Ethical foundations of knowledge as a commons

Seoul - October 8, 2010

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make knowledge freely available

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The Göttingen Declaration on Copyright for Education and Research of 5 July 2004

Göttingen Declaration for printout: [PDF-file] [RTF-file] [DOC-file]

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

News

RSS 0.92

July 15th 2010:
Aktionsbündnis zieht positives Resümee der 2. Anhörung, sieht aber weiteren Handlungsbedarf für Bildung und Wissenschaft *(more...)*

July 6th 2010:
Aktionsbündnis stellt seinen Entwurf einer Wissenschaftsschranke im Urheberrecht vor *(more...)*

June 30th 2010:
Mit ENCES (European Network for Copyright in Support of Education and Science) wurde eine wichtige Interessenvertretung gegründet. *(more...)*

June 29th 2010:
Ein Leistungsschutzrecht ist für Presse- und Schulbuch-Verlage ist nicht zu rechtfertigen, wie die Anhörung des BMJ am 28. Juni 2010 *(more...)*

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.

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ENCES

European Network for Copyright in support of Education and Science

Home
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Newsarchive
Workshop 08
Workshop 10
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Workshop 10
Budapest
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Imprint

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)

News

Rainer Kuhlen presenting ENCES at OA Week in Tartu

Rainer Kuhlen, chairman of the ENCES e.V. association, will contribute to the Open Access Workshop in Tartu during the International Open Access Week (October 18-24, 2010). On Wednesday 20th of Oct... [mehr...]

Presentation on ENCES in Lisbon on 8 November 2010

The 5th UNICA Scholarly Communication Seminar "Find it, Get it, Use it, Store it" will take place on 7-9 November 2010 at the Universidade Nova de Lisboa in Lisbon. Don't miss the present... [mehr...]

ENCES on Twitter

You are welcome to follow us on Twitter! [mehr...]

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iuwis

infrastruktur urheberrecht für wissenschaft und bildung

Suche

Erweiterte Suche

Funded by the German Research Community (DFG)

Home   Blog   Aus dem Projekt   Infopool

Zum Dritten Korb

Aktuell:

- 13.06.2010 Anhörung zu Open Access, Kabelweitersendung und Kneipenrecht - Materialien zur Anhörung - Materialien zu Open Access

- 28.06.2010 Anhörung zum Leistungsschutzrecht 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

Weiterlesen ›

in   Dritter Korb

Abstracts 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.

IUWIS Infrastruktur Urheberrecht für Wissenschaft und Bildung

IUWIS bietet Information und Diskussion zum Urheberrecht in Wissenschaft und Bildung sowohl für Produzenten wie für die Nutzer von Inhalten.
Weiterlesen

Aktuelle Themen

- Publikationen zum Dritten Korb
- Termine zum Dritten Korb

« August 2010 »

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Informationsseiten zum Urheberrecht - Deutschland Links

IFLA

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Events

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FAIFE Mission

Learning materials for workshops

Lectures and various papers

Links

Members of the FAIFE Committee

Past activities

* Professional Codes of Ethics for Librarians

World Report Series

Mailing lists

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

By Country:

Content - Topics

- ➢ **Information ethics in changing environments**

- ➢ **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**

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Content - Topics
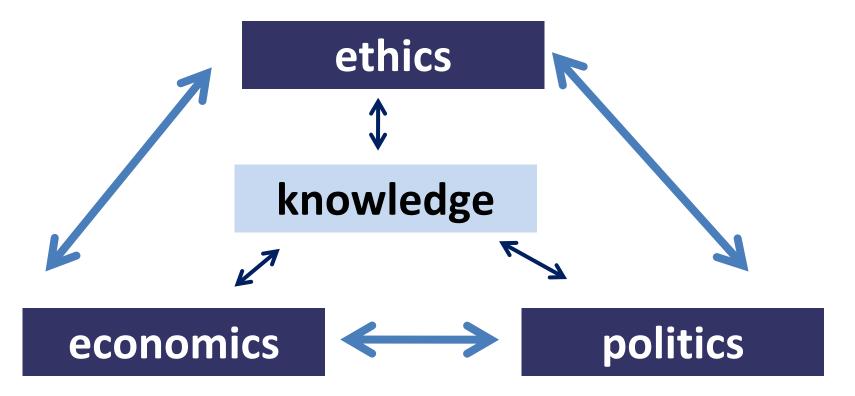
1. Information ethics in changing environments

2. Information ethics in the UNESCO

3. Some results from the UNESCO INFOethics Congresses

4. A Charter from non-governmental organizations in the WSIS process

5. IFAP (Information for All) and the Code of Ethics

6. Towards an understanding of knowledge as a commons

7. Models for the institutionalization of knowledge

8. Consequences

Information ethics in changing environments

ethics

knowledge

economics

politics

Multidirectional relations for informations ethics

ethics

Information ethics

knowledge

economics

politics

Information markets

copyright

Information ethics

knowledge

Information markets

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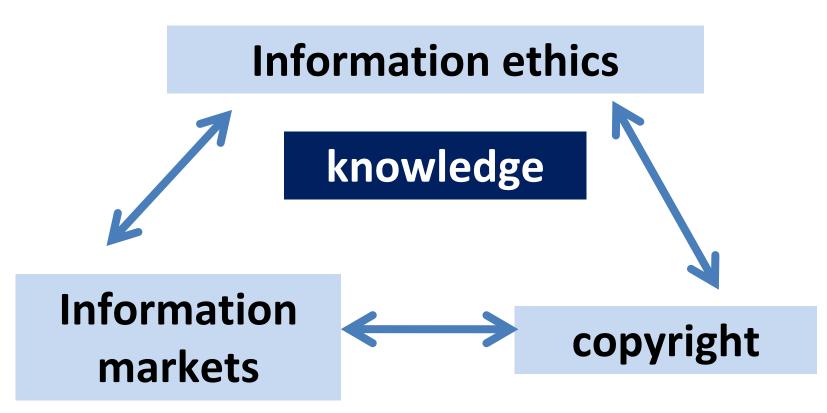
Information ethics aims at finding out which beliefs, rules and values guide people at any given time in history in producing, exchanging, sharing and using knowledge and information

also = moral behavior

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.

k&i = knowledge and information"

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Information ethics in changing environments

The relations between technology, information and communication technologies (**ICTs**), and the **set of beliefs, rules and val**ues, 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 changing environments

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

Information ethics in the UNESCO - Institutionalization

➢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

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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**.

