iCommons LAB REPORT

Your window on the Commons
January/February 2008

iCommons loftwork

Contents

From the office of the ED

Dear global commoners

This year marks the third year of operation at iCommons and the first on our own – separate from Creative Commons – as membership in iCommons by CC is diluted and other members are welcomed to the iCommons family.

We've come a long way in the last three years. Starting with two staff members sitting around a trestle table in a very small back office, the team has grown to a complement of six fulltime and five part time staff members operating in a well-equipped office in Johannesburg.

2008 also marks the start of a five-year grant by two new trusts: Kusuma Trust and IETSI (International Electronic Trade and Services Initiative) that have made an endowment to iCommons of $1 million over a period of five years. The power of this core grant cannot be overemphasised. Anyone working in the non-profit field will recognise how difficult it is to raise core funds, and as a young organisation based in the developing world, iCommons is extremely grateful for this opportunity to consolidate and build an organisation that will have considerable impact into the future.

2008 is also a year of focus and consolidation for iCommons – a year where we articulate our vision of an organisation dedicated to bringing people from around the world together to celebrate, debate and, most importantly, work together on projects that demonstrate the power of global peer production and a shared digital commons.

With this focus comes an important reality check that some might find difficult to grasp. iCommons is not, as some have said, a movement. The movement to re-think intellectual property regimes and to accommodate a development and innovation agenda in local and global policies is already underway. It is a diverse and loose connection between organisations, communities and individuals around the world who are envisioning a new way for independent cultural and scientific development.

iCommons is an organisation – an organisation dedicated to serving that movement by bringing people together to model the kind of global cultural sharing, cooperation and mentorship that only a face-to-face gathering can inspire. Once a year, we come together to recognise how widespread this change is, how much a part of a global community we are, how we can learn so much about ourselves by learning from others, and most importantly: how we are in this together.

We face many important challenges in the twenty-first century and for the first time in human history we have recognised how important it is to act together – in spite of our differences – and to leave no one out as we chart a new course for global cooperation on a scale never before achieved.

Wide-scale peer production, shared scientific study and global open education initiatives are models for the kind of collaborative problem solving that could be used to address some of the world's greatest challenges. Imagine a massive global volunteer project to solve the global warming crisis, or to support new nations' emergence into democracy or to bring whole regions out of poverty. The possibilities are endless, but they require this movement to mobilise and to start thinking much more globally.

Think global, act local. It's a well-used phrase but do we really grasp the extent of this challenge?

Thinking globally requires us to recognise that people from other local contexts who might be approaching a problem differently, still share our same goals and principles. Thinking globally requires the humility to reach out to others to help solve our problems rather than thinking that we can do it all ourselves. Thinking globally requires a degree of trust that defies deep-seated fears about 'the other' that are still very prevalent – even in this community.

As the iSummit moves to different countries and continents every year, we recognise how much of the Creative Commons, A2K, Wikipedia and other projects are essentially exercises in global cooperation, mutual respect and tolerance. We need to retain these features, celebrate them and face the challenge head on if we are to show the world a new way.

Best wishes,

Heather

heather@icommons.org

Of iSummit dreams and jelly beans

Each month, one of the iCommons staff members will update you on the progress of one of the projects they are working on - from Paul's progress on iCommons' non-free content policy, to Rebecca's plans for the iCommons Annual, to Kerryn's work on Summit logistics. This month, Daniela gives feedback on the iSummit planning workshop, held in Johannesburg last month.

You might be wondering what this month's front cover is all about - what do dream bubbles, drinking straws and jelly beans have to do with the Commons? Well, this month's magazine front cover is inspired by the activities at the Summit planning workshop that iCommons organised on 17 and 18 January. Let's say, it was a sweet event.

Amongst the representatives were CC Japan, Sapporo city, Digital Garage, Second Life, the Summit 07 education track, the iCommons board and Second Life who attended the event to discuss the Summit programme and organisation.

We kicked off the event with a sugar-induced frenzy involving building 3D models of our dream iCommons Summit venues, using sweets, straws, paper and toothpicks. This allowed us to identify a framework for how we could structure the programme, based on the activities and spaces suggested by the workshop participants. Some of the ideas that emerged through this excercise was a call for more space and time allocated to social networking, good management of choice so as to allow people to attend as many sessions as possible, and better integration of the artists in residence into the summit space.

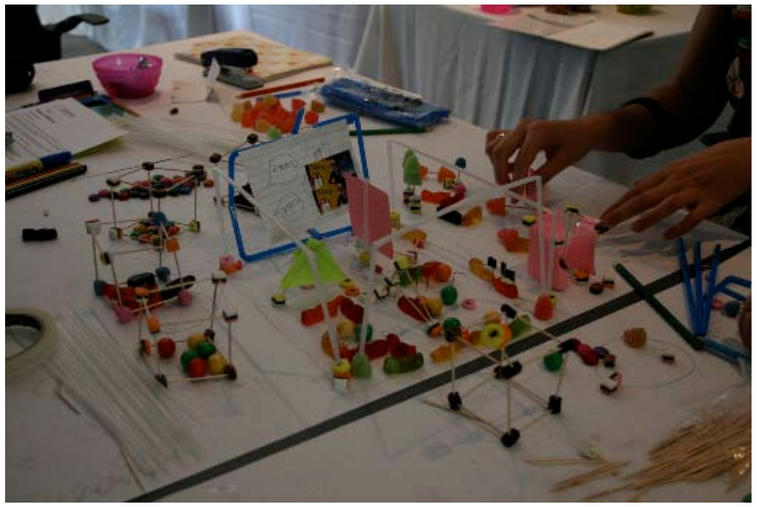
At the end of the day, we brainstormed around our Summit audience, our goals and suggested tracks or themes for the summit.

On day two we had to get back to reality. The CC Japan, Sapporo city and Digital Garage representatives gave presentations on the actual Summit venue (the Sapporo Convention Centre) and told us more about the Japanese cultural, linguistic, legal and funding landscape in order to give us a better frame of reference about the city in which the iSummit will take place.

From here we did SWOT (Strengths, Weaknesses, Opportunities and Threats) analyses around topics such as facilitation, translation, documentation of the event, the structure of the programme and much more.

We ended off the workshop on a practical note, by identifying 'to do' lists for each of these categories, and publicly committed ourselves to undertaking some of these tasks.

So, the iSummit planning workshop was not all fun and games. This meeting was incredibly valuable as the Summit teams were able to personally meet with some representatives of the iCommons community, in order to chat face-to-face about their visions for the iSummit. As a result, we are already working around the clock to try to make these dreams a reality. A basic programme structure is in place, so look out for a call for programme submissions this month!



Feel like you were there!

A summary of multimedia produced at the event:

- LISTEN to audio clips of discussions at the event
- WATCH a Youtube movie showing presentations of the 3D Summit models
- SEE Flickr photos here
- THINK about the presentation by CC Japan (download in pdf or ppt formats)
- READ detailed notes on the wiki summarising all discussions

Top: One of the model 3D summit venues, pic by iphilipp, CC BY 2.0, below: Workshop participants hard at work building the structures, the group listens to an explanation of one of the structures, and the Sapporo city, Digital Garage and CCJP teams do presentations, pics by Paul Jacobson, CC BY-SA 2.0

A sick state

A woman waits for medicine at a pharmacy in the Cape Town township of Gugulethu, pic by Trevino on Flickr, CC BY-NC-ND 2.0

by Rebecca Kahn

The story of access to medicine for South Africa, and anti-retroviral treatment in particular, has played itself out on two stages. On the one is the battle against big pharmaceuticals for the rights to manufacture affordable anti-retroviral drugs. In this arena, South Africa along with Brazil and India have sent a clear message to the pharmaceutical companies, and are doing all they can to manufacture and/or import cheap generic drugs for treating people with HIV. In South Africa, this action against the restrictions of access to medication imposed by intellectual property and patent law had another effect. It brought the government and the non-profit sector together against pharmaceutical companies. This is unusual because the non-profit and activist sector in South Africa have always been highly critical of the government's response to HIV, even going so far as to call for the resignation of the Minister of Health, because of her poor and belated response to the HIV crisis in the country, and her unscientific statements that a diet that includes African potatoes, garlic and lemons could be a cure for HIV.

