COVER SHEET

Intellectual property rights: Governing cultural and educational futures

CUSHLA KAPITZKE
SCHOOL OF CULTURAL AND LANGUAGE STUDIES
QUT FACULTY OF EDUCATION
c.kapitzke@qut.edu.au

> Intellectual property surrounds us in nearly everything we do. At home, at school, at work. At rest and at play. No matter what we do, we are surrounded by the fruits of human creativity and invention.
> (World Intellectual Property Organization, 2005)

> Penal sanctions should — and in most countries do — include both fines and imprisonment, the maximum of which may be up to several years…
> (World Intellectual Property Organization, 2001, p. 218)

Introduction

The mundanities of authorship and the ownership of ideas in educational institutions were historically the province of librarians and administrators. Being privy to the mandates of copyright law, these institutional custodians ensured organizational compliance to the provisions of 'fair use' and 'fair dealing' for learning and research. This paper argues that those days are gone, and that questions of intellectual property have insinuated themselves into the creative and cultural practices of all, but especially of educators. Because these questions have implications for educational futures worldwide, the paper comprises a wake-up call for teachers, administrators, researchers, policymakers, and parents to be informed and proactive about changes in intellectual property law, policy, and practice.

Following a mapping of dominant discourses in the field, the analytic concept of governmentality is used to argue the need to move beyond instrumentalist, property-based approaches of intellectual property and copyright toward more theoretically informed understandings. This entails extending discussion, which previously was focused at the level of the nation state to the transnational arena, and includes such exigencies as international trade and security. In this paper, an investigation of the Australia–United States Free Trade Agreement (2004) shows how intellectual property governs and potentially can restrict access to cultural resources for young people and teachers. It argues that copyright education is a means of creating new subjectivities that are required for contemporary creative endeavor. The argument is grounded in an analysis of text from IP Australia's InnovateED website to show how pedagogy and surveillance intersect in the production of the 'ethical' creator subject for schooling today. In sum, the paper seeks

to expose the perilous silence on intellectual property rights in education circles and to open space for professional dialogue and action.

Globalized and globalizing discourses of intellectual property

Broadly speaking, the dominant understanding of intellectual property is that of suites of legal rulings called 'rights,' which aim to control the uses made of products from intellectual labour. The term 'intellectual property' is relatively new, being used for the first time in 1967 at the inaugural World Intellectual Property Organization meeting assembled by the United Nations (Vaidhyanathan, 2001, p. 12). Assertion of these rights is not new but constitutes the revamping of guild laws from the late medieval period. Venetian artisans first introduced the concept of ideas as 'property' in the fifteenth century when they sought to provisionally protect new inventions and allow producers to benefit financially from their creative work (Rose, 1993; Saunders, 1992). Modern legislation covering copyright, trademarks, industrial designs, and patents similarly aimed to protect the economic and moral rights of creators, and to ensure public access to new ideas and knowledge.

A key agent of change in the field today is the World Intellectual Property Organization (WIPO). Established in 1967 and located in Geneva, WIPO is a specialized agency of the United Nations whose core business is the protection of intellectual property. Comprising 181 nation member states, WIPO's brief is to administer 23 international treaties dealing with different aspects of intellectual property. The official *WIPO Handbook* (2004) declares that the purpose of intellectual property is 'to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development' (p. 3). Note in this statement the integration of 'trade' with innovation and the assumption that both the economy and society will benefit from this coupling.

WIPO actively promotes these principles. For example, its webpage entitled *Intellectual property in everyday life,* states that the ambit of intellectual property includes 'nearly everything we do' (WIPO, 2005). Not only has intellectual property invaded the physical spaces and lives of ordinary people but a slice of time has been apportioned to it as well. In seeking to enhance social awareness of the apparent ubiquity of intellectual property in 'everyday life,' WIPO has established an official *World Intellectual Property Day* to be observed annually on 26 April. The purpose of this special day is to

> reflect on how intellectual property touches all aspects of our lives: How copyright helps bring music to our ears and art, films and literature before our eyes; how industrial design helps shape our world, and how trademarks provide reliable signs of quality; how patenting helps promote ingenious inventions that make life easier, faster, safer – and sometimes completely change our way of living. (WIPO, 2005)

