

Norms and Values in Digital Media: Rethinking Intellectual Property in the Digital Age

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Contents

4	Introduction
4	Project Context and Report Objectives
5	Principles
5	Introduction to the Principles
6	Principles for the Creative and Information Economy in the Digital Age
6	Highlights of the Debate
7	Convening Multistakeholder Dialogues in the United Kingdom and Indonesia
7	Introduction
7	United Kingdom
7	Context and Current Practices
9	Path Forward
10	Indonesia
10	Context and Current Practices
12	Path Forward
13	How to Foster a Successful Multistakeholder Dialogue
14	Conclusion
15	Participants
22	Appendix

Introduction

Project Context and Report Objectives

The way content and information are created, consumed and shared has changed dramatically in the digital era. As a result, it is important to identify and understand the norms, values and rules of the digital world and how they are changing. The Media, Information and Entertainment Industries community of the World Economic Forum is taking a deep look into intellectual property issues in the digital age, and creating a framework of guidelines and principles that can foster productive dialogue in the context of those changes. The goal is to help major stakeholders – governments, policy-makers, businesses, civil society groups, creators and innovators – engage in a dialogue to better understand each other's interests and to work together to create economic and social value while simultaneously developing a vibrant creative community.

This effort is the second phase of a project on norms and values, which aims to examine the issues of freedom of expression, privacy and intellectual property in the digital world. In 2012, the project organized workshops in six countries around the world to explore the actions taken by legislators, regulators, private companies, citizen groups and other relevant stakeholders. The goal was to identify those approaches and dialogues which have led to positive outcomes, as well as those that have not, and to understand why. The research concluded that government actions to enforce intellectual property or consumer privacy laws do not always deliver the anticipated results, and also

that industry collaboration would be essential for making progress towards productive regulation or protection.

In 2013, the community held dialogues among stakeholders in two markets – the United Kingdom and Indonesia. The dialogues in these countries offered an opportunity to understand concrete dynamics and contextualize the debate on the complex and often abstract field of intellectual property. The goals of the dialogues in these countries were:

- To convene stakeholders in the creative and information economy to test the feasibility of creating shared goals
- To test the premise that open, multistakeholder dialogue can forge productive outcomes and help avoid unintended consequences
- To find ways to ensure the consumer voice is represented so as to be commensurate with its importance
- To draw preliminary conclusions about effective ways to manage multistakeholder dialogues

Workshops and interviews produced “Principles for the Creative and Information Economy in the Digital Age”, which outline the shared goals developed by leaders in industry, government and civil society and individual creators. Through the process of drafting these principles, participants gained the opportunity to build common ground with other stakeholders representing divergent interests and to create an effective tool to facilitate future dialogue.



Principles

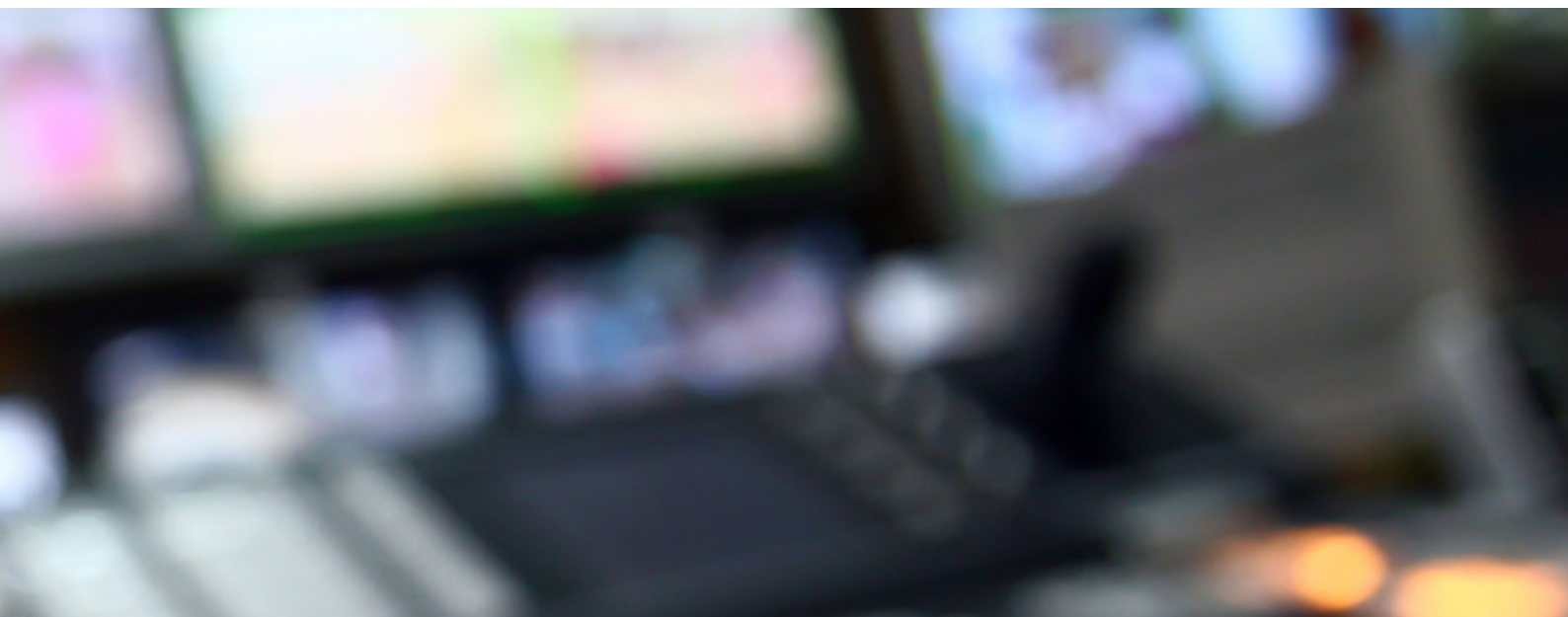
Introduction to the Principles

Workshops throughout 2012 and 2013 identified a number of overlapping interests among different stakeholders involved in the digital media. Across the board, stakeholders agreed that the goal of the intellectual property (IP) system is to foster creativity and innovation in the creative industries and to sustain investment in creative works. In addition, most stakeholders emphasized the value of increasing access and participation online, enabling more people to both consume and create digital content. Participants also called for global collaboration to address the borderless nature of the digital media.

In some markets, there has been rapid progress to update policies and business practices to keep up with an increasingly hyperconnected and complex digital world. In the United Kingdom (UK), for example, a series of round table discussions convened by the Department for Culture, Media and Sport has led to a voluntary notice-sending system to address copyright infringement, as well as collaboration between the new Police Intellectual Property Crime Unit and advertisers to reduce advertising on illegal websites that feature pirated content.¹ In the United States (US), the Notice and Takedown regime is credited for enabling rights holders to get quick results in blocking illegal content without the need for judicial intervention. Business practices have also evolved: for example, YouTube's digital fingerprinting system has enabled greater access to content and participation while at the same time ensuring that rights owners and creators receive payment for the work they create or own.²

Reaching agreement on the appropriate policies and business practices among the different stakeholders involved in creating, delivering and consuming content remains a challenge. The number of people and organizations involved is expanding. Many stakeholders, including media companies, Internet companies, telecom operators and Internet service providers have large and conflicting economic interests at stake, and changes can create winners and losers. At the same time, it is becoming increasingly apparent that governments can no longer just apply old regulatory models – many of which were designed for the analogue era – to the Internet. Governments are bolstering expertise and creating new roles to respond to these changes, but this also has the unintended effect of increasing complexity for other stakeholders. The speed of change in the industry means that there are still areas of misalignment between market forces, technology, law and consumer interests.

In addition, online consumer behaviour is changing. According to a recent World Economic Forum/comScore survey, among Internet users aged between 18 and 34 years, about 33% in the UK and 63% in Indonesia reported using digital content from professional and non-professional sources to create their own content.³ This can be done in various ways including copying and pasting sections of articles into blog posts, or using songs in YouTube videos. Users also reported relatively low awareness of laws related to the use of digital content, with only 25% of users in the UK reporting that they were aware of any laws they needed to follow in relation to videos on YouTube.⁴



Within the context of changing consumer behaviours and low awareness of relevant legislation, one challenge is to ensure that there is still investment in the production of large-scale creative works.⁵ The act of paying to see a movie or read a book not only provides a sustaining economic foundation for these works, but also contributes substantially to national economies. The economic significance of IP-intensive industries has been highlighted in several recent studies from developed markets. A recent US Commerce Department study shows that IP-intensive industries account for tens of millions of jobs and several trillion dollars of US GDP alone. Among these, copyright-intensive industries contributed 5.1 million jobs and grew by 46.3% between 1990 and 2011, outpacing other IP-intensive industries as well non-IP-intensive ones.⁶ A 2013 European Commission study shows that about 39% of total economic activity in the EU – worth some €4.7 trillion annually – is generated by IP-intensive industries, which directly provide approximately 26% of all employment in the region.⁷

In some industries, such as the music industry, significant progress has been made to shift or create new business models to reflect new consumer behaviours – streaming music services like Spotify being one such example. It is still unclear, however, what new business models and mechanisms will emerge to support large-scale, expensive works in the future.

Principles for the Creative and Information Economy in the Digital Age

Stakeholders attempted to identify a shared set of values through dialogues in the two pilot markets, the UK and Indonesia, as well as at one workshop in the US. Workshops were held to establish common ground among diverse stakeholders in the two pilot markets. Bringing together a wide range of stakeholders in the field revealed many points of contention. Nevertheless, the discussions revealed common elements of a shared vision for the future.