In a country where an estimated five million people are infected with HIV, access to anti-retroviral treatment was always going to be the cornerstone of any significant governmental response to the disease. In the late 1990s, access to anti-retroviral treatment was the privilege of the wealthy, who were able to buy expensive, imported drugs and use then under the supervision of their personal doctors. However, for the vast majority of South Africans, ARV treatment was impossible – inhibited by the cost of the medicine, and the lack of access to a primary healthcare workers – most poor South Africans rely on clinics and local hospitals for healthcare, where monitoring and one-on-one treatment is rare.

For many years, the South African government maintained that the cost of anti-retroviral drugs made it impossible to provide access on a national level to all HIV positive South Africans. The attitude of the President of South Africa, Thabo Mbeki, who has often questioned the causal relationship between HIV and AIDS, and has aligned himself with the opinions of AIDS dissidents, has also had an influence on the government's response to the epidemic that killed over a million South Africans in 2001.

Big Pharma, Big Laws, Big Fights

TRIPS, the WTO's agreement on Trade-Related Aspects of Intellectual Property Rights obliges all WTO member states to provide 20 years of patent protection for medicines, and prohibits the production of generic drugs during this period. This agreement may only be overridden in the case of a national emergency.

TRIPS does, however, allow for voluntary and compulsory licensing for the manufacture of medicines. Voluntary licensing means that the government grants a production licence to a third company to produce the generic drug with the consent of the patent holder. The patent holder usually receives a token royalty. For example, in April 2006, Enaleni Pharmaceuticals, a subsidiary of Indian generic drugs manufacturer Cipla, used such a licence to start manufacturing Triomune, a three-in-one ARV drug, which allows users to reduce the number of pills they have to take every day, and the frequency of the dosage. Triomune contains lamivudine (under license from Glaxo Group Ltd. and the Wellcome Foundation Ltd.); nevirapine (under licence from the Boehringer Ingelheim group of companies) and stavudine, all three of which make up the recommended first-line treatment against HIV.

Compulsory licensing, the process whereby a production licence is granted without the consent of the patent holder, has yet to take place in South Africa, unlike in Brazil, where in 2007, President Luiz Inacio Lula da Silva issued a compulsory licence to produce a lower-cost, generic version of Merck's anti-retroviral, Efavirenz.

In 1997, Parliament passed the Medicines and Related Substances Control Amendment Act, No. 90 of 1997 (Medicines Act) which contained provisions that made medicines more affordable. The Act gives the government a legal framework to:

- Compel pharmacists to prescribe cheaper generic substitutes of medicines no longer under patent (generic substitution)
- Import cheaper brand-name medicines from countries where the product is sold for less (parallel importing)
- Issue compulsory licences, under certain conditions, to local companies to produce generics of patented medicines (compulsory licensing) and
- Introduce a transparent pricing mechanism to make pharmaceutical companies justify the prices they charge.

This was a vital piece of legislation for the provision of cheap anti-retroviral drugs in South Africa.

The South African Patents Act provides for compulsory licensing in the event that the patent holder can be shown to abuse the patent. In February 1998, a court action was instituted against the South African government by the Pharmaceutical Manufacturers Association (PMA) to defend the industry's patent rights. The action was aimed specifically at Section 15c of the Medicines and Related Substances Control Amendment Act, which allows government to purchase drugs from other countries where prices are lower, therefore allowing for parallel trading of those drugs with the local equivalent as well as compulsory licensing. The case was withdrawn in April 2001 due to international political and public pressure.

This did not mean that South Africa was suddenly flooded with cheap anti-retroviral medicine, but did mean that access to these medications, via government roll-out programmes, would become easier for the majority of poor South Africans. It also meant that the South African government, and particularly the Ministry of Health no longer had the cost of medicines as an excuse to justify its reluctance to commit to a national roll-out. However, it wasn't until 2003 that the Cabinet approved a strategic roll-out plan. By 2005, an estimated 104,000 South Africans were able to access anti-retroviral medicine, both in the public and private sector. This number stands in stark reality to the World Health organisation's estimate that 837,000 South Africans are in need of access to anti-retroviral treatment.

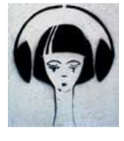
Cost of Treatment

In 2000, in an effort to highlight the huge discrepancies between the cost of original and generic drugs, activist Zackie Achmat (then leader of the Treatment Action Campaign, a non-profit dedicated to campaigning for equal treatment for all HIV positive people in South Africa) smuggled 5,000 tablets of a drug called Biozole into South Africa. Biozole is used in treating some opportunistic infections associated with HIV, and is a generic version of the drug Fluconazole, which is manufactured by pharmaceutical giant Pfizer. At the time, Fluconazole was patent protected in South Africa, and the manufacture of generic versions was illegal. A single tablet of Fluconazole was selling for R124 (US$16.00) in South African pharmacies and government was paying R28.57 (US$ 3.71) for each tablet. The generic tablets, bought in Thailand, cost R1.78 (US$0.23) each.

In 2005, the South African government awarded a tender to seven different pharmaceutical companies to supply the public healthcare system with anti-retroviral drugs. At the time, the tender was worth around R3.4 billion, or US$399 million. Aspen Pharamacare, a South African generics manufacturer was awarded the largest share of the tender, with international pharmaceutical companies included only when generics were not available. It is hard to imagine the cost of providing ARV treatment to all South Africans without generic drugs. In 2005, the cost of providing ARV treatment through the South African healthcare system was around R296-million (US$39.4 million). By 2007/8 it will cost an estimated R1.65 billion (US$ 219.6 million) as the number of people seeking treatment grows in correlation with the number of new infections. This is a huge amount of money, but when you break it down to the cost per person, it is, in fact, very cheap. In South Africa at the moment, ARV therapy costs between R97 (US$ 12.00) and R500 (US$ 65.00) per patient, depending on the individual's specific needs. This is significantly cheaper than the R70 000 (US$ 9 124.00) that it cost ten years ago.

The impact of generic drugs on the cost of treating HIV positive South Africans cannot be denied. However, diseases such as TB, malaria and hepatitis still have a devastating impact on South Africans, and particularly the poor. Pharmaceutical companies, who are eager to be seen doing their bit in the "fight against HIV" are still making drugs that are prohibitively expensive for the majority of South Africans, under the protection of international treaties.

For many years, the South African government maintained that the cost of anti-retroviral drugs made it impossible to provide access on a national level to all HIV positive South Africans.



Listen to an interview with HIV+ South African Supreme Court Judge, Edwin Cameron, on living with HIV. (4.1 Mb) **[download]**

Pipeline patents, compulsory licensing and the costs of AIDS treatment in Brazil

by Paula Martini

More than 200,000 HIV positive people receive anti-retroviral drugs (ARVs) at no cost from the Brazilian government. However, the sustainability of this AIDS programme is being threatened by the high prices of the patent protected medicines: the universal distribution policy costs the Health Ministry about US$1 billion per year – 80 percent of which is spent only on six out of the 18 ARV medicines provided by the programme.

The six drugs in question – lopinavir/ritonavir, abacavir, nelfinavir, ritonavir, amprenavir and efavirenz – had their Brazilian patents claimed in 1996 via the country-exclusive mechanism known as the "pipeline", a temporary institute created by articles 230 and 231 of the Brazilian Industrial Property Law (9.279/96) that resulted in the filing of 1,182 patents, many of which were products already in the public domain prior to 1996.

