

SCRIPT-ed

Volume 2, Issue 4, December 2005

Editorial

The Adelphi Charter

An observer of current debates on intellectual property would surely draw two conclusions. One is that IP touches fundamental elements of public policy: on where to draw the line between the public and the private and on where the market should be allowed free rein. The second is that, nonetheless, politicians know little about IP and care less. They know a great deal about their governments' policies on creativity, innovation, education, public health and industrial competitiveness, but not how IP shapes these things. They know something about today's hot issues (the current favourite is Internet music) but they lack a frame of reference to take a broad, long or comprehensive view.

We believe there is an urgent need for a public debate, addressing the real issues of IP, in which politicians and academics and the public and industry can all take part with some common ground. The Adelphi Charter was written to start this debate going, and from the public's not the industry's point of view.

It had a number of unusual characteristics. It was hosted by the Royal Society of Arts (RSA) which, although active in the fight against early patents in the 18th century has not played a role in IP debates in the last few years. The RSA brought an independent eye, combining business and academia and reaching beyond normal IP constituencies.

It was produced by an international commission of 19 eminent artists, scientists, lawyers, economists, activists, environmentalists and information experts. Members include Gilberto Gil, musician and Minister of Culture, Brazil; Sir John Sulston, Nobel Laureate; Lawrence Lessig, Chair, Creative Commons; Vandana Shiva,

environmentalist; Carlos Correa, economist; Hector MacQueen, Professor of Law; and Louise Sylvan, Deputy Chair, Australian Competition and consumer Commission. For over 18 months they and the small project staff listened, observed and researched what was happening in the world of IP – and that meant not just the world of law but of education, research, health, technology and business.

We took a radical line, which some industry representatives interpreted as being hostile. But we believe that every industry should be tough enough to handle tough questions.

We decided our charter should be short and simple, and above all practical. The aim was to produce a document that was appealing and relevant enough, and brief enough, to be read by everyone. It is under 500 words long.

On the grounds that asking the right question is the only way to produce the right answer, we spent some time thinking about our starting point. Two questions, finally, decided our work: One, what is IP for? And, 'How we ensure IP meets its objectives?'

The Charter declares the purpose of IP is to support creativity and innovation and set out several 'public interest' tests for all IP laws.

The RSA launched the Charter on 13 October to a full house of over 200 people. Speakers included four members of the Commission: Sir John Sulston, Nobel Laureate and James Boyle, Duke Law School as well as Lynne Bindley, CEO British library and Cory Doctorow, Electronic Freedom Foundation. We got press coverage in Newsweek, the Economist (twice), the Financial Times, the Guardian (twice), BBC News (twice) and Channel Four News. We were slashdotted and blogged and list-served.

We have sent the charter to Kofi Annan, SG of the United Nations, and to all national missions to WIPO and WTO in Geneva.

Now starts the hard work: persuading politicians and the public that IP is important to society as well as to a few rights-holders, and that the current regime is far from perfect.

Whenever I am asked why we did it, I have two answers, The firstly, only half flippant, is, 'Someone had to'. The second is to refer to something topical, such as the EU opt-out of the TRIPS clause on compulsory licensing for the import of generic drugs in the case of a public healthy emergency. It's a safe guess that no politician would be happy defending that opt-out against a constituent who was short of tamiflu. It's also a safe bet that no constituent would ever think of asking the question. I hope the Adelphi Charter has done something to make g both policy-makers and public more aware of what is going on. There are plenty more examples like that one. www.ipcharter.org

John Howkins

DOI: 10.2966/scrip.020405.415

© John Howkins 2005. This work is licensed through [SCRIPT-ed Open Licence \(SOL\)](#).