The purpose of these principles, therefore, is to help stakeholders with disparate interests to identify areas of agreement. Getting to policy or legislation may still be contentious, but it will be more productive if, when inevitable disagreements arise, the stakeholders are able to refer back to the principles and discuss how the disagreements fit within this framework.

The principles are:

- Foster and reward creativity: [Develop a vibrant creative community that encourages the production of diverse content and rewards creators through financial remuneration, recognition or other types of value.](#)
- Build an ecosystem for innovation: [Create an ecosystem where innovation can occur by providing a level playing field for businesses and individuals, and incentives for innovation.](#)

- Expand access to content: [Offer a wide range of means for the public to reach content, enabled by the Internet and other technologies, maximizing societal and economic benefit.](#)
- Inform users about ownership rights: [Ensure that information about the ownership and permitted uses of digital content is clear and accessible to all, especially as technology enables more collaborative creation.](#)
- Give creators and rights owners control and choice: [Provide creators and rights owners with tools to decide and control how their work is shared and used.](#)
- Enable people to be creators: [Enable people to make, share and exchange content online by providing access, skills, tools and choice.](#)
- Strengthen global collaboration: [Strengthen collaboration between people and governments in different geographic areas to help ensure that these principles can be respected and implemented globally, given the transferability of digital media.](#)

Highlights of the Debate

Throughout the workshops, similar themes arose that defined the debates around each principle. The different topics turned on the degree to which participants held certain beliefs. Some of the key debates were on:

- Fostering creativity and innovation: This debate hinged on whether participants believed that current IP laws are effective at fostering creativity and innovation. They expressed the belief that most transactions, particularly large-scale, are working well today, and the current laws need to be better enforced. Others argued that current laws are not keeping up with technological development and rapidly-evolving consumer norms and therefore need significant updating.
- Expanding access to content: At the crux of this debate was the scope of access that participants envisioned for the future. Some argued that the end-goal should be universal access to content, while others believed that a profit-driven business model and innovation in delivery of content would generate revenue while also expanding access.
- Informing users about ownership and rights; giving creators and rights owners control and choice: Ownership and control were sensitive terms throughout the discussions. Similar to the debate on fostering creativity and innovation, the key question was whether ownership and control are necessary for creation of works, or whether they limit new creation.
- Enabling people to be creators: The debate here centred on the extent to which “fair use” laws should be extended to enable broad, non-commercial uses of content such as news, education material and social commentary.
- Strengthening global collaboration: There were no major points of difference in the debate on this principle.

Convening Multistakeholder Dialogues in the UK and Indonesia

Introduction

Given the sometimes conflicting views among the stakeholders involved, the World Economic Forum experimented with ways to bring stakeholders together to overcome some of their differences and begin collaborating. The UK and Indonesia were selected as pilot markets as they represent extremely different and important market contexts.

The UK is a major hub for content production, and is home to a robust and growing technology industry. There is a highly developed IP policy framework, and an ongoing debate involving many stakeholder groups. IP reform has been high on the regulatory agenda in recent years. Indonesia, on the other hand, is a large and growing market that is becoming a significant democratic presence in Asia. There is huge social media uptake in the country, with one of the largest communities of Facebook users globally. Significantly, there is almost no awareness among the population about the concept of IP, and those laws that exist are not comprehensively enforced.⁸

Together, these two markets offer a view of IP issues in two different contexts, highlighting the similarities and differences between issues faced in a fast-growing market versus a highly-developed market.

United Kingdom

Context and Current Practices

There is an ongoing debate about IP between many stakeholder groups in the UK. Media industry revenues have grown steadily since 2007 at a rate of about 3.5% per year and are expected to continue to grow at a rate of about 3% through 2017.⁹ Digital media revenues have grown at an annual rate of 11% since 2007 and will account for some 40% of media industry revenues in 2013.¹⁰

Participants in one UK workshop noted that any solution would require a combination of three core components: business model innovation, enforcement and education. The UK has made progress in each of these areas.¹¹

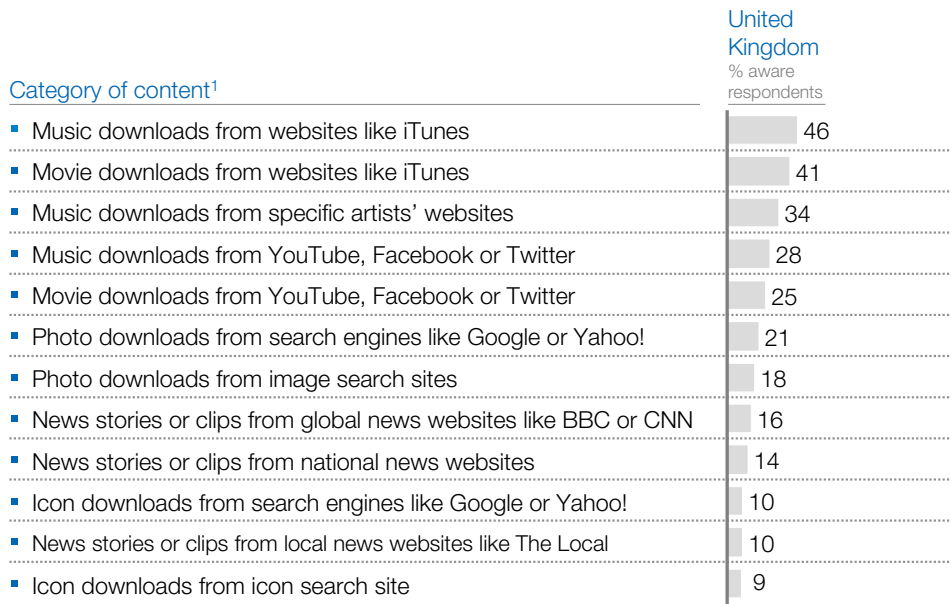
- Large media companies and start-up businesses have responded to new pressures with a number of flagship business model innovations including NOW TV, an Internet television service launched by BSkyB in 2012, and blinkbox, a UK start-up that rents and sells movies and TV shows online.¹²
- The UK Police Intellectual Property Crime Unit (PIPCU) has suspended 40 websites hosting illegal content. The PIPCU has collaborated with the advertising industry to reduce ad sales to illegal sites.¹³
- The Industry Trust for IP Awareness announced a campaign in December 2013 to focus on raising awareness about the cultural and social value of films and on reducing copyright infringement.¹⁴



At the same time, many questions regarding online consumer behaviour and the policy framework that governs content distribution remain unanswered in the UK. The World Economic Forum/comScore study on Norms and Values in Digital Media found relatively low awareness among UK consumers of laws related to content use (Exhibit 1). The survey also found that almost half of respondents believed that there should be laws that give artists and creators control over how their work is used and shared online. However, only 17% of respondents believed that the current such laws are functioning well (Exhibit 2).

Exhibit 1: United Kingdom Consumer awareness of laws or regulations when accessing online content

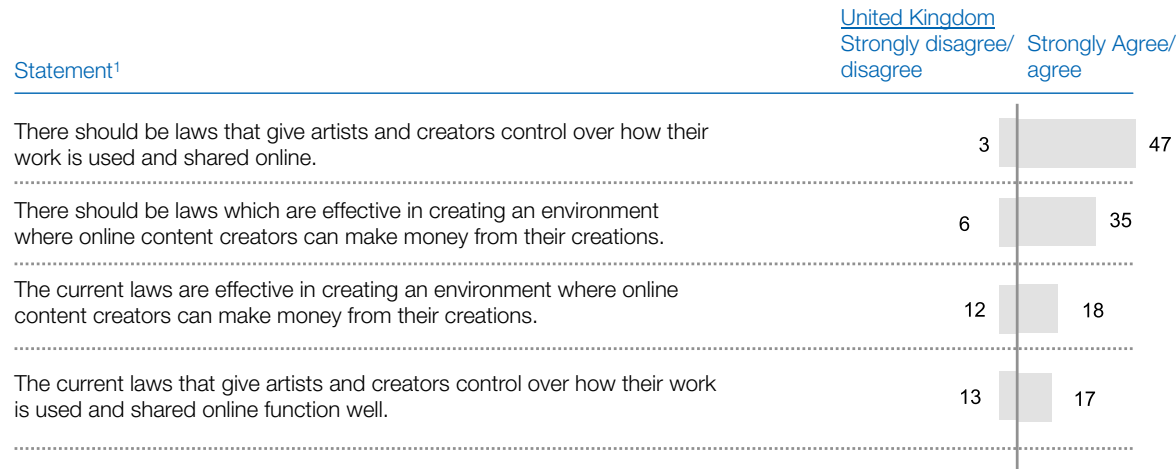
Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013



¹ Question: For each of the following types of creative content listed below, please indicate if you are aware of any laws or regulations that you need to follow when you are accessing the content. Please select all that apply.

Exhibit 2: Consumer perception of laws

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November 2013



¹ Question: How strongly do you agree or disagree with the following statements?

