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**Creativity, Learning and Access - Archives and Resources
in the Digital Era**

Speech to Digital Culture Presidency Conference

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Good ^{MORNING}~~afternoon~~, it's a genuine pleasure to have been invited to speak to you today.

Many years ago, in fact in the mid-sixties, I was fortunate enough to find myself in Paris having lunch with the late and very great French Fashion Designer, Yves St. Laurent. He was in the middle of one of those bi-annual dramas over whether skirt hems were going up - or was it down - I honestly can't remember, but fifty years on it doesn't much matter!

What I do remember is taking a deep breath and asking M. St. Laurent whether his clothes, when they reached the stores, really would rise (or fall) by as much as his collection indicated.

"Not at all" he said - but he made it clear that unless he was somewhat over dramatic in illustrating what today we'd term 'the direction of travel', then the journalists and those others he relied upon to be his 'messengers', simply wouldn't notice - and there would be no imperative for change!

I never forgot that lesson; and it's certainly informed both the manner and the means by which I'll try to get my principal arguments across today.

If politics has taught me any one thing it's that the stultifying grip of the 'status quo' is driven primarily by fear, and that you have to punch very hard to achieve the type of traction you need to effect real and lasting change.

And that's troubling, because I believe the world is 'shifting on its axis' – and that, because of the impact of digital technologies, this is happening significantly faster than most people seem prepared to acknowledge.

In fact it's my belief that we've reached what I'll call a 'Radio Caroline' moment.

This is in reference to the pirate Radio Station that 'blitzed' the cozy and rather patronising way in which the BBC sought to influence the cultural preferences of early 1960's teenagers.

It's the type of political and societal shift in which 'mainstream' attitudes find themselves having fallen badly behind 'the zeitgeist'.

I'm old enough to have lived through at least two of these quasi 'revolutions'.

The first occurred in the London's advertising world between 1962 and '64.

Believe it or not in early '62 most 'advertising executives' still came to work in pin stripe suits - carrying furred umbrellas that made them look remarkably like stockbrokers of the same era - and their clients liked it that way.

But by the end of 1964, such sartorial splendour would probably have lost them both their clients and their job.

The world had changed, and advertising had changed with it.

Similarly, when I first went to Hollywood in 1969 it was run by half a dozen men, all in their seventies and called Sol, who were married to each other's sister, chewed large cigars and played poker together at the weekend.

By 1972 (just three years later) the 'Easy Riders' had driven the last of the Sol's out of town, and Messrs Scorsese, Coppola and Lucas ruled the roost!

Both those early sixties Ad (or Mad) Men, and their Movie Mogul counterparts had been, in effect, caught ‘asleep at the wheel’!

In many respects life in this country, as in Europe and indeed most other parts of the world, has been quite literally transformed in the past twenty years or so.

Digital technology – mobile telephony and the internet in particular – has fundamentally reshaped the way in which people of every age connect with, make sense of, and engage with society.

As this audience knows far better than most, rightly or wrongly, people expect an entirely new form of relationship with the world around them; one that doesn’t simply rely on accessing information, but on creating new knowledge, new products and even new resources.

The pace, scale and ramifications of this change have been quite remarkable.

And this creates enormous opportunities as well as challenges for we in Europe – most especially in an era in which each Member State needs every scrap of imagination and talent to help solve the massive structural problem of unemployment which, as the figures released a couple of weeks ago remind us, continues to grow.

But we also need to move fast.

Europe is in danger of falling into a trap that the famed scientist and novelist HG Wells once described in the following way:

“In England we have come to rely upon a comfortable time lag of fifty or a hundred years between the perception that something ought to be done, and a serious attempt to do it”.

Simply by taking a look at the broadband speeds available in some of the more affluent areas of Asia such as Singapore or South Korea, you begin to get sense of the direction in which things are heading, and the nature of the opportunity that's beginning to open up.

What's certain is that those countries certainly do!

How about this for an example of 'seriousness of intent'!

About a dozen years ago the South Korean Government, including its educational system, became concerned that, whilst its 'industrial base' was growing well, the 'creativity element', within which so much intellectual property and 'value added' resides, was not developing at anything like the same rate.

They decided to invest around one billion dollars over a number of years in developing and enhancing what was termed their, 'creative capacity'.

The programme has been an unqualified success - to the point at which South Korea is now the 'powerhouse' of the Asian entertainment products industry - everything from music, to movies, interactive games and television soap operas.