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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.

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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**".

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 under-standing of knowledge as a commons
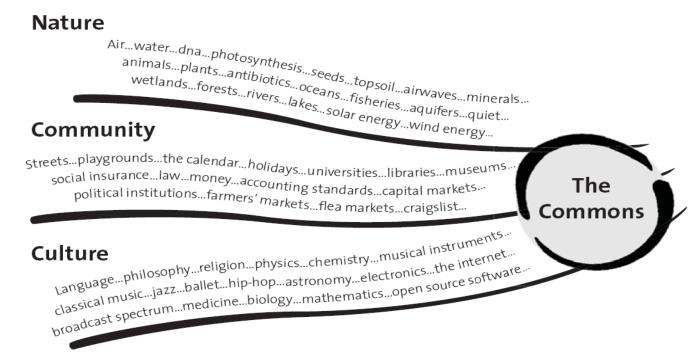
What are commons?

Commons

➢water
➢natural resources
➢public spaces
➢air/sky
➢knowledge
….
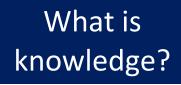
Figure 1.1
THE THREE FORKS OF THE COMMONS RIVER

Nature
Air...water...dna...photosynthesis...seeds...topsoil...airwaves...minerals...
animals...plants...antibiotics...oceans...fisheries...aquifers...quiet...
wetlands...forests...rivers...lakes...solar energy...wind energy...

Community
Streets...playgrounds...the calendar...holidays...universities...libraries...museums...
social insurance...law...money...accounting standards...capital markets...
political institutions...farmers' markets...flea markets...craigslist...

The Commons

Culture
Language...philosophy...religion...physics...chemistry...musical instruments...
classical music...jazz...ballet...hip-hop...astronomy...electronics...the internet...
broadcast spectrum...medicine...biology...mathematics...open source software...

Aus: Peter Barnes: Capitalism 3.0

res nullius
res privatae
res publicae
res communes

What is knowledge?

Justinian I., Mosaikdetail aus der Kirche San Vitale in Ravenna

CORPVS
IVRIS CIVILIS
IVSTINIANEI:

CVM COMMENTARIIS ACCVRSII, SCHOLIIS CONTII,
ET DIONYSII GOTHOFREDI IC. ACVTISSIMI LVCVBRATIONIBVS

LVGDVNI,
Sumptibus Ioannis Pillehotte.

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

What needs to be done?

develop and implement a new understanding of property

New models for knowledge and information

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Models for the institutionalization of knowledge

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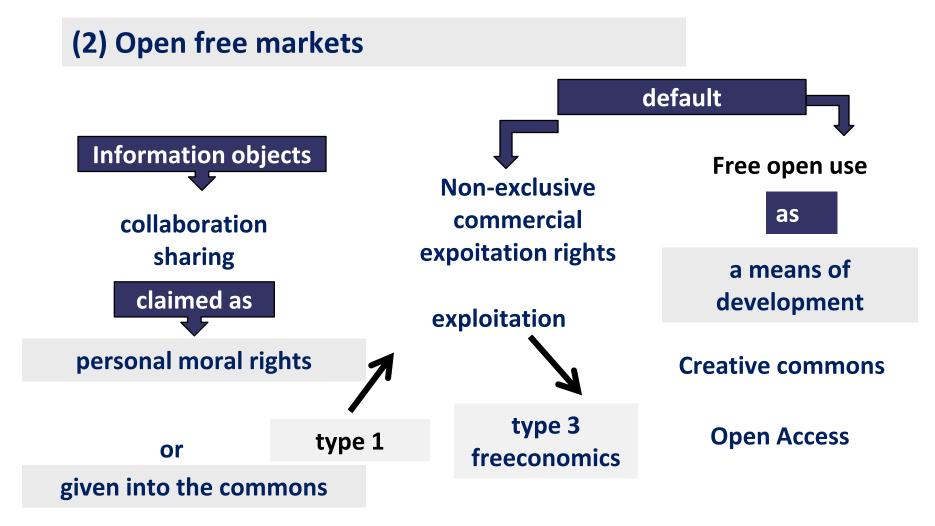
(1) Proprietary commercial information markets

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

default

Information objects

collaboration sharing

claimed as

personal moral rights

or

given into the commons

type 1

Non-exclusive commercial expoitation rights

exploitation

type 3 freeconomics

Free open use

as

a means of development

Creative commons

Open Access

Ethical foundations of knowledge as a commons

Models for the institutionalization of knowledge

(3) Freeconomics markets – prototpye Google

objects

Information objects
search engines

as

private property rights

but

free use

profit

Not by information itself

but

using user search profiles
for advertisement

merchandizing
cross financing

Ethical foundations of knowledge as a commons

(4) commons-based information markets

Commons → A property of mankind

but

private rights for exploitation possible and often necessary

air/sky
water
natural resources
he public space
knowledge
….

but only

with non-exclusive exploitation rights

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

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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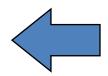What does "Attribute this work" mean?
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