

The Ownership of Ideas - Gareth Stack
(1005 Words, excluding title and sources)

The arena's full, the bell's been rung, and the fighters are itching to begin. The most important political battleground of the 21st century has been identified, and the gloves are off. The opponents: In the blue corner, multinational corporate business. In the red, a motley crew of artists, academics, programmers, lawyers and grass roots activists.

What's at stake are competing visions of the future. One which conceives of a world in which every idea, invention and creation is categorised, monetarized and traded as a fully exploited factor of production - each ramification and elaboration leased, taxed and controlled; another which envisions ideas freed by democratizing technology to cross pollinate in an explosion of creativity, potentially as culturally significant as Gutenberg's printing press, or the development of written language itself. What's at stake is the very ownership of ideas.

How we define it, how generally, and for how long ideas may be 'owned' and exploited, has a prescriptive effect on issues as immediate and critical as the death toll from Aids in South Africa; and concepts as nebulous as the right of an artist to create original work from the cultural detritus of his society.

To focus on specifics, patent and copyright are not new. Copyright, the right to the control of the exploitation of a specific work of art, dates back to the British 1710 'Statute of Anne', and as a concept can be traced at least as far as the medieval imprisonment of monks for the illicit duplication of manuscripts. Patent, the ownership and control of an invention (which has come to mean anything from a concrete mechanical part, to the source code of a piece of software), is even older, dating back to the granting of Royal privilege in 15th century Britain.

What makes these issues uniquely polarising today is the incongruence of rapid technological change - enabling the liberal exchange and development of information and ideas - with the predominant economic theory and focus of Western, intellectual 'property' fuelled, service economies. Quick as technology has made possible, universal access to the boundless diasporas of human knowledge and creativity, licencing systems and international agreements have been imposed to restrict such potential freedoms.

International trade agreements like the 1995 TRIPS agreement, and the 1996 WIPO Copyright Treaty, have created the conditions under which ideas may be transmitted and developed in the new digital media. Arguably, the effect of these legal changes has not been to increase innovation and make possible an economically invigorating marketplace of ideas, but by contrast, to cripple creativity, whilst perpetually hobbling the ability of the developing world to catch up to the developed.

Right now gene patents are allowing biotech companies like Monsanto (creator of the infamous herbicide 'Agent Orange') to successfully sue farmers in the US, Canada, India and elsewhere, whose crops have become contaminated through open field growing of patented and licensed GM foods.

Software patent laws established in the US, and recently passed in the European parliament, now allow manufacturers to essentially patent methodologies, a practice which would have prevented the creation of such modern necessities as IBM compatible PC's, Graphical User Interfaces (and hence both Mac OS and Windows), and open source Unix based operating systems like Linux. Open source software, while merely important as a viable alternative to monopoly in Europe and the US, provides a vital computing resource in developing nations like Brazil and China, where government and educators faced with overwhelming social and economic problems cannot justify the cost of commercially licensed software.

In the same vein, solutions to the problem of digital 'piracy' proffered by the established media oligopolists (75% of the global music market is held by the so called 'big four' record labels), have been both reactionary and inadequate; from suing thousands of music fans, including a 12 year old girl from the New York housing projects, to offering 'Digital Rights Management' crippled musical formats, which prevent both established fair use (like backing up your music), and creative reuse, such as the remixing of existing compositions (a practice which spawned the multi billion dollar Hip Hop industry).

Essentially, copyrights and patents, which were originally established to protect and motivate innovation, have begun to be used as weapons in the defense of monopoly. Does a solution exist which can protect the profitability of invention, and the recognition of the creator, whilst freeing the seeds of information to fertilize new syntheses, uses and creations ?

The short answer seems both yes and no. Existing monopolies based around the defense of expensive to develop, cheap to duplicate ideas (such as the pharmacological industry), are fundamentally at odds with the interests of those to whom their goods are of most use (nationalised health services, and the impoverished of the developing world). Similarly, neither musicians (who can receive as little as 7% of the market price of tracks sold, even with online purchases), nor music fans, benefit from current 'legitimate' online content delivery models.

However, alternatives do exist. Patent agreements may face a rough time in the face of increasing cooperation amongst developing nations (as at 2002's Earth Summit, and new cooperative meetings like the World Social forum), and as non governmental fair trade organisations become more active on the world stage.

Arguably the 'open sourcing' of medical research, now being advocated by some US academics, may greatly increase the speed while greatly decreasing the price of pharmacological research. On the copyright / copyleft front, alternatives providing a fairer deal than the corporate 'content creation' industries, are arising in the shape of independent labels and online distributors (such as ind.ie).

The blueprint for a new kind of knowledge sharing is being laid out by organisations like Creative Commons, who create new license's providing artists with greater control over how their work may be used (for example allowing non commercial derivative work). While repositories of copyleft licensed works and information, such as Common Content, and the reader contributed encyclopedia Wikipedia, provide the merest glimpses of what a world of shared information could really achieve.

