



Legal Issues in Grey Literature

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Tento projekt je spolufinancován Evropským sociálním fondem a státním rozpočtem České republiky.



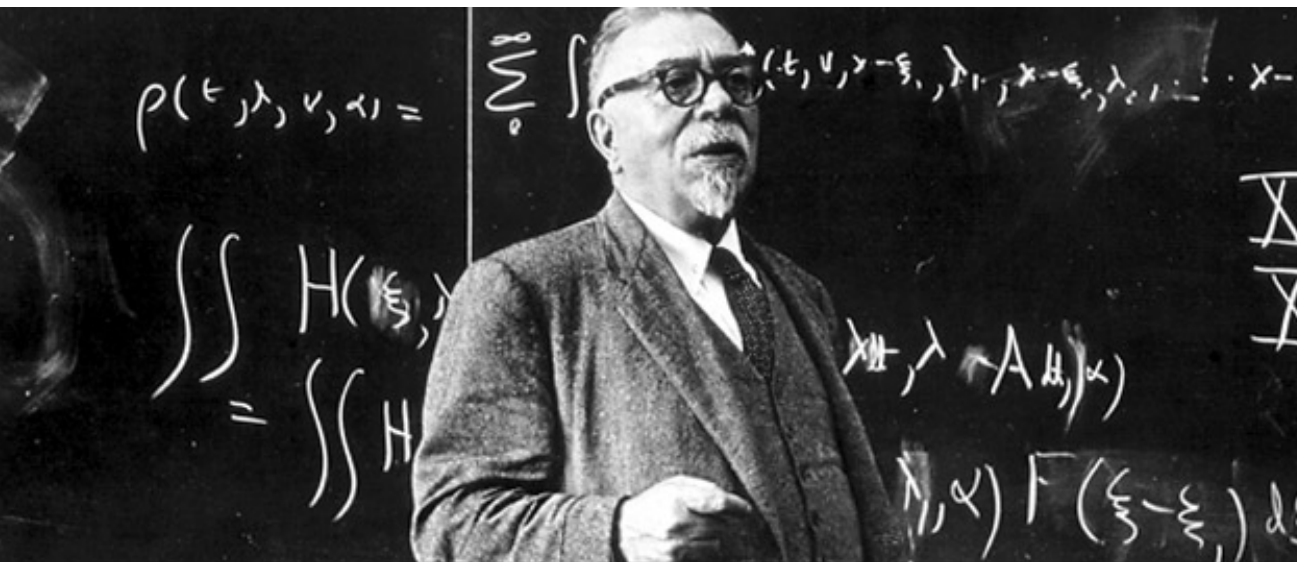
INVESTICE DO ROZVOJE VZDĚLÁVÁNÍ



information x entropy

information = nature of life

information society – natural presence of basic values – equality, solidarity, freedom, fairness, ...



Information law – doing good to information society?

copyrights, data protection, patents, privacy, ...



Yet lawyers rarely test their power, or the power they promote, against this simple pragmatic question: “Will it do good?” When challenged about the expanding reach of the law, the lawyer answers, “Why not?”

We should ask, “Why?” Show me why your regulation of culture is needed. Show me how it does good. And until you can show me both, keep your lawyers away.



Grey Literature at Czech National Technical Library

Copyrights – restrictive, property law

Data protection – too broad, too formalist

General – diverse laws, diverse practices (even within Europe),
strict liability, impossibilia in obligationes

Result – complicated contracts, disclaimers, fictive rights
transfers, yet no certainty (legal risks)

Paradox – law acting contrary to infosoc



Copyright laws – not an ancient concept (property)

Teleology – printed publications
motivating publishers



Recently – subject matter no more important, publishers are only
contributing on publication, law does not motivate authors, law
does not promote communication of ideas (information)

Protecting information – impossible, useless, ridiculous

Doing good = protecting profit (ius fruendi)



Information society is afraid of lawyers

Recent initiatives – restrictive (DRM, ACTA)

Recent initiatives – evasive (free/public licensing, evasive tech.)

Recent initiatives – adaptive (2009/2178/INI)

Information society should not become adapted to law
(law would come out of use – desuetudo)

Law should become adapted to information society
(it has to protect the same values, otherwise it is just violence)



Grey literature is an integral part
of the great development of information society

Wherever law obstructs this development, it is not “doing good”

It is our law



... thanks for your attention

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