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GLOSSARY

The glossary covers some terms often used in the current intellectual property debates. The terms and their definition reflect an Anglo-American bias and need to be challenged by introducing other cultural experiences into the debates.

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DELINQUENT:
WEB DESIGNER /
I AM A CRIMINAL BECAUSE I USED THE PROGRESS BAR IN A LAYOUT.

IP AND THE CITY - RESTRICTED LIFESCAPES AND THE WEALTH OF THE COMMONS

The booms, bubbles and busts of the digital networking revolution of the 90s have ebbed into normality. The new logic of information economies is interacting with the full range of social and political contexts, producing new systems of domination but also new domains of freedom. It is now that from deep societal transformations the new informational lifescapes start to emerge.

It has become necessary to highlight the strong normalizing forces that shape this process. This is not just a question of abstract information policy. The building of immaterial landscapes has very material consequences for social, cultural and economic realities. With digital restriction technologies and expanded intellectual property regimes on the rise, it is an urgent task to develop new ways to protect and extend the wealth of our intellectual and cultural commons.

Human life is physical and informational at the same time, our physical and cultural dimensions are mutually constitutive. Their interrelations emerging from historical and local context are now more than ever influenced by global transformations in the info sphere. The term "globalization" describes a deep change in how physical and informational spaces are organized and how they intersect with one another to form landscapes, both physical and informational. "Zoning", the establishment of domains governed by special rules, is a key concept to understand these new landscapes.

Physical space is increasingly fragmented into "export zones", special "safety zones", VIP lounges at transportation hubs, gated communities, "no-go areas" and so forth. Just when for the first time in history a majority of humanity lives in cities, their form starts dissolving and is replaced by a patchwork of distinct sectors. Every city has places that are fully global alongside others which are intensely local, "first world" and "third world" are no longer regional identifiers, but signify various patches within a single geographic domain.

Informational landscapes are fragmented by similar processes. What used to be relatively open and accessible cultural spaces are increasingly caved up in special administrative zones, privatized claims of intellectual property, and policed through the ever increasing scope of patents and copyrights. What comes natural to people, to create, transform and share

ideas, thoughts, and experiences - as songs, as computer programs, as stories, as new processes how to make things better - is being prohibited by proprietary claims of "data lords" who enforce dominion over their own zones of the cultural landscape. This is accompanied by intense propaganda efforts extolling the "evils" of sharing culture. There is no trespassing, and while their culture is ubiquitous around the globe, we are more and more restricted from making our own.

Counter-movements that talk about the commons instead of proprietary zones have been gathering strength around the globe. The goal is to devise new ways in which information can flow freely from one place to another, from people to people. Instead of deepening fragmentation, information and cultures are held to be a resource produced and used collaboratively, rather than being controlled by particular owners. People should be free to appropriate information as they see fit, based on their own historical and personal needs and desire, rather than having to consume the standardized products of McWorld. More than ever informational commons, accessible to everyone under conditions of their own choosing, are needed to help reconnect people bypassed by the standard flows of information and capital.

In this paper, we bring together theoreticians and practitioners, artists and lawyers, programmers and musicians who offer a diverse critique of the new regime of physical and informational zoning. This collection of cultural intelligence looks into alternative models of how to reinvent cultural practices based on a collaborative plurality of commons and, perhaps, imbue fragmentation of space with a new positive sense of shared differences. As each and every one of us produces culture in the course of our daily lifes, we are forced to choose sides: do we, in the myriad of small acts that constitute life in the information society, enforce restrictions or enable access?

Vienna, October 2005

Konrad Becker
Director of Netbase/t0, institute of new culture technologies.

Felix Stalder
Lecturer in media economics at the academy of art and design, Zurich, and co-founder of openflows.org.

THE BLACK AND WHITE (AND GREY) OF COPYRIGHT
By Lawrence Liang

In a broad historical and cultural view, copyright is a recent and by no means universal concept. Copyright laws originated in Western society in the Eighteenth century. During the Renaissance, printers throughout Europe would reprint popular books without obtaining permissions or paying royalties and copyright was created as a way to regulate the printing industry. With the emergence of the concept of artistic genius, copyright became enmeshed with the general cultural understanding of authorship. Later, with globalized capitalism, control over copyrighted works became centered in the hands of media corporations instead of authors and artists. Even as the internet and digital media rendered distinctions between original and copies largely obsolete, changes in the law tried to artificially maintain them. As a result, copyright laws over time have been transformed from their original purpose of regulating the publishing industry to instead regulating its customers, artists and audiences.

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Traditionally, copyright was of little relevance to cultural and artistic practice except in the realm of commercial print publishing.

Some examples:

• Authorship, originality and copyright are of no or little relevance in virtually all traditional forms of popular culture all over the world. Most folk songs and folktales, for example, are collective anonymous creations in the public domain. Variations, modifications and translations are traditionally encouraged as part of their tradition.

• The Walt Disney Corporation founded much of its wealth on folk tales, such as "Snow White" and "Sinbad", by taking them out of the public domain and turning them into proprietary, copyrighted films and merchandise products. Today, the company is one of the strongest backers and political lobby sponsors for drastic copyright restrictions on digital media.

• The same is true for many works considered part of the high-cultural canon, crafted by unidentified, often collective authors: Homer's epics for example, or the "Tales of 1001 Nights" which were spread by storytellers and of which no authoritative, "original" written version ever existed. Modern philology believes them to be derived from Persian sources which in return were translated from Indian works.

• In the Middle Ages and Renaissance, original authorship was even rather more disregarded than encouraged. In the foreword to "Don Quixote", Cervantes falsely claims that his novel was based on an Arabic source. Literary works typically render themselves canonical by not inventing new stories, but rewriting existing ones, such as the many adaptions of "Faustus" from Christopher Marlowe to Johann Wolfgang von Goethe, Fernando Pessoa, Alfred Jarry, Thomas Mann and Michel Butor.

• Until the 20th century and the rise of the recording industry, copyright played no major role for music and musical composition. Musical themes were freely adapted and copied from one composer to another. Bach's "Concerto in D Major BWV 972" for example is simply a re-orchestration of the ninth movement of Vivaldi's "L'Estro Armonica". Even as late as in the 19th century, Beethoven didn't have to buy a license for writing the "Diabelli Variations", 83 variations on a waltz written by the Austrian Anton Diabelli. And finally the entire genre of Blues music is, as a matter of fact, a variation of only one song, the twelve bar harmonic scheme.

...with globalized capitalism, control over copyrighted works became centered in the hands of media corporations instead of authors and artists...

• Copyright was a non-issue in the visual arts, too, until recently. Renaissance and baroque paintings were to a large degree collective workshop productions, and recycled conventionalized, emblematic pictorial motifs. Rubens and Rembrandt were the most prominent practitioners of the workshop method, with author attributions of their work remaining unclear until today. In 1921, Kurt Schwitters called his own brand of Dada "Merz", derived from the logo of the German bank "Commerzbank" which he had used in a collage painting. Today's artists who do the equivalent in the Internet risk being sued for copyright and trademark infringement.

• Ever since personal computers and the Internet closed most of the technical gaps that prevented media consumers from becoming media producers and receiver technology from functioning as sender technology (to cite the media critiques of Bertolt Brecht and Hans Magnus Enzensberger from 1930's and 1970's), copyright has emerged as a deterrent against creativity rather than as an incentive for it.

• The case of the graphic artist Kieron Dwyer shows what might have happened to Kurt Schwitters if he had appropriated the bank logo nowadays. A year after Dwyer made comic books, t-shirts, and stickers with his version of the Starbucks logo, the company sued him. When the case was finally settled, Dwyer was allowed to continue displaying his logo, but only in extremely limited circumstances. No more comic books, t-shirts or stickers: he may post the image on the web, but not on his own website, nor may he link from his website to any other site that shows the parody. (Sources:)

• Alice Randall, a black American author, wrote a parody of "Gone With the Wind" from the perspective of Scarlett O'Hara's Mullato half sister. The estate of "Gone With the Wind" author Margaret Mitchell claimed that this was an infringement of copyright and obtained an injunction against the publication of the book. Fortunately in this case the court of appeal then overturned the injunction.

• In December 2003, a young artist DJ Danger Mouse remixed an album called the "Grey Album" from the "White Album" of the Beatles and hip hop artist Jay Z's "Black Album". Only 3000 copies of the "Grey Album" were released and would probably have disappeared into obscurity, were it not for the fact that two months later DJ Danger Mouse received a cease and desist letter ordering him to stop any further distribution of the album since it violated the copyright of the Beatles White Album, owned by EMI.

This unofficial ban on the album was seen as an unfair violation of creative expression by a number of people, and a campaign called Grey Tuesday, sponsored by was launched to ensure that the album would still be available for people to download via P2P networks. Over 170 web sites offered to host the "Grey Album", many of which later received cease and desist letters from EMI. To date, the "Grey Album" has been downloaded by over 1.25 million users and continues in making DJ Danger Mouse the top "selling" artists of the past year beating other contenders such as Norah Jones.

IF ALL COPYRIGHTS ARE TEMPORARY THEN WHY DO SOME OF THEM NEVER EXPIRE? GOOD QUESTION.

IF INTELLECTUAL PROPERTY IS JUST BORROWED FROM THE PUBLIC DOMAIN THEN WHY CAN'T THE PUBLIC CLAIM IT BACK? GOOD QUESTION.

IF THE PEOPLE HAVE TO RESPECT THE RIGHTS OF CORPORATIONS THEN WHY DON'T CORPORATIONS HAVE TO RESPECT THE RIGHTS OF THE PEOPLE? GOOD QUESTION.

What then are our options in the face of this onslaught of copyright law? We could of course reject the legitimacy of these laws which impinge on freedom of speech and expression, but there is the danger of having to defend yourself in a highly expensive law suit.

This would still be a defensive move that relies on existing provision of copyright law, which makes our choices rather restricted. There is, however, another movement which is growing in popularity which recognizes the need for a pro-active approach towards building a public domain of materials which can be used in the future without necessarily having to obtain prior permission from the copyright owner or having to pay hefty royalties. It seeks to counteract the unrestricted growth of copyright. This movement is sometimes popularly called the copyleft movement. Its historical roots lie in free software (such as Linux and GNU), but more recently, it attempts to broaden its scope and apply the principles of free distribution, usage and collaborative development, to all kinds of media. In addition, there is also an artistic tradition of non- and anti-copyright:

Renaissance and baroque paintings were to a large degree collective workshop productions, and recycled conventionalized, emblematic pictorial motifs. Rubens and Rembrandt were the most prominent practitioners of the workshop method, with author attributions of their work remaining unclear until today.

• The French late romantic poet Lautréamont wrote in a famous passage of his 1870 book "Poésies": Plagiarism is necessary, progress implies it. It closely grasps an author's sentence, uses his expressions, deletes a false idea, replaces it with a right one.

Today, this reads like a precise description of how, for example, free software development works.

• Inspired by Lautréamont and a study about gift economies by the French anthropologist Marcel Mauss, the Situationist International, a group of left-wing artists, cultural theorists and political activists that existed from 1958 to 1970, put all its publications under anti-copyright terms that permitted anyone to

The Walt Disney Corporation founded much of its wealth on folk tales, such as "Snow White" and "Sinbad", by taking them out of the public domain and turning them into proprietary, copyrighted films and merchandise products.

copy, translate and rewrite them even without authorization.

• In the late 1980s and early 1990s, musicians and groups like Jon Oswald, Negativeland and the Tape-beatles advocated "Plunderphonics", non-copyrighted music that mainly consisted of experimental audio collages of pop music and broadcast sound material.

• In 1999, the novel "Q" appeared under the name of Luther Blissett, known previously as the collective moniker of an Italian media prankster project. This allegorical account of Italian subculture in the form of a historical thriller set in 16th century Italy, "Q" became a national no.1 best-seller and subsequently appeared in French, German and English translations. Obviously, the sales didn't suffer at all from the fact that the imprint of the book permitted anyone to freely copy it for non-commercial purposes. What's more, the book was not released by an underground publisher, but by the well-established publishing houses Einaudi in Italy, Editions du Seuil in France and Piper in Germany, amongst others who apparently didn't mind giving up traditional copyright-granted distribution models for a promising publication.

This introductory guide is meant for media designers, artists, musicians, producers of content, academics, researchers, etc. who are likewise interested in having their works widely circulated without too many restrictions. The model that it seeks to look at is the idea of the "Open Content License". However, making your work available without placing restrictions does not mean that you abandon your copyright to the work. This guide will provide a set of options to assert some rights to your work. It will also introduce the new positive rights to share, distribute and change being developing under copyleft.

Lawrence Liang is a researcher with the Alternative Law Forum, Bangalore. His key areas of interest are law, technology and culture, the politics of copyright and he has been working closely with Sarai, New Delhi on a joint research project Intellectual Property and the Knowledge/Culture Commons.

OPTIONS TO TRADITIONAL PATENTS
THE WEST, TOO, IS SERIOUSLY EXPERIMENTING WITH ALTERNATIVES
By James Love

The recent changes in Indian patent law are a cause to reflect. Will India embrace the most closed and proprietary models for controlling access to knowledge, or will it find a way to reconcile its obligations under the World Trade Organisation (WTO) with the need to protect human rights? Will India have the vision to explore the promise of new models for supporting creativity and innovation? Or will it follow the worst impulses of increasingly discredited systems for restricting access to knowledge?

The Patent Act, as amended by Parliament in March, presents opportunities to move in very different directions. The amendments to the Ordinance obtained by the left were substantive, and when combined with other provisions of the Act, give the government considerable flexibility to protect consumers. The legal mechanisms are there.

In 2004, Novartis told the World Bank it considers India to be a market of 50 million persons. In other words, if it has a monopoly, Novartis plans to price its new medicines so that they are too expensive for more than 95% of the population. Giant corporations and governments in North America and Europe have lobbied India to adopt high levels of patented protection for medicines, seeds, software and other technologies. The basic argument they advance is that India will remain poor, unless it can provide the legal protection that will support lucrative knowledge-based industries. It is a seductive message, that has clearly resonated with some of the elite policymakers. It has flaws, however.

First, the United States and Europe are now engaged in a growing debate over the best ways to promote innovation. The idea that high levels of intellectual property protection are best is now under attack. Regardless of what is said in Delhi, back home wealthy countries are backing open standards for the Internet, open-source software, open-access archives for publicly-funded

scientific research, public domain databases like the Human Genome Project or the HapMap Project and similar open initiatives. Big successful companies like Cisco are alarmed at patent thickets on software and computing technologies and IBM is undergoing a profound shift in the way it thinks about intellectual property resources, which it now seeks to share.

The US Congress is debating whether or not to weaken patent protections on medicines. In key areas, such as parallel trade, the French government recently amended its patent law to extend compulsory licensing to certain medical diagnostic technologies. The UK government recently implemented the European Union's directive to create mandatory compulsory licensing of genetically modified corps. And the European Union is debating whether or

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not its directive on database protection was a mistake and if it should be scaled back or repealed.

Recently, a bill (HR 417) was introduced in the US Congress. The proposal would radically change the way medical R&D is financed in the US. It would eliminate all market exclusivity on prescription medicines, in return for remuneration from a $60 billion per year Medical Innovation Prize Fund that would be distributed to companies that develop new medicines on the basis of the incremental healthcare benefits the medicines deliver. The new US proposal shows one can separate the markets for

innovation from that for products providing hefty financial incentives for companies investing in R&D, without harming consumers.

India now has many options. It can protect its own consumers through liberal compulsory licensing, but still allow Indian inventors to seek the higher levels of intellectual property protection in the North American or European markets. It can even experiment with new ideas for collective management of patent rights, such as the Medical Innovation Prize Fund, or the proposals for an essential medicines patent pool. Fortunately for India, it has the legal tools it needs. Soon a large number of compulsory licenses will be issued for products now manufactured in India, which are subject to the mailbox patents. This will increase the familiarity with compulsory licensing and provide needed expertise in setting reasonable remuneration to patent owners.

There is also Article 92 of the new Act, which gives the government the right to issue compulsory licenses to address public health emergencies. This covers all medicines, without any prior negotiation with patent owners. In a country with such serious medical needs, it promises to be a living provision.

James Love is director, Consumer Project on Technology, an NGO focusing on IP policy, especially related to healthcare.

INTELLECTUAL PROPERTY

Through copyright, patent and trademark law, it is possible to claim exclusive ownership of ideas and expressions. Traditionally, from this ownership, in analogy to physical property, the right to exclude others has been derived. Over the last two decades an alternative practice of IP has been developed, which is not based on the right to exclude, but on the right to access. Many view this as a socially more beneficial way to organizing scientific innovation and cultural production in the information age.

TRIPS INTO THE UNCERTAIN - INTELLECTUAL PROPERTY RIGHTS, DEVELOPMENT AND THE STATE
By Corinna Heineke

The call for a Development Agenda within the World Intellectual Property Organisation (WIPO) is one of the latest efforts of countries of the global South to curb the sweeping advance of intellectual property rights into all fields of knowledge production. Brazil and Argentina filed a proposal for integrating the development dimension more fully into WIPO's mandate at the organisation's 31st General Assembly in September 2004. In this document these countries demand more flexibility for developing countries to address public interest, for example in public health issues, and to allow for policy space in regulating intellectual property. Particularly the Substantive Patent Law Treaty (SPLT) currently under negotiation in WIPO - and possibly taking intellectual property rights beyond anything existing today - is of concern to the two countries and the coalition of twelve so-called Friends of Development that endorsed the original proposal.

It was the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organisation (WTO), however, that complicated the global scenery of innovation, creativity and access to knowledge ten years earlier. Entering into force on 1 January 1995, it considerably shaped the conditions under which policy debates regarding genetic resources, the protection of traditional knowledge as well as access to medicines are taking place today. The TRIPS-Agreement obliges all member states of the WTO to provide in their national legislation for the patentability of products and processes in all fields of technology (Art. 27.1). That is to say that the 148 WTO-members must grant patents on inventions in biotechnology, including patents on life forms such as microorganisms, as well as on pharmaceutical inventions. Both kinds of patents have had serious effects, particularly in or for developing countries.

Take the case of South Africa for example. In 1998 the South African Pharmaceutical Manufacturers Association (PMA) and 41 pharmaceutical companies, launched a lawsuit against the South African Government over its Medicines and Related Substance Control Amendment Act of 1997. The Act was aimed at making medicines more affordable through the generic substitution of off-patent medicines and medicines produced under compulsory licenses as well as through the parallel importation of patented drugs from countries where these are sold at a lower price. In a country where in 2003 5.3 million people or almost a quarter of the population were estimated to be living with HIV/AIDS and 40% of the population are considered poor, lowering prices for anti-retroviral and other medicines is essential. The amended Medicines Act foresees, for example, that pharmacies would be obliged to sell a generic version instead of the branded drug if available. When patents have expired producers of generic medicines, i.e. medicines that are made of the same sub-

stances as branded drugs, can legally produce cheaper versions of the same drug. Equally, under the TRIPS-Agreement, governments are permitted to issue compulsory licenses to local generics' producers for the production of generic versions of patented drugs "in the case of a national emergency or other circumstances of extreme urgency or in cases of public non-commercial use" (Art. 31 (b)). Thus the Medicines Act in no way violates the TRIPS-Agreement since the AIDS-pandemic constitutes a circumstance of extreme urgency. However, the PMA claimed that the Medicines Act violated their constitutional rights to property. Interestingly, the Treatment Action Campaign, which is fighting for affordable medicines for people with HIV and

> **Patented seeds will stop farmers from pursuing their century long practice of sharing, developing and saving seeds from their own harvest.**

joined the litigation as amicus curiae of the Government of South Africa, could appropriate the constitution for its own case against the pharmaceutical giants. It argued that proprietary rights in medicines question the constitutional right to access to health care services (Section 27.1(a)).

