

Universal Access - Who owns knowledge?

Rainer Kuhlen

Summary of a Leitannahme and questions

Good to know - left to the knowledge society

Congress of the Heinrich Boell Foundation 4th – 6 May 2001

1. Political Priority:

The current dispute over the ownership of knowledge can ultimately only politically, not primarily economically and technologically not primarily, to be decided, as well as the disposal of the water, or the pollution of the environment.

The question of the possession of knowledge, that ultimately, the access to knowledge, has a similar universal dimension. To the decision to make space, the question - certainly easier - to the following alternative returned. What is on what grounds and with which political consensus chances wanted: the strengthening of the private sector in its objectives, knowledge and information about appropriate products to market more efficiently and according to them? Or the increased support of public and non-commercial institutions, whose aim should be the production of and access to knowledge and information regardless of commercial interest, and thus free to hold?

If the alternative is to be avoided as such - what in the political balancing usually the case - it will be important to the present (not least technological) conditions reasonable compromise. This compromise is abzuwägendem extent of the needs of the economy, knowledge to use, and must reflect the expectations of the general public and civil society to knowledge free and universal access to. This we will discuss the following questions.

2. How can the free, universal access to knowledge justified?

How can the free, universal access to the public (publiziertem) knowledge (eg declaratory guarantees on the Basic Law Article 5 and Article 19 and 27 of the Universal Human Rights of the UN) political, legal, technological and actually enforced, and how (ultimately ethically) justified ?

What are the ethical principles of access based alternatives?

Is it konsequenzialistische (utilitarian) approaches (decisions are final consequence of the positive consequences for the common good to legitimize)?

Are not these economically justified for both forms of organisation for possession or economic knowledge claims are used as guidelines for the civil society that is open, free, democratic societies can only develop if public knowledge and everybody can be free access to public knowledge, ?

Or such ethical justifications for free access to knowledge rather deontologische, prinzipalistische thinking? But how are they justified?

With Kant and the Europe of the 18th Century in a global perspective?

What role can international human rights declarations, conventions, declarations, programs or recommendations play to ethically justified answers to the questions on the possession of knowledge and free access to knowledge?

How can one attain binding character, which also claims realrechtlich pragmatically and can be enforced?

3. If "universal access" is not just a passive right?

When "Access" is not only a universal human right, if not the only access to existing knowledge produced by other means, but the access to networks and services, also be able to take one's own knowledge, and with other to be able to communicate, and perhaps even to themselves unwanted information and unwanted exploitation own knowledge and their own (personal) data to protect?

So is "Access" - to English phrases to use - not the same "right to read", "right to write", "right to communicate" and "right to filter"? Does it within, regardless of the political goal unanimous support of the Access Principle (networks and access to information and communication services) is not quite the economic interest in the expansion of the use of markets (for example, as the principle behind the charter Okinawa G8) interest in the promotion of the free exchange of knowledge and the preservation of cultural and linguistic diversity (such as in current programs (eg, "Information for All" - INFA), and recommendations of UNESCO)? So the requirement for "access" and overcome the Wissensklüfte within and between states (digital divide) only universal, if active and passive knowledge can be used? Power until such understanding of "Access" redeeming the demand for cultural (and linguistic) diversity in the world, in turn, as a condition for the advancement of individuals, societies and humanity as a whole is viewed?

4. Makes the question of possession of knowledge ever make sense?

If knowledge is not in principle available? If knowledge is not only limited, reglementierbar, besitzbar if it is with any medium, or a sign system to connect received and so visible, recognizable and therefore interchangeable? Is the question of the ownership of property irrational, as long as knowledge as an intangible cognitive structure in the brain of a Production viewed this knowledge? Can knowledge as a personal possession or possession of whole societies have someone with a view to claim success, at least not until it is not possible to know in other brains or computer download directly? So are questions about the ownership of knowledge only from the aspect of access relevant?

