the other side of ip: informational commons

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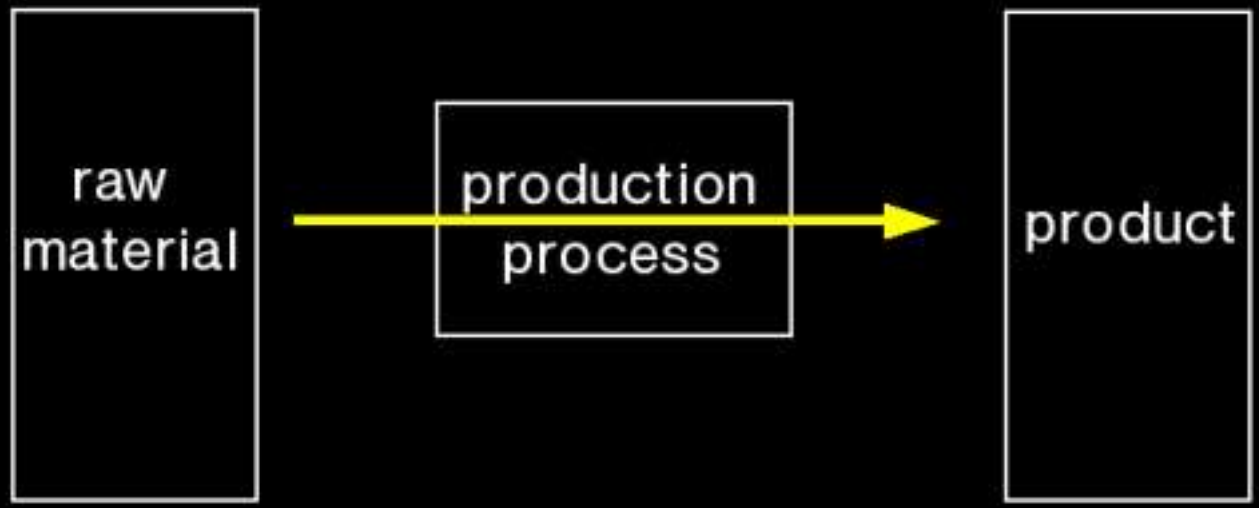
distributors vs. creators

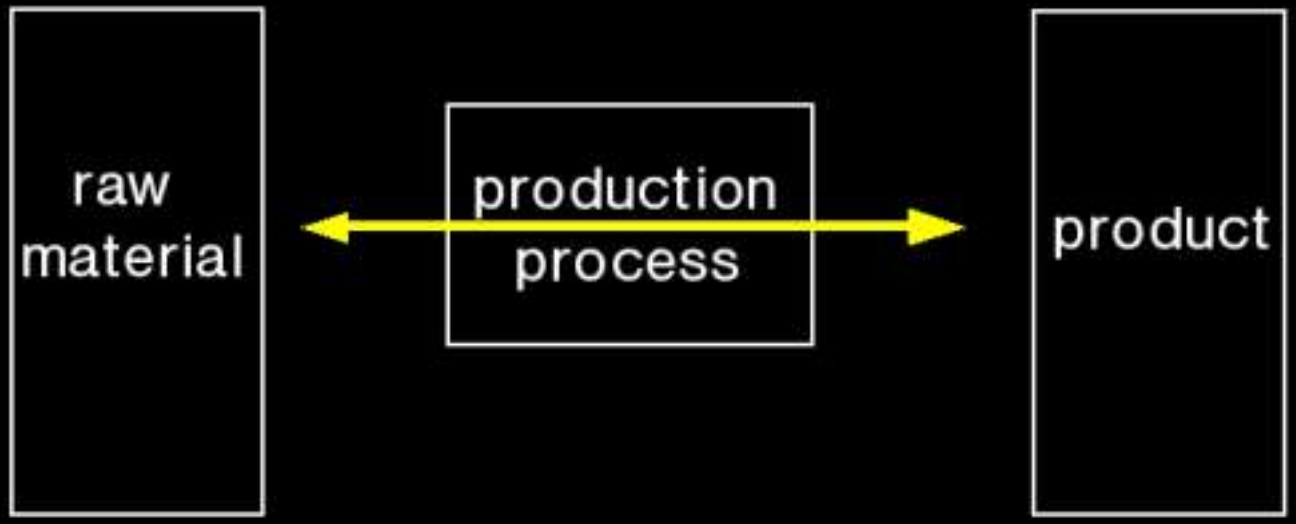
- ipr discussion dominated by distributors
  - record labels, publishing houses, movie studies, etc
  - their interest: controlling the product in the market for maximum revenues
  - expansion of ip claims creates many negative side effects, particularly for creators
  - distributors against creators in the informational economy