The case received enormous international recognition, and public pressure from activists all over the world led the pharmaceutical complainants to withdraw their court application against the South African Government in April 2001. But the case also revealed some loopholes in the TRIPS-Agreement itself. For the production of generic drugs under a compulsory license "shall be authorized predominantly for the supply of the domestic market of the Member authorizing such use" (Art. 31(f)). That poses a difficult problem for many, predominantly small developing countries that do not have their own production capacities for medicines because the possibility of granting compulsory licenses evades their policy scope. At the Fourth Ministerial Meeting of the WTO in Doha, Qatar, in November 2001, developing countries and NGOs therefore pushed for recognition of the problem and an amendment of the TRIPS-Agreement in order to allow generics' producers to export their products to poor developing countries. The subsequent Declaration on the TRIPS-Agreement and Public Health and its paragraph 6 instructed the TRIPS-Council to find an "expeditious solution" for countries without manufacturing capacities in the pharmaceutical sector. A 2002 deadline passed and blatant power-plays occurred until an agreement was struck in August 2003. While developing countries managed to keep a limitation of applicable diseases out of the agreement, international health advocates have criticised the Public Health deal as too bureaucratic because countries wanting to make use of it have to file very detailed applications with the WTO for each and every drug and the quantities they

wish to purchase. The medicines shall, for example, be specifically labelled as having been produced under the compulsory licensing scheme. The decision implementing the Declaration on TRIPS and Public Health also requires an amendment of the TRIPS-Agreement itself so that the exportation of generic drugs becomes legally possible. However, the deadline of 31 March 2005 once again passed due to resistance from OECD-countries.

It is precisely these kinds of flexibilities that developing countries have had to fight for, even though the TRIPS-Agreement allows for compulsory licensing. Another flexibility provided in the agreement is the non-patentability of plants which members can inscribe in their national laws. However, Art. 27.3(b) states that "Members shall provide for the protection of plant varieties either by patents or by an effective sui generis system or by any combination thereof". The patenting of life forms such as microorganisms dates back to 1980 when the US Supreme Court decided that the patenting of life forms is legal if they have been modified from their natural state, can be technically mass-produced and if they are used in technical applications. In 1985 followed a patent on a genetically modified plant and in 1988 one on the so-called cancer mouse. Patented seeds will in time effectively stop farmers from pursuing their century long practice of sharing, developing and saving seeds from their own harvest. This is because the privatisation of the basic ingredient of agriculture ties in with an enormous advance of monocultural, commercial seeds through the so-called Green Revolution. With the spread of these seeds, more and more farmers worldwide have become dependent on seeds sold by global agro-chemical giants such as Monsanto.

If developing countries wish to exclude plants from patentability in order to prevent their farmers from facing such lawsuits they are required to implement an "effective sui generis system" for the protection of new plant varieties. But once again developed states push them to implement the International Convention for the Protection of new Plant Varieties (UPOV); an agreement developed in the North that in its latest version

from 1991 hinders plant breeding on the basis of protected varieties and saving seed. The implementation of UPOV is often pushed through bilateral trade agreements between the US or European Union and developing countries. Only few countries have attempted to draft a legislation of its own kind (sui generis) for the protection of plant varieties.

Because developing countries were lured into the TRIPS-Agreement by promises of market

access for agricultural products and textiles and were faced with threats of trade sanctions, it is only fair that they fight for the maintenance of flexibilities both in TRIPS and recently the Substantive Patent Law Treaty in WIPO. The case of South Africa shows that to a degree governments can protect basic rights to health care and food security if they use the flexibilities of TRIPS. However, it has to be cautioned that developing countries in the end agreed to the TRIPS-Agreement because another discourse has - under the structural adjustment programmes of the IMF and World Bank - become hegemonic: The idea that free trade generates welfare is inextricably interlinked with a discourse of modernisation and economic development. It is this development along an allegedly predetermined route that echoes in the demands of developing countries when technology transfer and recognition of their rights over natural resources are stipulated. While the countries' right to determine their own economic strategies cannot be denied there has however been a process of commercialisation in the name of development. Beside the TRIPS-Agreement allowing the patenting of life, the Convention on Biological Diversity, signed in Rio de Janeiro in 1992, codified this process of enclosure in that it transferred the sovereignty over genetic resources to the states. Previously, seeds and other natural resources had been considered the heritage of humankind. With the majority of genetic resources existent in countries of the South, however, developing states came to perceive their genetic resources as tradable goods. The result of the state controlling access to these resources is that the peoples that over centuries developed seeds and discovered medicinal remedies in the natural world are often deprived of their right to say no to the privatisation of biological resources that they have used for up to centuries.

While calls for recognising the health and food needs of the South in the IP-system are absolutely justified in the face of poverty and appropriate from a perspective of sovereignty over livelihoods, caution needs to be exercised regarding the role of the state in the enclosure of the commons and with respect to the kinds of technology transferred. The advance of intellectual property into all spheres of human subsistence will most likely continue but the resistance of local peoples and farmers can make the TRIP towards an all-enclosing intellectual property regime one with an uncertain end.

> **The resistance of local peoples and farmers can make the TRIP towards an all-enclosing intellectual property regime one with an uncertain end.**

Corinna Heineke is currently working on her PhD on traditional knowledge and intellectual property rights. In the past she worked on IPRs in Central America where she edited the book 'La Vida en Venta: Transgénicos, Patentes y Biodiversidad' (Ediciones Heinrich Böll, San Salvador, 2002).

INTELLECTUAL-PROPERTY RIGHTS AND WRONGS
By Joseph Stiglitz

Last October, the General Assembly of the World Intellectual Property Organization (WIPO) decided to consider what a development-oriented intellectual property regime might look like. The move was little noticed, but, in some ways, it was as important as the World Trade Organization's decision that the current round of trade negotiations be devoted to development. Both decisions acknowledge that the current rules of the international economic game reflect the interests of the advanced industrial countries - especially of their big corporations - more than the interests of the developing world.

Without intellectual property protection, incentives to engage in certain types of creative endeavors would be weakened. But there are high costs associated with intellectual property. Ideas are the most important input into research, and if intellectual property slows down the ability to use others' ideas, then scientific and technological progress will suffer.

In fact, many of the most important ideas - for example, the mathematics that underlies the modern computer or the theories behind atomic energy or lasers - are not protected by intellectual property. Academics spend considerable energy freely disseminating their research findings. I am pleased when someone uses my ideas on asymmetric information - though I do appreciate them giving me some credit. The growth of the "open source" movement on the Internet shows that not just the most basic ideas, but even products

> **Overlapping patent claims thwarted the development of the airplane.**

of enormous immediate commercial value can be produced without intellectual property protection.

By contrast, an intellectual property regime rewards innovators by creating a temporary monopoly power, allowing them to charge far higher prices than they could if there were competition. In the process, ideas are disseminated and used less than they would be otherwise.

The economic rationale for intellectual property is that faster innovation offsets the enormous costs of such inefficiencies. But it has become increasingly clear that excessively strong or badly formulated intellectual property rights may actually *impede* innovation - and not just by increasing the price of research.

Monopolists may have much less incentive to innovate than they would if they had to compete. Modern research has shown that the great economist Joseph Schumpeter was wrong in thinking that competition in innovation leads to a succession of firms. In fact, a monopolist, once established, may be hard to dislodge, as Microsoft has so amply demonstrated.

Indeed, once established, a monopoly can use its market power to squelch competitors, as Microsoft so amply demonstrated in the case of the Netscape Web browser. Such abuses of market power discourage innovation.

Moreover, so-called "patent thickets" - the fear that some advance will tread on pre-existing patents, of which the innovator may not even be aware - may also discourage innovation. After the pioneering work of the Wright brothers and the Curtis brothers, overlapping patent claims thwarted the development of the airplane, until the United States government finally forced a patent pool as World War I loomed. Today, many in the computer industry worry that such a patent thicket may impede software development.

The creation of any product requires many ideas, and sorting out their relative contribution to the outcome - let alone which ones are really new - can be nearly impossible.

Consider a drug based on traditional knowledge, say, of an herb well known for its medicinal properties. How important is the contribution of the American firm that isolates the active ingredient? Pharmaceutical companies argue that

> **The growth of the "open source" movement shows that products of enormous value can be produced without intellectual property protection.**

they should be entitled to a full patent, paying nothing to the developing country from which the traditional knowledge was taken, even though the country preserves the biodiversity without which the drug would never have come to market. Not surprisingly, developing countries see things differently.

Society has always recognized that other values

> **Most of those who signed the TRIPS agreement did not fully understand what they were doing.**

may trump intellectual property. The need to prevent excessive monopoly power has led anti-trust authorities to require compulsory licensing (as the US government did with the telephone company AT&T). When America faced an anthrax threat in the wake of the September 11, 2001, terrorist attacks, officials issued a compulsory license for Cipro, the best-known antidote.

Unfortunately, the trade negotiators who framed the intellectual-property agreement of the Uruguay trade round of the early 1990's (TRIP's) were either unaware of all of this, or more likely, uninterested. I served on the Clinton administration's Council of Economic Advisors at the time, and it was clear that there was more interest in pleasing the pharmaceutical and entertainment industries than in ensuring an intellectual-property regime that was good for science, let alone for developing countries.

I suspect that most of those who signed the agreement did not fully understand what they were doing. If they had, would they have willingly condemned thousands of AIDS sufferers to death because they might no longer be able to get affordable generic drugs? Had the question been posed in this way to parliaments around the world, I believe that TRIP's would have been soundly rejected.

Intellectual property is important, but the appropriate intellectual-property regime for a developing country is different from that for an advanced industrial country. The TRIP's scheme failed to recognize this. In fact, intellectual property should never have been included in a trade agreement in the first place, at least partly because its regulation is demonstrably beyond the competency of trade negotiators.

Besides, an international organization already exists to protect intellectual property. Hopefully, in WIPO's reconsideration of intellectual property regimes, the voices of the developing world will be heard more clearly than it was in the WTO negotiations; hopefully, WIPO will succeed in outlining what a pro-developing intellectual property regime implies; and hopefully, WTO will listen: the aim of trade liberalization is to boost development, not hinder it.
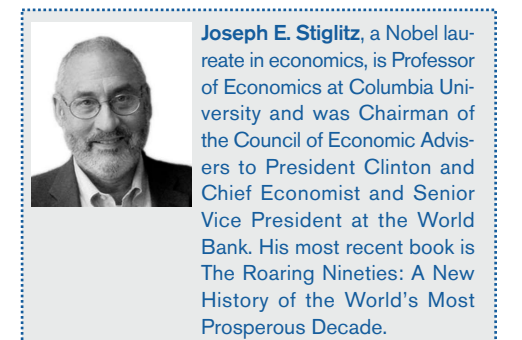
Joseph E. Stiglitz, a Nobel laureate in economics, is Professor of Economics at Columbia University and was Chairman of the Council of Economic Advisers to President Clinton and Chief Economist and Senior Vice President at the World Bank. His most recent book is The Roaring Nineties: A New History of the World's Most Prosperous Decade.

'DON'T COPY THAT FLOPPY!': THE PROPAGANDA OF DIGITAL PROTECTIONISM
By Jamie King

Intellectual Property (IP) has gone from being a 'dry' topic to a 'hot' one (or should that be 'wet'?) these last few years. One reason for this is the unholy conjunction of the network form and the digital file format: taken together, these give all sorts of media - including those that copyright owners would rather keep under their control - the capacity to propagate and self-distribute rapidly and endlessly.

> **'If you haven't paid for it, you've stolen it', students were told.**

This creates problems for the entire category of IP: a legal system that holds 'Thou Shalt Not Copy' at its very juridical heart now faces the social-technological fact that copying is as easy and natural - for those with a computer at their disposal - as breathing, eating or walking.

Three options offer themselves to copyright holders looking to lock things down. One: More Law. There have been unprecedented extensions to copyright terms in many western countries recently - extensions that mean both that owners' copyright persists for longer, and that it is more illegal to copy and share media. Two: Technological Protection-schemes like Trusted Computing provide an infrastructure that can be used to limit the inherent capacity of your computer to copy files although it is far from clear that such schemes can work reliably.

The third option is propaganda - make people believe that copying is a sin by insisting on the point at every available opportunity. This article briefly reviews some of the more egregious examples of pro-copyright propaganda that have been circulating recently..

The World Intellectual Property Organisation (WIPO), a UN cathedral whose priests worship at the feet of the mightiest copyright gods, produces some astonishing propaganda in its own right, reminiscent of the worst propaganda excesses of Stalinist Russia or Nazi Germany. In the asinine form of a series of pedagogic comics, WIPO promulgates the 'self-evident truths' of IP:

A few people at Bangalore's own Alternative Law Forum have worked up an amusing response to these comics (see http://www.altlawforum.org/lawmedia/CC.pdf), a socially necessary undertaking given the comics' mind bending mendacity (any lawyer knows the representation of the 'facts' of IP presented here, to children, is flagrantly insufficient) and cultural insensitivity (the 'pirates' of the piece are, inevitably, non-white.)

In 2003/04 the Motion Picture Association of America (MPAA) spent more than $200,000 on an 'educational' course for schoolchildren, bizarrely entitled 'What's the Diff? A Guide to Digital Citizenship'. This was nothing more than a lesson in IP dogma. 'If you haven't paid for it, you've

stolen it,' students were told - eliding fair use, public domain works, Free Software, and alternative licensing in one sweep of the revisionist hand. Teachers worked from a 25-page classroom guide, explaining that the use of a computer to download files was 'morally and ethically wrong.' Students played roles such as 'The Film Producer' and 'The Starving Artist'; at the end of one session, according to an article in the Boston Globe, a teacher asked a boy: "Will you stop copying music online and download the right way?' 'Yes,' he answered. 'I'll go to the music store and buy more CDs.' Alongside the propaganda comes bribery: for writing essays about why file sharing is bad, students are offered incentives such as free DVD players and DVDs (first one's free, but they're hooked forever), movie tickets and trips to Hollywood.

The States isn't the only place to attempt brainwashing children on the merits of strong IP. The Hong Kong chapter of the Scouting Association started offering an MPA (its own local Motion Picture group) intellectual property merit badge earlier this year. The 'badge of honour' is conditional on successfully completing a series of seminars and workshops on the importance of protecting and respecting intellectual property rights. Badge wearers also have to join the 'I Pledge' Scheme and work to promoting the good message. Baden Powell's legacy was never a particularly clean one.

> **Teachers worked from a 25-page classroom guide, explaining that the use of a computer to download files was 'morally and ethically wrong'.**

Microsoft entered the fracas this year with a contest in which malleable teens are supposed to create a video about the adverse effects of IP theft on society. (The finished work can't use any third party intellectual property, and if you win, Microsoft claims complete ownership over your work.) This is particularly ironic given that Bill Gates' first operating system, Altair Basic, was itself a proprietary incorporation of community developed software. Microsoft's behaviour specifies very well the tendency of the victors to cast others as pirates once they have looted enough resources to have obtained a solid commercial advantage. Not only are Robber-Barons not gracious to those they have looted; often as not, they pursue them with the full force of their newly-purchased law.

There is no shame for hyperbole amongst the IP Barons, the most obvious example of which being the utterly unsubstantiated 'piracy funds terror' tale. Even amongst the main promulgators of the story there is little consistency here: Jack Valenti, head of MPAA, has publicly linked piracy and terrorism, claiming that funds generated from pirated films support terrorist activity. But at a 2003 hearing of the U.S. House Judiciary Committees on the links between terrorism and the illegal trading of copyrighted material, at which Valenti was present, neither he nor any other of the industry witnesses felt moved to make any such bold claim. Instead, there were the usual complaints about college students using peer-to-peer networks and other governments sanctioning copyright violations. Of course, the small matter of fact doesn't prevent the industry propaganda machine from associating itself with good fight of the War on Terror. A 2004 Federation Against Copyright Theft advert seen in cinemas in the UK shoved a hot branding iron in viewers' faces while brazenly declaring that

'piracy funds terrorism' and that 'piracy will destroy our society.' Many viewers complained to the Advertising Standards Agency (ASA), who upheld the statements. Next up: Guantanamo Bay for pirates.

> **IP Barons have publicly linked piracy and terrorism, claiming that funds generated from pirated films support terrorist activity.**

You don't have to search hard to find stories and materials like these: IP propaganda is rife. An online archive at www.shiversofsharing.org/propaganda/ is currently being created for people to upload any examples they find. The undisputed classic of the genre is 'Don't Copy That Floppy' (1992) by the Software Publishers Association, which is archived at the Internet Archive, in which MC DP (that's Disk Protector) declares the 'End of the Computer Age' if kids don't stop sharing pirated software. Almost fifteen years after the film predicted digital Armageddon, the computer industry is still going strong. What might not please the Disk Protector (where is he now?) is that it's going strongest precisely in the areas in which traditional property rights don't pertain: Free/ Libre and Open Source Software. How do you like them apples, DP?

Jamie King (jamie@jamie.com) is a Contributing Editor at Mute Magazine (www.metamute.com) and the founder of Pretext (www.pretext.org), the first free/libre literary publisher. Jamie lives in Hackney, London, in what could fairly be described as the last bastion of disorganised resistance.
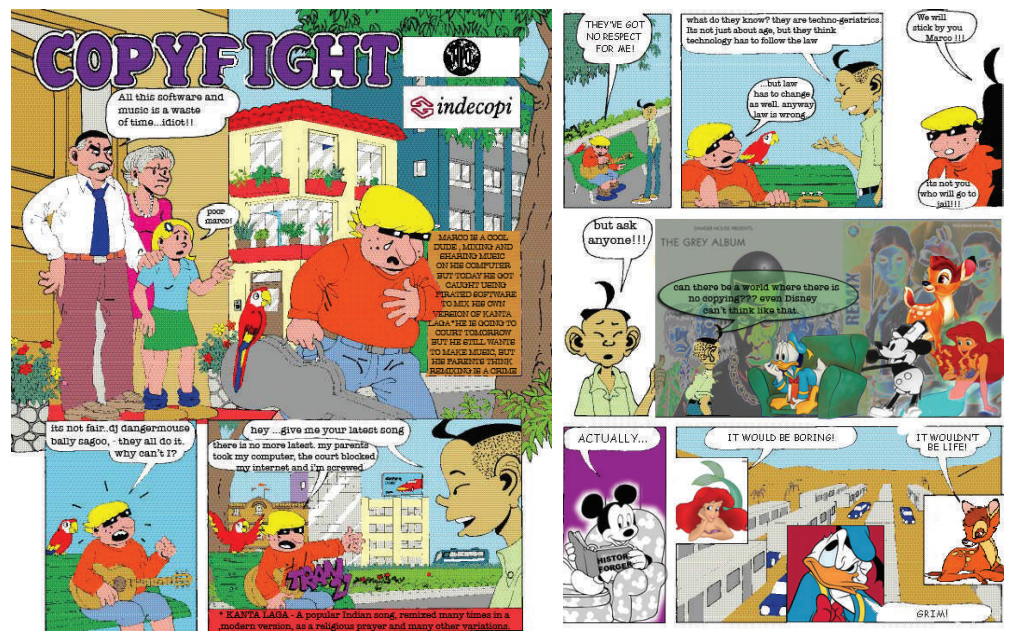
COPYFIGHT

OPEN ACCESS TO SCIENCE IN THE DEVELOPING WORLD
By Peter Suber and Subbiah Arunachalam

Since the birth of the scientific journal in 1665 scientists have been publishing journal articles without payment. They may expect royalties for their textbooks and monographs, but they give away their journal articles in exchange for a host of intangible benefits, such as a time-stamp that gives them priority over other scientists working on the same problem, and the prestige, citations, and impact that advance their careers.

