

The CAMBODIA DAILY

THE CAMBODIA DAILY, THE FIRST AND ONLY INDEPENDENT DAILY PRINTED IN CAMBODIA, IS DEDICATED TO ESTABLISHING A FOUNDATION FOR A FREE PRESS, CREATING A MODEL FOR A PROFESSIONAL INTERNATIONALLY-ORIENTED NEWSPAPER AND TO TRAIN JOURNALISTS.

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BERNARD KRISHER
Chairman and Publisher

May 14, 1995

Dear Delegates,

As the publisher of one of the smallest newspapers in the world, I would like to call to your attention how small media, outside the United States, are defenseless against the growing trend of having their intellectual property pirated without permission and compensation by such powerful organizations as the U. S. government and the major data bases like Nexis, Newsnet and Compuserve.

The U.S. Commerce Department, which is battling other countries for their infringement on U.S. intellectual property, is perhaps the greatest violator of the copyright of foreign newspapers and magazines. It publishes six daily compendiums of hundreds of the best articles culled fulltext from foreign publications and sells this to the public without the authorization from the rightful owners nor does it pay any compensation. Small newspapers like mine have no mean to defend themselves against such rape of their material.

For years Nexis, Newsnet and Compuserve also picked up this material and gained millions of dollars in revenue yet refuse to pay any compensation to the reporters, writers, editors and the media which produced and own this material.

Most of the newspapers represented at this convention are victim to such piracy.

I attach an Op-ed piece I recently contributed to the Washington Post, which describes this dreadful situation, as well as a commentary based on my article from National Public Radio.

If you would like to join me in putting a halt to this immoral activity and seek compensation for the unauthorized use and profit of our material, I would be glad to hear from you. The first step should be a concerted move to halt the

publication of the FBIS reports issued by the U.S. government which draw exclusively from our newspapers and reduce the opportunity of such material to be sold directly to potential readers. The second step is to study what legal means might be taken for a joint class action suit against the Commerce Department and the other U.S. agencies involved, as well as the data bases which picked up this material and sold it as though it were their own.

If you would like to obtain further information and documentation and join me in a claim against such piracy--forcing these powerful violators of copyright and thieves of intellectual property to compensate for our material they have used and sold, please contact me by fax in Tokyo at +81-3-3486-6789 or via the Internet at: bernie@media.mit.edu

Sincerely,

Bernard Krisher
Publisher
The Cambodia Daily

Bernard Krisher

Uncle Sam's Print Shop

TOKYO—I am sympathetic with the U.S. effort to force China to recognize U.S. intellectual property, but I wonder if the Commerce Department, which is itself a significant violator of intellectual property, is the most effective cop on this beat. And I wonder whether the United States is justified in imposing sanctions on China for this infringement until it gets its own house in order.

The National Technical and Information Service (NTIS), a division of the Commerce Department, markets and profits from the sale of a thick daily bulletin in six editions (each costing \$600 a year), which contains the full text of pirated articles from the world's leading newspapers, magazines, radio and TV stations. None of these publications has been asked for its permission, and none has received a nickel of royalties. Until recently (when I blew the whistle), these pirated articles were also disseminated electronically through Nexis, Newsnet, CompuServe and other data bases. Users were charged about \$5 a minute for access, and none of the royalties went to the originators of the material. Claims for royalties have been ignored.

These bulletins, issued by the Foreign Broadcast Information Service (FBIS) and sold to the public by the Commerce Department, provide such an abundance of material that it is hardly necessary to subscribe to any of the original publications, which include *Le Monde*, the *Times of London*, *Frankfurter Allgemeine*, *Paris Match*, the *Jerusalem Post* and the *Asahi Shimbun*. There are several hundred other sources, among them *Dong-A Ilbo*, the *Xinhua News Agency*, the *People's Daily* and my own small paper, the *Cambodia Daily*.

I discovered the situation while doing a search on Nexis and finding the full text of articles from the *Cambodia Daily* in that data base. I had never given permission to anyone to reprint our material. I contacted Comtex (in Alexandria, Va.), the firm that reused the FBIS material and sold it to the data bases, and it finally agreed to stop

using the *Cambodia Daily* material. Comtex claimed it didn't violate anyone's copyright, placing any responsibility on FBIS for not warning that the material might be copyrighted. Comtex's lawyer sent me a threatening letter stating it would sue me and my foundation (American Assistance for Cambodia) if I continued contacting other media or the data bases and caused Comtex financial damage.

