

# OPEN ACCESS TO EDUCATIONAL AND SCIENTIFIC RESOURCES VIA THE INTERNET: POLICY OBJECTIVES AND PROSPECTS FOR REGULATION AT INTERNATIONAL LEVEL

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## *Annotation*

*The Internet provides the human civilization with the unique opportunity to create and disseminate knowledge bridging social, economical and cultural divides among continents, regions, nations and people. What steps should be done at international and domestic levels for ensuring the effective usage of its potential as a 'functional instrument for a global scientific knowledge'? Does the existent legal framework correspond to these objectives? This paper examines the ways for achieving policy objectives and prospects for the international regulation of the open access to knowledge via the Internet. It is proposed to establish and preserve the balance between competing interests in copyright and freedom of information by adopting the international agreement. It is emphasized that joint efforts of civil society groups, creative (scientific and educational) and Internet communities could push national governments to the understanding of the open access to information/knowledge policy objectives and elimination of legal barriers at national and international levels for the free access to knowledge and transborder information flows.*

The importance of knowledge for human development does not require reasoning and accepted by all sensible human beings for long period of our civilization. It could surprise that the concept of knowledge society with its requirement of open access emerged only at our time with the advent of ICTs and particularly appearance of the World Wide Web, a global pool of digital information available by single press. The explanation for such demand is behind the increased value of information for everyday life and the gaping inequality between information-rich and information-poor [1].

The Internet has proved to be an effective tool not only for the creation (mass production), dissemination and preservation of information as 'explicit knowledge', i.e. *knowledge that is codified in formal systemic language*; but also as communicator and generator of 'tacit knowledge', i.e. *fluid mix of framed experience, values, contextual information and expert insights* [2].

The importance of the *promotion of the free flow of ideas by word and image* since the adoption of UNESCO Constitution on 16 November 1945 has not been diminished in twenty century with numerous examples of censorship at national level but it is exposed at the beginning of the new Millennium by much more restrictive Intellectual Property regulations at international and national levels with wider effect on the freedom of information in global village [3].

The restrictive provisions of the US Digital Millennium Copyright Act (DMCA) and The European Union Copyright Directive 2001/29/EC both led to problems for freedom of expression by creators, the press, and the public at large. The pressure from the TRIPS (the Agreement on Trade-Related Aspects of Intellectual Property Rights) has already pushed many nations around the world to revise and make copyright laws more restrictive [4].

It could be noted that such trends at global level provoked the emergence of the movement among the research communities and human rights activists joined with the liberty aspiration and connected with most democratic media – Internet. The movement for 'Creative Commons' is devoted to expanding the range of creative work available for others to build upon and share. Creative Commons has developed a Web application that helps people dedicate their creative works to the public domain — or retain their copyright while licensing them as free for certain uses, on certain conditions [5].

Understanding the importance of the wide international support and elaboration of effective regulatory response at international level the working group consisted of the representatives from wide range of creative communities elaborated the policy paper the goal of which expressively described in the following wording:

"In accordance with the spirit of the Declaration of the Budapest Open Access Initiative, the ECHO Charter and the Bethesda Statement on Open Access Publishing, we have drafted the Berlin Declaration to promote the Internet as a functional instrument for a global scientific knowledge base and human reflection and to specify measures which research policy makers, research institutions, funding agencies, libraries, archives and museums need to consider" [6].

The follow-up activity of the initiators of Berlin Declaration will include among others the obtaining of political support at domestic and international levels for such kind of self-regulating activity [7].

Taking into consideration the vital importance of open access as inseparable part of information freedoms and copyrights as a legal ground for creativity we should bring the issue at international agenda and try to establish balance between competing values by proposing more flexible approach avoiding unnecessary and inappropriate restrictions.

Such status quo could be achieved and preserved in the form of international agreement on the freedom of information flows and open access to knowledge. Certain work in such direction has been already made in occasion of WSIS by UNESCO [8], Council of Europe [9], and OSCE [10], [11].

But the joint efforts of civil society groups, creative (scientific and educational) and Internet communities are required to push national governments to the understanding of the open access to information/knowledge policy objectives and elimination of legal barriers at national and international levels for the free access to knowledge and transborder information flows.

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