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*Open access to knowledge  
and culture : part of  
fundamental human rights*

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<Document Libre>

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Arts & Sciences 05

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## *Improving and sharing culture and knowledge*

- *A traditional mission of the university*
- *An economic requirement*
- *A duty explicitly stated in the  
Universal Declaration of Human  
Rights*

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*UDHR does not lead to regulations but could legitimate them*



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*Participation is a  
fundamental human right*

*Article 27 :*

- 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.*

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*Protection is a fundamental human right*

*Article 27 :*

*2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.*

*Authors should appreciate (publishers too)*

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## *Consequences :*

- *Abandoning author's rights is a free personal decision and has the value of a gift*
- *The author is entitled to grant licence under some conditions*

*=> the copyleft becomes possible*

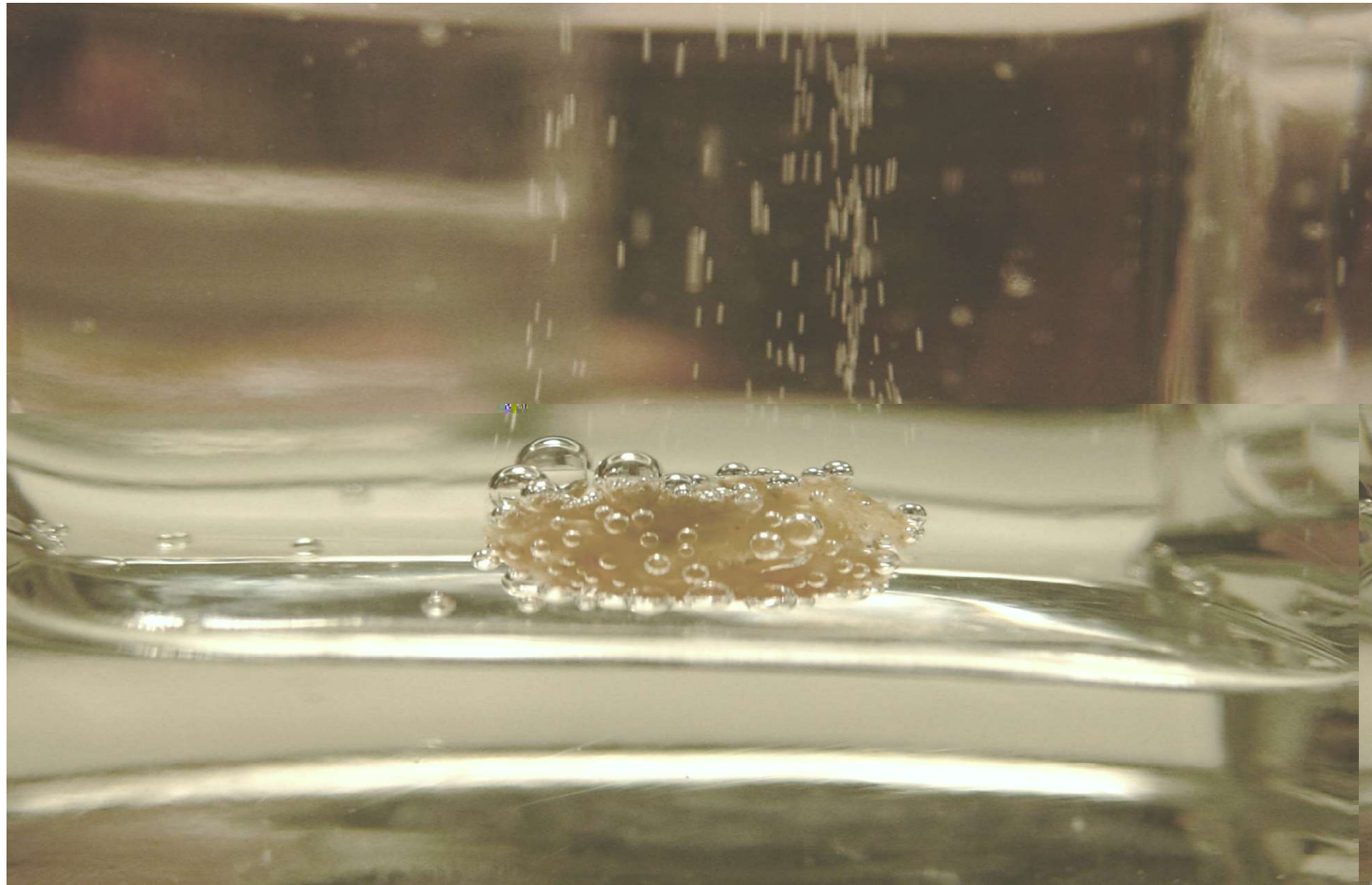


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## *Ethics in sharing knowledge*



Whose bubbles are those ?





