


# Collaborative ownership and production: an “unprotected” form of creativity?



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Based on CALIBRE project research, supported by European Union's FP6/IST - [www.calibre.ie](http://www.calibre.ie)



# “Protection” of what?

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- Truly protecting “works of the human spirit” [WIPO] would mean protecting the ability – the freedom – to create
- Protection of “Intellectual property” on the other hand, may often be a restriction on “Intellectual creativity”.



# “Protection” of what?

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- Truly protecting “works of the human spirit” [WIPO] would mean protecting the ability – the freedom – to create
- Protection of “Intellectual property” on the other hand, may often be a restriction on “Intellectual creativity”.
- It protects a specific model of creation, not creativity



# The protection racket

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- Protecting creativity is a balance between protecting existing creations and enabling future creations
- The balance is weighted unfairly...
- ... and assumes that enabling future creations that build upon the past reduces the incentive to create.



# The protection racket

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- This unfair, incorrect assumption results from treating information works as static “property” rather than as dynamic “innovation”
- Innovation requires the protection of a process of creation rather than the preservation of a state of ownership



# The protection racket

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- Newton stood “upon the shoulders of giants” – this is dynamic innovation, rather than static property
- Today, Newton would have to pay a license fee just to see how tall those shoulders were... forget about standing upon them!



# The worth of collaboration

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- Free software
- Free journals



# The worth of collaboration

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- Free software
- Free journals
  
- ... open science, etc...





# The worth of free software

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- Debian 2.2 GNU/Linux (2001):
  - Source lines of code: 55,201,526 (of which Linux forms under 6% – Stallman is correct!)
- If Debian was written in a software company:
  - Estimated effort: 14,005 person years
  - Estimated schedule: 6.04 years (team of 2,318!)
  - Development cost: US\$ 1,891,990,000
- Price of access to the public – and businesses!
  - Usage: Free; Copying: Free; Editing: Free

(Source: "Counting potatoes" by Gonzalez-Barahona et al; work developed further under the EU-funded FP6 project **CALIBRE** – see [www.calibre.ie](http://www.calibre.ie))

