

# FOSS and Access to Knowledge

Jeremy Malcolm

Consumers International

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# Outline

- 1 The Problem
  - Introduction
  - Copyright
  - Patents
- 2 The Solution
  - Software
  - Beyond Software

# Access to Knowledge

What is it and why is it important?

- A2K means maintaining fair public access to the fruits of society's cultural and scientific output.
- A2K also counter-balances the biases of the term intellectual property (as criticised by the FSF).

## Fact

*Unlike other property, the use of intellectual property is non-rival*

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# A2K and Software

- Although A2K is often used of educational materials, access to software is also important.
- Copyright was never the right mechanism for protecting the commercial value of software.

## Example

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# Software Copyright

- The Berne Convention sets the standard and duration for the protection of literary works.
- The TRIPS Agreement adds software and databases to the range of protected works.
- The WIPO Copyright Treaty controls “making available” and use of circumvention devices.
- Beyond this, developed countries are still pushing for (and getting!) more IP protection
  - Free Trade Agreements as those between the US and Australia and Singapore
  - The Anti-Counterfeiting Trade Agreement currently in negotiation



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- They expand (not contract) the user's rights to copy, modify and distribute the software.
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- Requires the subject matter to be patentable (not abstract), novel, and show an inventive step.
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  - Patents can be infringed unintentionally and thus encumber independent production.
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## Things to consider

- Will your software be used by (or for) consumers, or in developing countries?
- If so, what licence best promotes A2K?
  - Public domain (not really a licence)
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  - Compiling a “watch list” of national IP regimes that hinder A2K
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- FOSS is the archetype of working within the system to promote A2K
- Meanwhile organisations like CI are also working to subvert that system ;-)
- For FOSS developers
  - Consider how you can promote A2K both practically and politically
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