



# **(RE) PENSER LA PROPRIÉTÉ INTELLECTUELLE**

QUESTIONS FONDAMENTALES ET NOUVEAUX ÉCLAIRAGES

## **Le domaine public : déchet ou trésor du droit d’auteur ?**

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### Résumé :

*The public domain is one popular topic for research in copyright today. Mostly considered as the counterpart of a copyright protection that is increasingly seen as excessive, the public domain is at the centre of a protectionist movement that denounces the risks of often the subject of commodification and enclosure that threaten its availability and preservation. The public domain is also a repository of valuable material that nourishes both commercial and public initiatives making available cultural heritage (e.g. Google Books or Europeana digital Library).*

*Despite its value, the public domain does not benefit from any particular regime in copyright laws and is only defined by the negative, as what is not, or not anymore, protected. This lack of a particular regime, associated with the difficult application of the legal rules that contribute to its contours, further its increasing commodification and jeopardizes projects attempting to extract value from public domain resources.*

*Preserving the public domain and enhancing its availability hence requires simplifying its identification, limiting the influence of legal provisions, both in copyright and outside, that might prevent its free use or enable some new exclusivity in its content. Then, a positive regime for the public domain should be built in copyright law to guarantee that the public domain material will be protected by two key principles: the non-exclusivity (ensuring its free use) and the non-rivalry (ensuring an effective collective use and access).*

### Biographie :

Séverine Dusollier is a Professor of Law at the University of Namur (Belgium) where she namely teaches intellectual property, IT law and competition law. She is the Head of the CRID (Research Centre for IT Law) whose 35 researchers engage with a wide spectrum of information society related legal issues. Séverine Dusollier's current research focuses on copyright in the information society, public domain and the intellectual commons, copyright and authorship in art, digital rights management, software patents, IP and competition law. She carried out research in several European and national projects and has provided studies to WIPO, the Council of Europe, UNESCO and the European Commission. She was a research associate at the University of California, Berkeley in 2001 and a Jean Monet Fellow at the European University Institute in Florence in 2005-2006.

Her publications can be found at

[http://www.fundp.ac.be/universite/personnes/page\\_view/01003580/publications.html](http://www.fundp.ac.be/universite/personnes/page_view/01003580/publications.html)