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*Knowledge belongs to  
common ownership*

*Producing amounts to **expressing**  
knowledge according to the  
author's skills*

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## *The law protects creations :*

- *How to make : industrial property*
- *How to design : model property*
- *How to express : intellectual property*

*But no theoretical concept  
nor the forecast of an effect !*

*Beware of the software patents !*





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## *Patenting in order to share*

- *Former aims:*
  - *Promoting knowledge and know-how*
- *The means to achieve these aims :*
  - *Banishing the secrets of corporations*
  - *Forcing the description of industrial processes*
  - *Encouraging inventive attempts , artistic and intellectual creations*
- *The concessions needed :*
  - *Some temporary privileges*

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## *Encouraging creation :*

- *Financial returns (but not only !)*
- *Recognition of creator's paternity*
- *Recognition of creator's freedom, taking his (her) gift as such (especially in case of lack of financial returns)*
- *Promotion of creator's notoriety*
- *Implementation of tools that can make the work available for everyone (e.g.: research engine, annuary, indexation tools...)*

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## *Wealth and profit*

- *A share of wealth is born with the creation of a work and increases with its diffusion*
- *Profit is related to commercial use.*

*The first fulfills needs but has no incidence on economic scores,*

*The second increases economic scores, but curbs the diffusion of the work and then wealth...*

*Accountants show of economic scores, not the wealth of scores*

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## *Royalties and privileges*

- *The patrimonial logic develops*
- *The least share goes to the true creator*
- *The duration of privileges increases in comparison to the duration of works*
- *Needs and solvency of people do not match everywhere (e.g. medicine)*
  - *Fees and constraints are felt irrelevant*
  - *Holding up overcomes the principle of right to access stated among the fundamental human rights*

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*Free software : a founding step*

*Richard Stallamnn*

- *Fond the Free Software Foundation*
- *Promote the GPL*
- *Militate if favour of the inter-opérability of informatic systems and the open acces to software sources.*





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## Copyleft

*Copyleft grants the rights to use, modify, and redistribute the work, and make these rights and work inseparable.*

- *I create this work, and the law recognizes my rights on it*
- *Since it belongs to me, I give the right to use, modify, and redistribute the work... but I put this condition :*

*You must accept to release it for anyone with the same conditions, even after your modifications .*

- *The licence states the conditions of a release in a legal expression.*





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## Free ?

- *Public domain (not necessary copyleft)*
- *Free licence, including the possibility of commercial use)*
- *Free licence excluding commercial use*
- *Licences with limitations (modifications...)*
- *Open source (not necessary « free »)*
- *Freeware : gratis (not necessary « free »)*
- *Shareware : you can try and pay a reasonable amount later*
- *Proprietary : you can use under certain circumstances*

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## *What licence ?*

- *GNU / GPL*
- *Creative Commons*
- *Licence Art libre*
- *Document Libre*
- *...*
- *Numerous licences exist, adapted to different types of works*

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## *Why so many licences ?*

- *Because any work could not be released in the same way (a software is different from a speech, which is different from a thesis...)*
- *Because each author could not or does not want to give the same rights*
- *Because regulations differ according to the public, and to which work is released (e.g. in France, protection rules applying to the consumer are not compatible with typical disclaimer used in LL)*
- *Because technical, professional or legal specificities enforce some adapted conditions*

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*No universal purpose solution*

*Several domains justify several adapted solutions*

- *General public*
- *Arts and culture*
- *Trade and services*
- *Software*
- *Teaching*
- *Scholarship*
- ...

*=> dogmatic approaches should curb the development of the use of open access*

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