In recent years, the UK has taken a number of steps to update its policy framework:

- The Hargreaves Review was a major review of the IP framework in 2010, which recommended that the UK implement all copyright exceptions allowed under EU law in full; other recommendations included setting up a Digital Copyright Exchange to speed up the licensing process.¹⁵ Since the publication of the review, the UK Government has taken steps to implement proposed copyright exceptions and additional reforms set forth in the Enterprise and Regulatory Reform Act (ERR). The ERR was passed into law in April 2013, bringing some changes to the policy around orphan works. Additional copyright reforms are yet to be implemented. There is disagreement about the economic impact of such reforms – a range of studies done by the review team, the government and the media industry predict varying positive and negative economic impacts.
- The Digital Economy Act (DEA) provides the legal basis for a notice-sending system to inform consumers when copyright-infringing activity occurs on their account via their Internet service provider (ISP). The legislation requires all ISPs and online service providers (OSPs) to notify consumers of infringements on their accounts, with the threat of disconnecting repeat offenders from the Internet. There was widespread disagreement on the validity of the act, with some consumer groups, ISPs and media companies expressing concern about the human rights implications of taking away citizens' Internet connections. A survey by the BBC found that 87% of online users felt Internet access should be the "fundamental right of all people."¹⁶ ISPs and platforms are concerned about the requirements placed on them and argue that the DEA makes unreasonable demands of individual companies, some of which are technologically challenging. Internet service providers BT and TalkTalk challenged the DEA in court, and the appeal process lasted through March 2012, when it was dismissed.¹⁷ Due to these disagreements, the act is yet to be implemented.

“
There needs to be a neutral party holding the ring in order to move forward on this issue.
”

Some participants involved in the World Economic Forum's work in the UK noted that it has been harder than predicted to foster collaboration among parties on IP and copyright. There are also strong, competing economic incentives among businesses, and vast new areas of expertise required in government. In addition, participants noted that it is difficult to disentangle legal and moral obligations when discussing these issues, and disagreements on where to draw the line underpin much of the debate. Nevertheless, many participants affirmed their commitment to making progress on these issues.

Path Forward

Through the dialogue in 2013, ideas arose for steps that the UK can take to further realize the goals laid out in the Principles for the Creative and Information Economy in the Digital Age. Participants proposed several steps within these categories that could form the basis of a roadmap for the future.

Foster and reward creativity while building an ecosystem for innovation

- Advance the digital copyright hub system that currently exists in the UK to decrease transaction costs.
- Continue to clarify appropriate responsibilities and duties of care across the system. This includes questions such as whether there is a need for liability limitations for intermediaries, how rights owners could work with intermediaries to report cases of infringement through the notice-and-takedown system, and whether online search engines should be allowed to include illegal pirate sites in their indexes.
- Provide better access to finance for creative businesses.
- Provide tools such as Creative Commons licenses to allow individuals flexibility when assigning rights to their work.

Inform users about ownership and rights

- Increase the availability of information about permitted uses, and make the information easier to access and understand. This can include improving access to information about existing laws so as to increase civic ability to competently deal with IP rights, whether reactively or proactively. Supplement this with educational initiatives on ownership and rights for users.
- Where possible, simplify the requirements for compliance with relevant laws to remove complexity.

Expand access to content

- Focus on connecting the 11 million (20% of the population) still not online in the UK, which is an increasingly poor and disadvantaged group.¹⁸



Indonesia

Context and Current Practices

Several factors define the Indonesian context and set the stage for the conversation about IP, including cultural norms, the current policy landscape, and the level of development of infrastructure and services.

Culture

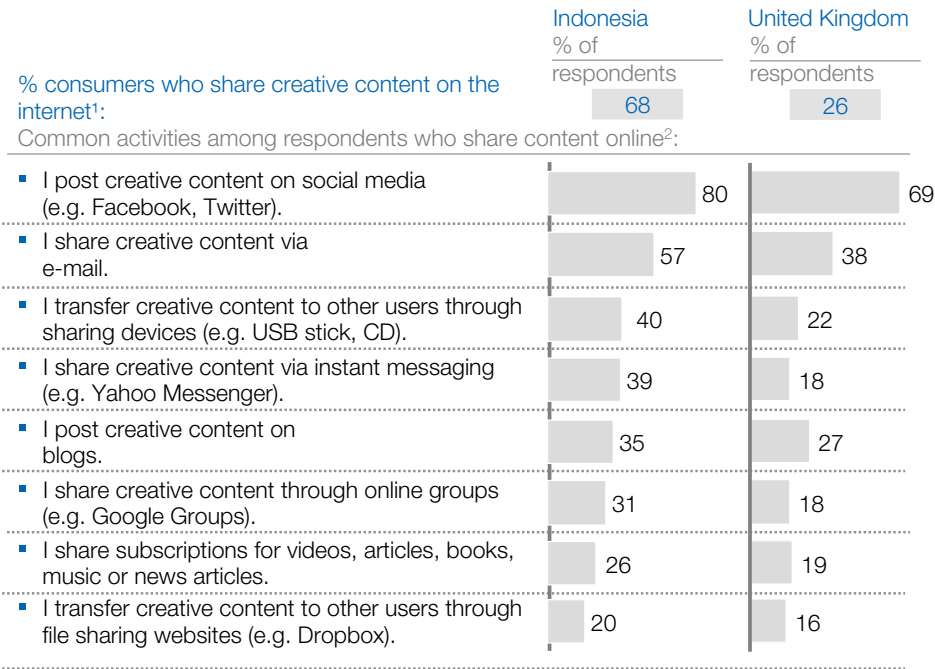
Indonesia’s offline customs have influenced online behaviour, as most notably demonstrated by the widespread sharing culture that has rapidly emerged online. Despite the low Internet penetration across the country – around 30% in 2013 including mobile¹⁹ – Indonesia has one of the four largest populations of Facebook users in the world

numbering around 64 million active users, thanks to a highly connected urban population.²⁰ The capital city of Jakarta ranks as one of the top cities for Twitter use, measured by the number of tweets per day, estimated at more than New York or London.²¹

The traditional sharing culture manifests itself digitally as Indonesians go online primarily to share and connect with others (less so to access content or for self-expression). According to the World Economic Forum/comScore survey, Indonesian Internet users share more than UK consumers. Like users in the UK, they share primarily through social media and email, but unlike counterparts in the UK, Indonesian Internet users also share a significant amount through instant messaging and physical sharing devices such as USB sticks and CDs (Exhibit 3).²²

Exhibit 3: Consumer sharing habits

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013



¹ Question: Do you share creative content on the Internet? By sharing creative content, we mean posting, emailing, transferring, or sharing subscriptions to videos, movies, TV shows, books, music, or news articles online.

² How do you share creative content (e.g. movies, TV shows, books, or music) on the Internet? Please select all that apply.

In addition, there is widespread belief among Indonesian Internet users that online content should be free. The World Economic Forum/comScore survey on Norms and Values in Digital Media found that Indonesian consumers were three times as likely as consumers in the UK to believe that everything on the Internet should be free and less likely to believe that people should pay a fee for online content (Exhibit 4).²³



Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013

¹ Question: How strongly do you agree or disagree with the following statements?

Reflecting different cultural norms, the notion of IP and copyright is at an early stage in Indonesia. Formally, Indonesia is a member of the Berne Convention and comprehensive copyright laws are laid out in its Copyright Act of 2002. However, reports from workshop participants indicate that notions of copyright and IP are not generally understood or adhered to. One participant described interactions with media industry professionals where the professionals did not know what the term “intellectual property” meant. Another described a situation where she was looking for an IP lawyer in Jakarta and could not find one. From a cultural perspective, Indonesian policy-makers are starting with a blank slate, with few existing norms on upholding IP rights.²⁴

The notion of IP in Indonesia is interlinked with the emerging debate on freedom of expression. Dekominfo, the Indonesian Ministry of Communications, has taken some measures to limit sharing of content online, including blocking pornography during Ramadan.²⁵ The highly active Indonesian blogging community has faced minimal government censorship so far, but is vulnerable to penalties under the Indonesian information and electronic transaction law. It is unclear how the law, which is relatively new, will progress as limitations on content sharing based on copyright and IP law could be seen as clamping down on the online sharing culture.²⁶ In addition, there are worries that recent policy proposals pertaining to data localization – which impose conditions on the storage of data within Indonesia or transfer of data across borders – could have a lasting impact on freedom of expression and the quality of online services for Indonesian users.

Finally, a few structural barriers within Indonesia limit the potential for media industry expansion. For one, online payments do not exist at scale. Additionally, the policy environment for media companies is unreliable. Last year, the Indonesian government levied such a large tax on in-theatre licenses that had studios continued to operate, they would have lost money by screening movies. Consequently, all of the studios pulled out of Indonesia and ultimately the law was repealed. Finally, digital media policy in Indonesia falls under multiple ministries. It is unclear which ministry is responsible for issues of IP and freedom of expression, and some stakeholders, including representatives from the government, believe that the different government departments are not communicating with each other as much as they should.²⁷



Creative Distribution Channels in Indonesia

Indonesian artists and creators exist in a culture where piracy has been the norm since well before the emergence of the Internet. Today, it is easier – not to mention much cheaper – for most people to buy a pirated CD or DVD at a local market than to purchase a legitimate one. Physical piracy is still more prevalent than online piracy given connectivity rates, but one can expect that the latter will increase as more people get connected.

Given this environment, artists in Indonesia have had to come up with new, creative ways to deliver their content to consumers and get paid. In the offline world, Indonesian musicians have innovated distribution by bundling their music with chicken: a number of high-profile artists have partnered with Kentucky Fried Chicken, a fast-food chain popular in Indonesia, to include a CD with a meal for a small additional charge. This model enables consumers to easily purchase legitimate versions of popular music and has been very successful.