> **The rise of the internet meant that the tradition of free offering by authors could finally be matched with free distribution.**

For more than 300 years, these author-donated works were distributed in print editions, whose costs were covered by subscription fees. The rise of the internet, however, meant that the tradition of free offering by authors could finally be matched with free distribution - or open access - to readers.

At about the same time that the internet was born, the price of journals began to grow sharply. The average price of a science journal has risen four times faster than inflation for the past three decades. The result is an access crisis in which no institutions can afford access to the full range of journals. Librarians have responded by cancelling subscriptions and cutting into their book budgets. Scientists have responded by working out alternative ways of sharing their research.

Open access (OA) literature is digital, online, free of charge, and free of most copyright and licensing restrictions. It can be delivered through OA journals, which perform peer review, or through OA archives or repositories, which do not. One of the achievements of the worldwide OA movement is to persuade 80% of non-OA journals to let their authors deposit the peer-reviewed versions of their work in OA repositories.

> **Open Access can raise the profile of an entire nation's research output.**

OA is gathering momentum around the world. Today there are over 1,650 peer-reviewed OA journals and over 500 interoperable OA repositories. In the US, the National Institutes of Health asks all its grantees to provide OA to the results of NIH-funded research within 12 months of publication. The Wellcome Trust requires OA to Wellcome-funded research within six months of publication, and the Research Councils UK are considering a similar policy with an even shorter delay. Major research institutions in Australia, China, France, Germany, Greece, Hungary, Italy, Norway, Portugal, Switzerland, the UK, and the US have committed themselves to provide OA to their research output.

OA is a matter of special concern in developing countries, which have less money to fund or publish research and less to buy the research published elsewhere. Most libraries in sub-Saharan Africa have not subscribed to any journal for years. The Indian Institute of Science, Bangalore, has the best-funded research library in India, but its annual library budget is just Rs 100 million (about 1,9 million).

There are several programs, like HINARI and AGORA, in which journal publishers donate electronic subscriptions to developing countries whose per capita GDP is less than $1,000. These programs mitigate the access crisis but do not solve it. India is surprisingly excluded even though its per capita GDP is less than $500! Moreover, insofar as they satisfy demand, they reduce the urgency of deep reforms that will bring about a superior, OA system of scientific communication.

About half the world's OA journals pay their bills by charging upfront fees for accepted papers. The fees are usually paid by the author's research grant or employer, not out of the author's pocket. The Public Library of Science and BioMed Central, the two best-known OA publishers, waive these fees in cases of economic hardship, no questions asked. There are many successful OA initiatives in the developing world. These include Bioline International, which hosts electronic OA versions of 40 developing country journals; SciELO, which hosts more than 80 journals published in Latin American countries and Spain; and African Journals Online (AJOL), which provides free online access to titles and abstracts of more than 60 African journals and full text on request. The Electronic Publishing Trust for Development (EPT), established in 1996, promotes open access to the world's scholarly literature and the electronic publication of bioscience journals from countries experiencing difficulties with traditional publication.

India is home to many OA journals that charge no author-side fees. All 10 journals of the Indian Academy of Sciences and all four journals of the Indian National Science academy are OA journals. INSA has already produced free-access electronic versions of back volumes for all its journals, and the Indian Academy of Sciences has launched a similar digitization project for its back run. The Journal of the Indian Institute of Science is also available in this form back to its very first issue, published in 1914. The Indian Medlars Centre of the National Informatics Centre is bringing out OA versions of 33 biomedical journals and has an OA bibliographic database, providing titles and abstracts of articles from 50 Indian biomedical journals. Medknow Publications, a company based in Mumbai, has helped 30 medical journals make the transition from print to electronic open access and most of them are doing much better now than before.

OA archiving is even more promising than OA journals. It is less expensive, allows faster turnaround, and is compatible with publishing in conventional journals.

For researchers in developing countries, OA solves two problems at once: making their own research more visible to researchers elsewhere, and making research elsewhere more accessible to them. OA, if adopted widely, can raise the profile of an entire nation's research output. When Indian research, for example, is published in expensive journals, then all too often it goes unnoticed by other researchers in India. OA journals and archives help to integrate the work of scientists everywhere into the global knowledge base, reduce the isolation of researchers, and improve opportunities for funding and international collaboration.

Although developed countries were the first to encourage OA to publicly-funded research, the model is very appealing in developing countries and likely to spread. One direct way is simply to put an OA condition on publicly-funded research grants. Another is to have universities and research laboratories set up institutional archives and adopt policies encouraging or requiring researchers to deposit their research output even if they also publish it in conventional journals.

Providing OA to publicly-funded research accelerates research, gives taxpayers (both lay readers and professional researchers) access to the research they funded, and increases the return on their investment in research. As this argument gets traction in developing countries, the transformation should be dramatic.

> **Because Open Access enhances research productivity and accelerates the pace of discovery, it helps everyone who benefits from research advances. It's a beautiful solution to a serious problem.**

Doesn't the digital divide interfere with these plans? Yes and no. First, internet access is improving rapidly in many developing countries and equipment costs and connectivity charges are coming down. Second, we should work now on the content side of the divide in order to take full advantage of every increment of progress on the hardware side. Primarily, this means educating scientists about the benefits of OA and persuading universities, libraries, funding agencies, and governments to adopt OA-friendly policies.

OA helps researchers directly, both as authors and readers. It helps the institutions that fund and supervise research, from universities and laboratories to foundations and governments. It widens the distribution of research literature and lowers costs at the same time, and does so without compromising peer review, preservation, indexing, or the other virtues of conventional publishing. Above all, because OA enhances research productivity and accelerates the pace of discovery, it helps everyone who benefits from research advances. It's a beautiful solution to a serious problem.

Subbiah Arunachalam is an information scientist based in Chennai in South India. His research interests include science on the periphery, scientometrics, information access, and the application of information and communication technologies in development and poverty reduction programmes.

Peter Suber is the Open Access Project Director at Public Knowledge, a public-interest advocacy group in Washington D.C. focusing on information policy. He's also a Research Professor of Philosophy at Earlham College and Senior Researcher at the Scholarly Publishing and Academic Resources Coalition (SPARC). He has a Ph.D. in philosophy and a J.D. For more details, see his home page: http://www.earlham.edu/~peters/.

SCHOOLS & THE 'AFRICAN DIGITAL INFORMATION COMMONS'
By Chris Armstrong

The prospects for a meaningful African participation in the "digital information commons" are decidedly mixed.

On the one hand, there are clear shortfalls to contend with in internet connectivity, in exportable informational and cultural output, and in exportable academic and research output. On the other hand, digitisation and international electronic networks possess much potential for assisting African knowledge workers and creators in sharing knowledge within the continent, in tapping into the knowledge and creative resources of other continents, and in improving awareness of – and even economic opportunities for – African creators.

A recent effort to build an online "wiki" called the *African Commons Encyclopedia*[1], linked to the May 2005 Commons-sense Conference in Johannesburg, has found that African schools can and must be in the vanguard of the digital commons movement on the continent.[2]

At continental level, the NEPAD e-Schools project aims to support internet connectivity for all of the continent's high schools within 5 years, and primary schools in 10 years, via wired and wireless systems. The first official e-School was launched in Uganda in July.
Meanwhile, the Catalising Access to ICTs in Africa (CATIA) project is working hard to free up national regulatory rules for use of VSAT satellite, which will need to become a key wireless connectivity solution for schools. SchoolNet Africa, with a presence in 30 African countries, is trying to build the necessary technical management and troubleshooting skills at school level, partly through its online course for Technical Service Centre Managers.

These programmes have the potential to gradually answer the "digital" part of the digital information commons challenge. But what of the "information" dimension? How can the internet become a place where African school teachers and learners find content of relevance, and content that that they are free to use and adapt in whatever manner they see fit?

This is where the open access and open content movements have a role to play – in encouraging the development of online repositories of curriculum materials that can be freely used and adapted/translated for local appropriateness. As the Johannesburg-based Access to Learning Materials (A2LM) in Southern Africa project has pointed out, even a comparatively well-off country such as South Africa finds its Department of Education budget stretched out of control by the costs of hard-copy, copyrighted textbooks produced by educational publishers locally and overseas. It seems clear that "digital commons" techniques (digital, online distribution and access), when coupled with broader national copyright exceptions for "fair dealing" educational uses, have the potential to significantly enhance the affordability of school-level education delivery.

> How can the internet become a place where African school teachers and learners find content of relevance?

One current schools content initiative is the Commonwealth of Learning (CoL)'s Learning Objects Repository (LOR), which provides open content course materials (free to use, copy, distribute, adapt) for teachers in all Commonwealth countries, using a free and open source software platform developed in Canada. The African Virtual University (AVU), based in Nairobi, is working with CoL to get learning objects relevant to African teachers into the repository. Meanwhile, SchoolNet Africa is providing shared continental online networking spaces for teachers and learners through their African Education Knowledge Warehouse (AEKW) and African Teachers Network (ATN).

In Senegal, the Examen project, started in 2001, is a free web resource that helps high school students prepare for examinations and make career choices, with a focus on mathematics and science. The web interface is well-used, as evidenced by the following statistics from a recent one-week period in 2005:
• 8850 page visits (between 750 and 1539 page visits per day)
• 963 site visits
• 822 distinct visitors

> There is the potential that the better part of Africa will encounter the internet through free software and teaching materials provided as open content.

South Africa is also home to some interesting online work in support of math and science teachers and learners. The Free High School Science Texts (FHSST) project, initiated by graduates of the University of Cape Town, is an online collaboration among materials developers around the world to build free science textbooks for Grades 10-12. Also in Cape Town, the Shuttleworth Foundation's "Online Text Book" project aims to deliver free open content science, technology and entrepreneurship teaching materials.

African government departments also have an important role to play in getting their schools into the digital information commons. Trade ministries need to work towards more enabling copyright dispensations for educational settings, and education departments need to seek out publishers and firms willing to develop open access and open content resources (i.e., publishers and firms willing to sign away certain of the usual default copyright rules for materials they are paid to develop).

South Africa's Department of Education started moving in this direction in 2005, providing open content, curriculum-aligned materials for teachers and learners via a portal called Thutong – the Setswana word for "place of learning."

And it can never hurt to have a bit of fun! – as SchoolNet Namibia is amply illustrating with its online open content comic called *Hai tai!*, which means "listen up" in the local Oshiwambo dialects. Teachers and learners are free to use and adapt the comic, which has a Creative Commons licence and extols the virtues of open source software and the use of the online environment for formal or informal learning (e.g., getting sports scores). .
The focus on schools highlights both the difficulties faced in creating a digital commons in Africa, as well as its potential. While much needs to be built up from the ground, hence the central importance of schools, there is the potential that the better part of the continent will encounter the internet through free software and teaching materials provided as open content, thus forming attitudes towards digital information that favour access and collaboration.

[1] The Commons-sense Project at the Wits University LINK Centre in Johannesburg is tracking projects on the continent that are, inbuilding African participation in the commons. It produces the African Commons Encyclopedia. All projects mentioned in this article are listed there. http://www.commons-sense.org/TikiWiki/tiki-index.php

[2] Many of the issues raised in this article are further explored in presentations made to the May 2005 Commons-sense Conference. http://www.commons-sense.org/pages/schedule.htm
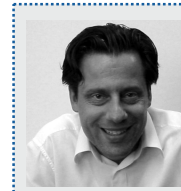
Chris Armstrong is an Associate at the LINK Centre's Commons-sense Project at Wits University, Johannesburg. His research includes digital TV, community TV and video, radio and new ICTs in Africa, and SADC civil society participation in the World Summit on the Information Society (WSIS).

BRAZIL'S CANTO LIVRE PROJECT: THE EMERGENCE OF SOCIETY'S CREATIVITY
By Ronaldo Lemos

Brazil has been playing a very important role in the international sphere regarding the discussion of alternative uses for the Intellectual Property system. By way of example, Brazil and Argentina proposed to the World Intellectual Property Organization in 2004 the so-called "Development Agenda", seeking to strike a proper balance between the rights of intellectual property owners and the interests of society as whole.

Besides such Brazilian initiatives in the international sphere, several other projects are being put in practice to demonstrate the possibilities of reconciling open knowledge regimes, economic development and cultural production. An important example is "Canto Livre", a project aimed at building an open creative environment for Brazilian music, relying on the idea of sharing and remixing, on the possibilities of collective creation, and on intellectual generosity.

"Canto Livre" is Portuguese for *free singing* - "free" as in "free jazz", not as in "free lunch". It also stands for *free corner*, a place where everyone is welcome to participate and to engage in activities related to music. The project was created after the idea of Gilberto Gil, Brazil´s Minister of Culture, and one of its most important musicians.) Music is the soul of Brazilian society. Rhythms like samba and maracatu help to define the very essence of what being a Brazilian means.

In spite of that, the Brazilian musical market becomes increasingly alienated from the real musical production in the country. A very significant portion of Brazilian music today is produced on the fringes of the market and on the fringes of Intellectual Property. Examples include the musical scene known as *"tecno-brega"*, taking place in the city of Belém, state of Pará. In that city, a parallel music industry has been active for years. The "tecno-brega" parties attract every weekend thousands of people in the outskirts of Belém for "sound system parties". A couple hundred new records are produced and released every year by local artists, but both the production and distribution of these records take place outside the traditional music industry.

> A very significant portion of Brazilian music is produced on the fringes of Intellectual Property.

This music is born "free", in the sense that copyright protection is not part of the business model developed by the *tecno-brega* scene. The CD is considered as a mere advertising piece, in the sense that it works as vehicle for advertising the different sound system parties taking place every week. Artists make money through innovative business models. By way of example, they record their live presentations in the parties in "real-time", and sell them immediately after the concerts. Accordingly, the audience is able to go back home with a CD containing the concert that they have just attended. The *tecno-brega* DJ´s usually acknowledge in their live presentations the presence of people from various neighborhoods, and this acknowledge-

> Copyright protection is not part of the business model developed by the tecno-brega scene.

ment is of great value to the audience, leading thousands to buy copies of the recorded live presentation.

This practice to record "live" presentations for immediate selling obtained worldwide attention when the North-American rock band, "The Pixies" started doing the same thing during their 2004 world reunion tour. The press praised such practice as an innovative business model for musicians in the digital era. Little did they know that the same practice had been in place for at least 3 years in the tecno-brega scene in the city of Belém.

Such "under the radar" institutional arrangements can play an important role in reshaping the interplay between media, culture and the role of IP rights in the developing world. That is especially true when one considers the fact that in examples such as the above, copyright is simply not a factor. In this sort of business model, "piracy" is either irrelevant or economically impracticable.

The "Canto Livre" is building an online platform for all Brazilian music in the fringes to emerge. The platform is decentralized, relying on a certified P2P infrastructure, where you have to identify yourself in order to upload music, but not to download it. Additionally, Canto Livre offers a Creative Commons interface. All the music being made available under the project can be licensed according to the Creative Commons model. The goal is to make available three types of content: a) public domain works; b) public and private archives, made available by their owners; c) all sorts of musical works, uploaded by any musician. Whole scenes like the *tecno-brega*, the funk carioca, the forró from the Amazon, and several others, will benefit from a global distribution tool, allowing the scenes to expand in an unprecedented fashion.

In short, what the "Canto Livre" project does is to recognize that, especially in the developing world, musical creativity is much larger in society than in the market. In Brazil, cultural production taking place in a decentralized fashion has become much more important than the culture being produced within the "cultural industry". Providing a place for all this creativity to emerge is the mission of Canto Livre. That will help to disseminate the Brazilian culture globally, and to promote economic and cultural inclusion for several creative communities within the country which are today estranged by the existing traditional market alternatives.

For more information on the Canto Livre project, please go to
www.direitorio.fgv.br/cts *(Portuguese only)*

Ronaldo Lemos is the director of the Center for Law & Technology at the Fundação Getulio Vargas Law School in Rio de Janeiro, Brazil. He is also the director of the Creative Commons project in the country.

FRAGMENTED URBAN TOPOGRAPHIES AND THEIR UNDERLYING INTERCONNECTIONS
By Saskia Sassen

Topographic representations of the built environment of cities tend to emphasize the distinctiveness of the various socio-economic sectors: the differences between poor and rich neighborhoods, between commercial and manufacturing districts, and so on. While valid, this type of representation of a city is partial because there are a variety of underlying connections. Further, it may even be more problematic than in the past, given some of the socio-economic, technical, and cultural dynamics of the current era. One step towards understanding what constitutes the complexity of large cities is the analysis of interconnections among urban forms and fragments that present themselves as unconnected.

The Informal City in "Advanced" Urban Economies.

The corporate complex and the immigrant community today are probably two extreme modes in the formation and appropriation of urban space in global cities of the North. In major complex cities of the South, including global cities, we see the informal city rather than the "immigrant community". Globalization has brought about an often massive development of the corporate economic built environment in these cities of the South, as is evident in Mumbai, Shanghai, Sao Paulo, Mexico City, Bangalore, and so on.

> **The urban form represented by the immigrant community, or the informal city, is habitually seen as not belonging to an advanced economy.**

WHO OWNS YOUR KNOWLEDGE?
WORLD-INFORMATION CITY 2005 NOVEMBER 14-20
WHO BENEFITS FROM THE INFORMATION YOU PRODUCE?
WORLD-INFORMATION CITY 2005 NOVEMBER 14-20

The urban form represented by the global city function – the internationalized corporate services complex and the highly paid professional workforce with its high-priced lifestyle spaces – is the one habitually thought to constitute the essence of an advanced post-industrial economy. The urban form represented by the immigrant community, or the informal city, is habitually seen as not belonging to an advanced economy, one to be found in the global cities of the North only because it is imported via immigration, and in the cities of the South as a sign of underdevelopment.