Prior to the amendment, products like food and pharmaceuticals could not have their patents filed in Brazil. The 1996 law went much further than the plain suppression of that prohibition (which was actually required for the implementation of the 1994 WTO's TRIPS Agreement): it allowed all patent claims for those products – previously requested in any other country – to be automatically approved and granted in Brazil, as long as the object had not been commercialised in any market yet, and that any efforts to explore it had taken place in the country.

The interested parties had one year to formalise the patent at the Brazilian patent office, the National Institute of Industrial Property (INPI), and only had to prove the original filing was made elsewhere. Still, according to the law, those patents would even skip the traditional INPI's previous evaluation. "The impact was the creation of monopolies that had a huge impact on prices", says Michel Lotrowska, Brazil's representative of the campaign on access to essential medicines, led by the NGO Médecins Sans Frontières.

As a result, the country's novelty requirement was also neglected in the pipeline mechanism, even though the TRIPS' Article 27, paragraph 1 stated that "any inventions, whether products or processes, in all fields of technology, provided that they are new (...)" are patentable. This becomes a bigger issue when the 1988 Brazilian Federal Constitution adopted a principle of absolute novelty for industrial property, i.e., if the protection-claimed technology already became public prior to the patent filing date, no temporary monopoly privilege can exist.

Compulsory licensing: does it actually hurt innovation?

Brazil is one of the ten biggest pharmaceutical markets in the world. The universal access to treatment, granted by the 1988 Federal Constitution, creates a broad and reliable market for the transnational pharmaceutical industry, as well as a unique and special client: the government.

But sometimes customer's old dissatisfaction can spill over. In May 2007, one of the six ARVs of the AIDS programme licensed under the pipeline mechanism was compulsorily licensed by the Brazilian government in a historical decision: efavirenz had its public interest declared by the President Luiz Inacio Lula da Silva after Merck refused to reduce its price from US$1.57 a patient/day to the 65 cents at which it is sold to Thailand. Efavirenz's first patent claim was filed in 1992, i.e., had the pipeline patent not been granted, this active ingredient would be in the public domain and could have been produced generically in Brazil, as it has been in India. So, from May 2007 on, efavirenz is being bought from Indian laboratories, and royalties of 1,5 percent over the amount invested by government on the drug purchasing are being paid to Merck – that remain the patent owner.

A compulsory license is legal under the TRIPS Agreement, Article 31, if: "prior to such use, the proposed user has made efforts to obtain authorization from the rights-holder on reasonable commercial terms and conditions and such efforts have not been successful within a reasonable period of time". But the same article also states that this requirement may be waived in cases of "national emergency or other circumstances of extreme urgency or in cases of public non-commercial use". In 2001, the Doha Declaration on the TRIPS Agreement and Public Health also reinforced countries' liberties to decide when public health concerns come before intellectual property rights.

The pharmaceutical industry often argues that compulsory licensing hurts innovation due to the high investments required for research and development (R&D). Renata Reis, coordinator of the Working Group on Intellectual Property (GTPI) from the Brazilian Network for the Integration of Peoples (REBRIP), says: "R&D substantial investments are not made in Southern countries. Usually the medicine is an adaptation, for local conditions, of the already existing medicine. Besides that, industry tends to include marketing costs in its R&D budgets, as James Love reported in a 1993 document by the CPTech".

An article published in the Berkeley Technology Law Journal compares rates of patenting and other measures of inventive activity before and after compulsory licences over drug patents, suggesting that "the assertion that licensing categorically harms innovation is probably wrong."

A strike against the patenting of AIDS drugs for developing countries, pic by glamabella on flickr.com, CC BY-SA 2.0

No remedy for a thousand prescriptions?

by Prashant Iyengar

The prices of the second-line ARVs threaten the sustainability of Brazilian universal drugs distribution policy, since they cannot be locally manufactured as generics.

TRIPS Agreement and production of generic drugs

Since the TRIPS Agreement signing by the WTO's Member States, the World Health Organization (WHO) has been alerting countries about the need for monitoring the implications of this and other international treaties on the enforcement of access to medicines policies.

At the time of the signing, developing countries that did not recognise patents for pharmaceuticals (like India and Brazil) had the option to only do so after a 10-year transition period, a flexibility foreseen in the TRIPS Agreement. Under pressure, Brazil decided to start recognising patents immediately (from 1997 on), while India chose to do so only in 2005. That allowed Indian local industry to develop and export not only generic versions of many medicines that are patent-protected in most countries, but also to develop new combinations in fixed doses of patented ARVs, which can facilitate adhesion to the treatment due to a reduced number of pills to be ingested.

Countries like Brazil and Thailand could only structure their AIDS programmes because the main ARV medicines were not protected by patents and could be cheaply imported and/or locally produced. And the success of the Brazilian programme derived complimentary concerns, as Renata Reis says: "The survival rate is very high here, so access to new second-line therapy drugs has critical importance for keeping HIV infection under control by overcoming the long-term patient's growing resistance to the ARV previous treatments".

The prices of the second-line ARVs threaten the sustainability of Brazilian universal drugs distribution policy, since they cannot be locally manufactured as generics. Though the country has got full capacity and ability to produce the second-line ARV medicines, as attested by the document *ARVs Production in Brazil - An Evaluation*, by Professors Joseph M. Fortunak and Octavio A. C. Antunes – indeed, until the 1990s, Brazil had national production of ARVs, a process prematurely interrupted by the pipeline mechanism.

Listen to an interview with Michel Lotrowska, from Médecins Sans Frontières about the pipeline system and the public domain (3.4 Mb) **[download]**

An Indian pharmacy, pic by Liz Highleyman on flickr.com, CC BY 2.0

Towards the close of his recent documentary 'Sicko' (2007), Michael Moore smuggles five 9/11 rescue workers over to Cuba on a boat to see if he can get them the medical aid they need, but cannot afford in the U.S. In one stirring scene, a single-mother living off a social security allowance of about US$1,000 a month breaks down after learning that an inhaler cartridge, costing her about US$120 in the U.S., was available for five cents in Cuba under that country's universal healthcare programme. While the documentary itself argues for the universalisation of medical care, this anecdote emphasises the critical role that cheap/affordable medicine plays in access to health.

continued>>

Prices and Generic Manufacturing in India

Since 1947, when India attained independence, there has been a dramatic improvement in our health infrastructure. From being one of the most expensive countries in the world for drugs, India has today emerged as one of the cheapest producers of drugs, and an important exporter of medicines to countries which do not have any production capacities. There are over 250 large pharmaceutical firms and about 9,000 registered small-scale units in India, and the Indian Drug Manufacturers' Association (IDMA) estimates that there are another 7,000 unregistered small-scale units producing drugs. By 1996, of the top ten firms by pharmaceutical sales, six were Indian firms rather than the subsidiaries of foreign multinationals. Domestic firms now produce about 350 of the 500 bulk drugs consumed in the country.

While India does not, sadly, have a universal healthcare programme, the generic drug industry has been vital in ensuring that drugs are readily available at an affordable price. For instance, the most striking success of Indian pharmaceutical companies in recent times has been their ability to provide access to reasonably priced HIV/AIDS drugs. Till 2000, antiretroviral (ARV) drugs were not accessible to the vast majority of people living with HIV/AIDS (PLHA) all over the world because of the high price. Multinational drug companies priced ARV drugs between US$12-13,000 annually per person. From 2000 the prices started falling after manufacturers from India introduced generic versions of ARV drugs. These generic drugs are currently provided to patients for as low as US$140 annually per person.