In the digital world, musicians have also innovated to deliver songs and create novel revenue streams. Many artists are offering their songs as playback music for mobile phones for a small fee, meaning that an individual can pay to have that artist's song played to callers rather than the usual ring tone. This service has become very popular as mobile phones develop into a must-have item in Indonesian life.

These examples illustrate ways that content creators are continuing to innovate, even in a context where few rights are protected in practice. Business model innovations like these will be important to help the creative community thrive while Indonesia continues to develop its formal and informal IP norms.²⁸

Path Forward

Indonesia is just beginning the process of developing its digital media industry. Participants in workshops agreed that future policies related to IP in Indonesia should be flexible enough to provide the media industry and other creators with tools to monetize their work, while at the same time allowing for the sharing culture that has evolved among the country's Internet users. South Korea presents a model for strict copyright enforcement that has been very successful in that country, but participants doubted that a similar model could work in Indonesia. In addition, participants proposed the following ideas:²⁹

Foster and reward creativity and build an ecosystem for innovation:

- Clarify responsibilities among relevant government ministries and increase communication and collaboration among them to enable effective policy development.
- Create a flexible policy that allows for individual creation and sharing while protecting professionally-produced content.

- Build business models to incentivize creation within the current cultural context (see sidebar on creative business models in Indonesia).
- Encourage local content creators to benefit from the enormous domestic social media use through crowd-funding and online distribution.

Expand access to content

- Focus on infrastructure development, particularly bringing Internet connectivity to remote parts of the country through the Palapa Ring, a national fibre-optic cable currently in development that will reach up to 33 provinces and 440 cities.

Enable people to be creators

- Uphold free expression online, which enables a vibrant online culture and empowers people to contribute content.



How to Foster a Successful Multistakeholder Dialogue

The project used the development of multistakeholder principles as a tool for fostering productive conversation among people with divergent views. Workshops experimented with various formats to facilitate this conversation. There were a number of factors that contributed to successful communication in the sessions, which can give pointers for future sessions.

Framing the issue

- **Discussing and agreeing on the language to use:** Sometimes widely-used default vocabulary proved divisive; for example the terms “copyright” and even “intellectual property” were debated because they presuppose working within the current system rather than imagining new options.
- **Starting by defining societal goals:** Initial discussions focused on coming up with goals for society that all participants could agree on, even if they disagreed on the means to achieve those goals. Having reached a basic level of agreement, participants were better able to debate the details of the solutions proposed.

- **Getting to know other viewpoints:** The discussions proved most fruitful when early on, the participants were each able to articulate the arguments of the other groups in the room. One technique used for this was role-playing.

Diversity and balance of viewpoints

- **Ensuring diversity of participants with a range of views:** It helped to avoid having too many participants with polar-opposite views so as not to have them fall into camps. Most participants should have a range of opinions in the middle of the extremes.
- **Fostering equal participation.** Activities designed to let all participants give their input proved useful, as did choosing moderators who could facilitate inclusive discussions and ensure balanced voices were heard.





Conclusion

It became clear during workshops in 2012 that government efforts to address IP issues in the digital context are insufficient on their own to tackle the challenges faced by stakeholders in the creative and information economy. The workshops held in 2013 brought stakeholders together and identified shared values that can guide efforts towards better regulation of the sector that enables creation of economic and social value while helping to develop a vibrant creative community.

The Principles for the Creative and Information Economy in the Digital Age represent values and goals shared across stakeholders and geographies. However, differences among stakeholders remain as the creative economy continues to develop. In the UK, the challenge lies in distributing content as widely as possible in ways that consumers find compelling, and coming to an agreement on how policy can and should support the creative and information economy in the digital age. In Indonesia, achieving the goals laid out in the principles will require new collaboration between the many government ministries involved so as to design an appropriate framework.

It is still early in the evolution of norms and values in the digital era. No single solution is going to be perfect. Work this year has reaffirmed that collaboration is needed on the global as well as local levels to effectively build a system of laws and business practices that will enable the creative and information economy to flourish in the digital age.

Participants

World Economic Forum Project Team

Diana El-Azar, Senior Director, Head of Media, Entertainment & Information Industries

Mengyu Annie Luo, Director, Media, Entertainment & Information Industries

Rachel Katz, Project Manager, Media, Entertainment & Information Industries (on secondment from McKinsey & Company)

Lena Woodward, Project Coordinator, Media, Entertainment & Information Industries

Project Advisers

Geoffrey K. Sands, Director, Global Media, Entertainment and Information Practice, McKinsey & Company, USA

Jonathan Dunn, Partner, Global Media, Entertainment and Information Practice, McKinsey & Company, USA

Steering Committee Members

Lance Weiler, Independent Filmmaker, USA

Bill Rusitzky, Vice-President, Strategic and Business Development, Adobe Systems, USA

Irene Braam, Vice-President, Government Relations and Head, Brussels Liaison Office, Bertelsmann, Belgium

Susan Kish, Head, Cross-Platform Initiatives, Bloomberg, USA

Julian Ashworth, Global Director, Industry Policy, BT Group, United Kingdom

Linda Boland Abraham, Co-Founder, comScore, USA

Jeff Jarvis, Director, Tow-Knight Centre for Entrepreneurial Journalism, City University of New York, USA

Steve Rubel, Chief Content Strategist, Edelman, USA

Robert Madelin, Director-General, Communications Networks, Content and Technology, European Commission, Belgium

Sarah Wynn Williams, Global Public Policy, Facebook, USA

Kate Dumouchel, Special Counsel, Federal Communications Commission, USA

Elizabeth Mynatt, Executive Director, Institute for People and Technology, Georgia Institute of Technology, USA

John Montgomery, Chief Operating Officer, GroupM Interaction, USA

Ahmet M. Oren, Chief Executive Officer, Ihlas Holding SA, Turkey

Jeanne Bourgault, President, Internews, USA

Christophe Nicolas, Senior Vice-President and Head, Kudelski Security, Kudelski Group, Switzerland

Joichi Ito, Director, Media Lab, MIT, USA

Olivier Fleurot, Chief Executive Officer, MSLGROUP, France

Denise Bassett, Vice-President, Communications, NBC Universal International, United Kingdom

Angela Watts, Vice-President, Marketing and Communications, Spotify, United Kingdom

Karen E. Watson, Managing Director, Government and Public Sector, Nielsen, The Nielsen Company, USA

Gary Regenstreif, Editor-at-Large, Thomson Reuters, USA

C. Trevor Clark, Assistant Director-General, Culture and Creative Industries Sector, World Intellectual Property Organization, Switzerland

Workshop Participants

[London, United Kingdom, 30 July 2013](#)

John Tate, Director, Policy and Strategy, BBC World News, United Kingdom

Irene Braam, Vice-President, Government Relations and Head, Bertelsmann SE & Company KGaA, Belgium

Scott Broadley, Group Public Policy, BT Group, United Kingdom

Jo Sheldon, Managing Director, Edelman, United Kingdom

Eva Knoll, Analyst, Enders Analysis, United Kingdom

Maciej Tomaszewski, Policy Officer, European Commission, Belgium

Theo Bertram, Public Policy and Government Relations, Google, United Kingdom

Kathleen Reen, Vice-President, ICT Programs and Policy, Internews, USA

Kubilay Gökçe Kiliç, Digital Assets General Manager, Ihlas Holding, Turkey

Abby Guthkelch, Head, Digital and Social Media, Ketchum, United Kingdom

Gus Hosien, Co-Founder, Policy Engagement Network, London School of Economics and Political Science, United Kingdom

Sally Broughton Micova, Research Officer, Media Policy Project, London School of Economics and Political Science, United Kingdom

Damian Tambini, Senior Lecturer, London School of Economics and Political Science, United Kingdom

Jonathan Dunn, Partner, McKinsey & Company, USA

Denise Bassett, Vice-President, Communications, NBC Universal International, United Kingdom

Gidon Freeman, Director, Regulatory and Government Affairs, NBC Universal International, United Kingdom

Jeremy Olivier, Head, Internet Policy, Office of Communications (Ofcom), United Kingdom

Jim Killock, Executive Director, Open Rights Group, United Kingdom

Gillian Bolsover, Researcher, Oxford Internet Institute, United Kingdom

William H. Dutton, Director, Oxford Internet Institute, United Kingdom

Tim Suter, Managing Director, Perspective Associates, United Kingdom

David Cushman, Strategy Partner, The Social Partners, United Kingdom

Steven Bartholomew, Director, Public Affairs, Telefonica Digital, United Kingdom

Nicola Mckilligan, Senior Data Privacy Officer, Thomson Reuters Foundation, United Kingdom

Chris Marsden, Professor of Media Law, University of Sussex, United Kingdom

Hugo Lindsay, Director, Competition and Regulatory Affairs, Virgin Media, United Kingdom

Mark Read, Chief Executive Officer, WPP Digital, WPP, United Kingdom

Tim Abraham, Director, Product and Analysis, Xaxis, USA

[New York, USA, 2 October 2013](#)

Bill Rusitzky, Vice-President, Strategic and Business Development, Adobe Systems, USA

Marcel S. Reichart, Executive Vice-President, Digital Development and Partnerships, Bertelsmann SE & Company KGaA, Germany

Thomas Gensemer, Chief Strategy Officer, Burson-Marsteller, USA

Jonathan Perelman, Vice-President, Agency Strategy and Industry Development, BuzzFeed, USA

