

Access to knowledge

Problem to be solved

Intellectual goods allow practically unlimited copying by their very nature, however, by default, the legislation contemplates them as exclusive property, restricting the wealth they can offer to the community in general. The harm that the limitations of “intellectual property” legislation impose on works becomes evident when we observe that it does not take into consideration the protection of access to culture, science and education, equal access to medicine, creative use, archiving, the right to repair and modify, the right to share, nor the freedoms of expression and association. This is why it is necessary for the State to defend and promote the common good of the population in the public intellectual initiative.

Ideal situation

The State should be a protector and promoter of equal access to knowledge and the production of wealth through free and communitary intellectual works.

Public resources will be invested for the greatest benefit of all the inhabitants of the territory.

What should the new constitution provide for?

The new constitution should ensure equal access to knowledge, and the state should encourage the production of resources and tools that can be freely used, studied, distributed and modified by the general population.

With what arguments do you or your organization support this proposal?

The world’s two largest economies owe much of their economic success to their belated participation in global intellectual property treaties, the United States signed Berne in 1998, and China until recent years has been an acknowledged violator of these laws. While we do not propose to negate existing treaties, which are a prerequisite for participation in the World Trade Organization, we do highlight the role that intellectual property plays in limiting the development of a dynamic economy. In 2004, 650 individuals and organizations signed the “Geneva Declaration on the Future of the World Intellectual Property Organization” urging the UN to focus on the needs of developing countries with respect to intellectual property legislation.

Around the world, various initiatives have been progressively created to promote more equal access to intellectual works. Initiatives such as free software, free culture, open access to science and open educational resources are increasingly adopted and accepted by organizations and states. Without projects such as GNU/Linux, Creative Commons, Wikipedia, Archive.org and the Internet itself, our world would be unrecognizably poorer.

Prestigious universities around the world, such as Harvard, MIT and ETH Zürich have created programs and adopted open access initiatives and open educational resources; likewise in Chile some universities, such as the University of Chile and the Catholic University have begun to do so. In addition, hundreds of scientific journals and the repositories that contain them, such as MDPI and Springer, can now be consulted in open access mode. To date, representatives of 717 organizations have signed the “Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities”.

In the European Union, Germany, India, Ecuador, Bolivia and Mexico there are already initiatives that promote the use and preferential creation of free software with State money.

You can find references to the statements expressed in the attached bibliography.

Proposed articles

All people, individually or collectively, have the right to universal access to information and communication technologies, and the State must guarantee it.

The State shall ensure equal access to knowledge and intellectual works, so it shall preferably use and promote resources and tools of free access and distribution, as well as those that allow innovation through their modification.

All intellectual works made totally or partially with State resources must be of free use and distribution with or without changes, for all the inhabitants of the territory, without prejudice to the rights and laws of privacy of personal data that affect them.

Intellectual work is considered to be any type of intangible resource or tool embodied in a material support such as texts, audios, images, videos and designs.

The State shall be the guarantor of the digital preservation of the memory, historical and cultural heritage of the nation.

Bibliography

Universal access to information and communication technology

- Objetivos de Desarrollo Sostenible ONU
 - Objetivo 9.c “Aumentar significativamente el acceso a la tecnología de la información y las comunicaciones y esforzarse por proporcionar acceso universal y asequible a Internet en los países menos adelantados de aquí a 2020”
 - Objetivo 16.10 “Garantizar el acceso público a la información y proteger las libertades fundamentales, de conformidad con las leyes nacionales y los acuerdos internacionales”
- Proclamación “Día Internacional del Acceso Universal a la Información”

Preferential use and creation of free software with state funding

- Campaña “¿Dinero Público? ¡Código Público!”
- Unión Europea
- Alemania
- India
- Ecuador
- Bolivia
- México
- Por qué el software debe ser libre

Open access to science

- Declaración de Berlín sobre Acceso Abierto al Conocimiento en Ciencias y Humanidades
- Lista de journals con acceso abierto
- Spring
- MDPI
- Harvard
- MIT
- ETH Zürich

Open educational resources

- Recomendación UNESCO sobre los Recursos Educativos Abiertos
- Defining OER-Enabled Pedagogy (5R: retener, reusar, revisar, remezclar, redistribuir)
- MIT Open Learning
- Harvard Free Courses
- ETH Zürich MOOCs
- Programas de educación a distancia Universidad de Chile
- Coursera Universidad Católica
- edX

Intellectual property

- Declaración de Ginebra sobre el futuro de la Organización Mundial de la Propiedad Intelectual
- Propiedad intelectual: Sus presunciones, estado actual y otras visiones del derecho pro-creativo intelectual.
- Copia o Muerte. Una decisión urgente para nuestra supervivencia.

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