These two forms reveal how power and the lack of power inscribe themselves in the urban landscape and which narratives are attached to each. One is seen as representing technological advance and cosmopolitan culture, the other, economic and cultural backwaters. One presents itself as part of the global economy, suffused in internationalism; the other, while international in its origin, is promptly reconstituted as a local, vernacular form. One is read as being dis-embedded, transterritorial to the point of being thought of as a-spatial, captured by concepts such as the information economy and telematics. The other is read as deeply embedded in an economic, social and cultural territory of neighborhoods and particularistic traditions that have little if any conncetion with the advanced corporate sector.

> **The informal city of work and housing and daily services, can be seen as a strategic component of advanced urban economies.**

However, the informal economy and, more generally, certain "working class" uses of space are actually also forms through which advanced economies function and materialize in urban space.

Many of the highly differentiated components of the economy – whether firms, sectors, or workers – are actually interconnected, but with often extreme social, economic, racial and organizational segmentation. The result is fragmented topographies that obscure the underlying connections. This segmentation is regularly strengthened, and even enabled, through racism and discrimination. Ethnic/racial segmentation not only produces economic outcomes that devalue some firms and workers and over-value others, but also produces a narrative about the nature of our large cities which marginalizes the economics and the culture of non-dominant sectors.

Cities as production sites for global control capacities.

Complex cities, especially if global cities, are production sites for a large array of inputs and "organizational commodities" necessary for global control and coordination. The key point from the perspective of the interdependencies underlying what appear as fragmented topographies is that these inputs need to be produced. The producer services sector is a sort of new basic industry –it ranges form advanced corporate services such as finance and accounting to industrial services like trucking and warehousing. Major cities are preferred sites of production for the specialized services that firms need. But firms in the advanced sector also create a demand for industrial services –the software used by the financiers and accountants needs to be trucked. Further, the lifestyles of the new professional classes create a large demand for goods and services, often made and delivered through low wage workers. These do not seem to be part of the advanced economy, but they are.

Focusing on the production of these various services helps us see the many different types of firms, workers and neighborhoods that are actually part of the advanced urban economy. Furthermore, it helps us focus on the organization of globalized economic sectors: outsourcing, subcontracting, supply chains, networks, or input and output markets. All of this allows us to see that much of this work happens partly in the informal economy of these cities. Thus the existence of a dynamic growth sector feeds the expansion of what appear to be declining or backward economic sectors, such as the downgraded manufacturing sector and the informal economy.

Even the most sophisticated professional sectors need access to a broad range of industrial services located in easy access in central areas. When these lower profit firms lack the bidding

> **The space of the city is a far more concrete space for politics than that of the nation. Here, non-formal political actors who are rendered invisible in national politics, have better access to the political scene.**

power to locate in central areas they often operate partly or fully in the informal economy. Further, the growing inequality in the distribution of household income and firms' profits reorganizes consumption and life-styles. High income households and newly gentrified residential areas require more services, often through informal workers. But also the growing numbers of low-income households – or firms - are likely to meet more and more of their needs through the informal economy, albeit through a different component of it.

Finally, a question bringing these different strands together is that of the effect of economic restructuring (in its many guises) on the organization of the capital-labor relation. Informalization of economic activities and downgrading of manufacturing in particular (e.g. going from from unionized factories to semi-informal operations) are, in the end, modes of reorganizing the relationship between capital and labor in an advanced urban economy with enormous differentials in the profit-making capacities of different types of firms and sectors. Through this reorganization these low-profit sectors are actually incorporated into the advanced economy. But it just does not look like it. The changes in the sphere of social reproduction described above also add to this reorganization insofar as consumption and life-style have contributed to a proliferation of small, labor intensive firms. Some of these cater to high-income households and others cater to very low-income households. Both however share the fact that they have a distinct form of organizing work, quite different from the large-scale, standardized firm where unionization and adherence to various regulations are more typical.

One effect of all of this is the proliferation of small firms, including interestingly an expansion in labor-intensive and informal types of manufacturing in the city, even as large standardized factories leave the city. I like to think of this as "urban manufacturing" –a kind of networked manufacturing, dependent on contractors and subcontractors, and mostly servicing service firms and househeolds. This inverts the historic relationship whereby services serviced manufacturing. These small firms become more typical at the same time that global market firms dominate the city's economy.

One fundamental form of the interaction of space, production, and social reproduction in our "advanced" cities is the growing demand for both luxury housing and low-price housing. Displacement of more modest households, including the lower ends of the middle class, is common in all global cities around the world. So are conflicts over access to city land. But pushing out the low-wage workers does not make sense: if their trip to work becomes unacceptably long or costly, those highly dynamic sectors with a critical mass of both high- and low-income jobs will suffer –and they are likely to bring income to city government. The informal city of work and housing and daily services, can then be seen as a strategic component of advanced urban economies.

New Frontier Zones: The formation of new political actors

The other side of the large complex city, especially if global, is that it is a new "frontier zone" where an enormous mix of people converge. Those who lack power, those who are disadvantaged, outsiders, discriminated minorities, can gain presence in such cities, presence vis a vis power and presence vis a vis each other. This signals the possibility of a new type of politics centered in new types of political actors. It is not simply a matter of having or not having power. There are new hybrid bases from which to act.
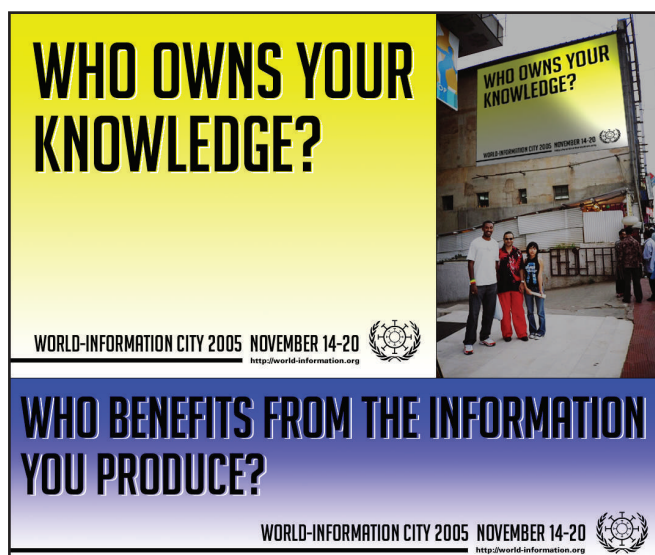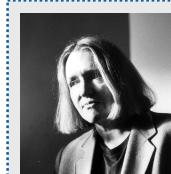
Here the interaction between fragmented topographies and the existence of underlying interconnections assume a very different form: what presents itself as segregated or excluded from the mainstream core of a city is actually an increasingly complex political presence. The space of the city is a far more concrete space for politics than that of the nation. Here, non-formal political actors who are rendered invisible in national politics, have better access to the political scene. And, perhaps more importantly, they can constitute themselves as political actors. The fact itself that the new advanced urban economy generates a vastly expanded luxury zone that displaces other firms and homes becomes a fact feeding politics. Urban space is no longer civic, as old local ruling elites aspired to: today it is political. Much of urban politics is concrete, enacted by people rather than dependent on massive media technologies. Street level politics makes possible the formation of new types of political subjectivity, which are not dependent on the formal political system, as is the case with electoral systems.

Further, the Internet can strengthen a new type of cross-border political activism, one centred in multiple localities, reflecting local struggles and initiatives, yet intensely connected digitally with other such localities around the city, the country, the world. This is a politics of the local but with a big difference. Digital networks are contributing to the production of new kinds of interconnections underlying what appear as fragmented topographies, whether at the global or at the local level. A poor neighborhood may look isolated and out of the loop, but may in fact be deeply connected to other such neighborhoods and larger institutions. Political activists can use digital networks for global or non-local transactions and they can use them for strengthening local communications and transactions inside a city or rural community.

The large city of today, especially the global city, emerges as a strategic site for these new types of operations. It is a strategic site for global corporate capital: the urban moment turns that elusive category that is global corporate capital into actual men and women who wanted it all and grab it all. In so doing they become visible as a social force with a distinct project, a project that also has an urban shape. But it is also one of the sites where the formation of new claims by informal political actors is given shape, and materializes in concrete forms. Under thee conditions, the enormous mixity of the disadvantaged also takes the shape of a social force. These are two new actors on the scene of history: and it is in the city that they encounter each other and become political.

Saskia Sassen is Professor at the University of Chicago, and Centennial Visiting Professor at the London School of Economics. Her new book is Territory, Authority and Right: From Medieval to Global Assemblages (Princeton University Press, 2006). She has just completed for UNESCO a five-year project on sustainable human settlement for which she set up a network of researchers and activists in over 30 countries.
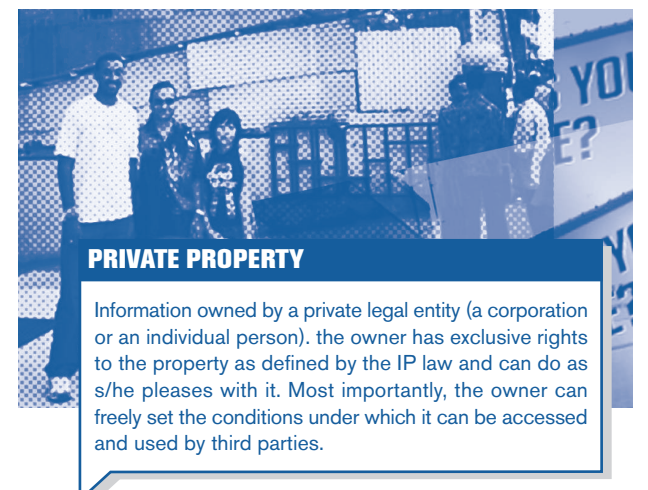
PRIVATE PROPERTY

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ANALOGUE TO DIGITAL: RE-LIVING BIG BUSINESS'S NIGHTMARE IN NEW HYDRAS
By Solomon Benjamin

Either poverty must lose the fear of property, or property in fear of poverty will destroy democracy[1]

If the 'south' and particularly their cities experience much higher growth rates than those in the 'north', has Int. capital reconstituted itself to invest and gain from these locations? Since real estate in cities of the South and retail provides one of the highest returns, how is land and its connected institutions sought to be framed to facilitate such extraction?

The House that Sundramma built
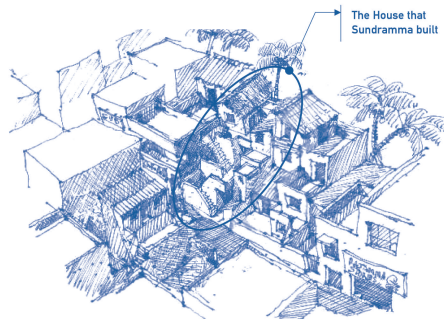
SECTION 1: Sundramma's house

This essay suggests that corporate led globalisation in rooting itself in cities of the south, faces un-expected confrontation in what they see as a new 'Hydra'. What seemed like 'messy, under-developed third world' environments turned out to be increasingly beyond planning, assuming a life force of its own and subverting a global ideal **(Figure 1: Sundramma's house)**.

I borrow the term Hydra from two kinds of sources. The first use can be found in 'English media press' among the elite to describe three situations: an extensive and un-controllable underground economy; a messy, chaotic and corrupt city hall centred politics and bureaucracy; an all-pervasive un-authorized, non-conforming, un-planned, cancer like slumming process which rapidly edges out ordered city growth and subverts Master Planning. My second source is the use of the term by Linebaugh and Rediker to describe the quest for alternatives in 16-18th Century Europe and the Americas.[2] They show how a 'motley' bunch of sea farers, slaves, convicts in being banished seek out alternatives to define conceptions of property, and a way of life, and in doing so, termed a 'hydra' to threaten establishment.

Today I see at least three aspects of the Hydra transforming what we know of 'property', 'democracy', and the conceptually flawed trilogy 'the Nation State-Market-civil society'. The New Hydras are severely threatening in being shadows and stealth-like structures, capable of eroding the 'self'. In breaking down binaries, they encroach on other binary/dualistic based conceptions.

The new Hydras encroach on 'property' and the economy: Perhaps on the most structural level, the Hydra transforms notions of property. While located in seemingly mainstream notions of property, these are encroached upon in the forms of multiple tenures and claims that make centralized control and surplus extraction increasingly impossible **(see figure 1-A: Street side Hydras)**. What emerges instead is a complex of networked bazaar like small firm clusters. Thus emerging diversity of tenure underpins and is at the same time shaped by an increasingly sophisticated economy. This comes at a time when globally connected big business (with the highest levels of government policy making and legislative apparatus at their side) promote digital forms of land title recording and a range of financial and institutional architecture to reinforce exclusive property regimes **(see Figure 2: global-local networks in IT Campus development)**.

Globally connected Financial Institutions, in partnership with a range of other players, invest in urban designed IT campus developments in cities like Bangalore, Delhi, Bombay and Hyderabad with excellent profits. A particular financial architecture around 'Special Project Vehicles' (SPVs), and mechanisms such as Transfer of Development Rights (TDR) facilitates urban renewal of central city areas and also makes high returns to International capital possible. Real estate profits accrue from a play of 'digital titles' intended for online trading. The World Bank in partnership with India's largest private banks invest $ 1000 m in e-governance, and in particular, computerized land titles. The digitisation of 20 million land records by the Goverment of Karnataka designated as a World Bank 'Best practice', reducing 1500 forms of land tenure to 256! This has allowed very large real estate companies catering to the IT industry to access land Bangalore, resulting in dramatic changes in land markets. An extension of the concept is a GIS based digitising of titles in 57 towns and secondary cities financed by the Asian Development Bank with back office support by the personal funds of the CEO of India's largest IT company.

Contest comes from a Hydra secured by diverse tenure regimes inherent within the 'occupation and settlement' process built around de-facto titles. In some parts, customary tenure forms a further block against this modernization ideal. These underpin incrementally developing small-scale land developments that house mixed land use as well as manufacturing and bazaar areas. The Hydra's support comes from 'regularization' of occupied land and improvement of basic infrastructure by municipal councils. The latter's gains are revenue and political clout, actions which strengthen and spur diverse tenure regimes.

Such de-facto landscapes, highly agile and transformative of local society in economy and politics, [come into being] where information shaping the market of land is driven by the potential of change: of inter-connected home based manufacturing and of municipal upgrading of basic infrastructure, both actions [which increase] efficiency and by way of settlement, new social connections.
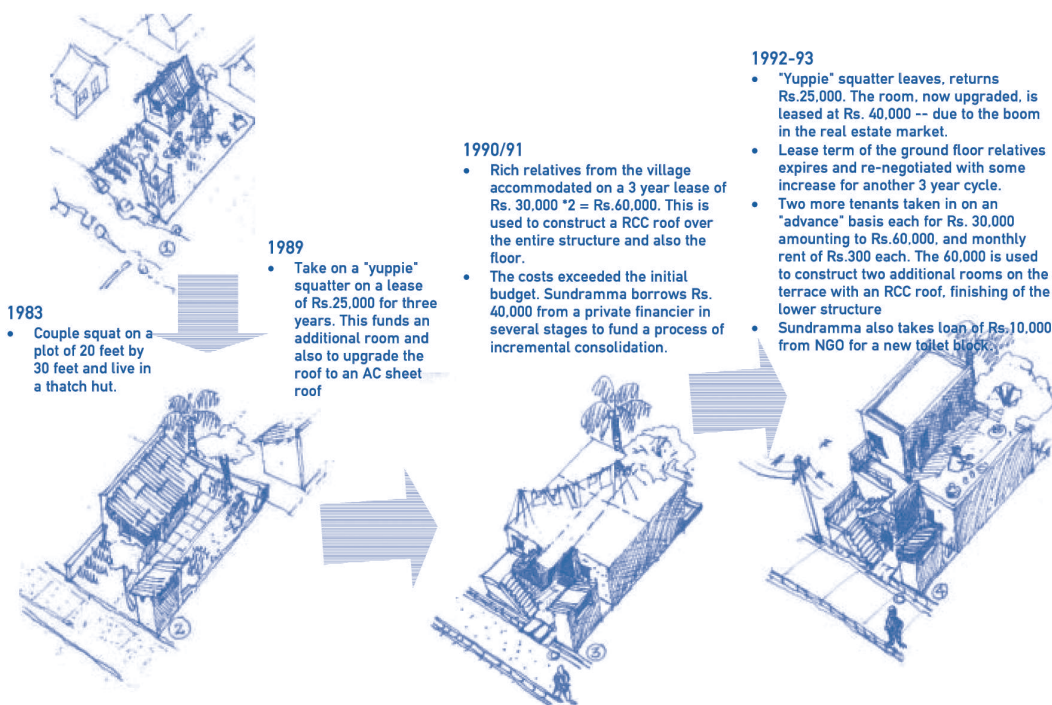
> Seemingly 'messy, under-developed third world' environments are assuming a life force of their own and subverting a global ideal.

The new Hydras encroach on democracy: Linebaugh re-enters our world when we see the location of fluid de-facto property being located in a building block of mainstream 'democracy': municipal politics. Not only are political party structures increasingly authoritarian but they are today susceptible to 'capture' by globally empowered and invested big business. Not surprisingly, this also makes space for those city builders enamoured with the mega and the large - seeming ways to make cities globally competitive! For this range of actors - the business, bureaucratic and political elite - what is deeply threatening is the opaqueness of municipal politics and its driving political economy of small business. Hardly conducive to centralized control, it is little wonder that national headquarters of political parties and their appointed provincial chiefs, backed by elite 'civil society' and the World Bank, press for 'transparency and accountability' reforms aimed at local government. Little on corporate accountability though! The response of the Hydra here is municipal democracy. However, in a situation of polarized power structures, such a democracy relies on stealth, on internal bureaucratic conventions, and interventions accentuating multiple forms of tenure to reinforce political and economic constituency.

The new Hydra encroaches on city building: the Hydra, located in municipal government and rooted in the materiality of land, location and economy, anchors the day-to-day process of city building. This process contrasts conceptions of city building located in the conceptual framework of the 'nation state' or then the 'market'. In these latter conceptions, the driving force is of the grand plan: one posed for equity and [the] other posed for efficiency. Either extreme poses centralized controls bound to break down when we consider local narratives of how areas come into being and those of wider city transformation.

As urban terrain turns increasingly contested and conflict ridden, the distinction between normative planning and politics sets the stage to introduce the concept of 'civil society'. Perhaps this is posed to strengthen the binary with a replacement of a trilogy of the 'nation state-market - civil society'. Closer inspections of 'civil society' turn out to be little other than elite congregations.

New institutional and legal framework for mega land acquisition makes available huge tracts of land in Bangalore's periphery to construct IT campuses. In central city areas, urban renewal focused SPVs and TDRs open up space for Malls and Multiplexes urban designed over huge territory. Little wonder that the CEOs of India's largest real estate firms and globally connected Financial Institutions press the central government to implement such frameworks in the more globally connected cities, posing these as a pre-requisite for 'global competitiveness'. Many of the changes came about under the new governance model of the Bangalore Agenda Task Force (BATF) - headed by the city's IT honchos supported by the then Chief Minister. Seen as a 'supply side' reform, they also framed the 'citizen-centric' Jannagraha and PROOF (a citizens campaign to promote transparency and accountability in local government)as the 'demand side'. The head of Bangalore's and now India's famous 'civil society' movement makes an ardent plea for framing of digital rather than analogue land titles. Contest comes from the Hydra of municipal councils across party lines, the lower bureaucracy, and poorer residents resisting attempts to impose fines and increased user charges. The Hydra's support in municipal democracy is critical. Local councils encourage occupation and extension of village and town areas. In central city areas, older forms of municipal licensing and tenancy payments help establish claims. The Hydra's support: Municipal councils' 'messy' and opaque politics and administrative procedures.