And far from becoming complacent, this year their Ministry for Culture, Tourism and Sport has been given a budget of \$3.5 billion US dollars, of which \$295 million is specifically earmarked for the promotion on the international stage of what they call 'Hallyu', or the 'Korean Wave' of entertainment products - almost \$300 million simply ^{DA} it's 'promotion'!

That's a very grown-up and serious competitor for Europe to even think about taking on.

And bear in mind this is happening in a nation with a population just one-tenth the size of the EU - and which, fifty years ago, was one of the poorest on earth!

If we truly are prepared to take on the immense challenges of the 21st century, then I believe we've no choice but to embrace the equally immense power of the most recent digital technologies.

And to do so in a way that makes our present rate of progress look exactly what it is – pretty inadequate.

The immense power of the worldwide web means that a fantastic 'knowledge resource' is always just a click away - in schools, colleges, homes and increasingly, on the move - to the extent that anyone with an internet connection has the power to access this extraordinary 'treasure trove' of knowledge within, literally, seconds.

Any time. Any place.

These digital technologies have allowed us to store, share and search knowledge in ways that our predecessors could barely have dreamed of!

I recently read a superb speech by Tony Ageh, Controller of Archive Development at the BBC, in which he put it this way:

“The transformative powers of digital technologies are opening a whole new world of possibilities for anyone and everyone that works with information, data and what we still call, in a decidedly old-fashioned way, 'archives'.

In a digital world, the potential for institutions and individuals to create, collaborate, and share, information and data of every conceivable kind, ~~and~~ size and shape is almost unlimited.

This is not the world of tomorrow, it's not the coming digital era – these possibilities already exist in the here and now.”

It's probably true to say that we are probably only just beginning to explore what these models might look like – in the public and in the commercial sector.

At the moment some of the most interesting discussions around those new models are being inhibited by the fact that, whilst enormous amounts of energy have and are being expended to protect intellectual rights online, nothing like the same degree of energy and imagination, let alone international co-operation, has gone into discussions around the use of digital technology to enhance access and diversity.

Few industries can be said to enjoy 'change' and as a result an obsessive focus on the threat has continued to blind many to the opportunity.

I'm speaking today as a pretty passionate advocate of access to intellectual property; and of the idea that access to valuable (and I use that word in the non-monetary sense), that access to valuable content is a fundamental tool for the development of new forms of creative expression - and all of the learning that flows from it.

But I also speak as a rights holder – and although I've now retired from active film production, I'm still the beneficiary of revenues from ^{a number} ~~many~~ of the movies I've produced over the years.

Frankly, without them, I could not possibly afford the luxury of working in Government!

What enables those revenues to flow to those who made them is the notion that copyright is respected, and that public policymakers in Europe and around the world find ways to significantly reduce outright theft and online infringement – otherwise, over time, and in a world of high-speed broadband connectivity, revenues will be substantially diminished, leading to an inevitable decline in the appetite for investment in new content.

And that content, for the most part, cannot and should not be simply given away - without any return to its creators.

Yet whilst absolutely understanding the importance of promoting and securing value from copyright, it seems to me that no similar degree of passion has gone into discussions around the use of rights to enhance access and diversity, understanding and learning.

The recorded music world paid a very high price for its early lack of imagination.

What's clearly at stake here in relation to rights is not just 'revenues', but an even greater prize; the whole realm of what I prefer to think of as the 'public interest'; and the chance to radically enhance and enrich the lives of people right across Europe - in fact across the whole of the developed and developing world.

That being the case we simply cannot continue to allow any form of out of date and ill-thought-through protectionist dogma to blind us to the possibilities ~~open to us~~ to literally transform our collective future.

I've long wished to see genuine commitment and imagination go into exploring a generous regime for sharing the treasure trove of knowledge that's created every single day, frequently with the help of public money; or, almost worse, that which is locked up in dusty vaults, in archives throughout the world.

And we need to explore these possibilities in a way that's about far more than just 'permitting' various forms of passive consumption, but rather by seeing it as a massive catalyst for the encouragement of a whole new world of creative collaboration and learning.

And this isn't solely an argument about traditional 'content' – it's also about 'data' or ^{if you prefer} the 'power of information'.

Once we've paid for it, we should be able to access it – unless there are personal or state security issues at stake.

And it definitely shouldn't be harvested without our knowledge by Governments, here in Europe or in the United States!

Imagine a world in which all of us had access to the vast store of data and information held by the European Commission. Data about health, education outcomes, climate change for instance.

This is Big Data on a truly massive scale!