Most of these statements are either exaggerated or unsubstantiated. The claim that copyright 'helps bring music to our ears' is tenuous at best, and lexical association of copyright with things recognized as having social and cultural value ('art,' 'film' and 'literature') functions to legitimate its formulation and widespread application. There is little evidence also that the use of trademarks guarantees quality because they deal more with product differentiation and promotion than quality assurance. These spurious claims aside, recent changes to policy and law have meant that intellectual property issues will

intrude increasingly on education. How then has this occurred, and what will this Agreement mean for curricular and pedagogical practice around the use of information and creative resources?

Another important driver of change is the Trade–Related Aspects of Intellectual Property Agreement (TRIPS). Signed in 1993 it represents a considerable shift in intellectual property policy and practice because it moved the domain of cultural creativity from national authority to the legal jurisdiction of international trade. TRIPS obligates the 144 signatory members of the World Trade Organization (WTO) to conform to a suite of rules covering intellectual property and thereby makes the citizens of those countries subject to punitive measures such as the 'penal sanctions' of the WIPO quotation cited in the introduction. Since its inception, newspaper headlines and leads like the following have become increasingly common.

> **Copyright Violations Threaten Trade Preferences**
>
> If The Bahamas wants to play its part in the international community, it is likely it will have to enforce copyright rules rather than be seen as a lawless society where anything goes. (Hartnell, 2006)

This kind of hyperbole equating compliance to and enforcement of international copyright law with civilized society has been accompanied by a litany of legal writs against 'offenders.' Some legal experts and social commentators believe that these writs constitute an ominous shift as all manner of words, letters, images, musical notes, facts, and even smells are locked up by copyright, trademark, and patent (see Bollier, 2005; Features, IT Broadsheet, 2005). Extensions to copyright terms; increasing litigation against individuals; the criminalization of rights infringement; limitations on access to publicly funded information; gross disparities between developed and developing countries in the ownership and distribution of intellectual property rights; the power of patents to restrict access to essential medicines, genetic materials, and traditional knowledges; and agricultural piracy continue to place intellectual property rights high on the agendas of national governments, world trade agencies, transnational corporations, NGOs, community groups, and the legal, financial, and environmental fraternities.

One subset of the literature dealing with questions of world trade in relation to intellectual property focuses specifically on the implications for developing countries (Chomsky, 1999, 2002; Drahos & Mayne, 2002; Hertz, 2001; Kufour, 2004; Qureshi, 1996; Rikowski, 2005). Some that work within socially critical, neomarxist theoretical perspectives focus expressly on the role played by the United States. Typically, these analysts tend to view the United States as an advocate for unrestrained global capital and its 'imperialist' order. There is a perception that powerful lobby groups are driving these developments through transnational trade agreements like the General Agreement on Trade and Tariffs (GATT) and, more recently, the General Agreement on Trade in Services (Chomsky, 2000, 2003; Nederveen Pieterse, 2004; Prestowitz, 2003). McLaren (2005) and Aronowitz and Gautney (2003), for example, examine trends in education using global neo-colonial theory. Collectively, these texts (re)present both the promise and the problem of supranational institutions and their capacity for global governance through public policy and the strategic formation of bilateral and multilateral trade agreements.

From a critical sociological perspective, the question then becomes, Are intellectual property regimes technologies of colonization used to legitimize and enact an unprecedented increase in the wealth and power of information industries and entertainment oligarchies? If so, in what ways is this achieved, and what do these rules and regulations mean for educational institutions? In what follows, the concept of governance is used to examine these questions.

