

S-38.042 Seminar on Networking Business, Autumn 2004

Timo Smura's comments to Sauli Kamppari's paper presented on 06.10.2004

## **Relevance**

The concept of anti-commons, when taken strictly as originally defined, is not a very relevant topic from the mobile regulation point of view. The problem of patent thickets as described by Shapiro is a good by-the-book example of the anti-commons, but not specifically networking (or mobile) business related. Studies on software development and the open source movement could use the anti-commons concept, and could have some relevance also for the mobile networking business.

From service/content provider perspective, the anti-commons concept is quite hard to make use of, as Sauli also mentions in the paper. The terms-of-use and DRM matters that are sometimes treated under the "digital anti-commons" title, are very relevant, but not in line with the original concept of anti-commons.

In short, the concept of anti-commons is not very relevant for the seminar. Sauli's paper, however, is relevant.

## **Form**

The structure of the paper is logical, starting with the introduction of key concepts and issues and moving towards more detailed treatment of the actual topic. The text is fluent and mostly easy to read; in some parts a little more clarification would have been beneficial (e.g. the US court case texts, tragedy of commons part). Also, a concluding chapter of the key findings would have added value.

## **Substance**

The paper introduces nicely the different types of regulatory constraints that exist in addition to written laws. The differences and similarities between the Internet (cyberspace) and the real world, as well as physical and digital property are well treated.

In Chapter 4, the concepts of "tragedy of commons" and "tragedy of anti-commons" are introduced in proper detail. The misuse of the "digital anti-commons" term in reference studies is rightly pointed out. The "tragedy of digital anti-commons" is renamed "tragedy of additional cost on digital content", which depicts the problem more clearly. The part on mobile-specific aspects is a bit short, and lacks real substance.

In short, the substance of the paper is strong, although mobile-specific aspects are not treated very much. The paper is not actually written about the tragedy of anti-commons, because of the misuse of the term by others.