SECTION 1   A: Street side Hydra

1983
- Couple squat on a plot of 20 feet by 30 feet and live in a thatch hut.

1989
- Take on a "yuppie" squatter on a lease of Rs.25,000 for three years. This funds an additional room and also to upgrade the roof to an AC sheet roof

1990/91
- Rich relatives from the village accommodated on a 3 year lease of Rs. 30,000 *2 = Rs.60,000. This is used to construct a RCC roof over the entire structure and also the floor.
- The costs exceeded the initial budget. Sundramma borrows Rs. 40,000 from a private financier in several stages to fund a process of incremental consolidation.

1992-93
- "Yuppie" squatter leaves, returns Rs.25,000. The room, now upgraded, is leased at Rs. 40,000 -- due to the boom in the real estate market.
- Lease term of the ground floor relatives expires and re-negotiated with some increase for another 3 year cycle.
- Two more tenants taken in on an "advance" basis each for Rs. 30,000 amounting to Rs.60,000, and monthly rent of Rs.300 each. The 60,000 is used to construct two additional rooms on the terrace with an RCC roof, finishing of the lower structure
- Sundramma also takes loan of Rs.10,000 from NGO for a new toilet block

1996-97
- Lease of the first floor tenants expired but Sundramma unable to pay back the advance amount deposited. Re-negotiates an increase in advance (by Rs.10,000) and rent (450).
- Approached by two more tenants offering a "lease" of Rs. 60,000 each for the same place so buys out the older tenants for Rs.80,000 out of the Rs.120,000 paid by the new tenants. Starts construction of the rooms on the remaining terrace space with the surplus.
- Two more tenants offer her 60,000 each for the two rooms under construction.
- Budget exceeds and she has to take a loan of Rs.40,000 from private financier to finish the construction.
- The severe pressure to repay the loan forces Sundramma and family to move out of the ground floor room and build a thatch hut for themselves on the terrace. Their original ground floor room fetches Rs.25,000 and she pays off half of Pvt. Financier's loan.

1999
- Living under a thatch roof in the monsoon accentuates her asthma. Husband's health also affected and both loose out on employment, and unable to keep up with their repayment.
- Neighborhood resident approaches Sundramma to offer to fund a room on the second floor terrace with Rs. 30,000. Decides to upgrade her roof too with the help of a loan of Rs. 60,000 from the private financier.
- Only 40,000 given which forces her to replace her thatch roof with an AC sheet one, but the tenant's roof is of RCC. Her own room is finished sparsely with no doors and Windows.
- Outstanding loan of Rs.30,000, but confident of repayment via the 'lease' method.
- Total estimated value of unit: Rs. 650,000

18- 20(?)%

2%

8.5%

Singapore Govt. investments

IFC / US Saving & Loans / /Japanese funds

US-AID / WB/ ADB

Shareholding

CPG -- DOWNER EDI (Australia) / Temasek / Jurong Corporation

Shareholding

National Level semi Private and Private Financial institutions to promote Infra. and project finance

"Partnerships" in Mega Infra. Planning, Implementation

Shareholding

EMIs

State Infra. Promotion agencies: Land Acq. Agency Special Purpose Vehicle

23 % returns net, 2 % from finance. Rest 21% from Land

IT company

Land to select developers (directly or via SPV) at below Market prices

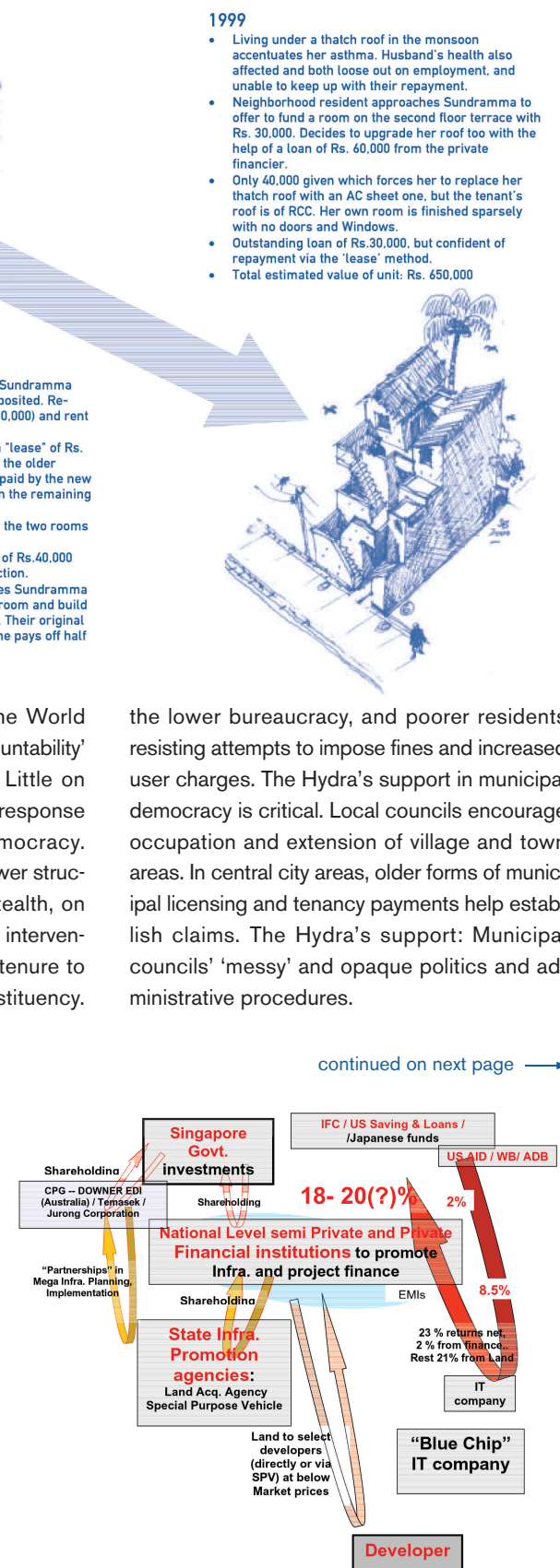"Blue Chip" IT company

Developer

Fig 2: Financial Circuits within the new architecture to underpin the construction of a mega IT Campus.

These, not surprisingly, take on the responsibility to address what has been discussed before: A de-generative cancer-like politics afflicting cities like a Hydra. The imaginary of the global city is powerfully seductive to a variety of groups driven by various interests. For many within 'civil society', the way forward is for land management to be framed in digital records, GIS based online monitoring 'un-authorized hawkers' and non-conforming land use, and reigning in the politics within Municipal Government via the agenda of 'transparency and accountability'. Central also are attempts to increase high-level bureaucratic control over elected municipal government via city commissioners and 'citizen charters'. City building becomes strangely conflictual over control of territory, amalgamation into super large complexes of Malls and Multiplexes.

These mega complexes are partnerships of administrator led Municipal Government and big business. Most important in ways to contain the Hydra, they combine newer legal and regulatory structures that not just provide access to cheap institutional finance, but dissolve claims over location to emphasize corporate control. The bustling bazaars selling look-a-likes and also other daily consumption goods helps a counter encroachment to root. In doing so, reinforcing the Hydra to carve out autonomous political and economic space.

Cities as locations of the Hydra pose the question of hybridity of property central to its politics and economy. Hybridity also seems central to help understand contemporary forms of globalisation, and move away from conceptually defunct binaries. Such hybridity of property gives globalising cities like Bangalore particular distinctions.

[1] Peter Linebaugh, Public Lecture at "Contested Commons/Trespassing Publics: A Conference on Inequalities, Conflicts and Intellectual Property" 6th - 8th January 2005 in New Delhi, India. Sarai/CSDS /Alternative Law Forum

[2] Linebaugh P., Rediker M., The Many-Headed Hydra Verso New York 2000

Solly Benjamin is an independent researcher operating out of Bangalore and also part of a recently group called CASUMm. He has been looking at issues of urbanism, its politics, economy, and issues of land.

GLOBAL CITY

The global city is not a place, but a series of functions, distributed over a network of large cities, such as London, New York and Tokyo. However, even these major cities are comprised of areas that function according to a primarily local logic, and many smaller cities contain elements of the global city.

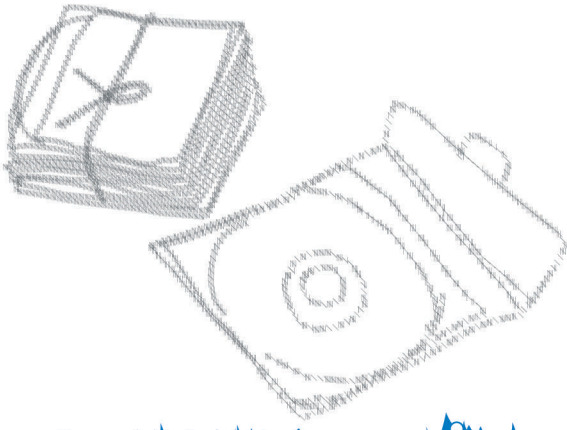# THIS IS A FAKE POSTER OF A FAKE GALLERY OF FAKES

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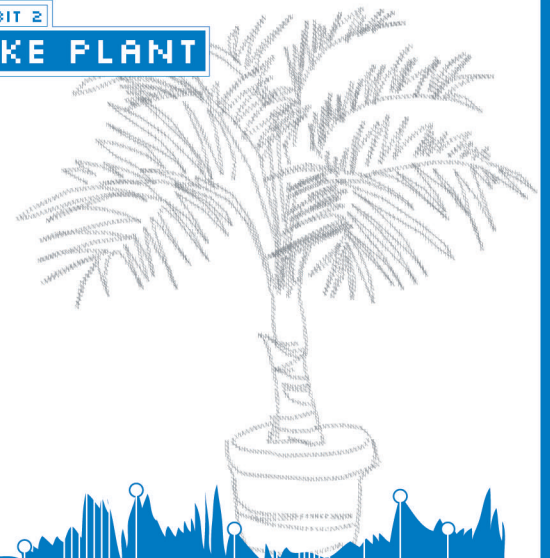## FAKE CD

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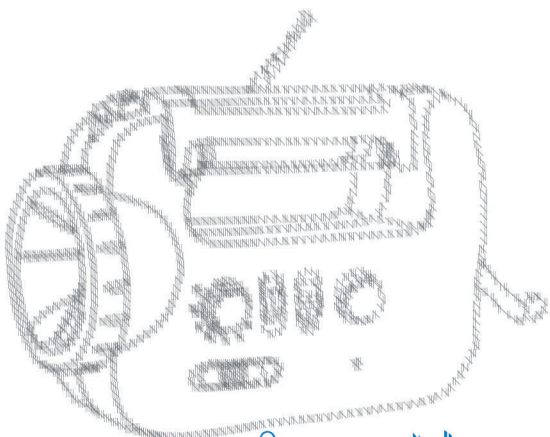
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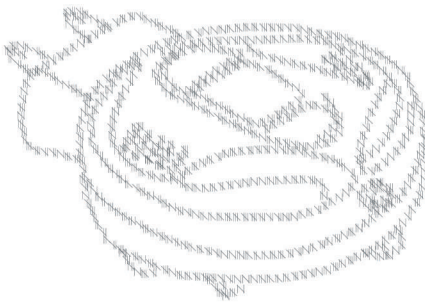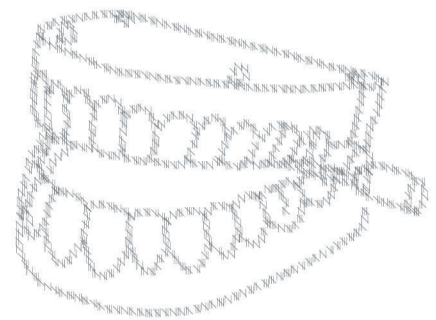
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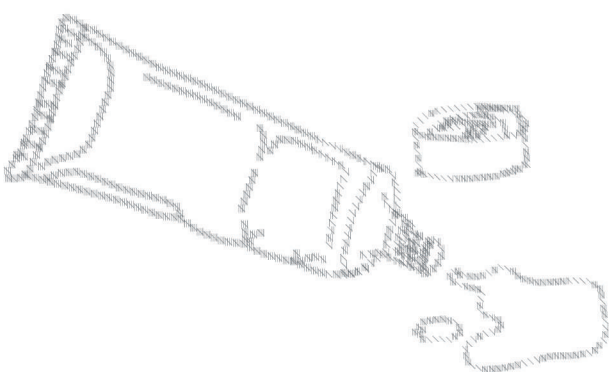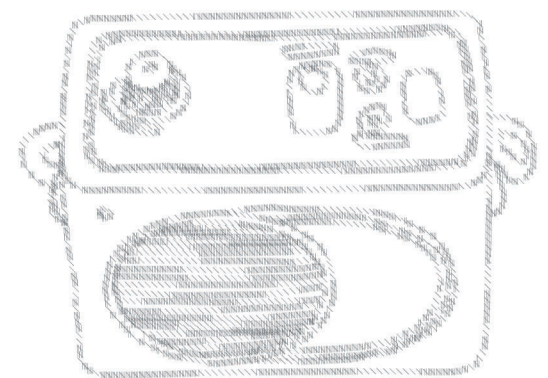
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CITIES OF PLANNING AND CITIES OF NON-PLANNING: A GEOGRAPHY OF INTELLECTUAL PROPERTY
By Peter Drahos

Where is intellectual property policy made? Governments make intellectual property law, but where does the policy thinking that lies behind the law come from? More than a decade ago I, along with my colleague John Braithwaite, set out to answer this question. At that time we were struck by the fact that during the late 1980s and into the 1990s governments all over the world were busily introducing or reforming their national systems of intellectual property protection. Countries such as Singapore and South Korea were passing laws on copyright and patents. This was even more puzzling because imitative production was important to these economies just as it had been a century earlier to European states and the US.

We approached our study using the methods of historians and anthropologists, reading documents and laws and interviewing and observing individuals who were key players in the domains

Gandhi may have kicked out the British Raj, but the politicians of the 1990s led India back into the role of the servant who fades into an unnoticed background.

we were trying to understand. In the case of intellectual property our fieldwork kept taking us back to the same four cities: Washington, New York, Brussels and Geneva. There were other places we went to, such as Munich to speak to people in the European Patent Office, Seattle to see Microsoft, London to see the International Federation of the Phonographic Industry and so on. But over time we realized that it was mainly in four cities that the tribe of intellectual property met and planned.

Other cities turned out to be places of non-planning. So in an interview in Seoul in 1994 I asked a senior official why Korea had agreed to TRIPS being part of the WTO. "Because we were ignorant" came back the reply. Two years later I visited New Delhi where I saw the same non-planning. There was a lot of fine speech-making from Indian parliamentarians about the inequity of TRIPS, the new imperialism of knowledge as well as complaints by the generic pharmaceutical industry about the impact of TRIPS on prices of medicines. But there were no real plans or strategies of resistance. In any case Indian political elites had quietly decided to hitch their cart to the glowing star of US hegemony.

As part of the price they had to swallow its neo-liberal fundamentalism, which they did, telling themselves that it didn't taste so bad after all. Gandhi may have kicked out the British Raj, but the politicians of the 1990s led India back into the role of the servant who fades into an unnoticed background. Today there are thousands of call centres in India politely attending to the faults and troubles to be found in the rich consumer markets of the West. The intellectual property rights that introduce what the economist calls "demand inelasticities" into markets, thereby helping to generate supra normal profits, remain in the firm grip of US and European companies.

There are some obvious reasons why Washington, New York, Geneva and Brussels are the dreamtime places for new ideas about intellectual property. Washington is the seat of US political power, Brussels is the home of Europe's super bureaucracy, the European Commission, Geneva has organizational behemoths like the World Intellectual Property Organization and the WTO and New York has business organizations, company headquarters and Wall Street where a rock star like David Bowie can turn the intellectual property in his music into a tradeable security. More important though are the networks that are thick with lobbyists, the company men and the expert consultants that snake their way through the corridors of power. These networks hum with ideas about the future of intellectual property protection for multinationals. Big ideas, like linking intellectual property protection to the trade regime, get put down on paper by technical experts and sent to committees on which big business sits. Those committees send out recommendations, which are more like marching orders, to governments. The private hands of command turn the wheels of executive power to their purpose. Trade laws get amended to make them a weapon of economic war in the fight to control a resource even more important than oil - knowledge.

Intellectual property laws with their epicenter in Washington, New York, Brussels and Geneva travel like invisible tsunamis to developing countries.

Teams of lobbyists go to work on Congressional representatives. Getting access is easy because generous campaign contributions have bought the lobbyists and company men meeting time. Congressmen want to be responsive in those meetings to inventing new intellectual property laws for the US and rest of the world. After all, there will be new elections to contest. Congress passes more and more intellectual property law. An American public that is perpetually distracted by a media that sates it with images but no news hardly notices. Copying is criminalized, copyright terms extended to make the rich even richer and patent laws strengthened. When American citizens ask questions about patents and the price of medicines they get told that soon the rest of the world will also be paying these high prices so the system will be once again be equitable.

Intellectual property laws with their epicenter in Washington, New York, Brussels and Geneva travel like invisible tsunamis to developing countries. There they turn the national innovation systems of those countries into so much debris. New laws to serve old masters have to be quickly enacted. There is also loss of life. The patent provisions of free trade agreements complicate access to life-saving medicines. The pharmaceutical company men on the ground in these countries hiss about what will happen to foreign investment if developing countries do not follow the new order of intellectual property. Threats are not always needed. Rewards, including travel to the cities of the epicenter are offered to developing country officials if they toe the line on US intellectual property ideology. Minor acts of betrayal by locals iterated many times over produce in developing countries a culture of compliance with the new order. Some officials even deceive themselves into believing that this new enslavement serves the national interest.

Life for poor people in the cities of non-planning remains the same. They continue to suffer ill health and lack of treatment. Western patent systems have never serviced their needs and never will. For all the prattle that comes out of the West about patent reform, the truth is simple. Knowledge capitalism cares more about its mode of production and monopoly profits than it does about producing low cost medicines for the poor in developing countries. Their informal economies are swept away as their cities rezone and rebuild to become protected sites of production for investors rich in intellectual property. City planners pave the way

Knowledge capitalism cares more about its mode of production and monopoly profits than it does about producing low cost medicines for the poor in developing countries.

with factories and malls that will deliver the brands for which consumers with bulging wallets and bulging waistlines will pay a premium.