Jeff Jarvis, Professor, City University of New York Graduate School of Journalism, USA

Linda Boland Abraham, Co-Founder, comScore, USA

Steve Rubel, Chief Content Strategist, Edelman, USA

Carolina Angarita, Chief Executive Officer, Ennovva, Colombia

Sanford Climan, President, Entertainment Media Ventures, USA

Sarah Wynn-Williams, Global Public Policy, Facebook, USA

Fred Seibert, President, Frederator Studios, USA

J. P. Singh, Professor, Global Affairs and Cultural Studies, George Mason University, USA

Elizabeth Mynatt, Professor, School of Interactive Computing, Georgia Institute of Technology, USA

Katherine Oyama, Copyright and Creativity Policy Counsel, Google, USA

John Montgomery, Chief Operating Officer, GroupM Interaction, USA

Tal Chalozin, Co-Founder and Chief Technology Officer, Innovid, USA

Yossi Vardi, Chairman, International Technologies Ventures, Israel

Peter Corbett, Chief Executive Officer, iStrategyLabs, USA

David Gallagher, Chief Executive Officer, Ketchum Europe, United Kingdom

Christophe Nicolas, Senior Vice-President and Head, Kudelski Security, Kudelski Group, Switzerland

Maarten Lens-FitzGerald, Co-Founder and General Manager, Layar, Netherlands

Jonathan Dunn, Partner, McKinsey & Company, USA

danah boyd, Principal Researcher, Microsoft Research, USA

Denise Bassett, Vice-President, Communications, NBC Universal International, United Kingdom

Richard Cotton, Senior Counselor, IP Protection, NBC Universal, USA

Brandon Litman, Executive Producer, One Day on Earth, USA

Peggy Johnson, Executive Vice-President and President, Global Market Development, Qualcomm, USA

Georgie Benardete, Co-Founder and Head, Strategy, Shopbeam, USA

Robert Osher, President, Sony Pictures Digital Production Division, Sony Pictures Entertainment, USA

Katharina Borchert, Chief Executive Officer, Spiegel Online, Germany

Renu Kulkarni, Associate Vice-President, Strategic Initiatives, University of Chicago, USA

Elizabeth Daley, Dean, School of Cinematic Arts, University of Southern California, USA

Jonathan Taplin, Director, USC Annenberg Innovation Lab, University of Southern California, USA

Stanley Pierre-Louis, Senior Vice-President and Associate General Counsel, Intellectual Property and Content Protection, Viacom, USA

Jakarta, Indonesia, 21 October 2013

Lukas Luwarso, Chairman, Alliance of Independent Journalists, Indonesia

Johannes Jonky Junaedhy, Chairman, APMINDO, Indonesia

Djakawinata Susilo, Member of the Board of Directors, APMINDO, Indonesia

Ananda H. Siregar, Founder, Blitz Megaplex, Indonesia

Enda Nasution, Blogger, Indonesia

Shinta Dhanuwardoyo, Founder, Bubu.com, Indonesia

Ari Gema, Project Director, Creative Commons, Indonesia

Simon Milner, Director, Policy, United Kingdom and Ireland, Facebook, United Kingdom

Kuskridho Ambardi, Senior Lecturer, College of Social and Political Sciences, Department of Communications and Department of Politics and Government, Gadjah Mada University, Indonesia

Reirui Ri, Senior Policy Analyst, Google Asia Pacific, Japan

Aditya Wardhana, Founder, Idea Group, Indonesia

Ilham Akbar Habibie, Chief Executive Officer, Ilthabi Rekatama, Indonesia

Ezki Suyanto, Member, Indonesian Broadcasting Commission, Indonesia

Agus Sudibyo, Head, Commission for Public Complaints and Ethics, Indonesian Press Council, Indonesia

Kathleen Reen, Vice-President, ICT Programs and Policy, Internews, USA

Tosca Santoso, Managing Director, Kantor Berita Radio KBR68H, Indonesia

Steve Christian, Co-Founder, Kapanlagi.com, Indonesia

Heru Hendratmoko, Managing Director, Portal, KBR, Indonesia

Edi Taslim, Digital Group Director, Kompas Gramedia Group, Indonesia

Paulus Widiyanto, Researcher, Media Literacy, Masyarakat Cipta Media, Indonesia

Tessa Piper, Program Director, Asia, Media Development Investment Fund, Indonesia

Mari Elka Pangestu, Minister of Tourism and Creative Economy of Indonesia

Harry Waluyo, Director-General, Creative Economy, Design, Science and Technology, Ministry of Tourism and Creative Economy, Indonesia

Lexy Rambadeta, Founder, Offstream, Indonesia

Roby Muhamad, Chairman and Chief Scientist, Provetic, Indonesia

Bambang Harymurti, President Director, PT Tempo Inti Media Tbk, Indonesia

Yuli Ismartono, Deputy Chief Editor, Tempo English, PT Tempo Inti Media Tbk, Indonesia

Karaniya Dharmasaputra, Chief Executive Officer and Founder, VIVA.co.id, Indonesia

Siska Doviana, Chair of the Board of Executives, Wikimedia, Indonesia

Paolo Lanteri, Legal Officer, World Intellectual Property Organization, Switzerland

Ranjana Singh, Chair, Indonesia and Vietnam, WPP, Indonesia

Debra Yatim, Writer, Indonesia

Bali, Indonesia, 23 October 2013 (in conjunction with the Internet Governance Forum)

David Fares, Senior Vice-President, Government Relations, 21st Century Fox, USA

Ari Gema, Project Director, Creative Commons, Indonesia

Sarah Wynn-Williams, Global Public Policy, Facebook, USA

Andrew Puddephatt, Executive Director, Global Partners Digital, United Kingdom

Shinto Nugroho, Head, Public Policy and Government Relations, Google, Indonesia

Kathleen Reen, Vice-President, ICT Programs and Policy, Internews, USA

Paolo Lanteri, Legal Officer, World Intellectual Property Organization (WIPO), Switzerland

London, United Kingdom, 13 November 2013

David Fares, Senior Vice-President, Government Relations, 21st Century Fox, USA

John Jolliffe, Senior Manager, Adobe Systems, Belgium

Shireen Smith, Founder, Azrights, United Kingdom

Irene Braam, Vice-President, Government Relations and Head, Brussels Liaison Office, Bertelsmann, Belgium

Neil Watson, Strategy Adviser, British Film Institute, United Kingdom

Ian Moss, Director, Public Affairs, British Phonographic Industry, United Kingdom

Ian R. Hargreaves, Professor of Digital Economy, Cardiff University, United Kingdom

Joana Casaca Lemos, Communications Designer, Central Saint Martin's College of Art & Design, United Kingdom

Kip Meek, Founding Director, Communications Chambers, United Kingdom

Simon Milner, Director, Policy, United Kingdom and Ireland, Facebook, United Kingdom

Andrew Puddephatt, Executive Director, Global Partners Digital, United Kingdom

Theo Bertram, Public Policy and Government Relations, Google, United Kingdom

Ben Taylor, Director, House of Honey, United Kingdom

Kubilay Gökçe Kiliç, General Manager, Digital Assets, Ihlas Holding SA, Turkey

Anne Barron, Professor, London School of Economics and Political Science, United Kingdom

Sally Broughton Micova, Research Officer, Media Policy Project, London School of Economics and Political Science, United Kingdom

Monica Horten, Visiting Fellow, London School of Economics and Political Science, United Kingdom

Damian Tambini, Senior Lecturer, London School of Economics and Political Science, United Kingdom

Jonathan Dunn, Partner, McKinsey & Company, USA

Gidon Freeman, Director, Regulatory and Government Affairs, NBCUniversal International, United Kingdom

Roz Cochrane-Gough, Vice-President, Anti-Piracy and Litigation, NBCUniversal, United Kingdom

Campbell Cowie, Director, Policy Development, Office of Communications (Ofcom), United Kingdom

Ed Richards, Chief Executive, Office of Communications (Ofcom), United Kingdom

Peter Bradwell, Policy Director, Open Rights Group, United Kingdom

Sameer Padania, Programme Officer, Media Programme, Open Society Foundation (OSF), United Kingdom

Neil Gaffney, Expert, IP Database, Right Thinking Solutions, United Kingdom

David Cushman, Strategy Partner, The Social Partners, United Kingdom

Nicola Mckilligan, Senior Data Privacy Officer, Thomson Reuters Foundation, United Kingdom

Andres Guadamuz, Senior Lecturer, Intellectual Property Law, University of Sussex, United Kingdom

Bernadine Bröcker, Founder and Director, Vastari, United Kingdom

Hugo Lindsay, Director, Competition and Regulatory Affairs, Virgin Media, United Kingdom

Sagarika Sundaram, Brand Strategist, Wolff Olins, United Kingdom

Tim Abraham, Director, Product and Analysis, Xaxis, USA

Interviewees

David Fares, Senior Vice-President, Government Relations, 21st Century Fox, USA

John Tate, Director, Policy and Strategy, BBC, United Kingdom

Julian Ashworth, Global Director, Industry Policy, BT Group, United Kingdom

Kip Meek, Founding Director, Communications Chambers, United Kingdom

Ari Gema, Project Director, Creative Commons, Indonesia

Craig Smith, Founder and Chairman, Digital Divide Institute, Thailand

Lorena Boix-Alonso, Head of Unit, Converging Media and Content, European Commission, Belgium

Simon Milner, Director, Policy, United Kingdom and Ireland, Facebook, United Kingdom

Shinto Nugroho, Head, Public Policy and Government Relations, Google, Indonesia

Ellen Broad, Manager, Digital Project and Policy, International Federation of Library Associations and Institutions, Netherlands

John Riady, Executive Director, Lippo Group, Indonesia

Mari Elka Pangestu, Minister of Tourism and Creative Economy, Indonesia

Braxton Perkins, Vice-President, Antipiracy, NBC Universal, USA

Ed Richards, Chief Executive, Office of Communications (Ofcom), United Kingdom

Tim Suter, Managing Director, Perspective Associates, United Kingdom

Carly Nyst, Head, International Advocacy, Privacy International, USA

John Villasenor, Professor of Electrical Engineering and Public Policy, University of California, Los Angeles, USA

Andres Guadamuz, Senior Lecturer, Intellectual Property Law, University of Sussex, United Kingdom

Robert Samuelson, Executive Director, Group Strategy, Virgin Media, United Kingdom

Tom Cheshire, Associate Editor, Wired Magazine, United Kingdom

Mark Read, Chief Executive Officer, WPP Digital, WPP, United Kingdom

Endnotes

¹ Press release: *UK Police Intellectual Property Crime Unit goes global in its pursuit of illegal websites*; expert interviews.

