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For better development and just access to knowledge in all forms

Against the domination of exclusionary rights on the knowledge economy

*A civil society statement concerning intellectual property
and the 2007 G8 summit*

1.The Context

Access to knowledge is a necessary condition for human freedom. It is crucial in supporting ourselves, caring for the sick, and playing, creating, and working together in communities. The digital and biotechnological eras have created enormous new opportunities for creating and sharing knowledge and are broadening humankind's potential to solve problems and innovate.

But these opportunities are accompanied by huge risks. Chief among them is the explosion of intellectual property rights that has taken place both within and across national borders. These rights restrict how information and information-based goods can be shared, subsuming the domain of human knowledge to the logic of the market.

We observe stronger enforcement of intellectual property rights (IPR) by the G8 countries, especially in the developing world. The debate is framed by governments of industrialized countries as protection against piracy and forgery. However, IPRs cover a huge array of exclusive rights, including patents on medicines, technology, and plants; copyrights; plant varieties protection; and data protection. These exclusive rights are currently held almost exclusively by companies of the Global North and have a huge negative impact on the life and developmental opportunities of billions of people. Furthermore, after a change in the global balance of economic power strong IPRs may have the same negative effect on the economy of the G8 countries.

We have a different vision. We believe that all human beings have the right to benefit from and contribute to the domain of human knowledge. We believe that sharing is more conducive to knowledge than control, that profit is only one motive for the creation of knowledge, and that no person should be denied what she or he needs because of artificial scarcity in any form, including scarcity created by misuse of intellectual property law.

Although the usual category of "intellectual property rights" also includes trademarks, the latter are different from a developmental and economic perspective. When compared to the exclusive right to produce a good, not being able to label a good impedes the well-being of individuals far less. While we recognize that trademarks can sometimes interfere with free speech, we have no objections to the protection of trademarks as such, as long as it stays within reason. For the purpose of this statement, we will therefore exclude trademarks.

2.Problem and Alternatives

Intellectual property rights are designed as privileges to give inventors, breeders, and creators a stronger incentive to create new knowledge. They grant temporary exclusive rights as an exception

to the basic idea of economic freedom and freedom of expression.

Unfortunately, current intellectual property policy presupposes two misconceptions to which we do not subscribe:

- I. Even in cases where some intellectual property rights might be good, this does not mean that more intellectual property rights are necessarily better.
- II. Intellectual property rights are by no means the only way to give inventors, breeders, and creators an incentive for the creation of new knowledge.

It is necessary to consider other - alternative or additional - ways of furthering innovation that are less detrimental to broad access and development, e. g.:

- supporting commons-based models based on collaboration among peers, such as free software-based models
- new financing and incentive mechanisms to promote research and development, such as public funding of research – by directly carrying out the research in government-run institutions - or prizes instead of higher prices.

3. Conclusion

We demand that countries may choose for themselves their own appropriate level of intellectual property protection and that pressure from industrialized countries and companies stop.

The G8 is the wrong forum to debate an issue so important for North-South relations; only the Northern countries have a voice. It does not have the right to make decisions which will possibly affect the lives of billions of people.

Furthering innovation is vitally important, be it in the areas of breeding, medicines, science, or general technological development. We need systems for the creation of knowledge that guarantee open access to knowledge in all its forms and on all levels but do not overly impede the possibility for users, innovators, creators, and breeders to access those innovations and build upon them like the current system does.

4. Issues

Seeds

Plant varieties form the very basis of global food production. Most of the current diversity is the result of thousands of years of breeding by farmers, based on free exchange of seeds. Only for the last 40 years has private industry played a significant role in the development of new varieties. Today, the rights of commercial breeders and transnational corporations are ever increasing and are including more and more patents on plants as well as prohibiting the reproduction of commercial seeds by local farmers. This limited access to plant varieties endangers the human right to nutrition.

It is vitally important to secure access to seeds for all farmers and to guarantee the food sovereignty of all peoples in the world. Therefore Plant Breeders' Rights should be scaled down and the patenting of plants and animals should be stopped. Public research in and breeding of new varieties should be supported while traditional varieties need to be preserved.

Medicines

One important reason that the majority of the world is denied access to essential medicines is the monopolies created by patents on drugs. At the same time these companies do not perform significant research on those diseases that specially affect poor people.

We need to permit countries to use the flexibilities in the patent system which allow for competition in the manufacture and distribution of medicines. To facilitate the use of these flexibilities and access to essential medical technologies, the collective management of patent rights through for example the creation of patent pools should be supported. We also need new pull mechanisms for funding research in neglected diseases, such as prizes, and also consider substituting countries IPR obligations with research obligations, with a medical R&D treaty. The results of publicly funded research must be free.

Science

Today's system of science is characterized by publicly funded research being privatized and monopolized: Publishers of scientific journals appropriate copyrights for the majority of scientific papers and knowledge which is subsidized by research funding bodies and universities is patented.

All publicly financed research should be freely available. The new opportunity to disseminate knowledge over the Internet should be used by following the Open Access paradigm. The best research is that which adds to the knowledge commons.

Software

The software market is of immense importance to the global economy. Its monopolistic structure is an increasing problem. Introducing a legal basis for thousands of existing software patents in Europe would even exacerbate this problem.

We ask for more support for free software in order to increase competition for the best service possible, and strong anti-monopolistic practices. Especially interfaces and file formats must be free to allow for serious competition. Software or algorithms should not be patentable.

Digital Restrictions on Usage and Copying

Legal protections for Digital Restrictions Management systems (DRM) and other copy protection measures threaten the conservation of our global cultural heritage. While the commercialization of culture might benefit artists, artificial scarcity must not be tolerated. In a quickly changing technological and economic environment, copy protected data may not be readable in a few years let alone by future generations. It makes compatible players more expensive and forces short product upgrade cycles. This excludes less-wealthy consumers, especially in developing countries, unnecessarily from the information society. People with disabilities who use assisted technologies are forced to upgrade regularly to the very latest versions to be compatible with the newest DRM systems. Therefore, DRM in effect discriminates against persons with disabilities and threatens to destroy the opportunity for full participation in information society.

Instead of blindly adopting the "intellectual property" approach to digital goods (which can, if at all, only be enforced with DRM systems that have severe negative side-effects) we ask that the

"reward rights" approach to information goods should be seriously evaluated in which no technical restrictions on usage and copying are imposed, but where for some types of commercial usage (specified by the creator of the work) royalties are due to the rights holder.

5. Signatories

This statement has been endorsed by the following groups, organisations and movements. Each of the signatories subscribes to the general statements in sections 1,2 and 3 and the specific examples that apply to each group's area of expertise.