Conceptual framework: Intellectual property as cultural governance

> Penal sanctions have mainly a repressive function. While such a function is very important … at least equally important from the individual author's point of view is the compensatory aspect. The law has to provide the beneficiaries with real and effective possibilities to obtain compensation for the injury caused to them by the violation of their rights. That compensation should not be limited to a mere reparation of the direct losses inflicted on the specific right-owner. He [sic] should also be compensated, for example, for loss of market share for the work, possible violation of his moral rights and also other relevant elements: in short, account has to be taken of the material and moral prejudice caused. (World Intellectual Property Organization, 2001, p. 218)

Recent work in the analytics of social power has shifted from an understanding of government as power exercised centrally by the state to that of distributed power applied to the bodies of citizens. Foucault (2003a, 2003b) first drew attention to power as positive and productive social practice rather than as a negative facility possessed by a few to oppress others.[1] His genealogical studies, for example, showed how modern liberal governments establish systems of knowledge and classes of experts who induce citizens to regulate themselves through the 'conduct of conduct.'

Rose (1999) developed these ideas by examining the power of surveilling rationalities in the creation and constraint of the modern human subject. He used the term *governmentality* to refer to the project of shaping, guiding, or directing human conduct, including the ways that people are 'urged and educated to bridle one's own passions, to control one's own instinct, to govern oneself' (p. 3). Any analysis of power therefore entails examining the formation and transformation of schemes, strategies, and programmes that seek to shape the behavior of others with certain objectives in mind such as, for example, the management of cultural activity and access through intellectual property rights.

Even so, the exercise of governance differs from that of domination. Domination overtly and crudely crushes the possibilities for action of the dominated. Because it entails the management and molding of human desires and motivations in relation to particular outcomes, the art of governance presupposes the freedom and agency of the governed and an understanding of the ways in which they operate. This concept of power is more subtle because it persuades people to 'act upon [their own] action' (Rose, 1999, p. 4). The state, including the democratic state, is just one element in multiple circuits of power that deploy internalized 'moral technologies of discipline' (p. 101) and sophisticated systems of surveillance to track the objects of its gaze (cf. Lyon, 2001, 2003). Appeals to moral standards produce cooperation but mild forms of coercion restrict and reform 'pathological' individuals who do not willingly accept the rights and responsibilities of the *freedoms* in so-called *free* societies.

The sociology of governance has two main assumptions. First, because governance is normative, it can be either good or bad for individuals or society collectively.[2] Second, governance is an outcome of the interactions and interdependencies of formal and informal social networks, organizations, and associations. At an abstract level, social and political power involves exchanges between public and private organizations — and blends of these — none of which has autonomy or sovereignty. This concept of power renders obsolete conventional binaries like state versus market, and public versus private. The analytic focus turns instead to the innumerable practices, techniques, tactics, and habits within complex and chaotic actions and relations between those seeking to exercise control and those subject to it. Nation states and other agents of power pervade the lives of citizens through systematized economies of sociality, legality, and morality. As orders of knowledge, these economies accomplish the objectives of governance by linking social subjects and everyday social phenomena. Many of these quotidian phenomena originate in places that are distant in space and time from the location of their origination, as the following discussion of cultural governance through intellectual property regimes illustrates.

One way of analyzing this process is to examine the conditions under which it becomes possible to consider certain things to be true as humans produce, consume, act, and reflect on themselves in and through cultural engagement. Some of the questions that are considered below include the following. What 'truths' are used as a basis for the formation and reformulation of thinking and talking about cultural work and its artefacts? What criteria establish these values of truth, and how are the criteria (re)presented discursively and materially in everyday texts, activities, and events? What genres of governance ensure their effect, and how do these genres support and contradict each other? What rationalities of justification do governing bodies provide at local, regional, national, and global levels to explain these directives for the conduct of cultural work and play in homes, schools, and communities? How does intellectual property operate as a global form of the 'will to govern'? In what ways does intellectual property infuse policy and practice to prompt persuasion, negotiation, and legislation on the conduct of conduct with and around cultural work?

Considering the global parameters of the issues at hand in the current TRIPS context, these questions entail inquiry into the ways that public policy ties cultural protocols for the conduct of copyright to international trade agreements and, ultimately, to foreign policy arrangements. In what follows, developments in copyright policy and practice within Australia are used to explore these questions. The discussion begins with analysis of a free trade agreement signed by Australia and the United States.