The poor end up being pushed closer to another edge. But then they do what they have always done. They innovate. Whether it is in the form of music that has emerged from the ghettos and slavery of the centuries or in the diverse seeds of life that indigenous farmers have bequeathed us from living in the harshest climates, they innovate. They do so without intellectual property protection, for intellectual property exists to protect what rich imitators have stolen from those innovators that work on the periphery of survival and creativity.
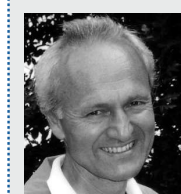
Peter Drahos is a Professor in Law and the Head of Program of the Regulatory Institutions Network at the Australian National University. His publications include A Philosophy of Intellectual Property (1996), Global Business Regulation (2000) and Information Feudalism: Who Controls the Knowledge Economy? (2002; both with John Braithwaite) and Global Intellectual Property Rights: Knowledge, Access and Development (2002, with Ruth Mayne).

PUBLIC DOMAIN

Information that has no legal protection, either because copyrights/patents have expired, or because it has been released into the public domain by the owner. Example: the works of William Shakespeare.

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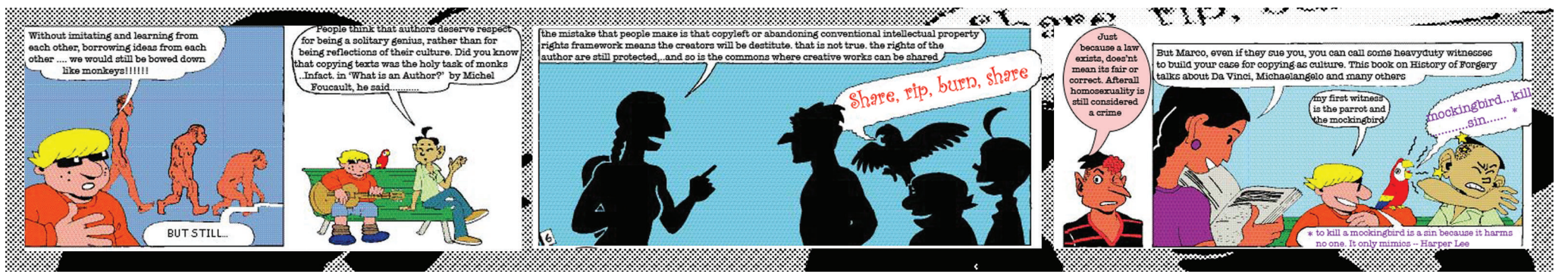
DISEMBEDDING FROM PSYCHO-URBAN CONTAINMENT
By Ewen Chardronnet

To create a common element above the three dimensions of urban life (work, housing, public and gathering spaces), the terms "traffic" and "communication" imposed themselves in the urbanistic generalities about movement. With the explosion of electronics, realising the science-fiction of yesterday, we are now in scenarios of the virtual city, the online city, the city of bits, the cybertown and other metaphors of disembodiment. But the real function of cities is still to organise the proper cohabitation of centres, non-centres and outlying areas, like an accumulation of topographic powers (factories and offices, flats and houses, stadiums, theatres, squares, streets and public buildings).

Unitary Urbanism

In the second half of the 20th century, a significant number of utopian architects[1] wanted to find fundamentally new models for the organisation of urban space. Many of them experimented in search of an alternative to the failures of centralised rationalism in old Europe, and to the disgusting fascist holism of control. This broad movement was partly a reaction to post-World War recon-struction models that appeared unsatisfactory[2]. The Situationist International avant-garde movement, created in 1957 by artists including Guy Debord, Asger Jorn, Constant and others, proposed to study cities with new techniques: Psychogeography and Unitary Urbanism. Psychogeography is the "the study of the precise effects of geographical setting, consciously managed or not, acting directly on the mood and behaviour of the individual". Unitary Urbanism is "the theory of the combined use of arts and techniques as means contributing to the construction of a unified milieu in dynamic relation with experiments in behaviour"[3]. "The sudden change of ambiance in a street within the space of a few meters; the evident division of a city into zones of distinct psychic atmospheres; the path of least resistance which is automatically followed in aimless strolls (and which has no relation to the physical contour of the ground); the appealing or repelling character of certain places - these phenomena all seem to be neglected.... People are quite aware that some neighbourhoods are gloomy and others pleasant. But they generally simply assume that elegant streets cause a feeling of satisfaction and that poor streets are depressing, and let it go at that.[4]"

In the decade of the 60s that followed, the utopian and political dimensions of urbanism were also extensively analysed, not only by the Situationists, but also by Marxist researchers such as Henri Lefebvre or later by Manuel Castells [5]. As the development of the "new towns" continued in America and Europe, with historical events such as the Watts riots in the USA, urbanism was interpreted by them as an ideology that "organises silence" in the emerging Information City. This analysis drove the Situationist International to abandon utopian architecture in order to concentrate on semiotics and the distribution of information in what they called the Society of the Spectacle[6].

Nevertheless, psychogeography has been co-opted along with advocacy planning and participation by think-tanks on space management. Today's companies can easily quote Guy Debord if it justifies their business orientations. Spatial management is inserted in temporality and in a permanent process of semantisation. What was described as "intense life" by the leftist romanticism of the 50s and 60s is now integrated in lifestyle management. The dream for the cyber-citizens is to escape their physical location and its embedded situations. Mobile phone companies already finance "locative" artists to develop prototypes that will invade the Flexible Personality market very soon [7]. "Disembedding", decentralising, are the romantic escapology dreams of today's individualist urban life. An illusion of freedom that goes hand in hand with social containment in the physical city.

Zoning, Software, Utopia, And Industrial Property

The way towns and cities are set up now - wide streets, strip malls, cul-de-sacs, segregated functions (industry over here, offices there, housing at a safe distance) - is dictated by rules and regulations. The sprawling suburb is an expression of the free market combined with the consequences of arrangements arrived at by local politicians and real-estate agents scheming together. Zoning laws and regulations are often deeply flawed, having been created haphazardly, largely to suit developers and politicians, and they too often lead to dull, dead living conditions. A set of laws and regulations for the commons would surely result in neighbourhoods that suit people better.

Governments and local administrations have always been among the major "consumers" of architectural commissions. In this area the modern state, either as charitable patron or direct overseer of the job, does no more than continue a centuries-old tradition of public works. Since the 60s and 70s, organisations operating under public law have become avid clients of intellectual services commissioned from outside suppliers, whether these services involve studies, contractualised research or computer program development. Thus we have seen a growing complexity in the pro-duction-lines of authoring and service provision, with a generalisation of outsourcing, an increasingly large percent-age of "imported" elements in every given product (most commonly through the "cut-and-paste" function of computer software tools), and the spread of multiauthor and multiprofessional production modes which formerly were limited to the audiovisual field [8]. The question of software patents thus be-comes equally crucial in the realm of public construction. While in certain countries computer programs are treated as "art works" under the definition of Artistic and Literary Intellectual Property (ALIP), there is a strong pressure to simply consider them as Industrial Property. That would entail demonstrating a possible industrial application or an actual use. Thus a de facto relation emerges between utopian artist-architects (whose creations can remain under ALIP, whereas constructed architecture often falls under Industrial Property) and utopian artist-programmers - and if the latter lose the artistic and literary possibility, they will also lose the chance to develop open systems[9].

> **Zoning laws and regulations are often deeply flawed, having been created haphazardly, largely to suit developers and politicians, and they too often lead to dull, dead living conditions.**

Cities Of Fear

Electronics wields increasing influence over today's ur-banism. Everything is liable to create more profit in the cities of world commerce, as soon as the exchange speed has been increased. What is called Electronic Urbanism is only the surge of acceleration, the spreading foam of nodes and pipes in the telematic networks between connected people. But for State planners, the most important thing remains the ability to monitor circulation and stop it in the physical space. Zoning the physical landscape has become a tool for governance to keep control of counter-powers and their potential disobedience. In modern cities, increasingly fragmented into "export zones", special "safety zones", "no-go areas", it becomes almost impossible to structure an oppositional assault. Zoning can be contested but is usually approved by the citizens, in the name of their sovereign individual security.

Control over the physical landscape strives to be very strong, but can still be quite weak in its effects on the circulation patterns of everyday life. Only a totalitarian governance could imagine full control over the movements of individuals. On the global level, weakness also appears at the tensegrity nodes, under the strain of geo-economic conflicts. To illustrate this, we just need to think of today's drama of global terrorism.

Psycho-history

If the Situationist utopia somehow failed, the psycho-history of locations is still a toolkit for social movements. Some places have a strong history. In Paris, demonstrations can easily shift to confrontation with the police when they pass by the Latin Quarter, Bastille and Charonne, as opposed to Invalides or Montparnasse. Past events psychologically influence a crowd, which can become uncontrollable. This is integrated in the tactics of unions when they organise demonstrations. Go here when you want to heat up the conflict, or there when you want to cool down and negotiate.

Another strong and long familiar model for bringing people together is the re-appropriation of architecture; not developing utopian models, but reclaiming old buildings or constructions, because of democratic necessity. This has been well known since the improvised gathering of the republicans in the royal building of the "Jeu de Paume" handball court, just a few days before the French Revolution. In our times, squats and temporary occupations are still an effective tactic for people to gather when they have no other possibilities: airports runways for teknivals, medieval fortresses in strategic areas[10], occupation of universities or train stations during social movements[11], obsolete spying stations or military infrastructures of former empires[12], etc. Anything that permits a group to gather and talk.

> **In modern cities, increasingly fragmented into "export zones", special "safety zones", "no-go areas", it becomes almost impossible to structure an oppositional assault.**

But somehow, this was much stronger in the mid-90's. Before the rise of the world wide web and mobile phones. In ten years, the entire city has been invaded by information technologies: surveillance cameras, biometrics, wireless networks, mobile phones, automatic doors, identification cards or numbers for transports and buildings, etc. If it was still possible for social movements to occupy train stations ten years ago, it would be difficult now, because of mass terrorism. It was also the period of the illegal raves, sound systems were invading buildings all over European cities, it is now forbidden or controlled. The paradox is that people have more tools to communicate but live in a more controlled physical space. Is it possible that the Information decade simultaneously generated a Mass Terrorism decade? 9/11's unprecedented scale gives size to the enemy, but United Nations statistics show - although there is no valid definition of terror - that terrorist acts worldwide have been on the decline and not on the rise for a decade, despite all the media and political shuffling (the Irish Republican Army launched rockets at number 10 Downing Street in the 80's). The point is probably that the economy of fear is on the rise: mediated angst, media terrorism.

[1] With creators like Buckminster Fuller, Archigram, Yona Friedman, Paolo Soleri or Constant.

[2] To learn more about this, read " Spharen III" by Peter Sloterdijk.

[3] "Définitions", Internationale Situationniste 1, 1958.

[4] Guy Debord, "Introduction to a Critique of Urban Geography", "Les Lèvres Nues", 1956.

[5] From Henri Lefebvre in that period, read for instance "The Production of Space" and from Manuel Castells, "The Urban Question."

[6] "The Society of Spectacle", Guy-Ernest Debord, 1967

[7] "The Flexible Personality", Brian Holmes, in "Hieroglyphs of the Future", 2002.

[8] "Marchés Publics et droits de la Propriété Intellectuelle", Groupement Français de l'Industrie de l'Information, 2003.

[9] On today's convergence between utopian architects and utopian pro-grammers, see the Makrolab project : http://makrolab.ljudmila.org

[10] A good example is Fadaiat event in the Castle of Guzman El Bueno in Tarifa, the southern town of Spain, with an affirmed objective to develop a counter-surveillance observatory of the Gibraltar Straits between Africa and Fortress Europa (http://www.fadaiat.net).

[11] As in Paris in December 1995.

[12] Good examples are in Latvia with the ex-tsarist and ex-Soviet facilities of Karosta, or the former Cold War spy dish "Little Star".

Ewen Chardronnet is a French media artist and writer, organiser and researcher in information systems. He published in 2001 an anthology "Quitter la Gravité" (Editions de l'Eclat) about the Association of Autonomous Astronauts.

HAUSSMANN IN THE TROPICS
By Mike Davis

The root cause of urban slumming seems to lie not in urban poverty but in urban wealth.

Gita Verma[1]

Polarized patterns of landuse and population density recapitulate older logics of imperial control and racial dominance. Throughout the Third World, post-colonial elites have inherited and greedily reproduced the physical footprints of segregated colonial cities. Despite rhetorics of national liberation and social justice, they have aggressively adapted the racial zoning of the colonial period to defend their own class privileges and spatial exclusivity.

In India also, independence did little to alter the exclusionary geography of the Raj. Kalpana Sharma, in her book about "Asia's largest slum," *Rediscovering Dharavi*, emphasizes that "the inequalities that defined Bombay as a colonial port town have continued ... Investment is always available to beautify the already well-endowed parts of the city. But there is no money to provide even basic services to the poorer areas."[2] For urban India as a whole, Nandini Gooptu has shown how the "socialist" Congress Party middle classes, who during the 1930s and 1940s extolled the *garib janata* (the poor common people) in the abstract, ended up after Independence as enthusiastic custodians of the colonial design of urban exclusion and social separation. "Implicitly or explicitly, the poor were denied a place in civic life and urban culture, and were seen as an impediment to progress and betterment of society.[3]

Urban redevelopment still strives to maximize both private profit and social control.

Removing "Human Encumberments"

Urban segregation is not a frozen status quo, but a ceaseless social warfare in which the state intervenes regularly in the name of "progress," "beautification," and even "social justice for the poor" to redraw spatial boundaries to the advantage of landowners, foreign investors, elite homeowners, and middle-class commuters. As in 1860s Paris, under the fanatical reign of Baron von Haussmann, urban redevelopment still strives to maximize both private profit and social control. The scale of population removal is immense: every year hundreds of thousands of poor people - legal tenants as well as squatters - are forcibly evicted from Third World neighborhoods. The urban poor, as a result, are nomads, "transients in a perpetual state of relocation."[4]

In big Third World cities, the coercive, panoptican role of "Haussmann" is typically played by special-purpose development agencies. Financed by offshore lenders like the World Bank and immune to local vetoes, their mandate is to clear, build and defend islands of cyber-modernity amidst unmet urban needs and general underdevelopment.

Solomon Benjamin has studied the example of Bangalore where the Agenda Task Force, which directs overall strategic decision-making, is firmly in the hands of the chief minister and major corporate interests, with negligible accountability to local elected representatives. "The zeal of the political elite to turn Bangalore into a Singapore has resulted in extensive evictions and demolitions of settlements, especially small business clusters in productive urban locations. The demolished land is reallocated by master planning to higher income interest groups, including corporations. "[5]

Every year hundreds of thousands of poor people are forcibly evicted from Third World neighborhoods.

Similarly in Delhi, - where Banashree Chatterjimitra finds that the government has utterly "subverted the objectives of supplying land for low income housing" by allowing it to be poached by the middle classes - the development authority has targeted nearly half million squatters for eviction or "voluntary relocation."[6] The Indian capital offers brutal confirmation of Jeremy Seabrook's contention that "the word 'infrastruction' is the new code word for the unceremonious clearance of the fragile shelters of the poor."[7]

SOME FAMOUS EVICTIONS

YEAR(S)	SLUM	CITY	NUMBER EVICTED
1950		HONG KONG	107,000
1965-74		RIO	139,000
1972-76		DAKAR	90,000
1976	JANATA	MUMBAI	70,000
1986-92		SANTO DOMINGO	180,000
1988		SEOUL	800,000
1990	MAROKO	LAGOS	300,000
1990		NAIROBI	40,000
1989-94		RANGOON	1,000,000
1995	ZHEJIANGCUN	BEIJING	100,000
2001-03		JAKARTA	500,000
2005		HARARE	

Off Worlds

In contrast to Second Empire Paris, contemporary Haussmannization often reclaims the center for ungrateful upper classes whose bags are already packed for the suburbs. If the poor bitterly resist eviction from the urban core, the well-heeled are voluntarily trading their old neighborhoods for fantasy-themed walled subdivisions on the periphery. Certainly, the old gold coasts remain - like Zamalek in Cairo, Riviera in Abidjan, Victoria Island in Lagos, and so on - but the novel global trend since the early 1990s has been the explosive growth of exclusive, closed suburbs on the peripheries of Third World cities. Even (or especially) in China, the gated community has been called the "most significant development in recent urban planning and design."[8]

These "off worlds" - to use the terminology of *Bladerunner* - are often imagineered as replica Southern Californias. Thus "Beverly Hills" is not only the 92102 zip code; it is also, like Utopia and Dreamland, a suburb of Cairo - an affluent private city "whose inhabitants can keep their distance from the sight and severity of poverty and the violence and political Islam which is seemingly permeating the localities."[9] Likewise, 'Orange County' is a gated estate of sprawling million-dollar California-style homes, designed by a Newport Beach architect with Martha Stewart décor, on the northern outskirts of Beijing. Laura Ruggeri contrasts the expansive "imported" California lifestyles of residents in their large semi-detached homes with the living conditions of their Filipino maids who sleep in chicken-coop-like sheds on the rooftops. [10]

Bangalore, of course, is famous for recreating Palo Alto and Sunnyvale lifestyles, complete with Starbucks and multiplexes, in its southern suburbs. The wealthy expats (officially "non-resident Indians") live as they might in California in "exclusive 'farmhouse' clusters and apartment blocks with their own swimming pools and health clubs, walled-in private security, 24-hour electrical power backup and exclusive club facilities."[11] Lippo Karawaci in Tangerang district, west of Jakarta doesn't have an American name but is otherwise a "virtual imitation" of a West Coast suburb, boasting a more or less self-sufficient infrastructure "with hospital, shopping mall, cinemas, sport and golf club, restaurants and a university." It also contains internally gated areas known locally as "totally protected zones."[12]

The quests for security and social insulation are obsessive and universal. In both central and suburban districts of Manila, wealthy homeowners' associations barricade public streets and crusade for slum demolition. Berner describes the exclusive Loyola Heights district near the university:

> An elaborate system of iron gates, roadblocks and checkpoints demarcates the boundaries of the area and cuts it off from the rest of the city, at least at nighttime... The threats to life, limb, and property are the overwhelming common concern of the wealthy residents. Houses are turned into virtual fortresses by surrounding them with high walls topped by glass shards, barbed wire, and heavy iron bars on all windows.[13]

This "architecture of fear," as Tunde Agbola describes fortified lifestyles in Lagos, is commonplace in the Third World and some parts of the First, but reaches a global extreme in large urban societies with the greatest socio-economic inequalities: South Africa, Brazil, Venezuela and the Untied States.[14]

Brazil's most famous walled and Americanized edge-city is Alphaville, in the northwest quadrant of greater Sao Paulo. Named (perversely) after the dark new world in Godard's distopian film, Alphaville is a complete private city with a large office complex, an up-scale mall, and walled residential areas - all defended by more than 800 private guards.

The Johannesburg and Sao Paul edge cities (as well as those in Bangalore and Jakarta) are self-sufficient 'off worlds' because they incorporate large employment bases as well as most of the retail and cultural apparatus of traditional urban cores. In the cases of more purely residential enclaves, the construction of highspeed highways - as in North America - has been the sine qua non for the suburbanization of affluence.