- Sources -

The cathedral and the bazaar (Eric S. Raymond - Open Source programmer, advocate, and philosopher)
<http://www.catb.org/~esr/writings/cathedral-bazaar/>

The UCLA Online Institute for Cyberspace Law and Policy - The digital millenium copyright act (UCLA Graduate school of Education & information studies)
<http://www.gseis.ucla.edu/iclp/dmca1.htm>

Campaign for Digital rights - European Union copyright directive (Grass roots digital rights campaign)
<http://ukcdr.org/issues/eucd/>

WIPO internet treaties (World Intellectual Property Organization)
www.wipo.org/freepublications/en/ecommerce/450/wipo_pub_1450in.pdf

Save Canadas Internet from WIPO - includes colloquial description of how Takedown operates in US (Boing Boing - Technology Blog)
http://www.boingboing.net/2004/11/06/save_canadas_interne.html

Chilling Effects, EFF site about information removed from net in contravention of the First Amendment to the American constitution
<http://chillingeffects.org/>

How to Censor the Net with a hotmail account (Boing Boing - Technology Blog)
http://www.boingboing.net/2004/10/09/howto_censor_the_net.html

DCMA now a whole lot worse (2600, the hackers quaterly)
<http://www.2600.com/news/view/article/9>

We pledge alligence to the penguin - Report on use of Linux in Brazil (Wired Magazine)
http://www.wired.com/wired/archive/12.11/linux.html?pg=2&topic=linux&topic_set=

The tyranny of the majority - Alexis de Tocqueville - from Democracy in America (University of Virginia, American Studies Dept)
http://xroads.virginia.edu/~HYPER/DETOC/1_ch15.htm

New War on piracy (Boing Boing - Technology Blog)
http://www.boingboing.net/2004/11/01/xeni_on_npr_hollywoo.html

Ashcroft declares "most agressive assult" on piracy in US history (Boing Boing - Technology Blog)
http://www.boingboing.net/2004/10/12/ashcroft_declares_mo.html

About creative commons (Creative Commons)
<http://creativecommons.org/about/history>

History of the GPL - The GNU general public license - very technical (Free Software.org)
http://www.free-soft.org/gpl_history/

Universal access to all human knowledge is possible cory doctorows notes from a lecture by Brewster Kahle -
(Craphound, Website of Author and EFF advocate Cory Doctorow)
<http://craphound.com/kahleweb20.txt>

What is Copyleft ? (Free software foundation)
<http://www.gnu.org/copyleft/copyleft.html>

Does innovation require intellectual property rights ? (Reason, an economics magazine)
<http://www.reason.com/0303/fe.dc.creation.shtml>

Development of the Web - Tim Berners Lee (Ibiblio - archive of publically domain information)
<http://www.ibiblio.org/pioneers/lee.html>

Microsoft Claims patents on significant internet protocols (Eweek, E-businesss journal)
<http://www.eweek.com/article2/0,1759,1714680,00.asp>

Definition of F.U.D (wikipedia)
<http://en.wikipedia.org/wiki/FUD>

SCO groups lawsuit against IBM (et al) - FUD in action (Wikipedia - open contribution encyclopedia)
http://en.wikipedia.org/wiki/SCO_v._IBM

The history of copyright (Homepage of "The History of Copyright: A Critical Overview With Source Texts in Five Languages" by Karl-Erik)
<http://www.copyrighthistory.com/>

British Patent office, history of patent (British Patent Office)
<http://www.patent.gov.uk/patent/whatis/fivehundred/origins.htm>

Genes from engineered grass spread for miles (NY TIMES)
<http://www.mindfully.org/GE/2004/Monsanto-Scotts-Roundup21sep04.htm>

Monsanto sues farmer (Organic Consumers - Non profit, organic food advocacy group)
<http://www.organicconsumers.org/monlink.html#farmers>

Monsanto wins right to genetic pollution - (Greenpeace India)
http://www.greenpeace.org/india_en/news/details?item_id=487214

List of Record Labels (wikipedia)
http://en.wikipedia.org/wiki/List_of_record_labels

Is itunes fair ? (Downhill battle - non profit music industry reform advocacy group)
<http://www.downhillbattle.org/itunes/>

Recording artist coalition - internet rights
http://www.recordingartistscoalition.com/issues_internetrights.php

Developing nations walk out of WTO talks - (The TIMES)
<http://www.timesonline.co.uk/article/0,,3-399524,00.html>

Common Content - Creative commons licensed works
<http://www.commoncontent.org/about/>

Wikipedia (About)
<http://en.wikipedia.org/wiki/Wikipedia:About>

World Social Forum (India - 2004)
<http://www.wsfindia.org/index.php>

An open source shot in the arm (from the Economist)
http://www.economist.com/science/tq/displayStory.cfm?story_id=2724420

Open Source Science (from world changing)
<http://www.worldchanging.com/archives/001090.html>