5. Can but are entitled to collect information products?

Is it not rather the knowledge drawn from information products, which are traded in markets and their access can be regulated accordingly? Can information products legitimately commercially marketed, because their production, especially from the perspective of multi-informational values, substantial investment is required? What forms of knowledge, the information economy free or under what processing conditions for the creation of products? How is the commercial

exploitation of knowledge about information products general consensus, or - more far-reaching: is a broad or even complete control and accounting of the use of knowledge representation in the electronic media of information products feasible? Are commercially motivated restrictions on the free use of technological knowledge / media permanently enforce if this because, as "digital rights management" software always realized, even software can be undermined?

6. What principles, policies, technologies, the threat to free access?

6.1 Lease of knowledge:

Does the commercial exploitation of knowledge on an understanding of knowledge-based society, according to the knowledge and in a wider sense all cultural objects marketing products can be just as before (and continue to) material industry products or services of any kind? Does - according to one of the fundamental theories of J. Rifkin - the full commercialization of knowledge, information products that are no longer permanently acquired by purchase, and they no longer have the underlying knowledge to permanent possession (inalienable) of the purchase date, but only on "leasing" procedures for the moment used (and then forgotten)? Serves also in the information the use of information no longer the acquisition of knowledge (learning), but the direct application and exploitation? Can knowledge on information immediately forgotten, because it is from external sources to be activated at any time? Is that the reason why the meta-information forms of knowledge (such as search engines, knowledge portals) will earn more money than with the knowledge resources themselves?

6.2 Zoning knowledge:

Power - according to one of the basic assumptions of L. Lessig - the commercialization of information markets is not a progressive division of domains of knowledge in use zones mandatory - zoning on passwords (including biological Authentifizierungs-/Identifizierungsverfahren), the appropriate licenses or payment expressed willingness to use the basis of competence, proven interest or use of controlled political reliability / correctness? Are technological developments such as the concept of the "digital object" or "digital rights management" insurmountable barriers to control access, or can they legally or politically-driven?

6.3 Filters, blocking of Knowledge:

Is the world coming to the use Filter-/Abblockverfahren funds for the control of "Access", or they are also chances for informational self-determination? On what values and knowledge systems based Filter-/Blockingsysteme? Who controls them? What cultural value systems are suppressed by them? How are they transparent? In what situations is the filtering / blocking of information useful or desirable ("right to filter"), in which only under certain (what?) Conditions acceptable and in what situations or under what conditions?

7. How are changing traditional concepts of intellectual property and copyright?

Are the concepts of individual Autoren-/Urheberschaft or intellectual property obsolete notions of civil society of the 18th und 19 Century, or until they gain in the information society by providing full, individual atomisierbare creditability (digital objects) its meaning? What impact have collaborative, virtual forms of production of knowledge (for example, in forums, groupware situations, distributed through knowledge management)?

8. What measures can be taken to increase access to knowledge to keep open?

8.1 Reformulation of the copyright legislation:

Are the previously valid and widely accepted exceptions to the ownership and exploitation claim only technologically justified, or can be the exceptions, and the manifestations of a "fair use" ethically and politically, and perhaps even economically justified? Is it not a political need for action on the legal shaping and limiting concepts of "digital objects" and "digital rights management"? Should the upcoming reformulation of the copyright legislation, not only to improve the rights of authors and the formulation of equitable utilization forms (eg on tariffs) care, but primarily to measures to safeguard and strengthen the principle of free access to knowledge, as a public Use the appropriate interest legislation originally zugrundelag? Are collecting societies (like word VG) a still reasonable shape, private rights of authors / creators of the commercial exploitation of knowledge products einzulösen? If a claim on private income of writers / creators continue to exist, such as professors, politicians or orchestra members, financed from public funds and whose job it belongs, knowledge to produce and make publicly available?

8.2 Global compensation on the principle of inclusion:

Can the existing and the development of the current information and communications technologies rather worsening "digital divide" only through global recognition of the inclusion principle be overcome, "everyone, everywhere should be enabled to participate in and no one should be excluded from the benefits of the global information society "(Okinawa, No. 3), if this principle not only as a passive access right understood? Why is it that through electronic information and communications services, the "digital divide" within both advanced societies as well as between developed and developing / underdeveloped societies tend to be bigger seems (information paradox)?