Patent Laws in India

The generic drug industry in India was built on the absence of a product patent regime in India. As mentioned above, at the time of independence drug prices in India were among the most expensive in the world as a result of the patent monopolies that allowed large corporations absolute control over the market. The Government of India then appointed the Ayyangar Committee in 1957 to recommend reforms to India's patent law to tackle this problem.

Drug	Year Introduced	
	By originators in the world market	By national firms in the Indian market
Catopril	1981	1985
Ranitidine	1983	1985
Acyclovir	1985	1988
Ciprofloxacin	1985	1989

Source: B.K. Keayla. Conquest by patents. TRIPs Agreement on Patent Laws: Impact on Pharmaceuticals & Health for All,Centre for Study of Global Trade System and Development, New Delhi, India

The Ayyangar Committee found that 80 to 90 percent of the patents in India were held by multinational companies, and that more than 90 percent of these patents were not even being exploited in India. The Committee stated that the existing patent regime system was being exploited to achieve monopolistic control over the market in vital industries such as food, chemicals, and pharmaceuticals, resulting in medicines being unaffordable. The suggestions made by the Ayyangar Committee were incorporated in the Patents Act, 1970, which aimed at spurring the development of a national pharmaceutical industry that would make medicines at affordable prices, thus prioritising national development over foreign corporations. The 1970 Act only allowed for 'process patents' for pharmaceutical patents but not the end product itself. This essentially meant that an Indian pharmaceutical company could find an innovative or new way to make an existing drug through the process of reverse engineering.

During this period Indian pharmaceutical companies were able to reproduce existing drugs rapidly and at a low cost, thereby making them competitive in both foreign and domestic markets.

The table above is from the 2000 HAI Report on Patents and Prices (K Bala and Kiran Sagoo) and demonstrates a time lag between the introduction of a new drug in the world market and its introduction in India by national firms.

Based on a comparative survey of drug prices, the report concludes: "When competitors introduce their products, the originators will lower their prices and compete with the national firms. They will not withdraw from the market. Thus, it is important to introduce generic competitors as early as possible to prevent the originators having time to secure brand loyalty to their products by skillful promotion."

In support of their conclusion, the report cites an example from Bolivia where 100 units of 100mg of Retrovir (zidovudine) was priced at US$626 in 1997. Prices dropped to US$258 in 1998 when the competitor's product of zidovudine was made available and sold at US$427.

In 2005, pursuant to commitments under the TRIPs agreement, India was forced to amend its Patent Act to allow for 'product patents'. This has triggered fears of a 200 to 700 percent increase in the price of certain antibiotics, which are yet to be borne out. Fortunately, however about eleven leading drugs, including four blockbuster drugs worth US$20 billion are going off-patent this year in the US, presenting continuing opportunities for established generic players.

Patent Protection, Underdevelopment and Generic Industries

From the foregoing account, it would appear that a loose patenting regime is the only requirement for the promotion of local pharmaceutical manufacturing capacity. However, this is not the case and a host of extraneous policy and other environmental factors can play a limiting role in the effectiveness of a generic industry. For instance, Bangladesh, through the mechanism of a Drug Control Order prohibits the import of drugs that are manufactured locally. This has led to the development of a bustling local generic pharmaceutical manufacturing industry that exports a wide range of pharmaceutical products (therapeutic class and dosage forms) to 67 countries (Gehl Sampath). While this ought, intuitively, to spell good news in terms of cheaper access to medicine, this has not in fact been the case in Bangladesh. Prices of even such common drugs such as Paracetamol tend to be many times higher than the average price of the drug in India. This is because of a "drug distribution system that is organised solely around pharmacies (run by unqualified or inadequately qualified personnel) and doctors" resulting in "firms relying solely on extensive distribution systems that promote their brand name products through medical practitioners, often in unethical ways".

Further, the presence of a large pharmaceutical industry in the country has not prompted the growth of innovative capacity as it has in India. Companies are engaged in "formulation of APIs requiring manufacturing skills only, and are presently struggling to build capacity in the more knowledge-intensive processes of reverse engineering active pharmaceutical ingredients." This is on account of Bangladesh having a "weak knowledge infrastructure, in terms of secondary and tertiary enrolments, R&D investments and scientists per million of the population" in comparison to India which provides extensive funding to public sector organisations to boost the capacity for pharmaceutical research through such institutions as the Council of Scientific and Industrial Research, Central Drug Research Institute and the Indian Drugs and Medical Research Institute.

Comparison of the lowest and highest retail prices in USD of 100 units of nine originators' proprietary brands of eight drugs in developing countries

Generic name of drug	Originator/ Proprietary name	Retail price of 100 units in USD				Ratio of lowest to highest price
		Country	Price	Country	Price	
		Lowest		Highest		
Acyclovir 200 mg	Glaxo-Welcome/ Zovirax	Togo	50	Indonesia	371	1:7
Acyclovir 800 mg	Glaxo-Welcome/ Zovirax	India	94	South Africa	790	1:8
Atenolol 25 mg	Zeneca/Tenormin	India	03	Cameroon	53	1:18
Ciprofloxacin 500 mg	Bayer/Ciproxin	India	15	Mozambique	740	1:49
Diclofenac 50 mg	Novartis/Voltaren	India	02	Argentina	118	1:59
Nifedipine 20 mg	Seneca/Adalat Bayer Corporation	India	03	Peru	96	1:32
Omeprazole 20 mg	Astra/Losec	Zambia	30	Brazil	477	1:11
Ranitidine 150 mg	Glaxo-Welcome/ Zantac	India	02	South Africa	116	1:58
Zidovudine 100 mg	Glaxo-Welcome/ Retrovir 100mg	Pakistan	81	Argentina	316	1:4

So if the Indian experience highlights the importance of loose IP regimes in building indigenous manufacturing capacity, the experience of Bangladesh calls to attention the vital importance of supportive investment in knowledge infrastructure and quality control mechanisms in sustaining such activities.

Last month European regulators raided some of the world's biggest pharmaceutical companies in an inquiry into whether they conspired to keep up the price of drugs after patents expired through "delayed launch" agreements with generic manufacturers. This calls attention to the fact that even generic industries may not always have clean hands, and sometimes a good business deal may appeal more than public access to health. For instance, in the past few months, three generic manufacturers – Sun Pharma, Watson and Dr. Reddy's Labs – entered into agreements with Novartis to delay "until sometime prior to the expiration of the patents" the launch of their variants of the drug Exelon – used for the treatment of Alzheimer's disease. In return Novartis would abandon patent litigation that had been instituted against each of them.

I would like to end this article with a second table (above), extracted from the report which compares the prices of proprietary brands in different countries

This table demonstrates that multinational drug firms market their proprietary brands at widely different prices in different developing countries. Specifically, it indicates that in countries like India, where multinational corporations must compete with local manufacturers, their prices will tend to be much lower than in countries that lack a manufacturing base. This prompts us to reflect on the extent to which the price of a drug, and access to medicine is determined not so much by the amount it actually costs but by extraneous factors (including opportunism) as well.