Intellectual property policy: The case of Australia

I would like to leave you with the impression that if you make a single illegal copy of our software, you will spend the next five years in court, the following ten in prison, and forever after your soul will suffer eternal damnation. (Rosenburgh, 1987)

Tensions generated by competing local, regional, national, and global interests in a world that remains geopolitically organized as nation states is beyond the scope of this article. Yet, the question of 'who benefits and at whose cost' remains at the heart of much public debate around free trade. My purpose here is to encourage discussion by providing an Australian perspective on the implications of AUSFTA for education. In so doing, it

seeks to raise awareness for professionals of other countries, and to trouble current ways of thinking and talking about intellectual property 'rights' and 'wrongs.'

The Australia/United States Free Trade Agreement (AUSFTA), or alternatively the US/Australia Free Trade Agreement, was signed on 18 May 2004 by trade representatives of Australia and the United States. Subsequently ratified by the Australian government in August 2004, its purpose is to open trade between the two signatories by eliminating tariffs.

Most arguments against trade liberalization are based on nationalistic concerns. The belief that allegiance to nation states impeded global prosperity and peace arose from the work of two early twentieth-century economists, Friedrich von Hayek and Milton Friedman, whose ideas ushered in the current post-Keynesian era of economic rationalism and its neoliberal policy equivalent. The following quotation is an example of this so-called 'obstructive' nationalistic discourse. Taken from a book examining the AUSFTA from legal and political scientific perspectives, and polemically titled *How to Kill a Country*, the writers argue:

> By eroding and dismantling our *key institutions*, we … argue that the FTA will effectively destroy our ability to protect and promote *national prosperity*. We marvel that such vast areas of a *country's social and economic life* could be transformed so utterly, and with such minimal public debate — all in the name of seizing a 'once in a lifetime opportunity' — to be thoroughly integrated with American interests in a manner that is entirely, 100 per cent favourable to the United States and in almost every way represents *a step back for Australia…* [emphasis added] (Weiss, Thurbon & Mathews, 2004, p. 22)

Public debate on free trade in both Australia and the United States has focused largely on economic objectives and questions of market access. A growing anti-free trade literature, however, argues the folly of this narrow conception of what are ultimately social issues (Brown, 2004). Research from the United States totalizes and condemns 'global capital' by conflating it with the militaristic and imperialistic policies of the neoconservative political right (cf. Aronowitz & Gautney, 2003; McLaren & Farahmandpur, 2005). Australian analysts of AUSFTA (e.g., Capling, 2005; Grant, 2004; Weiss et al., 2004) argue in parallel that free trade agreements are part of a US strategy of 'harmonization' aimed primarily at making the world secure for big business. The following analysis of this hypothesis in relation to copyright seeks to historicize developments and thereby to improve understanding of the mutual long-term implications of the developments.

Unarguably, the United States government was unanimous in its support for AUSFTA. The Advisory Committee for Trade Policy and Negotiations appointed by the President of the United States declared that the US/Australia FTA was 'an unprecedented negotiating accomplishment' that was 'strongly in the economic interest of the United States' (cited in Senate Select Committee, 2004, p. 23). The following quotations taken from the Office of the United States Trade Representative website (2004) confirm this view specifically in relation to the issue of intellectual property.

> This agreement provides a model for intellectual property protection and enforcement that should be embraced worldwide and clearly demonstrates

> that promoting both cultural expression and open trade can be achieved in a trade agreement. (Robert M. Kimmitt, Executive Vice President, Global Public Policy, Time Warner Inc.)
>
> The MPAA applauds Ambassador Zoellick…for concluding a Free Trade Agreement containing state of the art *copyright rules* that will help US and Australian creators alike protect their intellectual property…[its] a first-rate Agreement that provides full protection for American films and TV programs. (Motion Picture Association of America)

The modal construction 'should' in the first quotation indicates a sense of obligation for 'worldwide' adoption of this 'model' of 'protection' and 'enforcement' (i.e., control and governance). That the officeholder responsible for Global Public Policy in the world's largest media corporation spoke these words also suggests a high level of regulation for future signatories. Furthermore, how full is the 'full' protection afforded by AUSFTA for the motion picture industry as the second quotation alleges? Does it mean sufficiently 'full' that it constitutes an impediment to the creative potential of aspiring film producers who work outside of the United States?