² Expert interviews.

³ World Economic Forum/comScore Consumer Survey on Norms and Values in Digital Media, 2013.

⁴ *ibid.*

⁵ World Economic Forum Industry Partnership Meeting, New York, October, 2013.

⁶ www.uspto.gov/news/publications/copyrightgreenpaper.pdf.

⁷ http://ec.europa.eu/internal_market/intellectual-property/docs/joint-report-epo-ohim-final-version_en.pdf.

⁸ World Economic Forum Workshop on Digital Media, Jakarta, Indonesia, October 2013.

⁹ McKinsey Global Media Report, UK Media Revenue Forecast.

¹⁰ *ibid.*

¹¹ World Economic Forum Workshops on Digital Media, London, United Kingdom, July and November 2013.

¹² www.nowtv.com/, www.blinkbox.com/Home.

¹³ Press Release: "UK Police Intellectual Property Crime Unit goes global in its pursuit of illegal websites, December, 2013."

¹⁴ Press Release: "Industry Trust breaks new ground with copyright education, as film fans of all ages make the journey online," www.industrytrust.co.uk/wp-content/uploads/2013/12/Industry-Trust-AGM-press-release.pdf.

¹⁵ Intellectual Property Office of the UK, www.ipo.gov.uk/ipreview.htm.

¹⁶ BBC News, "Internet access is 'a fundamental right,'" March 2010.

¹⁷ Statement of Facts and Grounds, British Telecommunications PLC, TalkTalk Telecom Group PLC; Rejection of Review by Justice Kenneth Parker, April 2011; Right to Appeal by Justice Lewison, October 2011; Rejection of Appeal by Justice Arden, Justice Richards, and Justice Patten, March 2012.

¹⁸ World Economic Forum workshops on Digital Media, London, UK, July and October 2013.

¹⁹ IDC, Business Monitor.

²⁰ Facebook.

²¹ IDByte Conference, Jakarta, Indonesia, June 2013.

²² World Economic Forum Workshop on Digital Media, Jakarta, Indonesia, October 2013.

²³ World Economic Forum/comScore survey on Norms and Values in Digital Media, 2013.

²⁴ World Economic Forum Workshop on Digital Media, Jakarta, Indonesia, October 2013.

²⁵ Article 19 Report on Freedom of Expression and the Media in Indonesia, www.article19.org/data/files/pdfs/publications/indonesia-baseline-study.pdf.

²⁶ *ibid.*

²⁷ World Economic Forum Workshop on Digital Media, Jakarta, Indonesia, October 2013.

²⁸ World Economic Forum Workshop on Digital Media, Jakarta, Indonesia, October 2013.

²⁹ World Economic Forum Workshop on Digital Media, Jakarta, Indonesia, October 2013.





Appendix

Exhibit 1

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013

Survey on Norms and Values in Digital Media: Overview

Survey

- 20 minute online survey in the UK and Indonesia
- Qualified respondents were Internet users aged 18-64 years
- UK respondents numbered 1005
- Indonesia respondents numbered 1019

Survey topics

- Consumer norms around access to digital content, sharing and remixing content, ownership and control of content, and participation online
- Consumer perceptions of value of online content in general and scenario testing

Exhibit 2

Overview of respondents

	UK %	Indonesia %
Gender		
Male	50	51
Female	50	49
Age		
18-34	36	47
35-54	46	42
55+	18	11
Consumer type¹		
Creative consumers	39	45
Regular consumers	61	55

¹ Self classification of consumer types based on time spent on main activities and hobbies. "Creative consumers"'s hobbies included photography, designing websites, writing blogs, making music or participating in a band, mixing or remixing music, making videos, amateur online news reporting/citizen journalism, posting videos on YouTube regularly, posting to Tumblr regularly and writing for a local newspaper

Exhibit 3

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013

Overview of respondents (continued)		
	UK %	Indonesia %
Marital status		
Single, never married	30	33
Married or domestic partnership	59	62
Separated or divorced	8	1
Widowed	2	3
Employment status		
Employed (net)	70	67
Student	6	9
Stay-at-home parent	7	3
Retired	6	5
Unemployed	7	4
Total Annual Household Income		
Mean	£42.6K	Rp 76.8M
Education		
High school or less	45	19
Vocational school/diploma	14	24
College or post-graduate degree	41	57

Internet behaviours		
	UK %	Indonesia %
# of hours on the Internet per week¹		
Less than 5	7	13
5-16	47	42
More than 16	46	45
Have a personal account on Facebook	78	96
Have a personal account on Twitter	39	72
Usage of publicly available media to create own versions of music, videos, photographs, or other art²		
Yes, use free online content	15	49
Yes, use paid online content	10	10
No	80	47

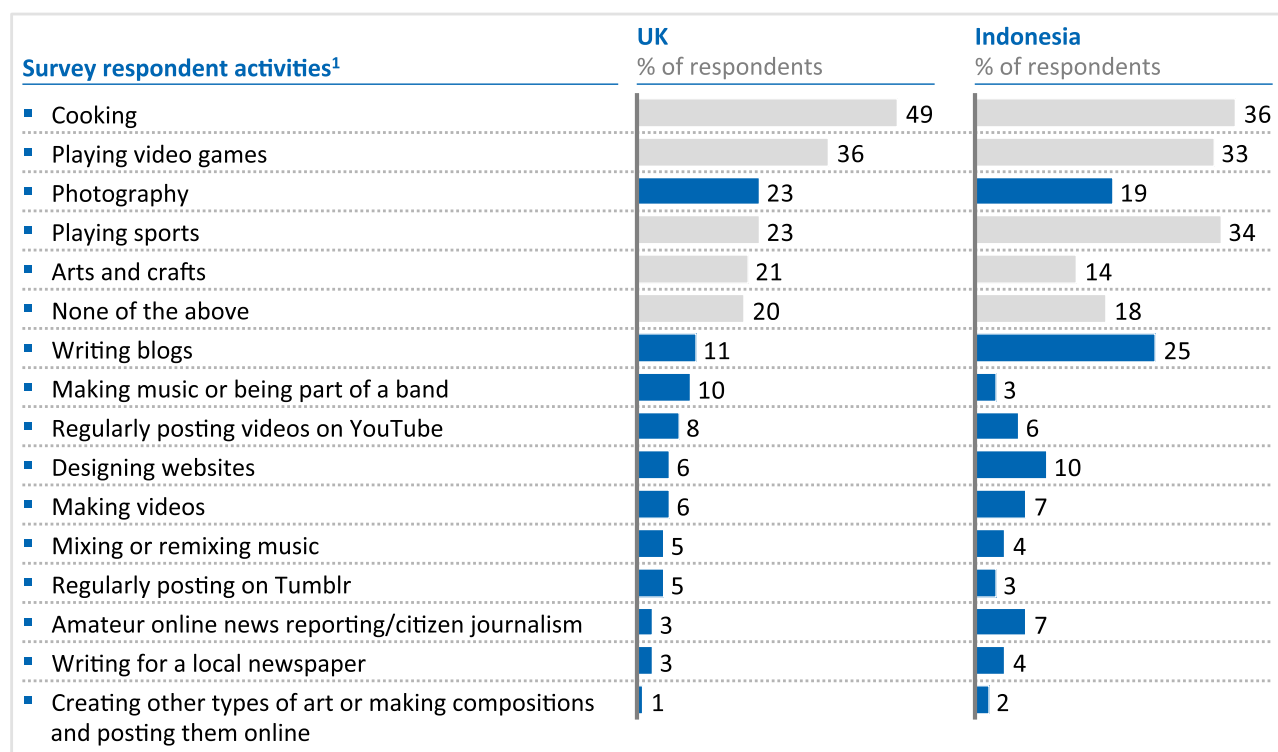
¹ Question: How many hours, if any, do you spend on the Internet each week for personal reasons (from work, home or elsewhere)? Please do NOT include time you spend on e-mail or instant messaging.

² Question: Do you use movies, TV shows, books, or music from the Internet to create your own music, videos, photographs, or art? Please select all that apply.

Exhibit 5

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013

■ “Creative consumer” activities



¹ Question: We would like to know about your main activities outside of work or school. From the list below, please choose which activity, if any, you spend significant time on.

