



Tragedy of digital anti-commons

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Introduction 1 (2)

1. Presentation topic

– Motivation

- *Regulation of the Internet intelligent property rights*
- *Conceptual frameworks to understand the complex issues*

– Scope

- *Some popular metaphors, concepts and models*
- *Only superficial on legal issues*

– Methods

- *Literary study and analysis*
- *Constructive*
 - Claims*
 - Models*



Introduction 2 (2)

2. Regulation

Modalities

Law

Norms

Markets

Architecture

3. Methapors

Internal mind models and external vocabulary

Role of metaphors



Place vs Cyberspace

1. *The metaphor*

- *ENTERING, VISITING, ADDRESS, LOCATION, SITE*
- *Claimed to lead the regulation to Internet 'landholdings'*

2. The Internet is not like a place

- It is not, it is not experienced as if it were, and the constraints of action are different
- Anyway, the courts seem to have been misled

3. The metaphor doesn't have to mislead

- Also land ownership rights vary
- The courts have also understood the limits in many cases



Digital Intellectual Property

1. Digital intellectual property classification characteristics

	Direct Consumption	Indirect usage as a component or a tool
Purpose	Experience	Utilization and creation
Examples	Listening and watching	Business and scientific work, and SW
Content discovery	The search target is known	The search target may be unknown
Network	Fixed and mobile	Fixed



Digital Intellectual Property

2. Property

“Within the law, property is a general legal category for rights of ownership in land, money, tangible objects, intangible objects, etc.

Property is defined as the right to use, enjoy or possess a determinant thing, and the right to exclude others from doing the same.” worldIQ.com (2004)



Digital Intellectual Property

Public, common, toll and private goods in a property matrix

	Non-rivalrous	Rivalrous
Non-excludable	Public Goods	Common Pool Resources Tragedy of the Commons
Excludable	Toll Goods Tragedy of the Anti-commons	Private Goods Tragedy of the Anti-commons



Digital Intellectual Property

3. *Intellectual property*

“Intellectual property refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.” World Intellectual Property Organisation, 2004

4. *Protecting intellectual property*

Law

IPR

Agreements

Norms

Campaigns

(Markets

A business tool)

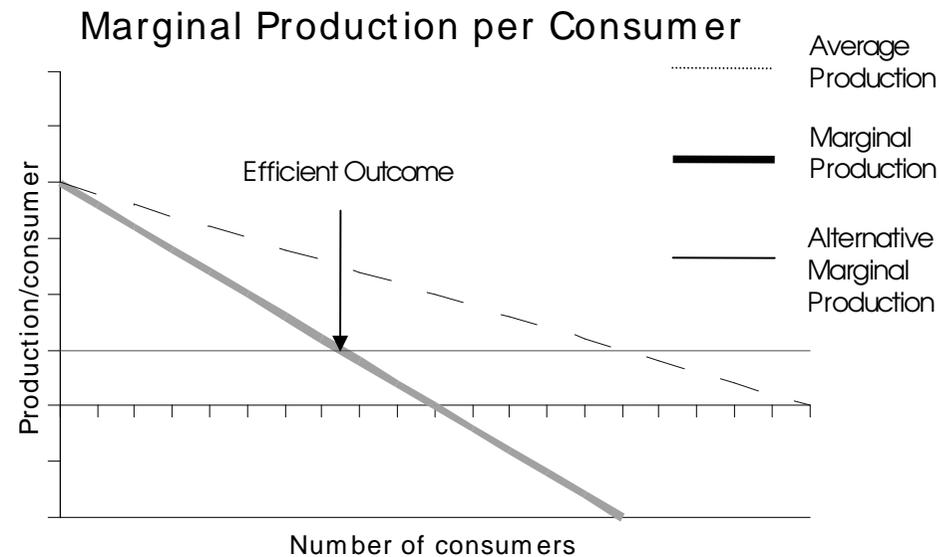
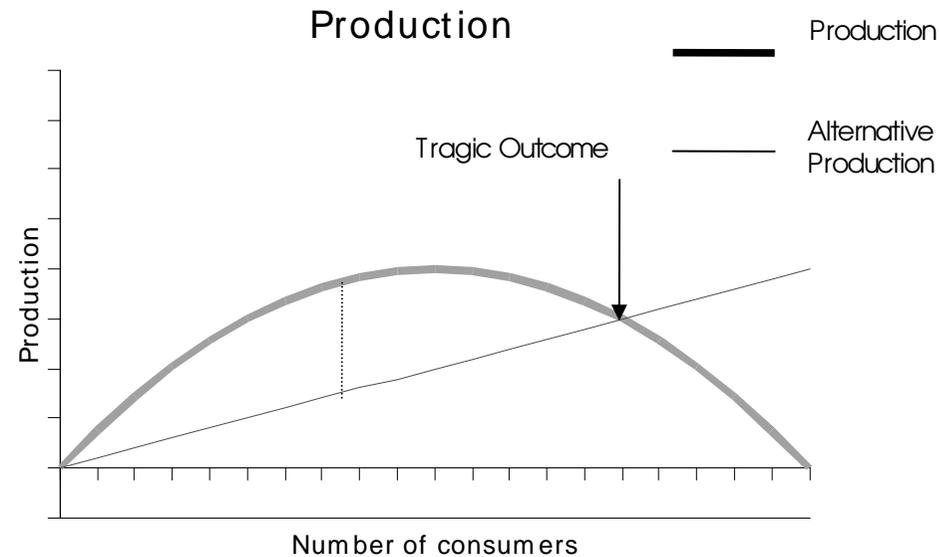
Architecture