material production



- characteristics:
  - linear, one way
  - material difference between input and output
  - separation between production and consumption
  - distributors try to apply this model to digital goods

informational production



- characteristics:
  - feed back, two-way
  - contextual difference between input and output
  - production and consumption overlap
  - new model necessary

information management by creators

- creators:
  - interested in being able to create
    - access to the means of creation
    - economic rewards for creation
- means of creation:
  - raw material: other people's works

information management by creators: science

- process organized by scientists, to suit their needs
- goal: progress of the field, innovation
- means: free sharing of products of work within community
  - publication of results and methodology
  - critical examination of innovation
  - learning within community
  - innovative environment, rich with ideas sparking new ideas

information management by creators: science

- long-term process
  - first journal published in 1665
  - tremendous innovation, progress
  - not directly commercial
  - creation of large, secondary markets
    - molecular biology -> bio tech industry

information management by creators: science

- ownership of work plays limited role
  - claim of authorship
  - reputation and indirect rewards
- informational resource managed by scientific community
  - scientists (producers, reviewer, users)
  - administrational infrastructure (environment for producers)

alternative to IP regime: commons

- science is a not a market but a commons
  - commons: "resource used and managed by community rather than by individual owners."
- traditional physical commons:
  - air, oceans: free to use, managed by community
  - common pasture. all members can use it within bounds of community rules
- informational commons
  - community based development and management of information resource

commons on the internet

- software
  - source code: written and read by programmers
  - binary code: read and executed by computers
- proprietary software:
  - only binary code is distributed
  - use but don't understand
- open source software
  - binary and source code are distributed
  - changing and redistribution allowed

open source software

- like science
  - organized by producers
  - focus on progress of the field, innovation
  - peer review to examine new information
  - free access to raw material of production, i.e. other people's work
  - not directly commercial
  - creation of secondary markets (services)

internet as commons

- internet: created by and for programmers
  - created in the early 1970s, commercial since mid 1990s
- ease of sharing information central
- too large a task for anyone to do it alone
- community centered development
- free/inexpensive means of communication makes it easier to share information
- creates new needs to manage information

internet as commons

- many central technologies of the internet are open source software
  - email (sendmail)
  - web servers (apache)
  - web pages ('view source')
  - operating systems (linux)
- internet both enabling condition and effect of open source
  - feedback, two-way production process

informational commons beyond software

- growth of oss serves as an example/inspiration for further social innovation
  - open content
    - free encyclopedia: http://www.wikipedia.org
  - open law
    - free database with legal arguments compiled by faculty and students in the US
  - open science
    - genetic code: published on the internet
    - open access journals

commons

- strength of commons
  - open to talent, low barrier of entry
  - decentralized, sensitive to local needs
    - oss interfaces translated in many languages
  - focus on innovation
    - no "me-too" products
  - free access to products
  - low overhead
    - less need for lawyers
  - creation of secondary markets (Red Hat, IBM)

commons

- weaknesses of commons
  - no primary markets
    - funding?
  - low degree of organization
    - no legal entity
    - no lobbying
    - temporal?
  - relatively unknown concept
    - we don't know what we destroy

policy areas relevant to informational commons, 1/3

- communication
  - means of communication must be uncensored and inexpensive
  - bridging of digital divide
  - free access to internet
  - preservation of communication space for non-commercial use (spectrum).

policy areas relevant to informational commons, 2/3

- content
  - content must be available with as little restrictions as possible
  - limitation of IPR claims (direct conflict with distributors)
  - publication of content under open licenses

policy areas relevant to informational commons, 3/3

- community
  - internet literacy
  - encouragement of local communities, via universities, contracts and other means
  - interconnection of communities

practical steps 1/2

- demand government to seriously consider open source software solutions
  - often cheaper or cost neutral
  - vendor independent: more flexibility
  - better interoperability thanks to open standards
  - support of a local IT industry

practical steps 2/2

- pressure government to publish information under open licenses
  - ensure that access remains open
  - facilitates development of secondary services
  - example: GPS (global positioning system) data is freely available, entire industries develop technology and services based on this data.

central argument

- all creation needs access to raw material, it never happens in thin air
- informational creation: raw material often other people's products
- the flipside of expansion of ip is a reduction in raw material available creators
  - particularly for those outside large corporations
  - excessive ip creates barriers for market entry
  - historically, developing nations always had limited ip protection

central argument

- without a robust informational commons -- which is being destroyed by an excessive ip regime -- our only role in the information society is that of consumers with "choice" but no rights.