Despite the media's focus on economic issues, the real agenda of free trade agreements is political, and AUSFTA is no exception. Comments made by Australian government ministers throughout the negotiations consistently emphasized the point that AUSFTA would 'strengthen' Australia's political ties with the United States. The following statement taken from the *Final Report on the AUSFTA* confirms the voluntary and inherently political nature of free trade deals.

> In the Committee's view, Australia's pursuit of a free trade agreement with America [sic] has as much, if not more, to do with Australia's broader foreign policy objectives as it does with pure trade and investment goals. Certainly, for the United States administration, free trade agreements can only be situated within a particular foreign policy setting. (Senate Select Committee, 2004, p. 7)

Clearly, there are costs as well as benefits to this Agreement. The US Trade Representative who signed the deal, Robert Zoellick, has consistently stated that, to be eligible for consideration of a free trade agreement with the United States, potential partners must qualify on more than trade criteria. He has asserted that the United States seeks 'cooperation — or better — on foreign policy and security issues' from prospective signatories (Zoellick, 2003). What does the phrase 'or better' than cooperation mean here? Does it signify a willingness to tip the balance beyond outcomes that are equitable and mutually beneficial in order to serve US agendas and objectives? The United States government is clear that its international interests go far beyond trade, and Zoellick (2003) openly advocates, 'Why not try to urge people to support our overall policies?'

Modern states protect their national security through a combination of military, economic, and social measures (Foucault, 2004). The interrelation of the economy and the military-industrial complex is historically a complicated one but it is apparent that the pursuit of security today is linked closely with business and the media-entertainment industry in particular (cf. Der Derian, 2001; Graham & Luke, 2003). Economic security today refers not to the industrial sector of the Fordist economy but to information capitalism and the

imperatives of the knowledge economy. Within this context of knowledge capitalism, the ownership and protection of intellectual property rights becomes imperative to economic and national security and, hence, to education for the inculcation of these values in the population at large.

Free trade has emerged therefore as an important arm of national security. Indeed, in the aftermath of the 2001 attacks on New York and Washington, Robert Zoellick characterized the Bush administration's 'aggressive' trade agenda as integral to the 'counteroffensive' against America's terrorist adversaries (Zoellick, 2001). This strategy has spawned a foreign policy riddled with paradoxes to which American policy and security analysts seem to be blind. For example, while American 'national security' and 'global interests' are a priority, they translate nonetheless into the vision of the United States delivering 'peace,' 'prosperity,' and 'freedom' abroad. The following statement from *The trade front: Combating terrorism with open markets* (Lindsey, 2003), published by a 'non-profit public policy research foundation' headquartered in Washington DC, illustrates these kinds of paradoxes.

> How does reducing trade barriers around the world make America safer? First, by helping the global spread of markets and liberal democracy. Wherever it exists and in whatever form, tyranny spawns war and conflict and terror — and, consequently, threats to U.S. global interests and national security. Promoting promarket policies in other countries is one small but effective way for the United States to minimize those threats by fostering conditions more favorable to human freedom.
>
> Second, leading the world toward closer commercial ties can reduce threats to American interests and security by calming fears and resentment of American power. A nation as overwhelmingly dominant as ours will inevitably face some level of reactionary opposition — opposition that has now intensified after the recent exertions of U.S. military. …
>
> Seen in this light, U.S. trade policy can serve as an olive branch to the world. (Lindsey, 2003, p. 12-13)

