts end up focusing on general awareness and education in order to raise their credibility in the discussion, rather than promoting the changes they wish to see in a particular legislation.
7. **Copyright low on the political agenda:** There are countries and regions where copyright is not an important topic for governments. This makes it difficult for Wikimedians to advocate for copyright reforms. When copyright reforms are introduced to the government agenda, Wikimedians need to be opportunistic and find ways to plug their concerns and requests about copyright issues into the debates that are taking place.
8. **Countering strong opposition:** In copyright discussions, Wikimedians often face off against well-resourced opponents like publishers or [collecting societies/copyright collectives](#). Wikimedians mentioned it is difficult to counter them because of the speed with which they can push narratives in the media, the on-call experts they have working on their arguments, their existing networks and access to decision-makers, as well as their general familiarity with various positions related to copyright topics.
9. **Coordinating with allies:** Working with allies can become a significant challenge when there is a weak shared position, when Wikimedia's position is conflated with that of others in the coalition, or when there's not enough coordination. Networks of partners may also be unstable, or very small in some countries.

IV. Capacity: What capacity do Wikimedians have to pursue public policy initiatives? What capacity requirements can the Foundation support, and what requirements can other affiliates support?

Wikimedians pursue copyright public policy initiatives infrequently and with limited capacity

Advocacy within a given affiliate is typically pushed by one individual, who may loop in two or three other helpers, such as the Executive Director or person responsible for communications. Wikimedians rarely access extra funds to cover their advocacy work even if they choose to pursue it, and they are not able to drop their other responsibilities, which means they do it part-time or have to sacrifice other commitments in order to do so. To meet capacity needs in terms of time, funding, expertise, and networks, Wikimedians typically collaborate with an allied organization or a host of allied organizations. They may also contact the Foundation for support.

A handful of Wikimedia affiliates are dedicating resources to advocacy

- In 2023 Wikimedia Chile and Wikimedia Czech Republic hired advocacy officers for the first time;
- Wikimedia Czech Republic also chose to join Wikimedia Europe in order to benefit from their public policy expertise;
- For fiscal year 2024, Wikimedia Italy doubled their budget for advocacy; and,
- Wikimedia Indonesia included copyright public policy in their 5-year strategic plan.

Capacity requirements and who affiliates believe could offer support¹²

Capacity Requirement	Support from Foundation	Support from other Wikimedians
Talking points and position papers on key positions	✓	
Monitoring of policy issues and consistent share-outs	✓	✓
Analysis of policy issues	✓	
Funding	✓	
Networks or contact mapping of allies, media, and policy stakeholders		✓
Overview of arguments that could be used for advocacy on a specific copyright topic, or against a narrative from opposing	✓	✓

¹² The information in this chart reflects participants’ responses to the following questions: “What support would you have liked to receive from other Wikimedians, and what would you have wanted from the Foundation?”

organizations and individuals		
Overview of possible advocacy tactics on a topic		✓
Shared resources from other affiliates' campaigns	✓	✓
Research on legal precedents about a specific copyright topic		✓
Resources on how to work with parliament (region-specific)		✓
Coordination: Space to have an overview of what others are working on and opportunity to discuss	✓	✓
Workshops or sessions on a particular skill	✓	✓
Blueprints and templates to support development of policy papers, open letters, or counter a meta-narrative	✓	
Structured communications or structured support for relationships with national media outlets, or boiler-plate language explaining the importance of self-governing online communities	✓	
Legal advice (i.e., a clear way to contact the Legal department and get an opinion on copyright issues)	✓	
Access to high-profile individuals to provide support at events, campaigns, and meetings to bring attention to the issue	✓	
Translation support	✓	

Recommendations for collaboration around copyright advocacy in the Wikimedia movement

1. **The Wikimedia Foundation and affiliates should collaborate to co-produce templates, position papers, talking points, and centralize existing resources.** Talking points and position papers should cover why a specific topic is important for Wikimedia affiliates - how Wikimedia is impacted and why stakeholders should listen to Wikimedia. These resources should include language about how Wikimedia works and why Wikimedia's model is worth protecting. It should also be easy to see which affiliates have worked on

what policy topic. Centralizing resources should involve updating information consistently and clearly, indicating which materials may have become obsolete with the passage of time.

2. **The Foundation should explore opportunities to support affiliates' access to third-party funding that can cover personnel time spent on copyright public policy advocacy work or access to legal expertise, such as by sharing information about funding opportunities from external actors.** Affiliates can also support each other by sharing information about funding streams.
3. **Affiliates should confirm the coordination structures that they wish to establish, and how the Foundation can support these.** These can include spaces to exchange updates related to copyright advocacy, as well as online training sessions for specific skills that can include affiliates, Foundation staff and/or external experts as facilitators. Topics of interest include: how to work with allies; how to speak with government officials; how to create a counter-argument; and, how to leverage media attention and coverage. These could be quarterly, monthly, or ad-hoc. Affiliates could also pick one topic, such as “public speaking,” and run a series of training sessions.
4. **The monitoring of policy developments can be crowdsourced.** Affiliates and the Foundation can compile a monitoring report on a consistent basis (such as monthly) where they share information that they've heard. This could be posted on the Global Advocacy Meta-Wiki page, published in the forthcoming Global Advocacy newsletter, or shared via email to the public policy mailing list.
5. **Affiliates who pursue advocacy should try to ensure there are two people working on any given initiative, and be dedicated to documenting their work.** This is important to combat the risk of overburdening one or a few individuals, the loss of institutional memory, and to contact networks when one individual stops working on the issue.

Appendix: Research Design

Overview

The subject of this mapping exercise is the activities and actions that members of the Wikimedia free knowledge movement have pursued in order to defend and promote copyright public policies. These activities include but are not limited to: copyright public policy campaigns; hosting public events; submitting comments in the context of consultations on copyright public policy; publishing open letters; and, joining alliances with other organizations on topics related to copyright reform.

Participants were restricted to Wikimedians: User groups and chapters, as well as individual members of the movement, who have demonstrated interest in copyright public policy work or were recommended to us in the process of the research.

The scope includes initiatives since 2016, as well as those that are ongoing.

The method upon which these findings are built is semi-structured interviews. This method is particularly useful for research that aims to cover similar topics with all participants while allowing enough flexibility to dig into the unique elements of each participants' experiences. Semi-structured interviews also helped us meet another goal: to build deeper relationships with affiliates. Interviews were conducted in English via Google Meet calls. The video feature was encouraged but not required as a measure to prioritize participants' comfort and stable internet connections.

Shortcomings & Recommendations for Future Research

This research is comprehensive, but not exhaustive, and has certain limitations. English was the sole language in which the research was conducted. This presented a barrier to our ability to speak with certain affiliates who may have pursued copyright advocacy in the past but across multiple languages or dialects. However, we made an effort to collect resources that exist in other languages. This research did not include Wikimedia Commons administrators or others within the movement who play an “enforcement” role that impacts how other Wikimedians may encounter tensions with copyright policies. Foundation staff were also not interviewed, except two individuals who played integral roles in the #FairCopyrightOz campaign, one of whom was not yet a Foundation staff member at the time of the campaign. This insight would be particularly relevant in the context of freedom of panorama, for example. This mapping

project was also constrained to affiliates. Our findings illustrate, however, that many Wikimedians pursue public policy advocacy in partnership with allies. These allies often offer expertise, contacts, or other capacity-enhancing resources that affiliates require. Future research should be expanded to include a survey of close partners and allies in the free knowledge community, since this would help better understand how they work with Wikimedia affiliates around the world as well as the role they want Wikimedia to play in copyright advocacy contexts.