Towards a commons-based understanding of knowledge and information

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(1) For UNESCO and ORBICOM I would like to raise awareness for the importance of the concept of the commons, in our case of the immaterial commons such as knowledge and information, for the development of *inclusive, just, and sustainable knowledge societies*, as emphasized by the UNESCO in the WSIS process.

(2) The concept of knowledge and information as commons is useful in order to overcome the *current deadlock in the worldwide copyright regulation* which is currently heavily dominated by the commercial exploitation of knowledge and information, by strongly supporting exclusive private property rights claims and by broadly neglecting the public need for free and open access and use of published knowledge.
Commons
Common Pool Resources

Common heritage of nature
Common heritage of social life
Commons heritage of cultural creativity

knowledge and information

Commons are institutionalized "common-pool resources"

res nullius
res privatae
res publicae
res communes

From: Peter Barnes: Capitalism 3.0
Commons are socially constructed.

Institutionalizing common-pool resources making them commons

Common Pool Resources

- clean air and water
- oil pools
- air
- knowledge

principles

institutionalization

procedures

Commons

accessible usable under certain conditions
Institutionalizing common-pool resources making them commons

- privatization
- enclosure of the mind
- profitability
- scarce resource

It’s our choice

- Principles, values
- sharing
- justice, fairness
- openness
- inclusion
- sustainabilty

knowledge resources

institutionalization

- procedures
- communication (reaching a consensus)
- commitments
- contracts
- rules, laws, legal norms
- control mechanisms, sanctions

access to information products services systems

Commons-based information markets

Private information markets

Models for the institutionalization of knowledge on commons-based information markets

**k&i objects**
- a property of mankind
- default: open access
- attributed to
  - the creator of knowledge
  - with personal moral rights
- used as
  - a means of personal and societal development

**k&i objects**
- exception: commercial exploitation
- under the condition of
  - non-exclusive exploitation rights
  - free access to everyone is guaranteed
- sufficient compensation to the public
  - monetary, tax
  - value-adding effects

default: open access
attributed to
the creator of knowledge
with personal moral rights
used as
a means of personal and societal development
What needs to be done?
Consequences
Needed

a new understanding of intellectual property

knowledge as a commons is not to be considered a res nullius, which can be used ad libitum by everyone for whatever purpose

Knowledge and its derivative information products cannot be the subject of exclusive private property rights
Consequences

a new understanding of intellectual property

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

developing a concept of common property rights
without denying private individual property rights
**Conclusion**

**Knowledge** and its derivative information products **cannot** be the subject of exclusive private property rights

**Production and use of knowledge** and its derivative information products **depend on commons-based institutionalization forms** appropriate to electronic environments

**Commons-based information markets do not make the commercial use of knowledge** and its derivative information products **impossible** but rather are the realistic chance for the **information economy to survive successfully**
Questions?

Discussion

more Informationen - under a CC-Lizenz (share-alike)
www.kuhlen.name
Silke Helfrich (Hrsg.): Wem gehört die Welt? Zur Wiederentdeckung der Gemeingüter 2009


James Boyle: Enclosing the Commons of the Mind, 2008

Elinor Oström: Governing the Commons: The Evolution of Institutions for Collective Action 1990