REPORT FROM A

RUSSIAN COPYRIGHT CONFERENCE

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FROM FEBRUARY 5-9 OF THIS YEAR, I HAD THE PLEASURE AND PRIVILEGE OF REPRESENTING FRANKLIN PIERCE LAW CENTER AT THE INTERNATIONAL COPYRIGHT IN CULTURE MANAGEMENT, PUBLISHING, AND ELECTRONIC EDITIONS CONFERENCE IN ST. PETERSBURG, RUSSIA. The conference, which took place at the Nabokov Museum, was sponsored by the City of St. Petersburg, the Open Society (Soros Foundation), CEC International Partners, the Nabokov Museum, and the Consulate General of the United States.

The program was balanced with Russian and American presenters, including representatives of St. Petersburg State University, Cardozo Law School, the National Gallery of Art (U.S.), the State Hermitage Museum (Russia), Emory University Law School, several Russian law firms and publishing companies, and, of course, FPLC. The audience, which numbered around 100 people each day, was comprised of Russian lawyers, publishers, media company representatives, librarians, students, museum personnel, and others. Each presentation was translated into English or Russian and language differences posed no barrier to spirited exchanges between presenters and audience members. Indeed, the enthusiasm of the Russian attendees was one of the most striking and rewarding aspects of the conference.

The conference itself was part of a larger effort called the Copyright Monitoring Program, which is designed to increase awareness of and respect for copyright protection in Russian society. In addition to the conference, the program has included a survey on copyright practices and attitudes towards copyright protection among Russian publishers and arts organizations. The survey was conducted by Gallup, and I have placed a copy of the survey report on reserve in the library at FPLC. The Copyright Monitoring Program has also produced an informational website (www.copyright-monitoring.ru).

The whole idea of intellectual property protection in Russia seems a bit surreal under current circumstances. The transition from a centralized economy to a market economy has been difficult. People are still getting used to the idea of private ownership of property and intellectual property seems like an abstract concept to many. Political and economic realities, including



a general shortage of money and a relatively impotent legal/judicial system, make the enforcement of intellectual property rights seem like a quaint but remote idea. Yet, there is a recognition, at least among the people involved in the Copyright Monitoring Program, that basic intellectual property protections must exist if Russian copyright industries are to develop and if Russia is to fully participate in the world economy.

The organizers and attendees of the conference obviously wanted to learn about the American perspective on copyright protection, especially in terms of copyright in the digital world. We do have a much longer tradition of intellectual property protection in the U.S. and we are much more wired, Internet-wise, than is Russia. But some of the Russian presenters and audience members expressed concern about a wholesale adoption of the Western copyright model in Russia, feeling that our approach to copyright law places too much control in the hands of the copyright owner. And they believe that copyright policy should not focus merely on cracking down on piracy, but instead must help to encourage legitimate distribution channels as a viable alternative to the black market.

The conference was also very much a learning experience for the American speakers. We heard some excellent presentations on Russian copyright law and the practices of Russian publishers and arts organizations. I also had the opportunity to speak one-on-one with Russian attorneys about the challenges they face in representing their clients in Russian courts and with Russian publishers looking to get involved in foreign rights trading and electronic publishing. In general, I found the people to be warm and fascinating.

Of the six American speakers, five were sponsored by CEC International, a private agency, and I was sponsored by the U.S. Consulate. My State Department hosts arranged for me to give lectures on the days I was not speaking at the conference. On one of those days, we traveled to Novgorod, one of the oldest and most historic Russian cities, where we met with a group of university professors. On the other day away from the conference, I gave a lecture to students, faculty, librarians, and publishers at the National Library in St. Petersburg. This schedule left me with little time for sightseeing, but I thoroughly enjoyed the opportunity to speak with the groups in Novgorod and at the National Library. As is, I was able to squeeze in brief visits to the Russian Museum and the Hermitage, both of which were breathtaking.

St. Petersburg is a beautiful city, even in the winter, and I cannot wait to go back. But as much as I liked the city, what impressed me most during my time there was the character of the people I met. Russia is in terrible shape economically and people are having to make do with very little. St. Petersburg was not dangerous or threatening, despite reports I'd read beforehand of rampant crime. But this is nonetheless a very difficult time in Russia and many of its institutions are still trying to make the transition from the Soviet control model. Yet, the people I met were incredibly positive and eager to push ahead. Theirs is a very literate, very well-educated culture. And, as one American who has lived in Russia off and on over the past two decades noted over dinner one evening, the Russian people have persevered through much worse than the current situation.

This was a wonderful experience for me and I look forward to maintaining the friendships made during a cold week in February.



View of St. Petersburg