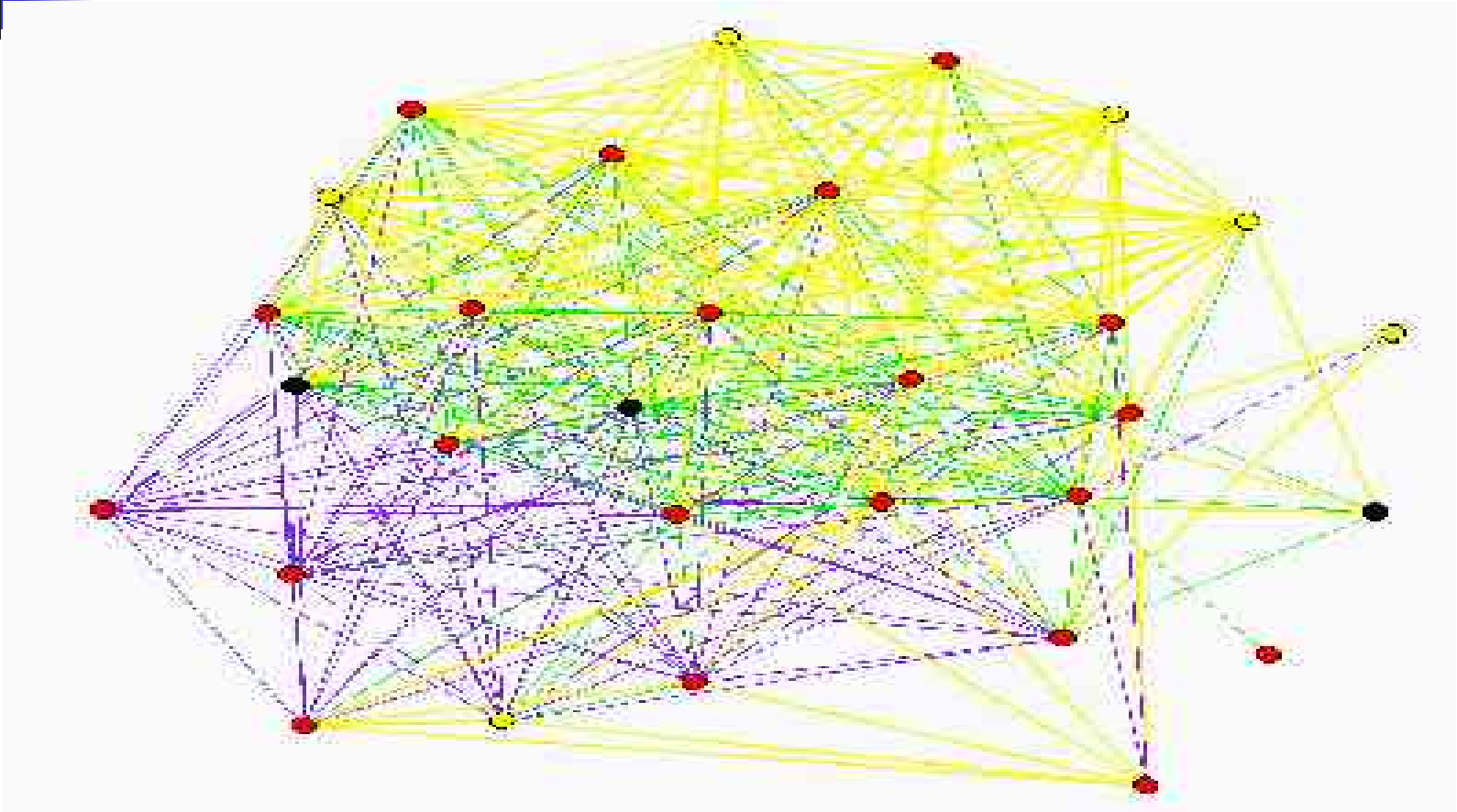


# Standing on shoulders

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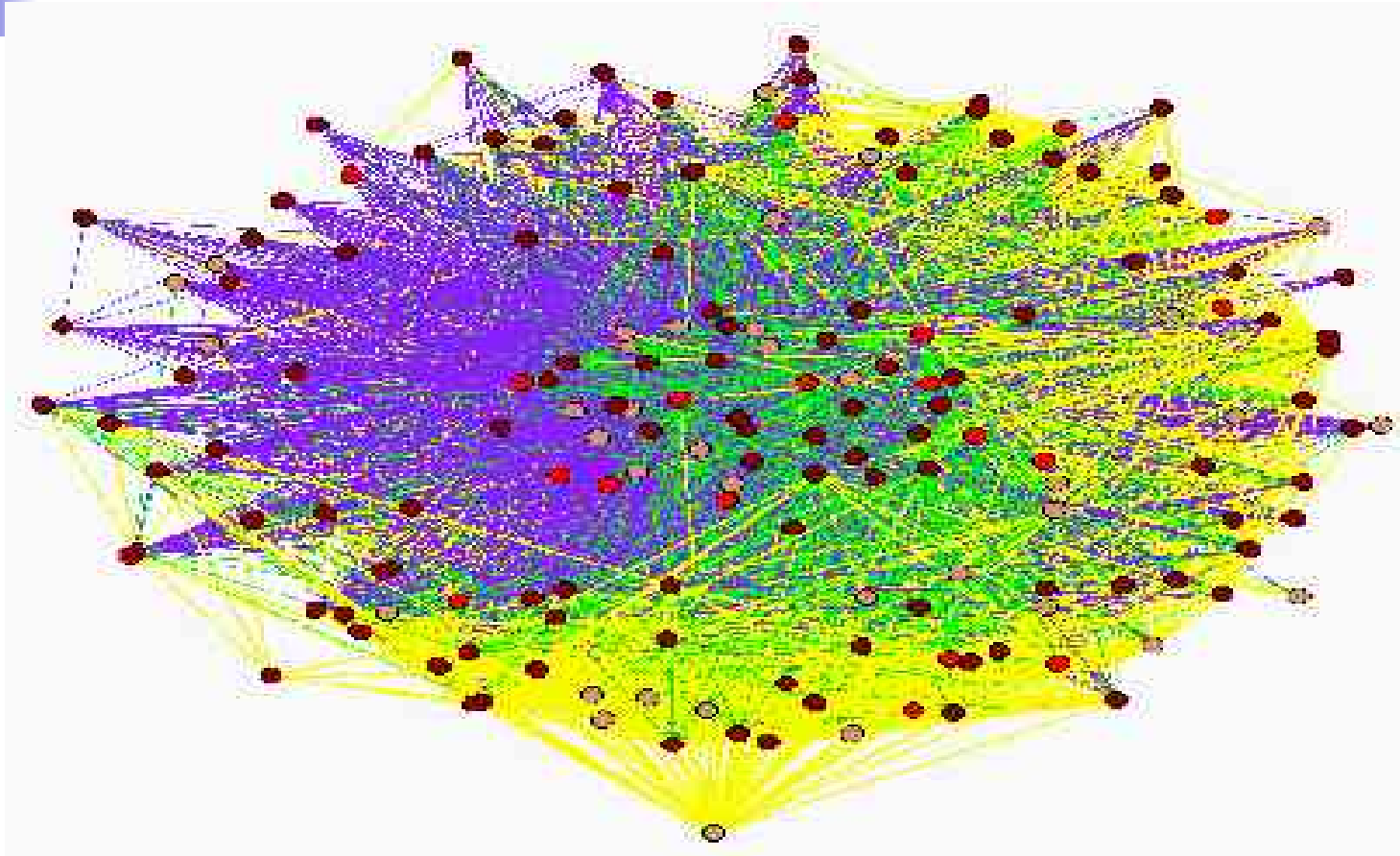
- Debian – the largest distribution of GNU/Linux  
– builds upon the work of over 10 000 individual programmers.
- Each of them build upon the work of others, without barriers to collaboration
- Result: a complex interaction of creators and a rapid, continuous form of innovation
- Shoulders can be, and are stood upon

# Standing on shoulders



Linux kernel 1.0 – links between modules (1994)

# Standing on shoulders



Linux kernel 2.5.25 – links between modules (2002)



# First Monday – open journal

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- Peer-reviewed academic journal on the socio-economics, law and technology of the Internet started in 1996, published by Munksgaard
- Ownership transferred to founding editors in 1999