Exhibit 6

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013

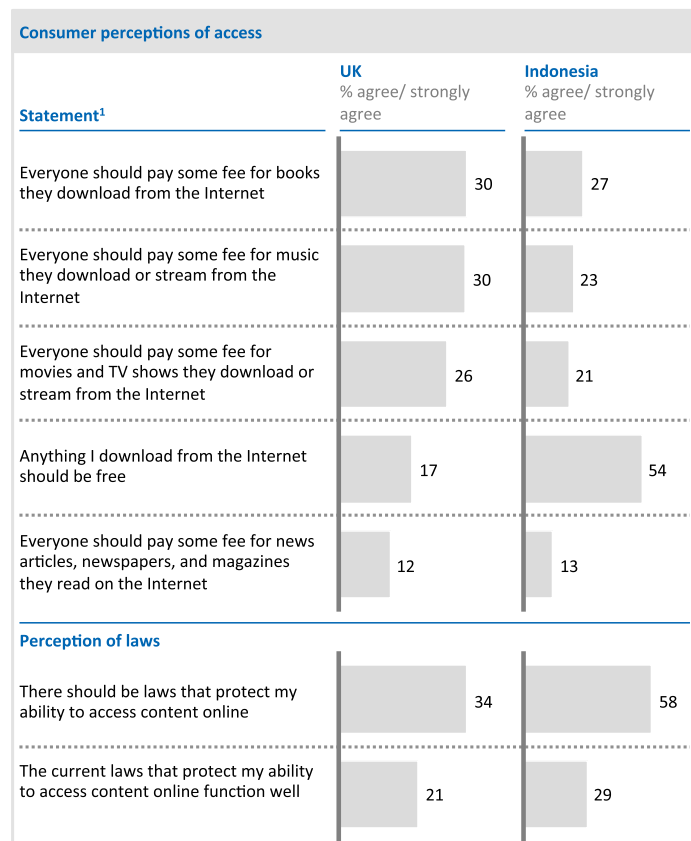
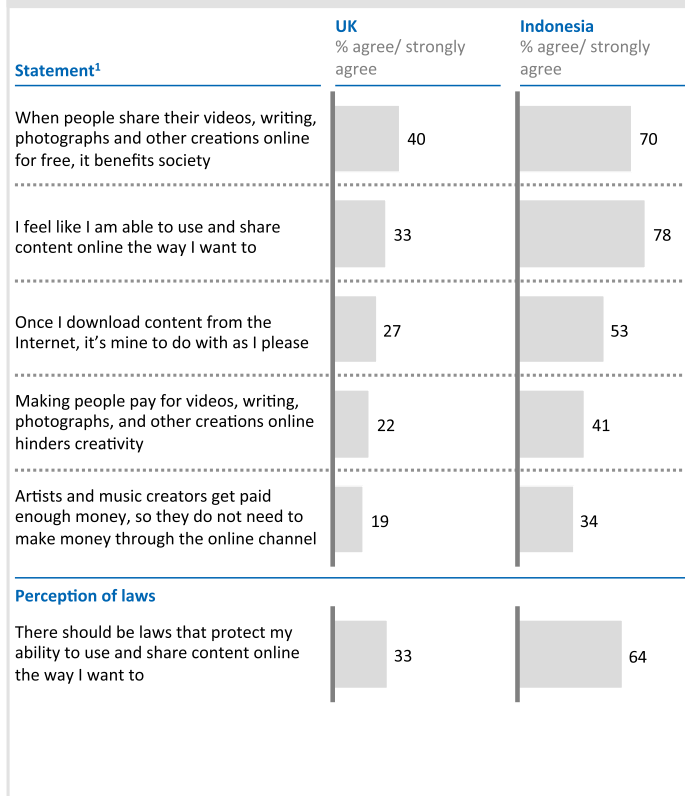


Exhibit 7

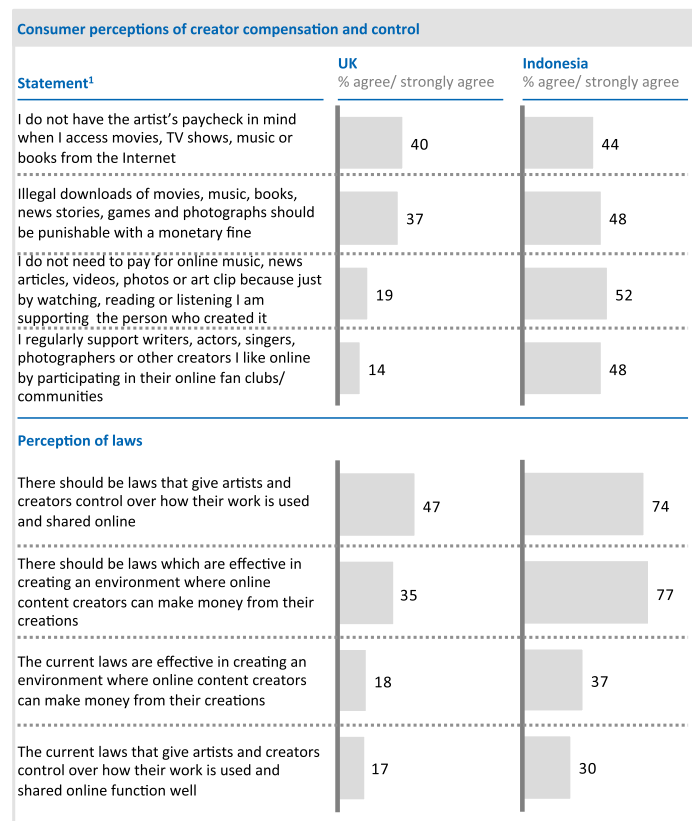
Consumer perceptions of sharing and remixing content online



¹ Question: How strongly do you agree or disagree with the following statements?

Exhibit 8

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013



¹ How strongly do you agree or disagree with the following statements?

Exhibit 9

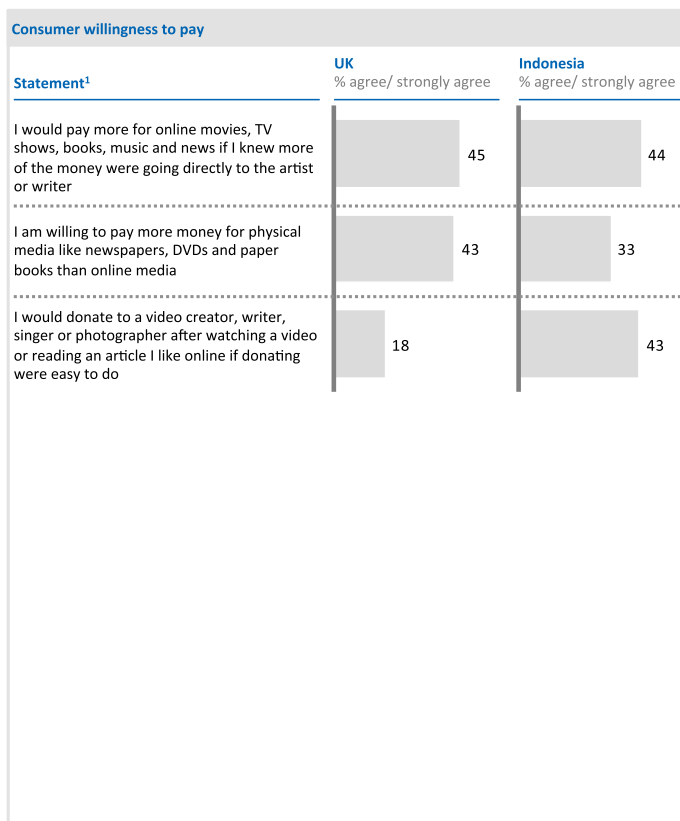
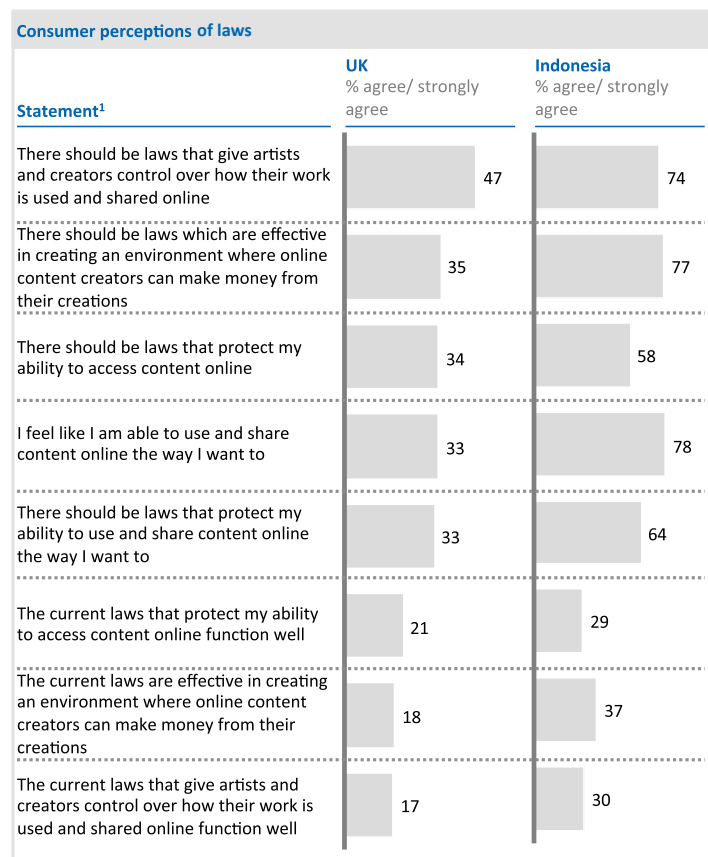


Exhibit 10

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013



¹ Question: How strongly do you agree or disagree with the following statements?

