und Informationswesen, Ausbildung von Bibliothekaren, Geschichte des Bibliothekswesens in Russland sowie das Bibliothekswesen anderer Länder. Sukiasjan publizierte ca. 500 wissenschaftliche und praktisch-methodische Arbeiten.

Seinen Kontakt zur Ausbildung bibliothekarischer Fachkräfte hat Sukiasjan nie verloren. So unterrichtet er seit über 30 Jahren in den Hochschulkursen für Bibliothekare, die von der Russischen Staatsbibliothek veranstaltet werden. Zudem ist er seit 1998 Professor am Lehrstuhl für Bibliothekswissenschaft und Informatik der »Akademie für Fortbildung der auf dem Gebiet der Kunst, Kultur und des Tourismus tätigen Personen«. In dieser Funktion hält er auch Fachvorlesungen in mehreren Regionen der Russischen Föderation.

Nicht zuletzt soll die Tätigkeit von Sukiasjan in russischen und vor allem internationalen Fachgremien gewürdigt werden. Sukiasjan war Beiratsmitglied des Moskauer und des Russischen Bibliotheksverbandes. Er gehörte zu den Organisatoren und war Mitglied des Ständigen Komitees der Sektion Classification and Indexing in der IFLA. Seit 1989 ist er Mitglied des wissenschaftlichen Beirates der International Society of Knowledge Organization (ISKO), und er ist der Vorsitzende der Russischen Sektion der ISKO. Sukiasjan gehört dem Redaktionskollegium der Zeitschrift International Classification (seit 1993 Knowledge Organization) an. Auf Internationalen Konferenzen der ISKO, so in Darmstadt, Kopenhagen und Washington, hielt er Vorträge und baute zahlreiche internationale fachliche Kontakte auf. Vorlesungsreihen zu Klassifikationssystemen fanden in Bulgarien, den USA, Nicaragua statt.

Ėduard Rubenovič Sukiasjan ist ein freundlicher, für Fragen immer aufgeschlossener, sachkundiger und hilfsbereiter Kollege. Seine Weltoffenheit brachte ihm die Freundschaft und die Zusammenarbeit mit zahlreichen Fachleuten.

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Interview

Interview: Lawrence Lessig

Foto privat

Lawrence Lessig

Mr. Lessig, you have won fame as an opponent of traditional copyright law advocating a »Free Culture« – as the title of one of your books suggests. As an American law professor currently teaching in Stanford, you are now in Berlin. Apart from the opportunity to do research – what made you come to Germany this spring?
Apart from a generous fellowship there are personal reasons as my wife is German and we intend to raise our son bilingually. We want him to be in touch with German culture as often as possible. I have been here before in 1999–2000 as a fellow of the Wissenschaftskolleg.

What are the projects you are working on this time at the American Academy in Berlin?
One book concerns the interpretation of the constitution according to translation theory, a topic I have dealt with since the beginnings of my teaching law, after I had been working for the federal judges Richard Posner and Antonin Scalia.

The other book deals with responsibility – basically, who we hold responsible for what. The setting of the book is a school; the subject is sexual abuse; the puzzle is that we work so hard to forgive those in institutions who do so little to stop the harm of others.

These two projects I originally came here to write grew into a third one on how culture is influenced by the internet – but this time in a sense beyond the legal aspects I studied before.

What are the main points you make in this new study?
I'm looking at new ways in which people interact in this context. An emerging style of business – what I call a hybrid – that tries to leverage value out of the sharing, or volunteering, of online users, as well as the increasing style of remix.

As an expert on American copyright who was involved in litigation against Microsoft and who fought a famous case affecting the Disney Corporation – how do you compare it to German copyright?
Actually, to me there are fewer differences than similarities. In some aspects, US copyright is more severe than not just German, but European copyright, but in other aspects, European law is more extreme. One big problem is that copyright law focuses upon »reproductions« at its core. That makes little sense in the age of digital technologies. At least the rhetoric of the American legal system emphasizes the social benefits of copyright and thus has a utilitarian dimension I emphasized in the case against the Disney Cor-

poration; whereas European law is rather concerned with rights as sacred. This is odd, since European law is very mature in recognizing the need to balance ordinary property rights against the needs of society. But less so here.

What are your main objections against contemporary copyright law in both systems?
Modern copyright in my opinion is no longer adequate in that every making of a copy, beginning with a xerox in a library, triggers copyright. Originally, copyright came in only when a book was published or a play put on stage, when actual cases of plagiarism or piracy occurred. I am of course not an advocate of either. But I want to emphasize that copyright in the past used to regulate much fewer cultural activities than it interferes with today.

Nowadays, the internet complicates matters since every download or almost every click on a website produces a copy so that copyright sets in on a much larger scale, criminalizing those who use the internet creatively, quoting and remixing the materials it offers. What I am concerned with is that such conduct under contemporary copyright law becomes illegal and that important institutions will abstain from participating in the education of the next generation because of this stigmatization.

If the sampling of music is forbidden or the remixing of texts on the internet or the making of a documentary film showing television spots in the background or other copyrighted material, then there is the danger of speech regulation as well. My point in »Free Culture« (2004) as in »Code and Other Laws of Cyberspace« (2000) is also that the regulation of free speech always has to be justified, especially on the internet where even liberals are inclined to make an exception.

What is your opinion on the current German constitutional issue of a so-called second set [zweiter Korb] of rules raising the limits of copyright?
Actually, I am not informed about this debate, but if there is an attempt at limiting copyright in favor of open access to knowledge, I of course agree with it. Most published works have several lives: In the beginning, for about one year, their life is commercial, until they go out of print. Then they enter another phase, the afterlife in the libraries keeping them accessible. In the United States, authors do not receive any revenue from this second life of their works. There are distinctly two markets, and copyright jurisdiction is explicitly directed only toward the first, commercial one. If the German jurisdiction keeps this in mind, I could only give it support.