~~We need to explore these possibilities in ways that are about far more than simply 'permitting' various forms of passive consumption; but rather by seeing them as a massive catalyst for the encouragement of a whole new world of creative collaboration, sharing and learning.~~

We need to open up public data at a Member State and European Commission level to the widest possible audience, and make it available for people to analyse, interpret and share – with potentially huge benefits to the public good in terms of understanding how we navigate the very complex problems of the 21st Century.

There's actually a name for it - it's called 'participatory democracy'!

But before we get too carried away with democracy, here's a cautionary story, drawn from the archives of C-Span, the US public service broadcaster:

In 1994, a proposal from Christopher Dodd, formerly the Democratic Senator from Connecticut, who now heads up the U.S. Motion Picture Association, set out a thoroughly imaginative way to use the value of past intellectual property to support contemporary artists and scholars.

The 'Arts Endowing the Arts Act' would have added 20 years to the term of copyright protection, and used a portion of the income from those extra years to underwrite current creative work.

Under the rules then existing, U.S. copyright had protected an individual's work for his or her lifetime, plus 50 years; corporations with works 'made for hire' held rights for 75 years.

Under Chris Dodd's proposal, at the end of each of these terms, the rights to an additional 20 years would have been publicly auctioned, some of the proceeds going to build an endowment dedicated to the arts and humanities.

What's not to like about that?

You may well ask?

Tragically Dodd's proposal failed; and four years later Sonny Bono's proposal for the extension of copyright term by 20 years passed, but with none of the public benefits that Chris Dodd had attached.

This time around all the benefits from the Bono proposal simply accrued to the incumbent corporations and individuals.

You could almost hear Sonny Bono re-writing the lyric of his most famous song as – "I GOT MINE BABE"!

When reflecting on this missed opportunity, I like to ~~remember~~ ^{recall} that memorable moment at Robert Kennedy's funeral, when Teddy Kennedy said this of his brother:
"Some men see things as they are, and ask why.
My brother dreamed of things that never were, and asked - why not."

Similarly today I'm suggesting that you dare to take a fresh look at the possibility of an environment in which 'rights owners', when faced with difficult, sometimes even challenging questions, look at each issue from the perspective of:

Why not?

Rather than -

"I own it, therefore why on earth should I – after all, what's in it for me?"

In reality what I'm suggesting is just a small shift; but it's a tiny shift that could, over time, begin to make an enormous difference.

I'm not so naïve as to believe it will be easy to achieve a defensible, let alone a sustainable balance between rights and access – if for no other reason than the fact that much of the debate has become so fractious and so shrill that it's all but impossible to pursue a balanced and constructive discussion. But when 'public resources' have been used to create that content, then the overwhelming objective should be to maximise the 'public benefit' returned to the people who helped pay for it in the first place.

The crucial issue for all sides is not to get trapped into short-term thinking.

The opportunity here lies in the longer-term; we need to be thinking through the impact digital technology is going to have on models for content creation and delivery 10, 20 - maybe even 50 years from now.

We've got to work on the assumption that all of our existing models, for example in the audio-visual medium, those around rights, windows, revenue splits, all of them are likely to be 'in play' for a very long time.

Predicting the future is always a hazardous business, but we owe it to ourselves to at least plan for change.

That means planning by being prepared to interrogate many of our most cherished assumptions about how content is made, and how it finds its way to its audience.

With that in mind we need to come up with solutions which are genuinely 'fit for purpose' over the longer time-frame, not just a series of 'quick-fixes' which will inevitably amount to little more than another set of messy compromises.

For those of us who work primarily in the public sector, that also means thinking hard about the social objectives we want to achieve through the proper exercise of public policy.

'Public benefit above private gain' must be the guiding principle that informs the use of content that is financed in whole or in part by the public purse.

I find it somewhat ironic that in the United States, the Founding Fathers understood this broad concept of copyright and patents principally serving the 'public good', as a fundamental aspect of 'freedom'.

Read, I beg you, Thomas Jefferson, John Adams or James Madison, let alone Benjamin Franklin on this subject, and you are left in no doubt as to the generous interpretation they placed on these issues.

They understood that opening access to intellectual property offers the opportunity to create new communities of individuals, united by their interests - rather than simply by their geography.

Communities engaged with a huge variety of inspiring and engaging content.

They saw it as nothing less than a vital aspect of "nation building"!

And if it were true for them, why should it be any less true for us, today?