² Question: For each of the following types of creative content listed below, please indicate if you are aware of any laws or regulations that you need to follow when you are accessing the content. Please select all that apply.

Exhibit 11

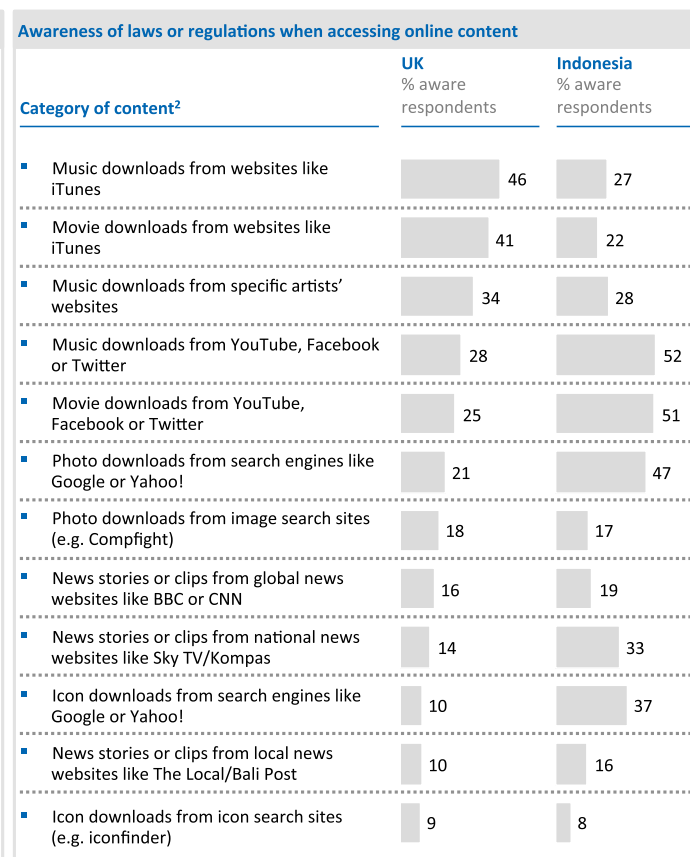


Exhibit 12

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013

	UK % of respondents	Indonesia % of respondents
Consumers who share creative content on the Internet:¹	26	68
Common activities among respondents who share content online: ²		
▪ I post creative content on social media (e.g. Facebook, Twitter)	69	80
▪ I share creative content via e-mail	38	57
▪ I post creative content on blogs	27	35
▪ I transfer creative content to other users through sharing devices (e.g. USB sticks, CDs)	22	40
▪ I share subscriptions for videos, articles, books, music or news articles	19	26
▪ I share creative content via instant messaging (e.g. Yahoo Messenger)	18	39
▪ I share creative content through online groups (e.g. Google Groups)	18	31
▪ I transfer creative content to other users through file-sharing websites (e.g. Dropbox)	16	20

¹ Question: Do you share creative content on the Internet? By sharing creative content, we mean posting, emailing, transferring, or sharing subscriptions to videos, movies, TV shows, books, music, or news articles online.

² How do you share creative content (e.g. movies, TV shows, books, or music) on the Internet?

³ Includes respondents who reported sharing only paid content, and respondents who reported sharing both paid and free content.

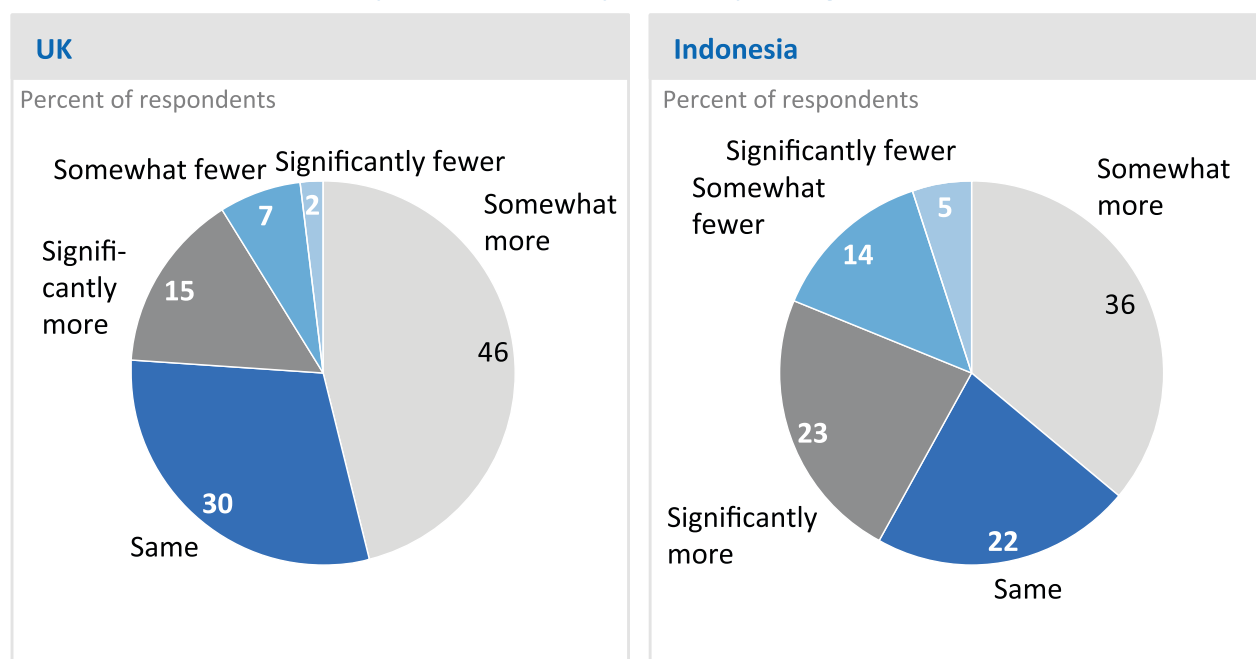
Exhibit 13

	UK % of respondents who share		Indonesia % of respondents who share	
Activities				
▪ I transfer creative content to other users through sharing devices (e.g. USB sticks, CDs)	46	54	70	30
▪ I share subscriptions for videos, articles, books, music or news articles	51	49	64	36
▪ I share creative content via instant messaging (e.g. Yahoo Messenger)	56	44	71	29
▪ I share creative content through online groups (e.g. Google Groups)	57	43	77	23
▪ I transfer creative content to other users through file-sharing websites (e.g. Dropbox)	59	41	64	36
▪ I share creative content via e-mail	62	38	73	27
▪ I post creative content on blogs	62	38	69	31
▪ I post creative content on social media (e.g. Facebook, Twitter)	78	22	80	20

Exhibit 14

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013

Amount of content shared by consumers today versus 5 years ago:¹



¹ Question: Compared to 5 years ago, do you now share fewer or more videos, books, songs or news articles on the Internet?

Exhibit 15

Exhibit 16

Source: World Economic Forum/comScore survey on Norms and Values in Digital Media, November, 2013

Consumer willingness to share own content – United Kingdom					
Scenario ¹	Photo of a sunset % respondents		Photo of a family member % respondents		
	Hate/dislike	Love/like	Hate/dislike	Love/like	
A large corporation uses your photographs for its corporate website	47	15	68	8	
Facebook or Twitter uses these photographs for a promotional post	40	17	66	9	
A stranger re-posts these photographs on his/her social media pages	36	16	65	9	
A major newspaper uses these photographs in an article	34	24	64	9	
Friends of friends take your photographs and repurpose them on their small-business website	31	18	58	10	
A blogger uses these photographs in an article	31	19	61	9	
These photographs go viral with thousands of viewers and pages of comments	17	36	53	13	
A friend re-posts these photographs on his/her social media pages	17	31	37	16	

Consumer willingness to share own content - Indonesia					
Scenario ¹	Photo of a sunset % respondents		Photo of a family member % respondents		
	Hate/dislike	Love/like	Hate/dislike	Love/like	
A large corporation uses your photographs for its corporate website	35	29	44	23	
Facebook or Twitter uses these photographs for a promotional post	28	30	38	24	
A stranger re-posts these photographs on his/her social media pages	17	30	26	24	
A major newspaper uses these photographs in an article	25	35	37	26	
Friends of friends take your photographs and repurpose them on their small-business website	25	27	33	21	
A blogger uses these photographs in an article	19	34	31	25	
These photographs go viral with thousands of viewers and pages of comments	11	53	24	34	
A friend re-posts these photographs on his/her social media pages	14	34	24	28	

¹ Question: “You have personally taken some excellent photographs of a sunset/your family members in your area and posted them on social media.” Listed below are some situations where other people access and use the photographs you have taken. Please indicate how strongly you would like or dislike each of the following scenarios where people are using your photographs. In the following situations, please assume you have not been paid for the photographs.



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World Economic Forum
91–93 route de la Capite
CH-1223 Cologny/Geneva
Switzerland

Tel.: +41 (0) 22 869 1212
Fax: +41 (0) 22 786 2744

contact@weforum.org
www.weforum.org