The problem with this 'promarket policy' is the assumption that its 'other,' 'the world,' wants the same outcome: hyper-individualism and corporate capitalism unhindered by government intervention. This same unquestioned belief also underpins the *National Security Strategy of the United States* (2002) which makes extensive reference to free trade, conceiving it as a basic human right and a moral entitlement. Chapter 6 of the *Strategy*, called *Ignite a New Era of Global Economic Growth through Free Markets and Free Trade*, argues that free market economies and trade policies lift countries out of poverty and political instability more effectively than traditional aid and development approaches. Zeal for free trade has involved the United States in an unprecedented number of trade negotiations, all of which include intellectual property rights provisions (see Gadbaw & Richards, 1988; Ryan, 1998; Sell, 1998). At the time of writing, the United States government was negotiating with 33 countries for a Free Trade Area of the Americas, and was holding multilateral talks with nations of Southern Africa, South America, and the Middle East. To date, it has signed more than a dozen bilateral agreements — including that with Australia — and negotiations have been entered into with numerous others.[3]

The selection process for would-be signatories reveals the politics underpinning US free-trade deal relations. A set of nine criteria is used to evaluate potential negotiating partners but, according to Zoellick (2003), there are 'no formal rules or guarantees.' Negotiating a free trade agreement with the United States 'is not something one has a right to. It's a privilege.' Selection is 'not automatic.' This strategy, called 'competitive liberalization,' is designed to promote trade liberalization *bilaterally* through single-nation agreements, *regionally* through multination initiatives, and *globally* through forums such as the WTO. Compliance with US foreign policy is a fundamental criterion for 'securing' an agreement, a stipulation which has received criticism from both within the United States and abroad. For example, in 2004 when competitive liberalization was under congressional scrutiny from both pro- and anti-globalization activists, some industry groups claimed that trade policy was 'dictated largely by foreign policy, [and] not by economics' (cited in Fergusson & Sek, 2005, p. 3).

As part of the plan for intellectual property rights, a number of private organizations in the United States assist the government in surveilling compliance to international copyright standards. The International Intellectual Property Alliance (IIPA) — a coalition representing copyright-based industries — works with the U.S. Trade Representative and the governments of 80 countries to track and monitor 'legislative and enforcement developments' in copyright on a global scale (IIPA, 2005a). As part of its brief, IIPA prepares an annual *Special 301* report of 'rogue' nations and their activities. Taxonomies of classification and grids differentiating regions and nations in scales of copyright piracy seek to

> identify those countries that deny adequate and effective protection for intellectual property rights or deny fair and equitable market access for persons that rely on intellectual property protection. Countries… which have the greatest adverse impact on relevant U.S. products are designated 'Priority Foreign Countries,' and at the end of an ensuing investigation, risk having trade sanctions levied against them. (IIPA, 2005b)

Other lists such as 'Watch List' and 'Priority Watch List' scrutinize offending countries without necessarily imposing 'immediate' trade sanctions. In their genealogy of benchmarking, Larner and Le Heron (2004) show how comparative quantitative techniques of audits, standards, and indicators like the *Special 301* report comprise 'calculative practices' for global governmentality. As the previous WIPO quotations note, to date IIPA categorizations and indices have served mainly a 'repressive' or disciplining function at the level of the culturally engaged subject. The discourse of morality (e.g., 'fair' and 'equitable' in the quotation above) is employed as the means of governance, obliging individuals and institutional consumers to perform moral work on themselves by changing their beliefs and attitudes to the content of text and the rules of its consumption. Power works here through the capacity to 'name' and 'define,' and thereby to exclude other ways of thinking and doing culture.

Critics in both the United States and Australia argue that linking intellectual property to international trade agreements — and therefore to issues of political interest and security — is problematic and detrimental to trade, as well as to the domains of culture and education. In what ways then do free trade agreements disadvantage countries like Australia?

Australian culture and creativity under AUSFTA

Chapter 17 of the AUSFTA document outlines the provisions for intellectual property. The most striking feature of this chapter is its length and complexity. Weatherall (2004/5) observes that even lawyers have found its 29 pages — by far the longest in the document — difficult to decipher. Considering Australia's strong system and good record of intellectual property rights protection, many of the demands that Chapter 17 make seem irrelevant to an Australian context.