Indian pharmacy panorama, from left, pics from flickr.com by: Paul A. Fagan, CC BY-NC-ND 2.0. niccolo tempini CC BY-NC-ND 2.0. sujohndas, CC BY-SA 2.0. reidmix, CC BY-NC-ND 2.0. rudecam CC BY-NC-ND 2.0. Amit Gupta, CC BY-NC 2.0

Plagiarism in Context:

Disparities between different acts of copying without attribution

Comparing Plagiarism: Novels and Government Policy Reports on Generic Drugs & IP, pic by Alli Fish, CC BY 3.0

by Allison Fish

In January 2007 the Switzerland-based multinational pharmaceutical company Novartis filed a lawsuit in the Chennai High Court against the nation of India alleging that the country's patent law was both unconstitutional and in violation of the TRIPs agreement. This lawsuit transfixed the global medical community, particularly those invested in securing widespread and affordable access to medicine. One of the primary documents that Novartis relied upon in making its case was the publication of an Indian government commission that was headed by renowned scientist and government bureaucrat Dr. R.A. Mashelkar. This commission's report, known as the Mashelkar Report on Patent Law Issues ("Mashelkar Report"), was released in late 2006. Unfortunately for Novartis, the Mashelkar Report became the subject of public controversy when it was discovered that a major portion of the conclusions had been plagiarised from another study. Ultimately, the discovery of the plagiarism triggered the withdrawal and reconsideration of the Mashelkar Report, an event that dealt a significant blow to the Novartis lawsuit. This article explores the different implications that flow from acts of plagiarism in different contexts. In particular, it argues that the failure of the Mashelkar Commission to reference the original source from which it copied its conclusions verbatim is a significantly more disturbing act than the type of plagiarism committed by Kaavya Viswanathan in her novel *How Opal Mehta Got Kissed, Got Wild, and Got a Life*. For a brief discussion of the Viswanathan's case please see last month's article, Comparing Copies on icommons.org.

In early 2005, in an effort to come into compliance with the requirements of the WTO's TRIPs agreement, the Indian government approved significant amendments to its existing patent law including a provision that recognised and

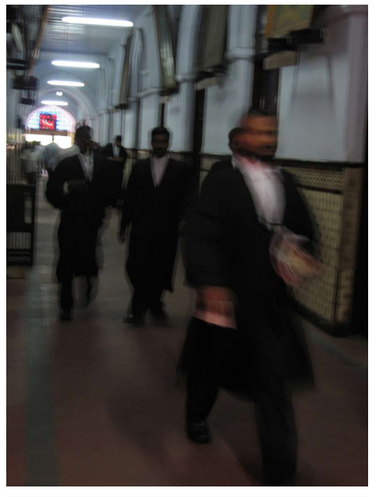
...the group was responsible for producing a well-thought out stance on the issue clearly supported by arguments whose assumptions were clearly documented and from which the public could make an educated decision to either support or reject.

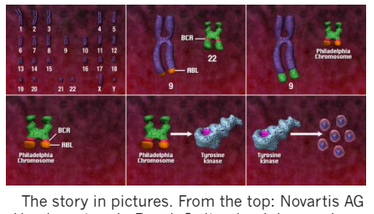
permitted pharmaceutical product patents. Prior to this time India did not have a system for recognising product patents - a situation that permitted drug companies to develop generic equivalents of branded medications. This legal environment when combined with the nation's sophisticated medical and technological resources led India to become a world leader in the manufacture of quality, affordable generic pharmaceuticals. In order to safeguard India's generic drug industry and ensure broad public access to affordable healthcare in India the Patents Amendment Act, 2005 did include some safeguards. The primary safeguard at issue in the Novartis lawsuit and of one of the policy questions explored by the Mashelkar Commisssion in their report was contained in Section 3 (d) of the Act which states that "the mere discovery of a new form of a known substance which does not result in the enhancement of the known efficacy of that substance or the mere discovery of any new property or new use for a known substance or of the mere use of a known process, machine or apparatus unless such known process results in a new product or employs at least one new reactant," is not patentable.

Though the original mandate of the Mashelkar Commission has been subject to debate within mainstream Indian media venues the actual report reflects upon the TRIPs compatibility of the 2005 amendments. In particular, the commission finds that it would neither be in India's national interest nor would it be TRIPs compatible to limit patent protection to pharmaceuticals that are either new chemical entities or involve one or more inventive steps. A conclusion that fits nicely within Novartis' argument for its patent protection claim for Gleevec (imanitinib mesylate) one of the most effective drugs in treating chronic myeloid leukemia.

Though Novartis had developed a freebase form of imanitinib mesylate in 1993, it has been unsuccessfully attempting to secure patent protection in India for a different form of the same compound over the last ten years. The refusal of the patent claim led to Novartis filing a challenge to the Patent Amendment Act, 2005 in the Madras High Court as mentioned briefly above. Under the recommendations of the Mashelkar Report, the new form of imantinib mesylate would have been eligible for patent protection and for this reason it was included in the plaintiff's case as support of their claim. The inclusion of the Mashelkar Report into a legal dispute being followed by thousands of interested parties throughout the world brought the document under close scrutiny. As a result of this attention it was quickly discovered that at least 36 lines of the ten page report were plagiarised from two sources. Of these two sources the most controversial one was a report published in late 2005 by Dr. Shamed Basheer while he was a doctoral candidate at the Oxford Intellectual Property Research Centre. Dr. Basheer's report was commissioned by the Intellectual Property Institute, a UK charitable organisation, and funded, in part, by Interpat, an association of pharmaceutical companies "committed to the improvement of intellectual property laws around the world." Though Dr. Basheer does not object to the inclusion of his work in the Mashelkar Report, he has gone on the record saying that he would have preferred to be properly cited.

While it is not the purpose of this discussion to dispute the academic integrity or finding of Dr. Basheer, it is significant to note that those who funded and commissioned his work are attached to interest groups with agendas that promote increased patent protections. The use of Dr. Basheer's findings by the Mashelkar Commission in their report without proper citation is troubling not simply because of some academic ethical code, as has been argued by some. In fact, as a policy paper, I would argue that the Mashelkar Commission was under no obligation to produce a novel or inventive document. Instead, the group was responsible for producing a well-thought out stance on the issue clearly supported by arguments whose assumptions were clearly documented and from which the public could make an educated decision to either support or reject. Instead, by obfuscating the sources, the Mashelkar Commission set itself out to the community as the authority on the issue and attempted to prevent its audience from making its own decisions as to the validity of the data used and conclusions drawn. In contrast, the plagiarism of which Kaavya Viswanathan is accused, while much more pervasive, is much less upsetting. Though her novel purportedly draws several dozen passages from Megan McCafferty's book documenting the trials of the average American adolescent, Kaavya's unique perspective on growing up as a child of Indian immigrants offers a significant creative aspect to her story that sets it apart from the other. Given this I would argue that plagiarism cannot be so simply evaluated without placing the act of copying and failure of attribution in context.





The story in pictures. From the top: Novartis AG Headquarters in Basel, Switzerland, by ·andrew· on flickr.com, CC BY·NC 2.0, The Madras High Court, by Velachery Balu on flickr.com, CC BY·SA 2.0. Barristers at the Madras High Court, by whodisan215 on flickr.com, CC BY·NC·ND 2.0. A description of chronic meyloid leukemia, which imantinib myeselate treats, by piotr zurek on flickr.com, CC BY ·SA 2.0

No one needs to die of HIV/Aids any more – in theory

This month, iCommons' resident copyright columnist, **Tobias Schonwetter***, deals with the interrelation between access to medicine and HIV/Aids. He argues that patent law appears to be the crucial area of law in this respect but suggests that the role of copyright law should not be underestimated.*

South Africa has clearly become a home-away-from-home for me over the last couple of years – for a variety of good reasons and despite some major and minor drawbacks such as a high crime rate, an unequal wealth distribution, an educational environment which remains in urgent need of improvement ... and a relatively new yet extremely disruptive phenomenon called electricity load shedding which euphemistically describes the fact that I usually do not have electricity for a couple of hours per day. Thanks Eskom for such foresight and skilful planning of our country's electricity demand, thanks for kicking us back into the stone age! But this is another story.