In your opinion, what is the role of libraries in a »free culture«?
With regard to what I just said, I think we would all agree that no Barnes & Noble or other book chain store would ever substitute for or make a good library with its representative, unbiased and all-encompassing collection of texts. Thus, we could also agree that the commercial sphere should not influence everything. Yet libraries as archives face the problem that they want to make copies in order to facilitate open access – and here again, this triggers copyright.

What should libraries do about this?
In general, I think that there are certain ethical standards libraries have matured to, and these include free

Zur Person

Lawrence Lessig is a Professor of Law at **Stanford Law School** and founder of the school's Center for Internet and Society. Prior to joining the Stanford faculty, he was the Berkman Professor of Law at **Harvard Law School**, and a Professor at the **University of Chicago**. He clerked for Judge Richard Posner on the **7th Circuit Court of Appeals** and Justice Antonin Scalia on the **United States Supreme Court**.

Professor Lessig represented web site operator Eric Eldred in the groundbreaking case Eldred v. Ashcroft, a challenge to the 1998 Sonny Bono Copyright Term Extension Act. He has won numerous awards, including the **Free Software Foundation's Freedom Award**, and was named one of **Scientific American's Top 50 Visionaries**, for arguing »against interpretations of copyright that could stifle innovation and discourse online.«

Professor Lessig is the author of Free Culture (2004), The Future of Ideas (2001), Code and Other Laws of Cyberspace (1999) and Code 2.0 (2006). He chairs the **Creative Commons project**, and serves on the board of the **Free Software Foundation**, the **Electronic Frontier Foundation**, the **Public Library of Science**, and **Public Knowledge**. He is also a columnist for **Wired**.

Professor Lessig earned a BA in economics and a BS in management from the University of Pennsylvania, an MA in philosophy from Cambridge, and a JD from Yale.

Professor Lessig teaches and writes in the areas of constitutional law, contracts, and the law of cyberspace.

For more information, please see Steven Levy's profile of Professor Lessig in the October 2002 issue of Wired: Lawrence Lessig's Supreme Showdown.

access to knowledge and a wide range of culture for everybody. This has become quite difficult as the example of United States law libraries shows. Online research is a lucrative business in this field. Lexus and other providers of databases however are so powerful and have used the present copyright jurisdiction in their favor by closing access to their files after a while, thus putting the libraries in an impossible situation.

Nevertheless, libraries should not take on the tasks of publishers themselves since this would make them competitors of commercial enterprises. And, as one could see in the case of the BBC or other public broadcasters, this proved to be disastrous for the quality of their programs. Libraries should simply provide a neutral ground allowing for publishing and remixing by everybody.

Given Open Access on a broad scale, how do you envision the publishing of texts in the future?
The role of publishers is going to remain important for our culture, but scientific publishing is definitely going to change. The present models used to control copies, e.g. by means of subscriptions, have lead to unequal access to knowledge. Open Access models, on the other hand, have shown that there is another, more just way of distributing knowledge.

Does the Public Library of Science on whose board you serve provide new approaches to publishing? How is it funded?
Yes indeed, we have managed to publish quality papers in many fields including biology, undergoing peer review from leading scientists across the world. We shift the cost of publication largely to authors, which they cover through grants tied to research proposals. The Public Library of Science also promises never to refuse a publication because of money. This assures wide access to the work, while supporting the high costs of publication.

Why do you consider such alternative models to scientific publishing important?
Especially in the case of new medication where patent law poses the same restrictions as copyright law does in the cultural realm there should be a research compensation from the state for free access. The companies or institutions involved in such research could pay into a fund so that there would be an incentive to develop lifesaving drugs rather than invest in cosmetical drugs as American companies preferably do today, since it is commercially more attractive.

Such alternative models have existed before patent law won the day in the 18th century: Prizes where offered as an incentive for innovation by the British Society for Innovation against the promise not to patent an invention or new method. I think it would be good to revive such ideas.

You have founded another alternative model yourself, the Creative Commons society. What is it about?
This is an initiative of authors and artists who want to keep only »some rights reserved«. Their works are watermarked as such so that, in the first place, the holders of copyright are identifiable – whereas contemporary copyright often faces the problem of non-identifiable authors restricting use of these works. For example, this was the problem in a case where I defended an independent society aiming at the preservation of old movies whose authors could no longer be found. Secondly, within Creative Commons the publication as such is not concerned with the taking of rights by the public. The authors and artists united in this common purpose rather believe that a wide distribution of their work serves as a stimulus to culture and as an advertisement for themselves.

In general, I think no one should be able to withdraw a published work from the public as seems to be the case in German copyright law. Just imagine what would be the case if Shakespeare's works were still copyrighted, whereas without such a restriction his works are still such an immense stimulus to cultural production. Porgy and Bess, on the other hand, although this too is a stimulating dramatical creation, cannot be re-imagined because of numerous stipulations of the copyright-holders forbidding, for instance, to set it in a non-African American environment.

You have mainly argued against big corporations and global players dominating the cultural sphere by exploiting an overly restrictive copyright jurisdiction and thus stifling the creativity of sampling musicians or denying access to knowledge by Thirdworld audiences. What about small and still independent publishers, especially in the humanities? What about the protection of high-quality contents only relevant for a minority or in very long terms?
There may be effects of Open Access on the existence of some independent bookstores and publishers as well. However, overly romanticizing them is actually due to petty bourgois values. In my opinion, they are less important than the social and educational effects copyright has on the widest range of authors and readers or users.

Mr. Lessig, thank you very much for the interview.
The questions were posed by Sabine Baumann.