

# GET THE BALANCE RIGHT!

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## KNOWLEDGE

*Scientia potentia est* -  
Knowledge itself is power.

Sir Bacon and Thomas Hobbes said it centuries ago and still nowadays information and knowledge represent the main factors in human development.

- Knowledge is the most powerful value and tool we have at our disposal to be able to look at the challenges of the future with confidence and awareness.

- Knowledge is equality, it is opportunity, it is freedom, it is citizenship, it is sharing, it is rights and democracy, it is the future. There is nothing quite as powerful and priority.

## ACCESS TO KNOWLEDGE

Access to knowledge and the right to information have their origins in ancient idea, but despite a rich history and wide intellectual acceptance, the right to know is not universally granted, and the right to knowledge is a particularly bitter struggle in many parts of the world.

Access to knowledge is:

- a BASIC human right, recognized as a fundamental right by leading human rights bodies and courts;
- a CRUCIAL component of the Right to education (Articles 26 and 27 of the Universal Declaration of Human Rights);
- an ESSENTIAL element of a democratic society.

## ACCESS TO JUSTICE

Equal access to justice as well as access to legal information that is easily understandable are two key dimensions to assessing the degree of accessibility of judicial systems across countries. Ensuring access for layman citizens to legal information and procedures is crucial to empower them in exercising their legal rights.

The knowledge of rights, responsibilities and policies allows people and institutions to know what is expected of them and which protections they enjoy.

Access to justice enables individuals to protect themselves against infringements of their rights, to remedy civil wrongs, to hold executive power accountable and to defend themselves in criminal proceedings. It is an important element of the rule of law and cuts across civil, criminal and administrative law.

Access to justice is both a process and a goal, and is crucial for individuals seeking to benefit from other procedural and substantive rights.

According to international and European human rights law, the notion of access to justice obliges States to guarantee each individual's right to go to court – or, in some circumstances, an alternative dispute resolution body – to obtain a remedy if it is found that the individual's rights have been violated. It is thus also an enabling right that helps individuals enforce other rights.

## ONLINE ACCESS TO LEGAL KNOWLEDGE

Challenging today online access to legal information implies facing various issues: semantic management of data, knowledge representation and modelling, standardisation, web functionalities and interfaces, multilingualism, openness and quality of data. Obviously, it is also to bear in mind that the management of data by ICTS also implies relevant legal issue such as copyright on data and metadata.

A **balance** of interests between users and creators of protected works is needed

BUT  
limitations and exceptions  
are not the solution

Incentive to the creative effort of the authors

Free circulation of knowledge

Ideas for the benefit of the community

Protection of intellectual property

Libraries, archives and other communities involved in providing public Information & Knowledge and Data Management services need to have clear flexible norms (open norms) to provide access to knowledge and preserve our cultural and scientific heritage



The research in the field of the legal information access is at the core of the research activities and of services implementation of the Institute of Legal Informatics and Judicial Systems (IGSG-CNR).  
IGSG focuses on the intersection of law and technology with an eye on access rights policies and the so-called digital rights. [<http://www.igsg.cnr.it>]

participates in



## Free Access to Law Movement (FALM)

FALM is the international movement and organization devoted to providing free online access to legal information such as case law, legislation, treaties, law reform proposals and legal scholarship.

The movement began in 1992 with the creation of the Legal Information Institute (LII) at Cornell Law School. Some later FALM projects incorporate Legal Information Institute or LII in their names, usually prefixed by a national or regional identifier. Today there are more than 70 LIIs across the globe.

The LIIs has signed the Montreal Declaration on Public Access to Law (2002, 2016). The joint statement of their philosophy of access to law outlines important goals in the open access movement to maximize access to information, to promote justice and the rule of law. It declares that public legal information is common digital property and should be accessible by all free of charge, and nonprofit groups have a right to freely publish legal information to create access even if the government controls the information. [<http://www.fatlm.org>]

is the founder of



## Copyright Law and Access to Knowledge Policies Group (CLAKP)

CLAKP is a national research group, created within IGSG, aimed at strengthening everyone's right to knowledge as an essential common for education, innovation and cultural participation. This is also implemented through the support for a regulatory reform of copyright for the benefit of library, users and researchers.

The IGSG Research Group works within the Knowledge Rights 21 Program (KR21) initiative, supporting the national coordinator for Italy, in collaboration with Creative Commons Italian Chapter.

CLAKP is made up of experts on copyright and legal issues affecting the digital environment. It started its work within the Conference "Research, education and access to cultural heritage. A comparison between fundamental rights and exceptions to copyright" held in Rome on 6 May 2022.

In particular, the Group is responsible for investigating the aspects relating to the retention of rights by authors of scientific content, open norms, secondary publishing right and e-books and controlled digital lending. Furthermore, the issues relating to the safeguarding of the scope of application of the exceptions and limitations to copyright with respect to the provision of technological protection measures are areas of interest for CLAKP. [<https://www.igsg.cnr.it/progetti-2/clakp>]

is institutional member of



CC is an international nonprofit organization that empowers people to grow and sustain the thriving commons of shared knowledge and culture. A sharing that is contextual, inclusive, just, equitable, reciprocal, and sustainable. Contributing to resource sharing is the core activity of CC, providing copyright licenses and public domain tools that give every person and organization in the world a free, simple, and standardized way to grant copyright permissions for creative and academic works; ensure proper attribution; and allow others to copy, distribute, and make use of those works. Working closely with major institutions and governments, CC aims to create, adopt and implement open licensing and ensure the correct use of CC licenses and tools. In particular, the CC Italian Chapter is working in many fields of the Open movement: Open GLAM, Open Science, and Open Education. It is involved in advocating for CC licenses and in the process of a correct implementation of the CDSM Directive. The Italian Chapter cooperates with other CC Chapters, cultural institutions, entities, and associations that advocate for Open Access policies. [<https://creativecommons.it/chapterIT>]