Technical prevention



Tragedy of Digital Anti-commons

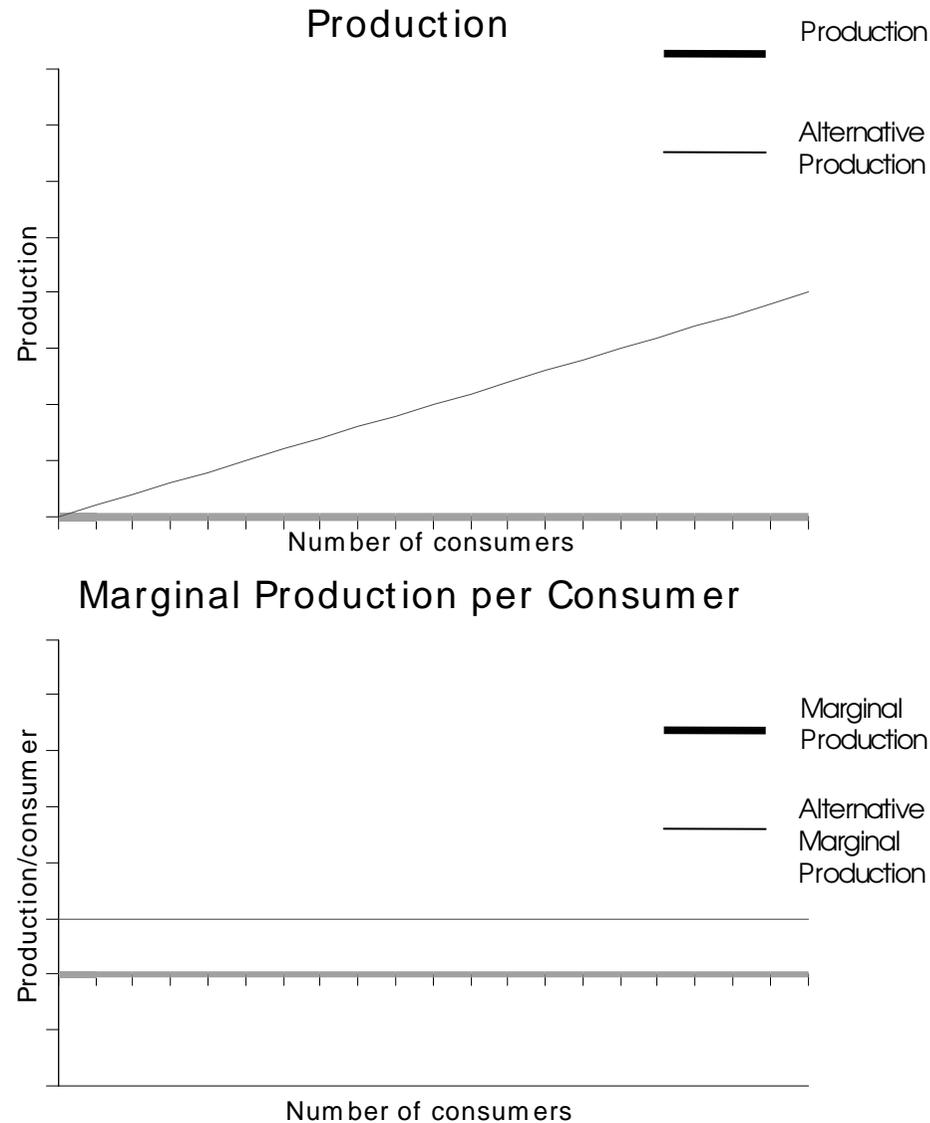
1. Tragedy of commons





Tragedy of Digital Anti-commons

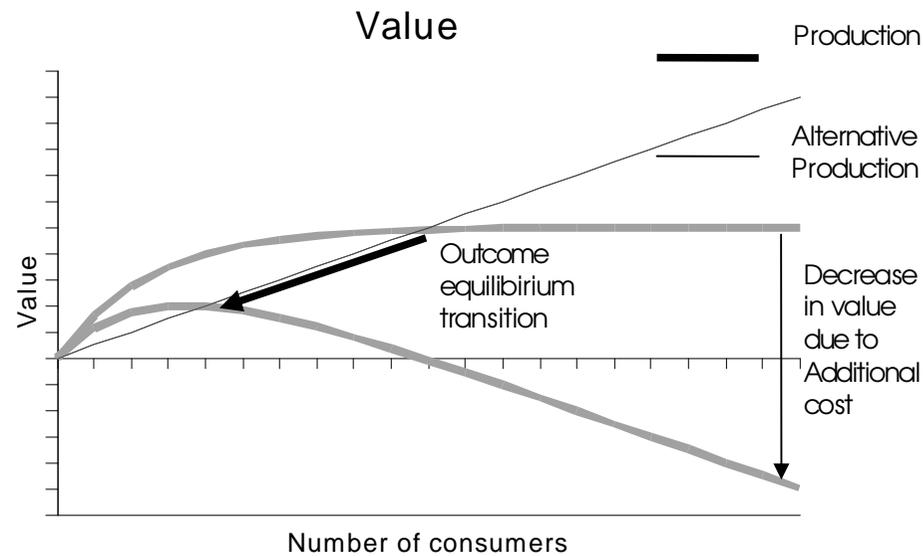
1. *Tragedy of anti-commons*
– *Not relevant*





Tragedy of Digital Anti-commons

1. *Tragedy of additional cost on digital content*





Mobile network perspective

- 1. Content is for direct consumption*
- 2. Transaction cost for terms of use would be high*
 - On the other hand, demanding content search not applicable*
- 3. Dedicated Digital Rights Management solutions*