Ethical foundations of knowledge as a commons

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make knowledge freely available
The Göttingen Declaration on Copyright for Education and Research of 5 July 2004

Preliminary Remarks

The answer to the question ‘How accessible are knowledge and information?’ will determine the opportunities for education and development open to every citizen in the information society and the opportunities future generations will have to build on existing knowledge. The legal provisions set out in German copyright law will determine whether open, networked communications structures will continue to develop in our society in the long term. They will also affect the quality of our education system, the inventiveness of the sciences and the innovative capacity of trade and industry. In a global, competitive environment, they play a vital role in promoting social, cultural and economic development and hence in securing the future of our society.

With regard to the implementation of Directive 2001/29/EC in Germany, the legislature has so far mainly addressed the concerns of rightholders regarding the commercial use of digital media and networks as additional distribution channels. The prime concern here has been to minimise the risks related to private copying rather than to encourage exploiting the opportunities afforded by the new technical media to the public at large. The latter point is particularly important for the fields

In a digitised and networked information society, access to global information for the purposes of education and science must be guaranteed at all times from any place.
About ENCES

ENCES (European Network for Copyright in support of Education and Science) is an EU-wide network of organizations and individuals in science and education who share the view that copyright is a socially valuable construct and that the primary objective of copyright is to promote the progress of science, education, and culture as public goods.

ENCES’ basic assumption is that knowledge and information in its digital form should be made available to everyone from everywhere and at any time under fair conditions. This is particularly true in science and education, where access to knowledge and information is indispensable.

More information (pdf)
Zum Dritten Korb

Aktuell:
- 13.06.2010 Anhörung zu Open Access, Kabelweiterverwendung und Kneipenrecht - Materialien zur Anhörung - Materialien zu Open Access
- 28.06.2010 Anhörung zum Leistungs schutzrecht für Verleger - Materialien zum Thema im Infopool
- Liste mit Publikationen zur Berliner Rede zum Urheberrecht
- Aufzeichnung und Manuskript der Berliner Rede zum Urheberrecht vom 14.06.2010 bei carta.info

Abstacts wissenschaftlicher Texte erstellen ist in der Regel urheberrechtlich unbedenklich

Verfasst von Thomas Hartmann am 15. Juli 2010 - 17:10

Eine Verhandlung heute vor dem Bundesgerichtshof (BGH) zeigt: Werden vor allem die Zitierregeln eingehalten, dann sind Inhaltswiedergaben wissenschaftlicher Texte (so genannte Abstracts) urheberrechtlich zulässig.
This talk is not particularly about ethics for professionals such as librarians. Look at http://www.ifla.org/en/faife/professional-codes-of-ethics-for-librarians

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**Professional Codes of Ethics for Librarians**

A collection of professional guidelines for librarians and other library employees adopted by national library or librarians associations or implemented by government agencies.

**Indigenous peoples**

Protocols concerning ethical issues in the handling of information and a range of library/information/archives issues relating to Indigenous peoples:

- The Protocols for Native American Archival Materials
- Original Australian protocol, 1995: The Aboriginal and Torres Strait Islander Protocols for Libraries, Archives, and Information Services
- Updated site

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**By Country:**
Content - Topics

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- Information ethics in the UNESCO
- Some results from the UNESCO INFOethics Congresses
- A Charter from non-governmental organizations in the WSIS process
- IFAP (Information for All) and the Code of Ethics
- Towards an understanding of knowledge as a commons
- Models for the institutionalization of knowledge
Content - Topics

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Information ethics in changing environments
Multidirectional relations for ethics

- Ethics
- Knowledge
- Economics
- Politics
Multidirectional relations for informations ethics

ethics

Information ethics

knowledge

economics

politics

Information markets

copyright
Multidirectional relations for information ethics

- Information ethics
- Knowledge
- Information markets
- Copyright
Information ethics aims at finding out which beliefs, rules and values guide people at any given time in history in producing, exchanging, sharing and using knowledge and information.

This set cannot be derived from whatever law of nature, from however founded metaphysics, let alone from religion or the will of God.

It depends, in the Aristotelian tradition, on the environments in which humans live. These environments change in time and space.

The change depends on many factors, among those, with respect to k&i, technology, information and communication technologies, is presumably the most important one.
The relations between technology, information and communication technologies (ICTs), and the set of beliefs, rules and values, the power structures or the commercial business and organizational models are not deterministic.

These relations are in any case bidirectional.

Technology influences moral behavior, but existing moral behavior, in combination with political power or economic interest, also influences what kind of technology will and should be used.
Information ethics, in addition to its descriptive goal, can also be useful in providing a base for discourse concerning which moral behavior in any given time is appropriate to achieve the general goal of a good and just life for everyone.

With respect to all aspects of producing and using k&i to analyze which use of ICTs is appropriate in order to achieve the goal of an inclusive and sustainable society where all have the chance to develop their personal and social goals.

Information ethics can be thus a necessary counterpart to a view of information and knowledge considered primarily as commercial goods.
Information ethics in the UNESCO
In 1998, UNESCO established the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST).

A year before, UNESCO started a series of conferences, the so called INFOethics conferences. *Information ethics* was chosen as the name for ethics in electronic environments taking into account the need for an ethical foundation of the global information society.

Information ethics has since been one of the central topics, in particular in the two UN conferences “World Summit on the Information Society” (Geneva 2003 and Tunis 2005) and in the WSIS follow-up conferences.

Information ethics is also one of the five priorities of the Information for All Programme of UNESCO (IFAP).