Even though South Africa became my home-away-from-home, as a "Northern Hemispherist" I can definitely not accustom myself to a summertime Christmas and as a result, I usually head back to Germany around that time and spend the festive season over there with my family and friends. When I flew to Germany at the end of last year, I already knew that at some point or another the question would come up what exactly I do down here at the southern tip of Africa. And so it was. Once I had explained my involvement in copyright-related research, I noticed – as usual - a great deal of scepticism from my dialogue partners – and eventually I was of course asked whether copyright is really an issue of vital importance down here and whether one should not rather try to get involved in, for example, HIV/Aids-related research due to the fact that South Africa is still the country with the highest number of people infected with HIV/Aids. As if HIV/Aids is our only concern here! But as a matter of fact, roughly 5.5 million South Africans are HIV-positive, this is a prevalence rate of almost 19% among adults aged 15–49, and in 2006 an estimated 350,000 South Africans died of HIV/Aids. Roughly 1,000 per day. My standard reply to such remarks is that surely not all researchers can and should be concerned with the same problems and that a lot of valuable research is already being done by some of our brightest minds. Yet, against the backdrop of the immense individual suffering caused by this and other deadly diseases as well as the significant macroeconomic damage which results from the untimely death of millions of people, at times I actually do think about shifting my area of research away from access to culture issues towards the subject-matter of access to affordable medicine. After all, such a shift would not be very radical since I would stay within the realm of intellectual property law. For patent law, which grants (as an incentive as well as reward and subject to certain conditions) temporary monopolies on the exploitation of ideas, plays a major role in this context.

In a nutshell, it is patents which make drugs excessively expensive and hence unaffordable in many regions in the world. Although countries such as India have for a long time opposed product patent protection for drugs, such protection is nowadays compulsory under the relevant international treaties and agreements. There are, however, a number of ways to bring down prices for expensive patented drugs, especially, but not exclusively, by means of two instruments: compulsory licensing or parallel importation. The first tool basically allows governments to issue a license for the production of generic products, particularly in national

> "...there is still a battle to be fought for the lives of millions of people, and patent law takes the centre stage in this battle."

emergency situations, which can be up to 80% cheaper than the original product. Parallel importation on the other hand describes the procedure of purchasing lower-priced goods in a foreign country and reselling these goods in the domestic country at a price less than or equal to the market price there. Parallel importation makes a lot of sense if drugs are sold at considerably cheaper prices in other countries.

Of course, international treaty obligations have to be duly considered before a country takes recourse to any of these measures but in general the most relevant TRIPS Agreement forbids neither compulsory licensing nor parallel importation. Leading pharmaceutical companies, however, vigorously oppose both tools, thereby demonstrating that they place profit above human life. Such an attitude is not only disturbing from a moral perspective but is also a disastrous PR strategy which has doubtlessly caused sustained damage to the reputation of the entire pharmaceutical industry. A mere 10 years ago for instance, 39 pharmaceutical companies filed an infamous lawsuit against the South African government with the intention to stop the government from making cheaper generic HIV/Aids drugs available. In 2001, the lawsuit was withdrawn largely because of the public outcry the case had generated. This was an exceptionally successful time for access to medicine activists because shortly thereafter the Doha Declaration on the TRIPS Agreement and Public Health was adopted by the WTO Ministerial Conference. This document underscored the right of WTO members to bypass patent rights in order to enhance access to medicine for the sake of public health. In 2003, the WTO further decided to expand flexibilities regarding the importation of generic drugs. Yet, the battle is clearly not over and it appears that the pharmaceutical companies are far from giving in. Rather, they have resorted to more subtile methods such as lobbying for the conclusion of more restrictive Free Trade Agreements (so-called TRIPS plus Agreements) between countries or regions which limit or altogether prohibit the utilisation of compulsory licensing or parallel importation.

Hence, after all, there is still a battle to be fought for the lives of millions of people, and patent law takes the centre stage in this battle. Having said all this, I personally will nonetheless continue to focus on copyright law since from a long term perspective copyright law is arguably even more important to tackle the HIV/Aids crisis. This is because our current copyright laws severely restrict access to educational materials and therefore hamper education as a whole. It has been suggested that in theory hardly anybody needs to die anymore these days of Aids because of modern medicine which makes it possible to treat the disease as a chronical long-term illness. My argument is that no one needs to die of Aids anymore because educational materials exist to inform people in a manner that will make everybody understand how to prevent getting this disease in the first place. We must just ensure that everybody can access such material.

The tragedy of the Commons in the developing world

by Paul Jacobson

When we come together on this site to celebrate our creativity we perhaps tend to take advantage of certain other everyday necessities that are more commonplace, and yet also included in this thing we call the "Commons". One of these things is electricity. Another is our connection to the Internet. For the most part these two utilities enable much of the sharing we do online and without them, the wonders made possible by tools like Creative Commons, GPL and more like them, would be pretty limited.

South Africa has recently been struck by an energy crisis, which has virtually swept aside all other contentious issues and has become the preferred topic of discussion in virtually any social or business context. The energy crisis affects almost everyone, some people more than others. The rolling blackouts have reminded us of the urgent need to develop and maintain our electricity supply, a shared resource that sustains much of what we do in our daily lives. Regardless of whether you attribute the crisis to corruption or ineptitude on the part of the South African government that knew about the impending crisis as early as the late 1990s, the fact is that our demand for electricity outstrips the country's ability to supply the power needed. The effect on the South African economy is potentially devastating and we are bound to feel the effects of this crisis for years (perhaps even decades) to come.

It doesn't help that electricity supply in South Africa has been the sole domain of Eskom, a parastatal with a monopoly over this fundamental resource. Rather than facilitating the development of the country's ability to keep up with the explosion of economic growth since 1994, this monopoly has slowly strangled development until darkness began to envelope us, literally. Another sector has suffered a similar fate. Until recently, Telkom has enjoyed a legal and practical monopoly over South Africa's telecommunications infrastructure and, with that, our connection to the outside world through the Internet. Although it hasn't been traditionally regarded as part of the Commons, meaningful Internet connectivity in the 21st century must be regarded as a shared resource all people should have access to. With the sheer volume of information and knowledge being shared across this mesh of copper, fibre glass and radio spectrum increasing every day, the inability to participate in the wired world constitutes a deprivation of a vital resource and threatens to explode the gap between the haves and the have-nots. What better illustration of this dispar ity than the stark difference between the availability of broadband in South Africa compared to more developed regions like North America and Europe. A mere eight percent of the South African population was estimated to have access to the Internet in 2007. This represents roughly 3.85 million South Africans out of a population of around 48 million. Of those people who have access to the Internet, only 650,000 or so users have access to some sort of broadband technology (although there is a dispute as to which of Telkom's ADSL services are properly regarded as "broadband"). A couple of years ago I recall hearing that more than 50 percent of the population in the United States had access to broadband and much of the balance of the population had access to the Internet through dial-up. I am sure those statistics are skewed more in favour of broadband access now.

Now South Africa is not alone in its plight. In Africa there are a number of other countries with their own examples of underdeveloped resources. In many of these instances the root causes are largely corruption and profiteering by a tiny minority while the vast majority of the population remains impoverished.

South America has its own sad tales to tell. In 2001, Brazil experienced the culmination of a similar energy crisis to the one of which South Africa now finds itself in the grip. The crisis in that country seems to have been caused by a combination of a terrible drought which starved the Brazilian hydroelectric industry of as much as 90 percent of the water required to power the country, as well as a poorly managed privatisation initiative. The Brazilian crisis could have been a template for the situation South Africa finds itself in. Like Brazilians, South Africans find themselves facing rolling blackouts and exhortations by the government and Eskom to save power and turn off lights and appliances during peak consumption times. I can't help but wonder why the South African government didn't see the Brazilian crisis as a reason to review its decision not to invest more in local power generation.