8.3 Public Knowledge Server - offset by "public domain"-knowledge:

If production, distribution and use of knowledge is not entirely privately organized, must not be public and publicly-funded organizations and institutions (from all areas of science, culture, media, politics and administration) and accordingly be prepared financially in a position, their knowledge of public knowledge server everyone freely available to you? What other options

exist for the public spaces, cultural knowledge from museums, archives, theater, etc. publicly and freely accessible in electronic networks to do? How can the right to freedom of access to administrative or political information politically, legally and factually valid? What are the arguments for, against which a continuous "Freedom of Information"? Should the funding of this public server is not the information, culture and media industries involved, as this anyway by the marketing of public knowledge about appropriate produced value-added products their profit goals? Do according to the principle of informational self-determination (as the right of disposal of their own data) to the principle of informational primary care from public knowledge servers will be extended, because self-determination is not without informational autonomy can be achieved?

8.4 Promotion of the principle of direct publication and the self-organization (autonomy) of science:

Is the current, and by measures of the "digital rights management" probably still deteriorating condition of the "sell-out" of public knowledge in view of the current and foreseeable technological possibilities bearable, or even make sense? Does it make sense that produced public knowledge (eg from the universities and publicly funded research institutions) to institutions of knowledge exploitation (publishers, content providers, commercial training and training facilities) to virtually zero price is passed, with the result that the institutions of the primary production of knowledge and the associated teaching institutions (libraries, documentation, technical information systems), the derived information products under strong regulatory conditions back? If not present any potential direct knowledge publication by the producers themselves, and all forms of non-commercial knowledge-based storage (including archiving and delivery of world cultural heritage), and dissemination of knowledge through public funding will be exhausted? Which offers for presentation and distribution of knowledge products are currently part of the knowledge producers (under "circumvention" of Intermedia Ries) directly? What should be redeveloped? Does it not the aim of information policy - analog and in addition to promoting the information economy, for example through programs such as eContent by the Commission of the EU - the informational infrastructure and informational services in the field of national and international forms of cooperation develop?

8.5 Securing the meta information and guidance forms:

If the information society is important to know how knowledge can be accessed, as knowledge itself, it is not even necessary that the various manifestations of meta-information forms remain freely available, so the search engines (the robot, catalogues, agents and information assistants), the index, library catalogues, archival reference books, classifications and other regulatory systems of knowledge, the papers organs and database leader, but the electronic dictionaries and encyclopedias? Do digital libraries in the information society is not comparable guidance and placement tasks such as classical libraries and documentation for science, technology and economy in the recent past? Does falls in the capacity of modern information societies, the information sector, the public sector and civil society not with the functioning of the information infrastructure for metadata information, guidance and placement?

8.6 Subject:

Is it a public matter, as electronic data bases Organization of knowledge through public financing to create or should / can totally left to the market? Is the online database offering only a matter of private commercial information markets? To what extent should specialized information systems themselves through market fund offers (equivalent to the currently applicable requirements of the public carrier for a high degree of cost recovery), or should the subsidiarity principle in the funding of specialized information products tend to be, because the market is not directly kommerzialisierbare areas, and thus excludes rather verlorengibt?

9. How is the access to knowledge in medium-organized perspective?

9.1 Freely accessible:

If, in a longer perspective electronically produced and distributed freely accessible information on principle, as the technology of printing letters with moving the previously existing privileges of access to knowledge and extinguished with the Gutenberg galaxy the foundation for a knowledge-based society for all has? How can under these conditions the needs of the economy are complied with knowledge products profits?

9.2 Controlled exception:

Or will the electronic media control mechanisms of the "digital rights management" down to the smallest units of digital objects can enforce, especially when they are of appropriate legislation tightening of the copyright and exploitation rights flanked? Is there still room for the agency services and institutions (Bibliotheken etc.), which so far have free access?

9.3 Paralleluniversen:

Or rather, will parallel information markets (the Mueller-Maguhn'schen Paralleluniversen) develop - the commercial market places, where knowledge sharing products to market principles and acted with complete control, and the public forums in which knowledge as an end in itself is exchanged? What parts of knowledge will be exchanged where? How are these two "markets" in relation to each other? Can the interest of the economy in such free public forums identified and transported? What policies can both markets / forums existence and development guarantees?