UNESCO has established a Global Ethics Observatory (GEO) as part of IFAP.
Some results from the UNESCO INFOethics Congresses
Results from UNESCO INFOethics Congresses

“We consider that among the most urgent problems in this context are those of freedom of access and personal privacy. Access to the resources of the Internet should reinforce democratic participation and is a contemporary realization of the universal principle of the freedom of expression.”

from the Statement of the 2nd INFOethics Congress ‘98

Access is the precondition for democratic participation and is

- the right to read information which will be more and more provided by electronic means
- the right to write information and thus to contribute from one’s own perspective to the knowledge of the world
- based on a variety of information services which should not be controlled by only a few content and media providers
- based on the ability to use media appropriately (media competence) and the ability to execute information rights.
Charter of civil rights for a sustainable knowledge society — a contribution to the WSIS process
Charter of civil rights for a sustainable knowledge society

Knowledge and information are the primary means of providing citizens with a reliable basis for action.

The Charter connects the access principle with the concept of sustainability and thus opens the way towards an (extended) understanding of ecology as knowledge ecology:

- A knowledge society is sustainable when it preserves and promotes historically achieved human and civil rights for future electronically determined environments.
- A knowledge society is sustainable when access to knowledge is unhampered and inclusive.
- A knowledge society is sustainable when it promotes cooperative forms of knowledge production as the basis for innovation and creativity.
- A knowledge society is sustainable when access to knowledge and information provides all peoples of the world with the opportunity for self-determined development in their private, professional and public lives.
- A knowledge society is sustainable when it preserves for future generations access to diverse media and information resources.
IFAP (Information for All) and the Code of Ethics
IFAP (Information for All) and the Code of Ethics

The Information for All Programme is the only *intergovernmental programme* exclusively dedicated to **promoting universal access to information and knowledge for development**

**Code of ethics for the information society**

- the code should ideally be **non-binding** in nature, viewed and accepted as a *set of principles and values*, ... to be used as a reference framework for the elaboration of national codes

- Information ethics .... as “the field of critical reflection on principles of normative ethics relating to many aspects of the Information Society, especially with regard to the *production, storage, distribution, access to and use of data, information and knowledge*.”
IFAP (Information for All) and the Code of Ethics

Chapter on “Access to creation and use of information and content”

- the production of local and indigenous content on the Internet in multilingual and multicultural form should be encouraged

- people should have the freedom to access all the information made available to them by others.

- people should also have practical tools that make it easy, quick and efficient to produce, share, and access this information

- new forms of access to information will stimulate wider dissemination of information regarding social, economic and cultural aspects of life, and can bring about greater inclusion and overcome forms of discrimination

- Member states should encourage and extend the availability of information in the public domain and prevent attempts to curtail access and usage rights

- they should recognize and enact the right of universal online access to public and government-held records, including information relevant to citizens in a modern democratic society.
Towards an understanding of knowledge as a commons
An understanding of knowledge as a commons

What are commons?

Commons

➢ water
➢ natural resources
➢ public spaces
➢ air/sky
➢ knowledge

...
An understanding of knowledge as a commons

What is knowledge?

res nullius
res privatae
res publicae
res communes

Justinian I., Mosaikdetail aus der Kirche San Vitale in Ravenna
An understanding of knowledge as a commons

Who owns knowledge?

Those who have produced knowledge?

Yes

but nobody should own knowledge exclusively
knowledge is a commons but only usable **when accessible**

knowledge needs to be *institutionalized appropriately*
In order to become a **common property**

**Open access** is a form of *institutionalization of knowledge* as a commons
An understanding of knowledge as a commons

What needs to be done?

develop and implement a new understanding of property

New models for knowledge and information
Models for the institutionalization of knowledge
(1) Proprietary commercial information markets

- Objects trade with information objects claimed as private property rights.
- Transformation of authors’ rights into exploiters’ rights.
- Exclusive rights for the exploitation with the consequence that knowledge is made a scarce good.
- Copyright law, DRM, contractual agreement licenses.

**Ethical foundations of knowledge as a commons**
Models for the institutionalization of knowledge

(2) Open free markets

Information objects

- collaboration
- sharing

claimed as

- personal moral rights

or

given into the commons

Non-exclusive commercial exploitation rights

exploitation

type 1 freecconomics

type 3 freecconomics

Free open use

as

a means of development

Creative commons

Open Access

Ethical foundations of knowledge as a commons
(3) Freeconomics markets – prototype Google

- **objects**
  - Information objects
  - Search engines

- **profit**
  - Not by information itself
  - Using user search profiles for advertisement
  - Merchandizing cross financing

- **as**
  - Private property rights

- **but**
  - Free use

Ethical foundations of knowledge as a commons
Models for the institutionalization of knowledge

(4) commons-based information markets

Commons

- air/sky
- water
- natural resources
- public space
- knowledge

... today – widely privatized without any or very limited compensation to the public

A property of mankind but private rights for exploitation possible and often necessary but only with non-exclusive exploitation rights and with sufficient compensation to the public

Ethical foundations of knowledge as a commons
Consequences

needed

a new understanding of intellectual property

a new understanding of copyright
free access → the default
commercial exploitation → the exception

new business models for knowledge and information in recognition of the free access paradigm

Ethical foundations of knowledge as a commons
Consequences

needed

a new foundation of (information) ethics

rights of the commons and of the commoners not in conflict with personal human rights

sustainability and knowledge ecology not in conflict with economics

but as rights, values and objectives which support development rather than exploitation

Ethical foundations of knowledge as a commons
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