# First Monday – open journal

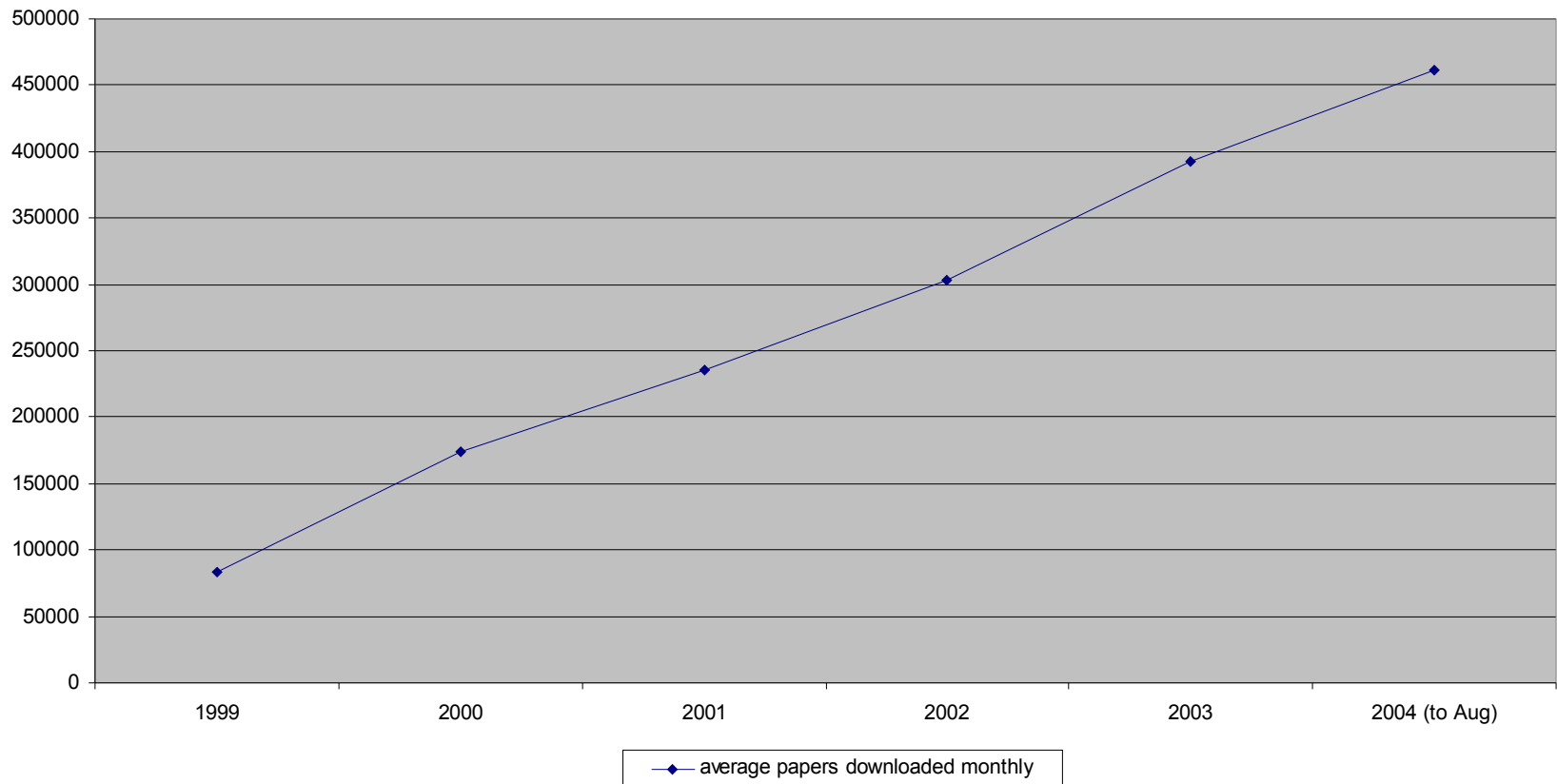
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- “Zero-revenue” operation, not just zero-profit
- Probably the most widely read peer-reviewed academic journal on-line
- Read in 200 countries
- Average papers downloaded monthly, 2004 (to August): 460,928



# First Monday – open journal

statistics for First Monday - [www.firstmonday.org](http://www.firstmonday.org)





# Protecting collaboration

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- Collaboration requires protection
- Protecting collaboration protects innovation
- Protecting creation as static “property”, though, restricts collaboration, and may restrict innovation as well





# Protecting collaboration

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- Contrary to the USPTO view, open collaboration results in “works of the human spirit” that can be protected
- This is the protection of freedom for creativity – Debian works thanks to copyright, and the GPL (copyleft!)
- This is copyright, but treated very differently from WIPO traditions



# Protecting collaboration: WIPO!

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- WIPO should be open to and promote alternative systems to the rights “protection racket”, especially collaborative ownership and production.
- Foster creativity, protect innovation, encourage freedom and growth – don’t blindly protect “intellectual property”



## More information

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- FLOSS project & related research  
[www.flossproject.org](http://www.flossproject.org)
- First Monday – journal of the Internet  
[www.firstmonday.org](http://www.firstmonday.org)
- EC/IST supported CALIBRE project  
[www.calibre.ie](http://www.calibre.ie)