Privately-build motorways in Buenos Aires now allow the rich to live fulltime in their countries (country club homes) in distant Pilar and commute to their offices in the core. (Gran Buenos Aires also has an ambitious edge city or megaempredimiento called Nordelta whose financial viability is uncertain.)[15] In Lagos, likewise, a vast corridor was cleared through densely populated slums to create an expressway for the managers and state officials who live in the wealthy suburb of Ajah.

It is important to grasp that we are dealing here with a reorganization of metropolitan space, involving a drastic dimunition of the intersections between the lives of the rich and the poor, that transcends traditional social segregation and urban fragmentation. Some Brazilian writers have recently talked about a "the return to the medieval city," but the implications of middle-class secession from public space.[16] Rodgers, following Giddens, conceptualizes the core process as a "disembedding" of elite activities from local territorial contexts, a quasi-utopian attempt to disengage from a suffocating matrix of poverty and social violence.[17]

Fortified, fantasy-themed enclaves and edge cities, disembedded from their own social landscapes but integrated into globalization's cyper-California floating in the digital ether - this brings us full circle to Philip K. Dick. In this "gilded captivity," Jeremy Seabrook adds, the third-world urban bourgeoisie "cease to be citizens of their own country and become nomads belonging to, and owing allegiance to, a superterrestrial topography of money; they become patriots of wealth, nationalists of an elusive and golden nowhere."[18]

[1] Gita Verma, Slumming India: A Chronicle of Slums and Their Saviours, London 2003, p. xix.

[2] Sharma, p. 8.

[3] Gooptu, p. 421.

[4] Tunde Agbola, Architecture of Fear, IFRA, Ibadan 1997, p. 51.

[5] Solomon Benjamin, "Globalization's Impact on Local Government," UN Habitat Debate 7:4 (December 2001), p. 25.

[6] Banashree Chatterjimira, "Land supply for low-income housing in Delhi, in Baken and van der Linden, pp. 218-29; and Neelima Risbud, "Policies for Tenure Security in Delhi," in Durand-Lasserve and Royston (eds.), Holding Their Ground: Secure Land Tenure for the Urban Poor in Developing Countries, London 2002, p. 61.

[7] Seabrook, p. 267.

[8] Pu Miao, "Deserted Streets in a Jammed Town: The Gated Community in Chinese Cities and Its Solution," Journal of Urban Design 8:1 (2003), p. 45.

[9] Asef Bayat and Eric Denis, "Who is afraid of ashiwaiyat?", Environment and Urbanization 17:2 (October 2000), p. 199.

[10] Laura Ruggeri, "Palm Springs. Imagineering California in Hong Kong," 1991/94, author website (www.spacing.org). Another "Palm Springs" is a elegant condominium complex in Beijing.

[11] Solomon Benjamin, "Governance, economic settings and poverty in Bangalore," Environment and Urbanization 12:1 (April 2000), p. 39.

[12] Harald Leisch, "Gated Communities in Indonesia," Cities 19:5 (2002), pp. 341 & 344-45.

[13] Berner, Defending a Place, p. 163.

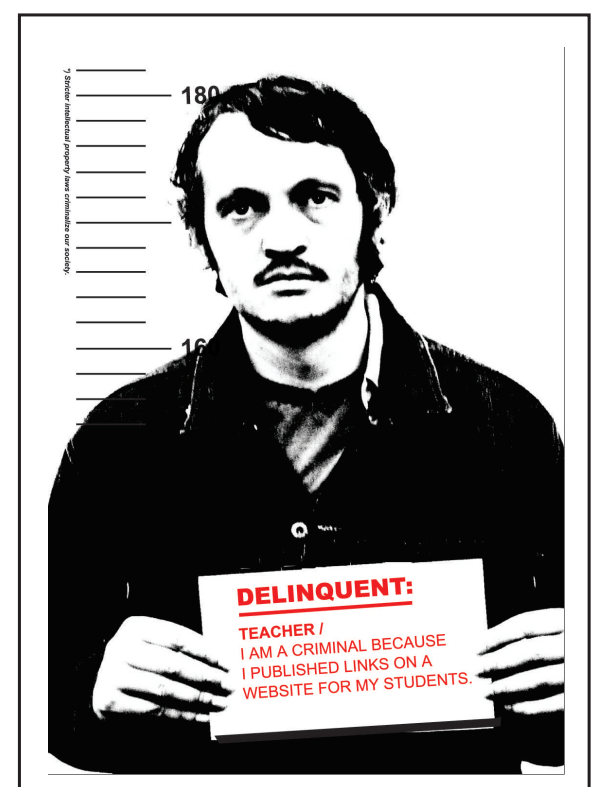[14] For a description of Lagos' fortress homes, see Agbola, pp. 68-69.

[15] Guy Thuillier, "Gated Communities in the Metropolitan Area of Buenos Aires," Housing Studies 20:2 (March 2005), pp. 258-59.

[16] Amalia Geraiges De Lemos, Francisco Scarlato and Reinaldo Machado, "O retorno a cidade medieval: os condominios fechados da metropole paulistana," in Luis Cabrales (ed.), Latinoamerica: paises abiertos, ciudades cerradas, Guadalajara 2000, pp. 217-36.

[17] Rodgers, p. 123.

[18] Jeremy Seabrook, In the Cities of the South: Scenes from a Developing World, London 1996, p. 211.

Mike Davis Davis is an urban sociologist based in San Diego. He is the author influential books such as "City of Quartz" (1992) and "Ecology of Fear" (1999). His latest book, "Planet of Slums", will appear in 2006.

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THE CAMERA IS THERE, BUT WHERE IS THE SCREEN? - OR, WHY INDIAN ALTERNATIVE FILM NEEDS ALTERNATIVE MODELS TO 'MARKET'
By Frederick Noronha

Control of information has many faces, not just IP. While digital technology has made it easier to create new content, closed cultural industries control ever more tightly distribution channels in real space. They make it harder, if not impossible, for independent producers to reach traditional audiences. To break this deadlock, new models of distribution are necessary.

Take this dilemma: something big is happening on the small screen across India. Alternative Indian documentary is booming. There's a whole lot of creative output coming out of a wide range of film-makers, who have the skills and courage to tell the truth bluntly, just as it is.

But, the reality is: virtually nobody is watching all these interesting alternative films. In spite of the fact that they bring in fascinating stories from across a subcontinent-sized country. Stories which would otherwise never get told, not in such graphic details and with fairly decent film-making skills that give you the impression of being there. Today most film-makers spend months or a few years making a film which then languishes unseen, un-written about, and largely unnoticed. A lucky few are able to win prizes at international competitions, or make a name for themselves there. But they're really not being noticed where it matters. So what's going wrong?

Alternative film-makers have, without even realizing it, adopted a model of distributing their work which is more suited to large players of the corporate world. Copyright-based models aren't earning them the millions nor taking them to the audiences which they so badly need. Unlike their counterparts in the Free Software world, alternative film-makers in India haven't quite accepted that they could gain both the audiences and popularity (and, indirectly, incomes too) by making a decided shift away from the copyrighted model. Take some of the work being put out by film-makers here, for instance.

Dhananjoy Mondal (37) of West Bengal has made a film on an unusual tribe of crow-eaters. He says: "The urge to know and explore the 'other' world of the marginal men (and women)

has led to the formulation of this film." Vinayan Kodoth directed a "nearly non-verbal" film that "builds up a surreal picture of Bombay". It describes, for instance, what it feels like to be part of a desperate crowd of seven million commuters who use the sub-urban trains to travel to work each day. This film won awards at Madrid, Chicao, Uruguay, Ann Arbor, and Seoul.

As Anand Patwardhan, noted documentary-maker and old enough to be the father of many younger film-makers, says: "Audiences in India are ripe for good documentary films. I've had full houses just with word-of-mouth publicity at almost every screening done." Patwardhan has been working to sell his film at reasonable prices, and as one of the big names in the field of documentary film has managed to get some of his excellent work shown in a few mainstream cine theatres and multiplexes.

> **Digital technology has made it easier to create new content, but cultural industries control ever more tightly distribution channels in real space.**

In Orissa, eastern coastal India, the Bring Your Own Film Festival at Puri offers five days of films at a fee of as little as Rs 50 for students (four times that amount for non-students). The idea is simply: you bring your own film and screen it. This is no coincidence. Technology has become more affordable. Today, you don't need costly and bulky equipment to create a film - and digital technology is really driving down the price. Computers allow you to edit your movie on your desktop.

That's not all. Today, an alternate film can be shared via a CD. You can make the copies at home, and circulate it to your audience at a few Rupees per CD. At last year's International Film Festival of India held in Goa, the wealth of alternative cinema made its presence felt. Among the 20 'non-feature films' in Indian Panorama section, themes ranged from the nuclearisation of South Asia to the human price of war, films on artists and folk musicians, about ethnic tribal clashes in the North East, and even a film about a film. Films screened included 'The Green

Warriors - Apatanis' (on the unusual tribal sustainable agricultural practices in Arunachal), 'I

> **Copyright-based models aren't earning alternative film makers the millions, nor taking them to the audiences which they so badly need.**

Couldn't Be Your Son, Mom' (about a gender crisis), 'Invisible Parsis: The Poor of a Prosperous Community' by Kaevan Umrigar, and Sanjivan Lal's 'Is God Deaf?' (on religion-linked noise pollution).

But this is just the tip of the iceberg. Out there, there are literally hundreds, if not thousands - in this country of one billion - of enthusiastic people behind the camera making their own films. For a nation which has had little of an alternative film-making tradition, caught in between the mammoth Bollywood world of commercial films and the government-dominated field of documentary film for long, this is quite a positive development.

Take the case of the Kriti Film Club of Alaknanda in New Delhi. They've been running their club to take "thought-provoking cinema" and use it to "deepen understanding of social and development issues amongst film makers and viewers". But, more importantly, they hope to create a space where students, activists, academics, development professionals, media, and friends can come together and interact through meaningful cinema. By keeping these films on sale, they hope to encourage the otherwise neglected film-makers' work.

Most of these young and highly talented people are doing a great job too. They're telling the story in a way which simply doesn't surface in the mainstream media otherwise. They're speaking out in favour of the weak and powerless, who are left without a voice. Of course, there are still thousands of stories waiting to be told, in a country the mind-boggling diversity of India. In more ways than one, it's as if the genie has got out of the bottle. There is no putting it back either. Films are becoming easier to shoot, the technology is reaching the hands of those who can use it, and suddenly you no more

need costly hard-to-access equipment to make or view a film or even to easily share one.

But there's one crucial part of this jigsaw that's missing. There's simply no distribution channel for alternate film in India. And alternate film-makers are, till now, reluctant to look at alternate approaches, such as non-copyrighted models. Lawyer Lawrence Liang of Bangalore's Alternative Law Forum has argued that Indian documentary and alternative film makers would do well to think of starting to license their works under an 'open content' license. Liang argues: "Most documentary film makers do not live off royalty in any case. Their films are either commissioned or they earn some money from various prizes, invitations and the like. So the fear of the loss of revenue cannot be a very serious one."
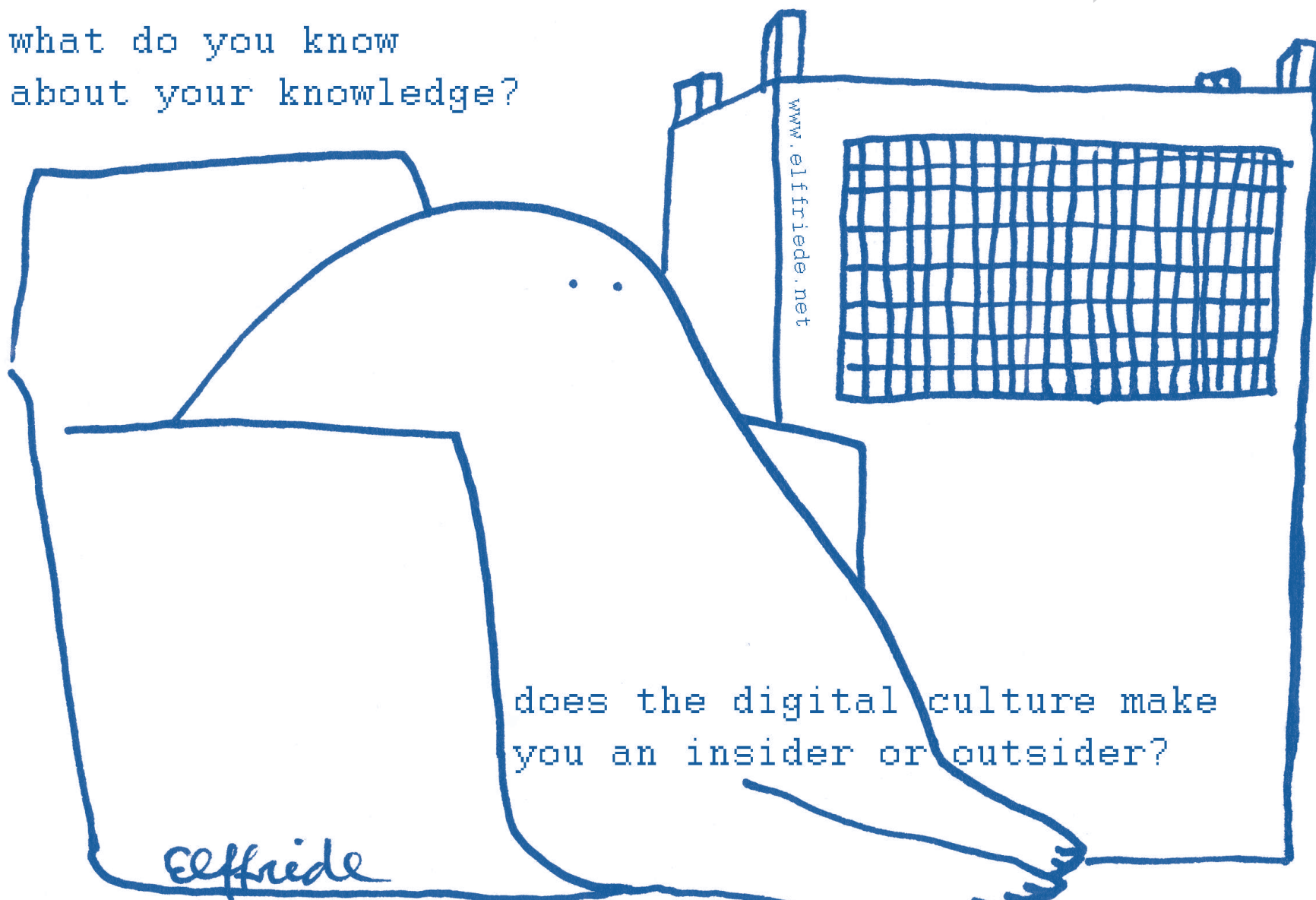
Film-maker Anjali Monteiro, who's based in Mumbai, sees things differently: "The possibilities for public broadcast are very limited, given the censorship (of alt films) by the state and of the market. While there are attempts to reach out through local, travelling festivals and screenings by activist groups and educational networks, these are sporadic and pitifully few for a country the size of India." Indian alternative film simply deserves a wider impact. But can it think of innovative ways of reaching out to a greater audience?

Frederick Noronha is a Goa, India based independent journalist, co-founder of BytesForAll, and active in both cyberspace and channels for alernative communications. He runs the Docuwallahs2 mailinglist on Indian documentary film at http://groups.yahoo.com/group/docuwallahs2

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AUTOLABS, SAO PAULO *(2004)*
By Ricardo Rosas and Tatiana Wells

Alternative media practices are being developed from the bottom up. Around the world, new experiments are conducted to combine new media technology and a 'copyleft attitude' with struggles for local self-determination. The Autolabs in Sao Paulo, and the Cybermohalla Project in New Delhi are presented here as two examples of the wide range the approaches take.

Sao Paulo is a place where social inequalities are extreme. It is a global city full of abundance and hunger, of advanced universities and problems with access to basic education, with sprawling villas and lots of homeless and landless people. From this background social movements arise and spread in different intensities, trying to answer and confront a situation which the ruling powers tends to render as insoluble. Besides, the mediascape is dominated by great monopolies that obviously defend the very interests of these elites to maintain the apparent order and a complacent consensus towards a social situation which sometimes dares to show its angry face and explode in riots.

> **Despite the dominance of media monopolies, independent media projects have a long history in Brazil.**

Despite the dominance of media monopolies, independent media projects have a long history in Brazil. During the last dictatorship in the 70s lots of alternative magazines, the "imprensa nanica" (small press), produced uncountable zines, samizdats and culture magazines against the established government. This created a sort of a counterculture. From the 80s onwards this movement was gradually reduced to a pop market of fandom publishing. Could that situation be changed or, at least, challenged? Such a gigantic task would demand great efforts, for which media tacticians could only do a small, if significant part, in order to minimize the devastating aspects of this almost entirely monopolized mediascape. This dilemma was the main reason for one of the Brazilian TML organizers to take a very clear position. Believing in media autonomy for the masses, media activists conceived the Autolabs, a project for labs of tactical media to be taught to young people on the periphery, in poor districts and slums in São Paulo.

Autonomously created with the help of local communities, the Autolabs are thought to be laboratorial prototypes of media literacy and technical formation in new technologies and media. All based on tactical concepts, Autolabs use cheap DIY media, allowed by the digital revolution accessibility, promoting the development and improvement of independent individual and/or collective media production in a creative way and using free software/open source operational systems. Autolabs are centers of orientation, documentation and self-education with free and open access, where human mediation prevails in the process of accessing knowledge as a generalized exchange of wisdoms stimulating participation and collective work.

The Autolabs workshops were run from January to July 2004, involving 300 youngsters between 17 and 21 from three poor districts of Sao Paulo's periphery: Sao Miguel Paulista, Ermelino Matarazzo and Itaquera. They were divided in four different unities teaching:

Technical Nucleus: Recycled Computers Maintenance. Technical learning of computer maintenance and assembly of recycled hardware;

Support Nucleus: IT for Independent Media. Computer literacy for independent media, mobilization and online collaboration through dynamic content websites and mailing lists as well as the knowledge of the principles of free software and copyleft;

Digital Media Nucleus: Graphic Production/Publication and Digital Stories. Digital media production through design experimentation and graphic publishing as well as production of content through digital storytelling;

Sound Nucleus: Free/Web Radio, DJ-ing and Music Production. Sound production, free radio/web radio programming and edition/finalization of CDs.

Local people from peripheral communities created their own Autolabs since its very beginning, that is, recycling discarded computers and learning how to keep them, setting a laboratory in a local decided by a leadership from their own community, learning how to actively use the machines to produce their own media and showing the results with a website and planned events to happen along the course that will integrate all the results - movies, music, radio programs, zines and an storytelling archive. Those events happened both during and at the end of the course and comprise a week of lectures, debates - with national and foreign theoreticians and media activists - and a festive weekend held in one of the targeted peripheral districts.

The Autolabs experience provided important input for a much larger government initiative, the pontos de cultura, to create a network of interlinked community media centers, based entirely on free software. Currently, about 200 such centers are being created country-wide. The plans is to create as many as 1000 such centers by 2007.