...Our editors, who risked their lives to report some of the stories FBIS and the data bases disseminated without permission and compensation, earn only \$10,000 a year. While their work was available on Nexis, the other data-base users might be charged as much as \$500 an hour to retrieve it.

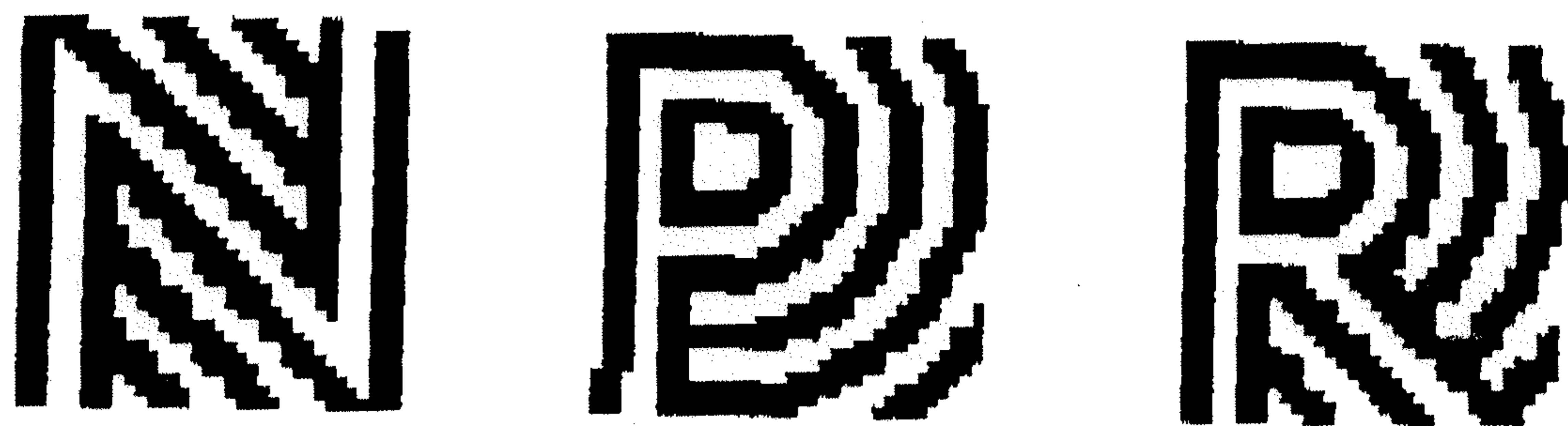
Our newspaper (and the others whose intellectual rights were abused) suffer the same damage that the Commerce Department argues is lost in its squabble with China. Pirated products result in loss of income to their rightful owners. That's what I experienced when a potential subscriber to the *Cambodia Daily* working in Washington responded that his office didn't need to subscribe because he could read all the important articles from my publication and many others in the FBIS reports and through a data base.

Until I blew the whistle and Comtex stopped selling these stories, while Nexis, Newsnet and CompuServe erased all the files overnight (which I have retained on diskettes from my retrievals), they profited enormously. But they remain unresponsive to claims for compensation.

Though I stopped Comtex from continuing its use of intellectual property, the Commerce Department nevertheless continues to market these articles in print without the permission of the rightful owners. It must be confident that the overseas media organizations are not powerful or knowledgeable enough to contest Uncle Sam. After all, this has been going on for nearly two decades.

I wonder if the Commerce Department is ready to defend my claim against itself as readily as it's willing to battle China on the same principle. I wonder if such a sense of fairness exists today in Washington.

The writer is publisher of the Cambodia Daily.