So what does all this have to do with the Commons? Everything. We tend to focus on intellectual property when we talk about the Commons and we have forgotten about the forms of the Commons we take for granted. What is the Commons but a resource that is collectively shared by and for our collective benefit? Is that not an adequate description of electricity and, at the beginning of the 21st century, meaningful access to the Internet? If that is the case, is a failure to develop the infrastructure to facilitate access to these shared resources not a fundamental tragedy of the Commons? This tragedy is more dire when you consider that without these two simple resources our growing culture of shared digital content and creative expression doesn't even take its first breaths. What could be more tragic?

by Francis Deblauwe

Hamburg humbug:

Chinese terracottas, authenticity and exhibitions

A Qin tomb terracotta cavalryman and horse, Tokyo National Museum exhibition, 2005, via Wikipedia, pic in the Public Domain.

What is authentic? What is original? What is fake? What is a replica? Can you answer those questions? Ever since an exhibition in a Hamburg museum, which featured eight real terracotta warrior statues from the world famous tomb of China's emperor Qin, was closed down in December, these questions are not purely academic any more.

Emperor Qin

Qin Shi Huangdi was China's first emperor, who first united the country. Upon his death in 210 BC, he was buried along with an army of 8,099 larger-than-life soldiers and horses, made from terracotta. They were discovered in 1974 near Qin's extensive funerary complex in Xi'an and have been under archaeological investigation ever since. Amazingly, every statue seems to have been modelled after an individual person so that no two are alike. The tomb itself has not yet been excavated. Since the discovery, it seems like some terracotta statues have always been travelling around the world to figure as centrepieces of blockbuster exhibitions. I remember attending one in Brussels, Belgium, in the 1980s. The museum officials involved in an upcoming exhibition in Maaseik, Belgium, claim that it takes about eight months and direct contact with the proper Chinese authorities in Xi'an to secure all the official paperwork and permissions for the exhibition. But the Museum für Völkerkunde Hamburg (MVH; Hamburg Museum of Ethnology) which planned the "Power in Death" (Macht im Tod) exhibition, however, skipped the official Chinese channels and arranged to obtain the statues through the Leipzig-based Center of Chinese Arts and Culture (CCAC).

Authentic, original, real: take your pick!

The latter institution, which had its own Chinese terracotta warrior exhibition in Leipzig through 2007 with replicas - not so evident on the website I must say, claims they didn't deceive anybody: the contract only stipulated "authentic" which they take to be not the same as "original," i.e., real and excavated. In other words, they delivered statues made in China, with the correct dimensions, made of fired clay and resembling the real ones. Authentic, right? The MVH director, Wulf Köpke, doesn't agree and has already said they likely will sue the CCAC. However, the MVH doesn't look totally credible either. For instance, the sculptures arrived by boat from China, which is contrary to the custom of transporting this type of highly valuable and fragile artefact by plane. Also, the start of the exhibition was delayed for a month or so as there were problems with the paperwork for the statues. Again something that should have sent up warning flags. The museum is currently involved in a comprehensive rebuilding campaign, which has rendered its collections mostly inaccessible, hence the need for artefacts on loan to provide income from entrance fees. One can't help but think that this may have influenced the museum in their willingness to press for full disclosure.

China: Intellectual property rights

Chen Xianqi of the Shaanxi Provincial Bureau of Cultural Heritage in the city of Xi'an, where the terracotta army was found, angrily called it "... a serious act of fraud [which] has implications for intellectual property right[s]" and threatened legal action. He stated that it was illegal to have an exhibition of the real terracottas that wasn't authorised by the Xi'an authorities. In fact, these rules do make practical sense as copies of the genuine terracotta warriors are readily available in China. A local factory, for instance, is known to offer life-size replicas for 1,500 yuan ($220). In light of this it surely is odd, however, that official Chinese state broadcaster, CCTV covered the opening of the Hamburg exhibition. The role of the Chinese consulate in Hamburg has also been questioned. In *The Guardian*, it is stated that the Chinese authorities might actually on occasion allow exhibitions with certified replicas as long as everything goes through the proper channels. Were the Hamburg warriors authorised copies? We don't know. So this case could possibly be more about being left out of the loop and PR damage than a real concern about heritage. As the blog "Culture Matters" pointed out, this type of blockbuster exhibition is all about making money and the revenue sharing deals are hard fought. The Xi'an heritage authorities may talk a good talk about the public having been cheated but what they really may want is their share of the revenue that they normally would have negotiated.

Fake or real: Does it matter?

The irony of course lies in the fact that nearly 10,000 people happily came and visited the exhibition before it closed. They admired the warriors, horses, weapons and decorative objects. They studied the miniature version of the excavation site as well as the multimedia display about the archaeological investigations. Entrance tickets were hard to come by and visitors came from as far away as Austria and Switzerland (Hamburg is in the very north of Germany!). The leadership of the museum (a public institution) was very happy.

When the first concerns surfaced in the media, a sign was set up that the authenticity of the statues was in doubt. After the show was closed, hardly any of the visitors took the MVH up on their offer for a no-questions-asked refund of their entrance fee.

One wonders if it wouldn't have made more sense to keep the exhibition open but with a clear explanation that the big terracotta statues - not the other artefacts - were replicas. There is, furthermore, a long history of successfully faked antiquities, for example, Brigido Lara, the post-pre-Colombian ceramicist; the authenticity of which is often contested to this day and the Getty kouros.

Shiver me timbers - I've been pirated!

Some of the reactions in the Western media were definitely not without *schadenfreude*, as is proven by photo captions such as "I'm sure there was a Made in China sticker on here somewhere" and "Shiver me timbers - I've been pirated."

By the way, the MVH no longer has any mention of the infamous exhibition on its website. The site search function still yields results for it but the links only lead to purged pages. Even the press release about the closure of the exhibition and the way to get a refund is nowhere to be found. Nor does the CCAC make any mention of the whole controversy on its website either. To be continued in court?

Other icommons.org highlights

Egypt's Attempted 5000 Year Copyright Extension
by Eric Kansa
Eric reports on the Egyptian Government's plans to enact a copyright law to protect Egyptian antiquities around the world, and analyses this move within the perspective of the growing tie between intellectual property and nationalist and identity politics.
http://icommons.org/articles/egypts-attempted-5000-year-copyright-extension

Television Will Not Be Revolutionized: Reinventing The Language of New Media
by Ronaldo Lemos
Technology has opened up a world of digital tools that can be used for social communication, but are we using them to their full effect? Ronaldo explores the range of possibiblities open to us.
http://icommons.org/articles/television-will-not-be-revolutionized-reinventing-the-language-of-new-media

Public Broadcasters Opt for CC
by Michelle Thorne
Michelle looks at British, Danish and German public broadcasters who have embraced open content licences for their material. She highlights the importance of publicly-funded content going online for the benefit of the public.
http://icommons.org/articles/public-broadcasters-opt-for-cc

10 of the best conferences, meet-ups, unconferences and summits

by Rebecca Kahn

With preparations for the iSummit cranking up a gear or two, we thought it would be interesting to look at some of the other community get-togethers that are out there. From high-profile events like TED and Pop!Tech to those which are more niche, and just starting out, these ten events are relevant and important to fostering the principle that ideas, knowledge and skills should be shared as often and with as many people as possible.

TED

The big-daddy of the big-ideas conferences, TED (Technology, Entertainment, Design) is an annual, multi-disciplinary conference, for about 1,000 attendees, held in Monterey, California. Founded in 1984, TED has featured speakers and thinkers from diverse fields and many different countries. Presidents, Nobel laureates, geeks, musicians, activists, doctors, designers, artists and wordsmiths have all graced the stage, and spoken about ideas as diverse as spaghetti sauce, nanotechnology and dictionaries. Attendance costs a hefty US$ 6,000 – which covers an annual "subscription" and various extra goodies, as well as access to TED Global, which is a sister conference held annually in different locations around the world. In 2005, the TED Prize was established – the prize is given to three people every year, and consists of US$ 100,000, with which to work on their wish to change the world. Lucky for the rest of the world, all the TED presentations are available as videos on the TED website, under Creative Commons licences.