The address for the collective weblog is http://autolabs.midiatatica.org

Ricardo Rosas is a writer, translator and experimental musician. He was one of the organizers of the Brazilian Tactical Media Lab in Sao Paulo. He has studied Social Communication and German Studies at Universidade de Sao Paulo and is currently senior editor of Rizoma (www.rizoma.net), a web site devoted to activism, tactical media underground culture in general, net critic, conspiracy stuff and occulture. He writes about media activism and (anti) pop culture.

Tatiana Wells is one of the organisers of the Sao Paolo Tactical Media Lab and also worked some time for a computer clubhouse at an NGO in Sao Paulo, Brazil.

CYBERMOHOLLA, NEW DELHI *(ONGOING)*
By Shveta Sarda

Cybermohalla (CM, or Cyber Neighbourhood) is a network of five labs across the city of Delhi - locality labs in LNJP (an informal settlement in Central Delhi, lab set up in 2001), Dakshinpuri (a Resettlement Colony in South Delhi, 2002) and Nangla Maachhi (2004, an informal settlement in which surveys have begun which mark the beginning of the State's process to displace it to the outskirts of the city); a CM Research and Development Lab in the Ankur office (started 2003) and the Sarai Media Lab. The languages spoken in these labs are diverse - Hindustani, Khari Boli, Hindi; and the audio-visual-realm, too, is unique and specific to each location. The locality lab practitioners meet each other at each others' labs, do joint projects at the RnD Lab, keep connected with each others' labs through keeping materials in circulation on Mailing Lists and Blogs. Does this 'diversity' constitute a network?

A network can be defined through the terms that are set up in it, so that nodes can keep reworking the accretion of densities within them, by keeping them in circulation. What are these 'terms' for Cybermohalla? Each locality lab is a room with three computers, portable audio recorders (dictaphones) and cameras (digital and bromide print); and fifteen to twenty practitioners from the locality, between 15 and 24 years of age. The labs are self-regulated spaces, that is the daily routine of the lab is decided upon by them, they are in charge of the maintenance of the lab and the responsibility to imagine and realise the future of the lab is theirs.

Each practitioner spends five days a week at the lab, and many are at the lab for close to eight hours every day. The day begins with listening to what their peers have written the day before, and brought to the lab to share. The challenge here is not only to be able to write a text, but to be able to read it out in front of fifteen people, and to be able to listen with them, and among them.

While Mondays are reserved exclusively for listening to each others' texts (reflections, descriptions, conversations, logs of a street, anecdotes from daily encounters, etc), afternoons and evenings on the other days are devoted to creating projects from these texts, their narrations and the discussions that follow every narration. These projects could be animations, HTML, typed and formatted texts, soundscape, photo stories, written word, audio and visual juxtapositions or narratives, storyboards, etc. That is, every day is a day for practice and creation from associational thinking with each others' experiences, thoughts and energies.

Repetition and duration are central to building the density of each node, and therefore, of the network; and every practitioner coming to the lab knows there will be new encounters and engagements every day.

For a practitioner who is new to the lab, the threshold of entry is this challenge - not only to share, but to listen. Perhaps one of the questions asked to a new entrant by his older peers is, "Aap ka sunne ka samay kitna hai? (What is your listening time?)"

What are the protocols of interaction of this network? As in any network, practitioners come to a locality lab with different priorities and desires, seeking pleasures differently, and with their own unique imaginations. A context of listening is therefore crucial to the practices at the labs. As one practitioner puts it, "Fearless speech requires that there be fearless listening". Many people have joined this network, but many have left as well, because of marriage, when they find a job, or to pursue other searches in life.

For more information, see
http://www.sarai.net/cybermohalla/cybermohalla.htm

Shveta Sarda works with the Cybermohalla Labs (http://www.sarai.net/cybermohalla/cybermohalla.htm) as a process chronicler and interlocutor, and keeps the diverse CM content in circulation among English speaking publics through blogs, essays and postings on discussion lists. She seeks to critically engage with the debates on pedagogy, translation, technology and inequality. She is a member of the editorial collective of the Sarai-txt, a bimonthly publication (broadsheet) from Sarai.

SPEECH AT THE WORLD SUMMIT OF THE INFORMATION SOCIETY, GENEVA, 16 JULY 2003
By Richard Stallman

The benefit of computers is that it's easier to copy and manipulate information. Corporations are using two kinds of imposed monopolies to deny you this benefit.

Software patents restrict how you use your computer. They restrict developing software. A big program combines dozens or hundreds of ideas. When each idea can be patented, only IBMs and Microsofts can safely write software. Bye bye to any independent local software industry. Software patents must be rejected.

Copyrights restrict using and sharing information - exactly what your computer is for. It was fine to trade away the freedom to copy when only publishers could copy; the public lost nothing. Today peer-to-peer sharing must be legal. WSIS should not teach people that sharing is wrong.

> **If everyone in your country uses a program that's secret and controlled by a single company, that's not development, that's electronic colonization.**

Copyrights block access to scientific publications. Every university should be free to make an open-access mirror for any journal, so no one is excluded from access.

Then there's the economic effect. When companies have power over you, they bleed you dry. Copyrights and software patents increase the digital divide and concentrate wealth. We have too much scarcity in the world; let's not create more. TRIPS is bad enough, but software patents and the WIPO copyright treaty go beyond TRIPS, and WSIS should reject them. Computer users need software that respects their freedom. We call it "free (libre) software", meaning freedom, not gratis. You have the freedom to run it, study it, change it, and redistribute it.

> **Copyrights and software patents increase the digital divide and concentrate wealth.**

Free software means you control your computing. With non-free software, the software owners control it. They put in spy features, back doors, restrictions.

With free software, you can make the program do what you want. "You" could mean an individual programmer, a company, or a group of users with similar needs. Non-programmers can convince or pay programmers to make changes for you. With free software, you're free to make it handle your language. Free to adapt it for your disability.

Software owners deliberately make programs incompatible. With free software, users can make it follow standards.

You need free software to train master programmers. Non-free software is a secret, so nobody can learn from it. Free software gives talented young people in Africa the chance to learn how to work on real software. School should also teach students the spirit of cooperation. All schools should use free software.

Free software is necessary for sustainable development. If everyone in your country uses a program that's secret and controlled by a single company, that's not development, that's electronic colonization.
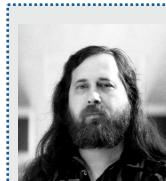
Richard Stallman is the founder of the GNU Project, launched in 1984 to develop the free software operating system GNU. Stallman received the Grace Hopper award for 1991 from the Association for Computing Machinery, for his development of the first Emacs editor. In 1990 he was awarded a Macarthur foundation fellowship, and in 1996 an honorary doctorate from the Royal Institute of Technology in Sweden. In 1998 he received the Electronic Frontier Foundation's pioneer award along with Linus Torvalds. In 1999 he received the Yuri Rubinski award. In 2001 he received a second honorary doctorate, from the University of Glasgow, and shared the Takeda award for social/economic betterment with Torvalds and Ken Sakamura. In 2002 he was elected to the US National Academy of Engineering, and in 2003 to the American Academy of Arts and Sciences. In 2003 he was named an honorary professor of the Universidad Nacional de Ingenieria in Peru, and received

IMAGINE A DECENTRALIZED SYSTEM OF SOCIAL ORDER

IN WHICH ALL PERSONS AFFECTED BY POLITICAL DECISIONS ARE ALLOWED TO MAKE DECISIONS IN A GRASS-ROOTS DEMOCRATIC WAY BASED ON THE PRINCIPLE OF CONSENSUS

THE OPEN NETWORKS DECLARATION
INTERNATIONAL COLLABORATION IN MEDIA AND COMMUNICATION CULTURES (EXCERPTS)

THE DELHI DECLARATION OF A NEW CONTEXT FOR NEW MEDIA

World Information Cities

The streets of our cities are crowded with signals. Cinemas, desk top publishing, satellite television and fm radio, increasingly pervasive and ubiquitous computing, mobile telephony, telecommunications and the internet surround us in a matrix. The new landscape continues to feature analog and offline communication practices as diverse as theater, live performance, print culture and books and the production of visual and tactile objects. Old and new forms of communication create a new context for culture by their continuous interaction with each other. We live and work within this context. We also realize that this context extends deep into the substructure of local histories and situations, just as much as it extends far into a global space of communications that spans the entire planet. Our neighbourhoods and streets contain the world, and the world is a patchwork made up of all our local histories.

Communicative Practices

We, a diverse group of artists, activists, researchers and theoreticians from Europe and South Asia, celebrate that the culture of communicative practices is characterized by a rich heterogeneity of forms and protocols and expresses a healthy diversity in the face of the tendency of the formal operations of intellectual property to flatten the protocols of cultural production on to a single plane. Rather than have every cultural good available as a commodity designed for one time sale, the prevalence of a vigorous cluster of practices of ongoing cultural transaction within and outside formal commodity relations guarantees the diversities of contemporary cultural expression. This does not imply an antagonism or indifference to market imperatives, rather, it places such imperatives within a larger matrix of practices which also include sharing, gift giving and formal as well as informal protocols of reciprocity.

The Collaborative Nature of Cultural Practice

We recognize that all cultural work is necessarily collaborative, and that collaborators may either be part of generations either contemporaneous or previous to our own. Taking this further, everything that we produce today is also potential material for collaboration with partners in all our tomorrows. We also recognize that the collaborative nature of cultural work requires not only freedom of speech, but also increased mobility of our words, images and ideas. A key challenge

is to develop methodologies that enable open sharing while developing a plurality of models and approaches towards sustainable, mixed and re-mixed modes of usage of intellectual and cultural resources, some of which may be expressed as different kinds of intellectual property (in some instances) and others as a varied cultural commons (in other instances).

The Question of 'Translatability'

The climate of mutuality that characterizes this landscape is founded on the many acts of making, sharing, viewing, listening, reading, researching, curation and criticism that draw their strengths from existing networks of everyday collaborations between different nodes spanning the universe of practice in new context media. Practitioners bring to this intersection of creative, intellectual and discursive energies the markers and histories of different cultural-historical-spatial specificities and the received as well as emerging traditions of different practices. Through processes of sustained interactions practitioners are able to evolve a neighbourhood of affinities in practice, a commons of expression. However, it needs to be clearly understood that this coming together is not contingent on an easy translatability, or the evolution of some kind of 'Esperanto' form of cultural practice. Rather, we need to work with the understanding that there are and will be necessary difficulties of translation, that invite us to be at least legible to each other, before we make the claim to comprehensively understand each other. We need to share with each other what we do not know about each other before we can make the claim to mutual understanding.

Designs for a Plurality of Commons

These encounters when allowed to play out to their fullest extent, can give rise to various designs for commoning, different protocols of working together, of sharing materials of having access to each other's work and materials, some of which may be expressed in quasi legal languages - as licenses and charters, while some others may be expressed simply as invitations and invocations.

We emphatically endorse a plurality of ways in which the commons of cultural and social media use can be and are being constituted through different modes of practice. Some of these may be more discursive than others, some may be more invested with aesthetic pursuits, while others may find themselves more committed to

social and political questions, and still others may be recursive in the sense that they may involve practices of consistent but critical self reflexivity. The one thing that we do insist on is that the commons constituted by such collaborations grow immanently (admitting that there is no master plan or overall design) and that they make room for an ethic of collegial criticism across the boundaries of cultures, histories, tastes, forms and disciplines. In other words we want to insist that there are and will be many kinds of commons, and that we all must retain the right to be critical of different modes of commoning as they emerge, evolve and dissolve, even as we agree on the value of the commons itself.

Clearly, what this entails is a refined practice of trust. Where people allow for the fact that they

need to nurture practices that foreground trust and respect precisely because they may not be transparent to each other. We recognize that the groundwork needed for such trust and for the conditions of collaboration to grow are directly proportional to cultural distance. And here by cultural distance we mean both the distance between practitioners based in different parts of the world, as well as the distances between different kinds of practitioners, regardless of the co ordinates of their physical location or historical inheritances. We need to take these distances seriously, and still establish open exchange.

For the full version of the declaration, please refer to http://opencultures.net or http://www.sarai.net

THE VIENNA DOCUMENT

• We applaud all initiatives that reclaim the benefits of new communication technologies for the common public.

• We recognize that street level open intelligence is of high public value and a cultural process that is highly dependent on information climate and environment conditions.

• We do not accept a world where popular culture and human heritage is fenced in and IP restriction management separates us from our own thoughts.

• We appreciate the fact that boundaries between users and producers become permeable in new communication environments and new practices dissolve traditional notions of authorship.

• We are committed to critically observing the mindsets of possession and the creation of scarcity as processes implementing control in the information economy.

• We refuse to live in an information society where nothing belongs to all of us, but everything is owned by cartels, locking human knowledge into the vaults of private interests.

• We acknowledge that knowledge is for those who do, not for those who don't, because cultural progress implies that ideas emerge from exchanges, from communication, from interaction.

• We do not want a world where you need a license to whistle a song or access your own memories.

• We anticipate a silent spring in Information Society's landscapes when even a bird's song becomes subject of copyright control.

• We realize that intangible information resources raise the issue of a digital ecology, the need to understand ecosystems constituted by information flows through various media.

The full version of the Vienna document can be downloaded from http://world-information.org or http://www.opencultures.net

TOWARDS A CULTURE OF OPEN NETWORKS
PARTNER ORGANISATIONS

'World-Information City' will be realized as part of the EU-India Economic Cross Cultural Programme (ECCP) Project 'Towards a Culture of Open Networks - a collaborative initiative on bridging information society in Europe and India through culture and communication' jointly carried out by the Institute for New Culture Technologies/t0 (Vienna), Sarai CSDS (Delhi) and Waag Society (Amsterdam).

www.opencultures.net

Institute for New Culture Technologies/t0
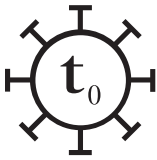
In 1994 the Institute for New Culture Technologies/t0 established Public Netbase, a net culture institution that offers the arts and culture scene a platform for the self-determined use of new media. Public Netbase organizes exhibits, events, symposiums, and workshops that provide a broad public with an understanding of the new communication media and their various possibilities, and cast a critical light on a society shaped by technology. It constitutes a junction for art, culture, science and media networks in Europe and internationally. Public Netbase, re-launched in 2005 as Netbase, supports know-how transfer and the exchange of media abilities, and project support for artists and initiatives.

The Institute is embedded into an international network of art, culture, media and science, it promotes the interdisciplinary exchange of ideas, experiences, and innovations and has been involved in various European and international collaboration projects and repeatedly funded through European Union Culture Programs, as in the case of its international partner program, World-Information.Org

www.netbase.org

Sarai CSDS, Delhi

Sarai, the New Media Initiative, a programme of the Centre for the Study of Developing Societies is an alternative, non-profit space for an imaginative reconstitution of urban public culture, new/old media practice and research and critical cultural intervention. The framework of Sarai includes scholarly reflection and creative work on film & video, computers, telephony, print culture, radio, multimedia and the Internet.

Sarai aims are to become an engaged and integral part of contemporary urban culture within the city of Delhi, to foster interdisciplinary research on urban culture & politics and media history & practice, to create contexts for collaboration between practitioners & scholars, to collaborate with non-elite and neighbourhood media practitioners with new skills through workshops and outreach programmes. Sarai seeks to demonstrate the validity of low-cost & low-tech methods and strategies in media and communication practices, with a commitment to public participation and access and to promote non-proprietary (copyleft) and collaborative models of cultural practice/knowledge.

www.sarai.net

Waag Society

Waag Society was founded in 1995 as a medialab. Situated in the heart of the city of Amsterdam Waag Society hosts R & D projects in the areas of culture, education and healthcare it stimulates network art and initiates debates. With the international campaigns like 'We Want Bandwidth' (1997), "Public Domain 2.0" (1998), 'Follow the Free' (1999) and 'I'm Not a Standard User' (2002) Waag Society raised attention for new political and economical inequalities within electronic networks. In 2004 Waag Society co-founded the Dutch branch of Creative Commons, an initiative that provides standardised open content licenses for artists to promote the creative re-use of intellectual and artistic works.

Waag Society is an active member of international networks in the field of social software and tactical media and supports initiatives with technical infrastructure and knowledge on social software and the tactical use of media. Waag Society and its partners share a mutual interest in the social and cultural impact of new media and its ability to empower people. Since 2001 Waag Society is collaborating with Sarai/CSDS in Delhi. The two organisations form the nucleus of the Waag Sarai Exchange Platform that also includes the ALF.

www.waag.org

LOCAL PARTNERS

Mahiti

Mahiti is a Bangalore based organisation that aims to reduce the cost and complexity of Information Technology for the voluntary sector through the strategic use of Free/Open Source Software. Over the last 6 years, Mahiti has served over 100 voluntary organisations directly by building multi-platform and multi-lingual web / intranet / kiosk / multimedia applications. Mahiti conducts trainings and workshops in partnership with donor agencies and multi-laterals. Mahiti also designs and executes projects in the areas of resource mobilisation, collaboration, documentation, advocacy, e-governance and rural ICT. Mahiti specialises in the use of Python.org, Zope.org and Plone.org.

www.mahiti.org

Alternative Law Forum, Bangalore

The Alternative Law Forum is a group that works on various aspects of law, legality and power. ALF was started in March, 2000, with a commitment to a practice of law which would respond to issues of social and economic justice. Over the past few years ALF has grown from being a legal service provider to becoming a space that integrates alternative lawyering with critical research, alternative dispute resolution, and pedagogic interventions. We are also committed to an interdisciplinary interrogation of the law using creative forms and new media. ALF has been interested in questions of information politics for a while, particularly on the expansion of Intellectual Property into the domain of everyday life.

www.altlawforum.org

Srishti School of Art, Design and Technology
www.srishtiblr.org

CREATIVE COMMONS LICENCE

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FIRST PUBLICATIONS

The following texts first appeared in the publications indicated below:

The Black and White (and Grey) of Copyright by Lawrence Liang:
http://pzwart.wdka.hro.nl/mdr/research/lliang/open_content_guide/02-chapter_1/

Options to traditional patents by James Love: Financial Express, April 6, 2005
http://www.financialexpress.com/fe_full_story.php?content_id=87107

Intellectual-property rights and wrongs by Joseph E. Stiglitz: Daily Times (Pakistan) August 17, 2005,
http://www.dailytimes.com.pk/default.asp?page=story_16-8-2005_pg5_12;
Project Syndicate, http://www.project-syndicate.org/commentary/stiglitz61

SUPPORTERS

EU-India Economic Cross Cultural Programme

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Austrian Commission for UNESCO
Commission Autrichienne pour l'UNESCO

UNESCO and WSIS: The Priorities

· **Freedom of Expression** through the promotion of media governed by public law incl. development of national legislation

· **Information for All** through genderequitable access to information and knowledge; development of guidelines for information in the public domain; establishing multipurpose community access points; promotion and development of digital services in libraries and archives

· **Capacity-Building** through development of programmes for illiterates via ICT s; promotion of e-literacy skills

· **Towards Knowledge Societies** through the promotion of open access and electronic publishing; promotion of ICT s in the exchange of knowledge

WIEN KULTUR

GOETHE-INSTITUT MAX MUELLER BHAVAN BANGALORE

OPEN SOCIETY INSTITUTE