

# Human Rights and the Public Interest (WP 7A)

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## Our Research Questions

To what extent does copyright law *accommodate freedom of expression and/or other human rights?*

What *impact* do copyright-related business models have upon freedom of expression and/or other human rights, and how can this impact be *understood* and *assessed*?

## Progress to Date

### *Comparative literature review*

This literature review analyses the relationship between copyright law and freedom of expression, focusing on a comparison between the US and the UK (considered within its wider European context). Through this review, we identify points within the copyright framework where the balancing of copyright and freedom of expression does (or could, or should) take place. We question the effectiveness of existing legal mechanisms for achieving this balance.

### *Discussion with relevant stakeholders*

The findings and questions arising from the completed literature review are being discussed with selected stakeholders. The insights gained from this discussion will inform the final phase of the project (2014/15)

## Challenges

***Identification of appropriate stakeholders:*** the identification of an appropriately representative range of stakeholders presents a challenge, given the range of potential participants

***Identification of appropriate form of discussion:*** we have a detailed literature review, which needs to be presented in an accessible way – while also allowing stakeholders to participate in an equitable, focused fashion.

***Role of human rights more broadly:*** informal conversations with CREATE colleague suggests there is interest beyond freedom of expression, but the expression dimension alone is a major task.

## Value Added/Unexpected Positive Outcomes

The Literature review was more extensive than anticipated and has developed into a benchmark for the final phase of the project. Specifically, it is the standard against which to examine the normative question of the role of free speech in copyright protection.

We will now give greater attention to exceptions in copyright, law testing three possibilities:

- (1) the law as it stands is appropriate, and the problems arise elsewhere;
- (2) the law is inappropriate to speech protection and a specific speech exception should be added;
- (3) the law as it stands is appropriate, but the its application is not clearly linked to human rights.

## Deliverables (2015)

1. Peer-reviewed academic articles
2. Presentation and consultation at industry forums
3. Industry guidelines on human rights responsibilities
4. Free speech impact assessment tool (to help test compliance of new laws and business models with free speech principles)
5. Pamphlets and podcasts (to raise public awareness)

## Next Steps

- Distribution of literature review, consultation with relevant parties (e.g. creators, civil society organisations)
- Identifying workshop participants
- Drafting questionnaires and preparing content of workshops for late Spring 2015
- Identify deliverables to be communicated by Pamphlet and podcast
- Development and testing of impact assessment tool