In every sense the world's 'digital library is always open' -

I heard Noam Chomsky in London a couple of months ago refer to today's 'digital library' as the greatest assemblage of knowledge in human history - although in other respects he remains something of a 'digital sceptic'!

In one sense he's probably right to remain a little sceptical, in that the existence of this extraordinary cornucopia of knowledge only makes the need for teachers and curators of information - in essence, 'trusted learning guides' – more crucial than ever.

Young people in particular may be very smart about using the technology – a good deal smarter than many of us I suspect.

But in today's society, access to communication is no longer confined, as it was in the past, to a single small elite.

Today anyone can join a social network or set up a blog and, potentially, reach out to other interested souls – distance no longer being any kind of an obstacle.

Our need is to create learning environments in which informed responses to the immense challenges of the 21st century are actively encouraged and nurtured.

Which sharpens the case for Chomsky's other downside; because all too often on the 'net' it feels as though the very loudest voices succeed in drowning out the most reasonable, the most thoughtful, the most moderate – sometimes even to a point at which it makes you want to scream with frustration. Today's 'cyber bullies' have little to learn from their most rancorous and destructive fellow practitioners in the tabloid press.

A 'digital society' is, or should be just that – a society – a society in which we thoughtfully balance our rights, with our responsibility to respect and, most importantly, to learn from others.

Our need is to create learning environments in which informed responses to the ~~immense~~ challenges of the 21st century are encouraged and nurtured – this would be a world in which prejudice and ignorance would hopefully become rather better understood for exactly what they are - reactionary and damaging!

~~Young people in particular may be particularly smart about using the technology – a good deal smarter than many of us I suspect.~~

Teachers, as the 'custodians of knowledge', have a crucial part to play in helping steer students toward the type of information that's most likely to help them develop as well-informed citizens, equipped to play the fullest possible role in a 'digital society'.

~~I mentioned earlier,~~ I spent six of the most fulfilling years of my life working among teachers, for the UK's Department of Education.

In that job I became very aware that the advent of high-speed broadband in educational institutions, from primary schools to universities and colleges of further education, opens the door to a faster, richer, more interactive, and more effective educational experience than has ever been possible with what we've rather complacently come to think of as conventional broadband capacities.

The truth is that the streaming of videos, plays, movies and animation, can now be seamlessly incorporated into just about every aspect of day-to-day teaching and learning – including distance learning.

Surely the immediate task is to explore and harness all of these opportunities in addressing the many, many challenges that a society such as ours already faces.

But the opportunities available to teachers as a result of the 'digital world' are also immense.

Increasingly they are sharing their lesson plans not just with colleagues in their own school – as they always have in the 'analogue' era – but with teachers literally all over the world.

Let me offer you an example of what's happening across Europe, most specifically here in Ireland:

[DP to summarise latest TES data]

I'm absolutely persuaded that, in the creative use of digital technologies we have the key to unlocking the future of education.

So let me attempt to draw all these threads together.

Ideas matter, they are what determine the fate of nations as well as the shape of markets.

They are not, and never can be, simply a consequence of *the market-place,*
~~them.~~

Not long after the birth of cinema, Thomas Edison, a man who knew a thing or two about protecting his Intellectual Property rights, predicted that the principal value of the nascent medium would be as an 'educational' tool.

As he then put it:

"It may seem curious, but the money end of the movies never hit me the hardest.

The feature that did appeal to me about the whole thing was the 'educational' possibilities.

I had some glowing dreams about what the camera could be made to do and ought to do in teaching the world things it needed to know - ^{and} teaching it in a more vivid, direct way."

As things turned out, within a decade of its invention, cinema had established itself as, above all, a medium for story-telling - and the development of moving images as an educational tool only really began to take shape with the birth of public service broadcasting.

It is only now, one hundred and thirteen years after its invention, that the moving image is being fully understood as an enormously powerful driver of 'learning'.

The principles upon which we create and enhance access to intellectual property are - certainly in my judgment - fundamental to all of our futures.

Those same principles are also intimately connected to the vital role that ideas, creativity and learning will play in the development of a genuinely sustainable global 'Knowledge Economy'.

The opportunity for the whole of Europe is clearly enormous.

But it is going to require energy, vision and imagination to seize it.

We're going to need more ideas like that of Senator Dodd, which look beyond constricted short-term self-interest.

It will also need a generosity of vision sufficient to see off future 'Sonny Bono's'!

But if we can get this right, then the future is surely there for the taking – for we in Europe, every bit as much as for the rest of the world.

Thank you very much for listening to me.

(3890 words - about 25 minutes)