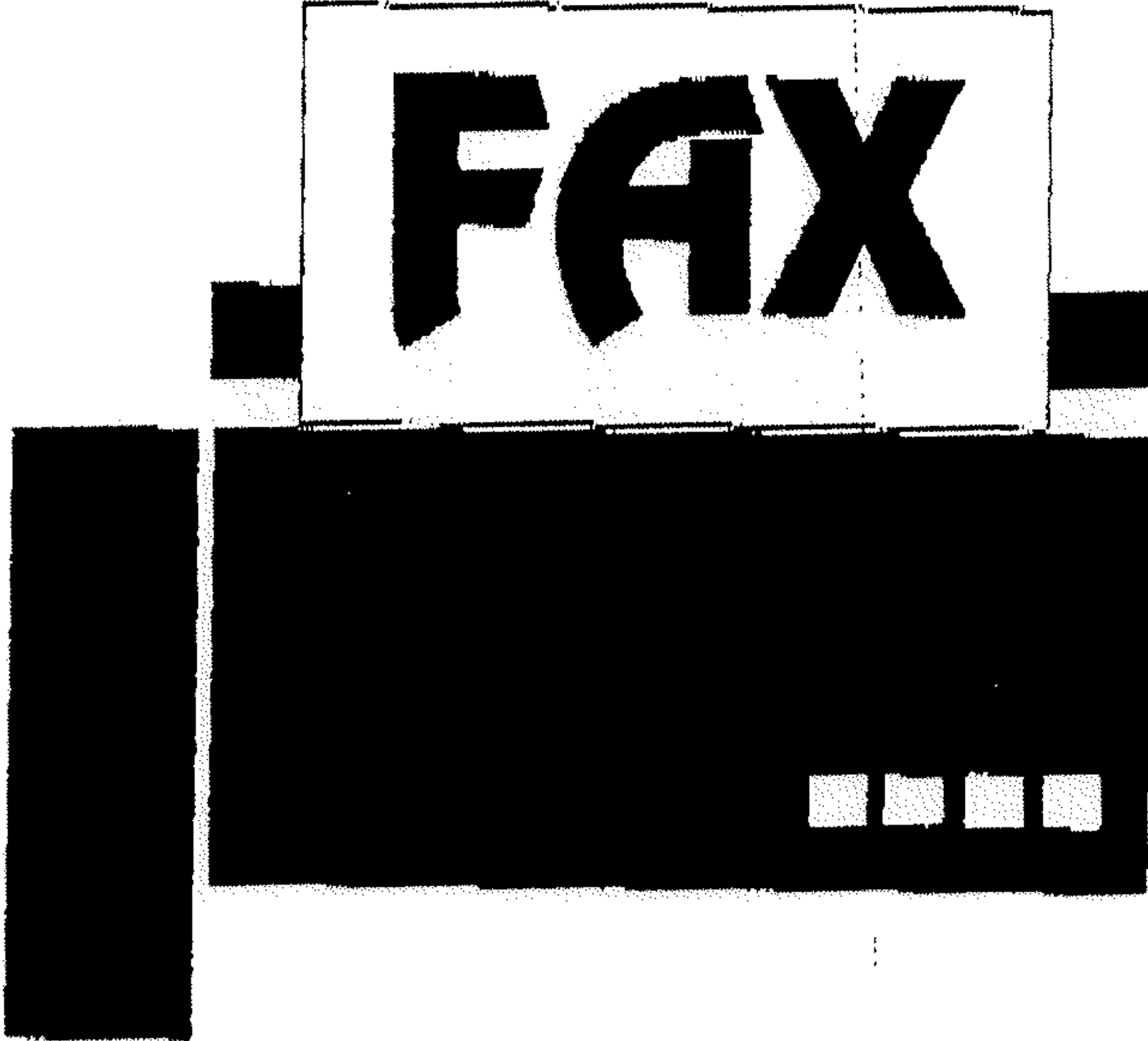
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Segment # 8 : Cyber Pirates Raid the Written Word for Internet

ROBERT SIEGEL, Host: We've been wondering about an increasingly thorny question concerning the things that reach us over the Internet. Who is getting paid for all the re-transmission of stories that were re-transmitted by people who read them on their computers after they were re-transmitted by someone else? In an Op Ed Page piece last month in the Washington Post, the editor of an English language newspaper in Cambodia recounted how the Commerce Department had transcribed some of his paper's stories, which were then picked up by another outfit, which sent them to the Nexis Database, where the editor saw them distributed without his paper's permission.

Larry Magid, our cyber maven, says that's common. It's happened to him.