BIL

BIL stands for Boisterous Impromptu Latitude, or maybe Building Inspiration Liquidity, or perhaps Beneficent Instability Lounge – nobody's sure yet. What we are sure about is that BIL may just be something brilliant. This year, for the first time ever, in Monterey, California, a group of inspired individuals are holding a conference that they say is going to be: "an open, self-organising, and emergent science and technology conference," held just after TED, on the 1st and 2nd of March 2008. According to the conference site, BIL wants to be "to TED, what BarCamp is to FooCamp." Running with an unconference structure, the schedule hasn't been decided yet, but so far, they've got a list of interesting speakers and attendees on the wiki, which is where anyone can sign up to present and listen. While BIL is in no way affiliated with TED, it will be interesting to see if any TEDsters cross the road to BIL, and what comes of it. Attendance at BIL is free, and you can find out more on their site and wiki.

Wikimania

Wikimania is the umbrella term for the annual conference held for the contributors to the various wiki projects run by the Wikimedia Foundation. Since the first Wikimania in Frankfurt in 2005, the conference has grown to include about 500 attendees, and has been held in Boston and Taipei. Wikimania 2008 will be hosted by the city of Alexandria, in Egypt. Discussions at Wikimania cover topics that are relevant to the development of the free encyclopaedia; issues such as how to collaborate peacefully, the different experiences of various indigenous language wikis, and how much emphasis to place on expertise in a project that allows anyone to contribute. Every Wikimania conference has a comprehensive event website, with an archive of the presentations given.

Audience during Wikimania '07, pic by Joi Ito on flickr.com, CC BY 2.0

Design Indaba

Few people would have expected a conference about design to be sustainable in Africa, but the Design Indaba, founded 11 years ago (as the country basked in the glow of our first-ever democratic elections) isn't just about chairs and lamps. Access to water, sanitation and housing – the three biggies of the developing world, have also been treated as design issues at the Indaba, and the results have been spectacular. This isn't just a showcase of straw-bale houses – the Design Indaba explores how and why design is vital in creating balanced lives for people – whether it's a solar-powered donkey cart or cardboard handbag. Of course, it doesn't hurt that the Indaba is held in Cape Town, the beautiful city at the tip of the continent, where design is practically a religion.

Chaos Communication Congress

The annual congress of the international hacker scene, organised by the Chaos Computer Club, CCC is Europe's biggest hacker meet-up. Every year thousands of hackers descend on Berlin between Christmas and New Year to discuss technical, societal and political issues pertinent to their community. Every four years, the Club runs the Chaos Computer Camp, in the summer, which is a similar event, but held specifically for the international hacker community, where delegates camp in a networked campsite, divided into "villages" where work on different projects take place, including lockpicking (real locks, that is), art and beauty and robotics. Both CCC events are less structured than standard congresses, and while presentations do happen, they're not the sole focus of the event. Every year, CCC set up a hack centre, which is an integral part of the Congress, allowing about 600 people to hack in one place.

Pop!Tech

An annual mass media and technology conference, Pop!Tech as been running for over a decade. Held in a restored 19th century opera house in the small seaside town of Camden, Maine in the US, this conference brings together 600 students, CEOs, venture philanthropists, bloggers, activists, scientists, planners and thinkers for three days of presentations, discussions and visions of the future. Pop!Tech isn't cheap – registration costs about US$3,500, but you're guaranteed to be rubbing shoulders with some pretty great minds. For those who might not be able to make it to Maine, you can follow what's happening on the Pop!Tech blog, complete with streaming video and audio.

FooCamp

Foo Camp may have started out as a joke, but it's quickly become the unconference that anyone who is anyone in the tech-culture world wants to go to. Described variously as a "wiki of conferences", "meta-birds of a feather" and the prototype of the

unconference, FooCamp is an invitation-only get together where innovators and people doing interesting work in the fields of technology, web services, data visualisation and search, open source programming, computer security, hardware hacking, GPS, alternative energy and more spend a few days camping on the O'Reilly Media campus grounds in Sebastopol, California, drinking beer and talking to each other. The format is loose, and the programme is only decided on the evening before the camp begins.

Previous attendees nominate people they think would be worth adding to the guest list, so as to keep cross-pollinating the attendance lists, and the organisers keep the groups deliberately small. FooCamp gave birth to the BarCamp, which has been replicated all over the world.

FOSS.IN

FOSS.IN is the successor to the FOSS conferences that were once known as Linux Bangalore. Originally designed to be a national FOSS conference for the FOSS community in India, FOSS.IN has grown in the last five years into an international conference, and is one of the largest annual FOSS events in Asia.

Held annually in Bangalore, the event is endorsed by the Indian government, and has become one of the major events on the FOSS development calendar, where developers and innovators can meet up and discuss projects. The event is divided into two distinct sections – project days (which focus on specific projects like Ubuntu/Debian, Gnome and OpenOffice) and the main conference.

DebConf

DebConf is the annual meet-up for Debian developers, contributors and other interested folks. It's an international conference, held in a different country every year since 2000. It's preceded by DebCamp, a week-long, smaller, less formal event giving an opportunity for group work on Debian projects - and Debian Day, a self-contained conference aimed at Debian users and others interested in learning more about free software. About 400 people attended last year's DebConf, in Edinburgh, and they proved that they have a sense of fun: for this event, attendees created their own tartan, the colours of which reflected the Debian swirl logo, Tux the Linux penguin and other relevant logos and mascots. The white in the tartan spells out DEBIAN in Morse Code.

Another audience shot by Joi Ito, at the iSummit '07, from flickr.com, CC BY 2.0

Sakai Project

Sakai is a community of academic institutions, commercial organisations and individuals from around the world who have developed a common Collaboration and Learning Environment (CLE). The Sakai CLE is a free, community source, educational software platform distributed under the Educational Community Licence. Every year, the community meets up twice, in June and December, in different countries to discuss progress, plan and share experiences.

ABOUT ICOMMONS

Incubated by Creative Commons, iCommons is an organisation with a broad vision to develop a united global commons front by collaborating with open content, access to knowledge, open access publishing and free culture communities around the world.

CONTRIBUTE!

Interested in being a **columnist/blogger/contributor/translator** of the iCommons Lab Report? Contact iCommons Lab Report Editor, Daniela Faris at daniela@icommons.org

LICENCE

Growing the Commons

iCommons is pleased to confirm the support of two new funders. These bodies join the team of forward-thinking organisations assisting us to encourage collaboration across borders and communities and to promote the tools, models and practises that facilitate global participation in cultural and knowledge domains.

We greatly appreciate this support and the opportunities it provides in helping us to build the capacity of communities around the world who are working to grow the awareness and availability of commons-based knowledge and advancing digital culture.

We are certain that these commitments represent the foundation of fruitful partnerships going forward and we are proud to welcome IETSI and the Kusuma Trust to our global family.

From the Innovation Series which fosters the sharing of insights from the world's leading digital innovators, to the launch and development of Wikipedia Academies and the annual iSummit that brings together people from around the world to celebrate and develop free culture, iCommons aims to build the network of the global Commons into one that advances the goals of the free Internet.

Thank you to all the funders who continue to help us grow the Commons, without whom such projects and campaigns would not be possible.

"IETSI is proud to sponsor iCommons and to support the power of collaboration via the Internet."

"We have decided to fund iCommons to celebrate the power of the Internet and the way in which it has touched so many lives in such a positive way. The infinite possibilities of a common goal and a worldwide sharing of knowledge and culture is one which should be welcomed and encouraged."

iCommons Ltd. is a private charity limited by guarantee with a registered office at 5th Floor, Alder Castle, 10 Noble Street, London EC2V 7QJ UK.