LARRY MAGID, Cyberwriter: I write a syndicated newspaper column which is generated by the Los Angeles Times and distributed by the Los Angeles Times Syndicate to newspapers around the country and abroad. And, some of those newspapers also have arrangements with on-line services. So, for example, the Washington Post, which runs my column, has a relationship with CompuServe, where the Washington Post goes on-line with CompuServe, which is fine. And on Monday mornings, it's quite common to see my column in their area on CompuServe.

Well, two things are at issue there. One is that as far as I know, the newspaper buys newspaper rights and not on-line rights. Now, I'm not particularly upset about this, because I like being able to read my Washington Post article on CompuServe and it's a way I can actually see how they run it. But what can also happen is other people can go into that same area and easily download the information.

And so, I've seen that same column on Internet news groups, which are basically forums. I've had columns of mine E-Mailed to me as part of a mailing list, where someone will say, 'Here's a neat story about the Internet that we think you ought to look at,' and it turns out it's my story that I wrote, which has a copyright by the Los Angeles Times and it's floating around cyberspace and I've talked to a number of colleagues who've had the same experience.

ROBERT SIEGEL: Because just about anybody who hooks into an on-line service and who then peruses an on-line newspaper is himself or herself a potential distributor of information to other people on the Internet.

LARRY MAGID: That's right. It's like we all have giant copy machines. And unlike a copy machine, there is literally no degradation in quality. So I can make a perfect copy of a digital image or of a, of an article that comes across my screen, and for pennies, send it out to anybody I want to.

ROBERT SIEGEL: Now, as you say, you don't mind this. But then, you actually have a job.

LARRY MAGID: When I say I don't mind it, what I really mean is, I'm not authorizing people to randomly distribute my material. All I'm saying is that at the moment, there's so little money in the pot, when it comes to the actual on-line rights to material, that I'm not sure I'm being deprived of anything that's terribly important. But long term, it is an issue.

It's an issue both from the standpoint of the pirates who go in there and take your material and pass it around cyberspace. And it's an issue when it comes to the newspapers or others who buy your material legitimately and then distribute it in ways that they may not have contracted for. And that's a big issue

right now in the syndication business and the wire service businesses. All these syndicates and wire services are scrambling to find ways to get on-line distribution of their material, but in ways that they get compensated for.

So, it's not that I don't mind, it's just that right now, it's not a big issue. But I have a feeling it's going to be in the near term future.

ROBERT SIEGEL: You mentioned wire services. We've noticed just recently that the Associated Press, the biggest American wire service, now on every item it seems, that comes over the wires and is then displayed on our computer terminals here, has an explicit statement of what was always implicit. Copyright, Associated Press 1995, all rights reserved.

LARRY MAGID: And I think the reason is because there's such a wide dissemination. I mean, up until a few years ago, the only people who would have received those feeds would have been professional journalists who one presumes, have signed and understand the distribution rights. Now, they're going around into every home and office around the world, or every home and office that has access, and people may not even understand that this is copyrighted material.

ROBERT SIEGEL: Larry, what you say about access to all this information on the Internet is similar to what you said about MCI and appears to be developing as a great truth about the Internet, which is, there really isn't that much money to be made on it right now. But everyone is quite concerned about how much money will be made on it in the future.

LARRY MAGID: That's right. Now, the commercial on-line services like CompuServe, Prodigy and America Online, do actually pay for material. And there's some money that's being made. But in terms of the Internet, I don't know anybody who's making a serious amount of money by selling information on the Internet. And even on the commercial on-line services, when you compare them to the other means of distribution, like radio and television and newspapers and magazines, it's still a very small amount of money now. But everybody believes, everybody you talk to in the on-line world, in the newspaper world, even in the broadcast industry, acknowledges that there's this great gold rush. We're just not sure when the price of gold is going to be worth mining. But we all know that it's out there and we should be rushing to be the first to stake our claims.

ROBERT SIEGEL: Larry Magid prospects in cyberspace in his column for the Los Angeles Times.

[The preceding text has been professionally transcribed. However, in order to meet rigid distribution and transmission deadlines, it has not been proofread against audiotape and cannot, for that reason, be guaranteed as to the accuracy of speakers' words or spelling.]