One explanation for the document's impenetrable textual bulk is determination on the part of the United States to raise intellectual property standards worldwide (Grant, 2004). Increasing opposition to this agenda from developing countries in forums like the WTO has compelled the US government to adopt the bilateral free trade agreement strategy and the tactic of the textual 'template.' As previously noted, inclusion of intellectual property chapters in trade agreements is anomalous to begin with, but the tactic of 'templates' complicates matters even further. This tactic seeks to cover all contingencies by building on preceding agreements and including the same provisions irrespective of whether they are relevant to the negotiating partner country. AUSFTA illustrates the template genre in that traces of legal discourse from other nations sediment and ossify for the purpose of 'covering all bases' and eliminating semantic latitude for interpretation and further negotiation. Differences in the *General Notes* sections (Annex 2–B) from each country illustrate this point. This section of the document addresses specific exceptions or variations to the Agreement for particular industries. Whereas the *Schedule for Australia* is one page long, the equivalent *Schedule for the United States* comprises 29 pages.

The main changes for Australia from Article 17.4.7 of AUSFTA relate to copyright law and especially to technological protection measures (TPMs). Prior to AUSFTA, copyright in Australia was covered by the 1968 Copyright Act and later amendments such as the need for compliance to TRIPS. Of most concern to many Australians is that whole sections of Chapter 17 are copied directly from United States law. For example, parts of the controversial 1998 *Digital Millennium Copyright Act* (DMCA) are reproduced word-for-word. Many readers will know that the DMCA was devised rightly to prevent flagrant copyright piracy but this controversial law makes it illegal to circumvent electronic rights management information (RMI) and criminalizes the distribution of technologies that do so.

Electronic rights management information refers to a range of technologies that copyright holders use to control how consumers access and use copyrighted material in digital formats. Examples of TPMs are the encryption of DVDs and computer games, measures that make music download files 'one play only,' and password protection systems for online databases such as those used by libraries. Such tactics are, nonetheless, intrinsically resistible and, predictably, computer programmers with sufficient skill create ways of circumventing digital rights management technologies through 'copy-cracking' software.

The Australian Copyright Act previously classified the importation, manufacture, sale, or hire of circumvention devices as illegal, but *using* one was not illegal. AUSFTA makes using the devices illegal. Furthermore, AUSFTA has widened the definition of TPMs to include technological devices that are currently understood as appliances that protect copyright. This is equivalent to criminalizing photocopy machines or video recorders, and it shifts the balance of rights strongly in favor of copyright owners and against users.

Combined with changes established by the GATS Agreement, which authorizes the opening of national social services to private and international providers, these provisions have serious implications for national public education systems and libraries. Protest campaigns in Australia by library professionals and community groups arguing against the privatization of libraries has, however, not prevented the closing of public libraries. This trend is likely to progressively disadvantage students and others who depend on public services and information resources for leisure, literacy, and learning.

Another major change for Australian citizens is the extension of the copyright term. Protection for the copyright holder was previously the life of the author plus 50 years, but in 2006 AUSFTA increased this by 20 years. Much has been written about the deleterious effect the gradual extension from 14 years to 70 years after the death of the author has had on cultural creativity. The irony here is that, just when it was possible to maximize access to cultural materials and optimize participation in cultural endeavor, media monopolists have used copyright law to prevent this from happening. This is no coincidence. Rather, it is the means of artificially creating scarcity within conditions of abundance in order to keep demand high and prices inflated (cf., Lessig, 2004; Vaidhyanathan, 2003).

Proponents of strong copyright protection couch rationales for tighter control in terms of preventing 'theft' but in reality the emphasis on 'property' at the cost of good public policy hampers creativity, limits scholarship, and erodes social democracy. As noted earlier, like most social democratic societies, Australia had effective copyright and anti-circumvention laws of its own, but Chapter 17 of AUSFTA 'harmonizes' these to the dictates of US law. Despite a recent national review of Australian digital copyright law that found no case for strengthening anti-circumvention laws, the provisions of Chapter 17 over-rule Australian law by covering more media, banning more cultural activities, and placing limits on exceptions to infringement. Along with the positive slant constructed around the benefits and drawbacks of increased copyright protection, how will the Australian government convince those engaged in educational and cultural activity to comply with the new regulations?

Copyright education: Self-governance and new creative subjectivities

As a means of 'educating' the public about these developments — and inducing them to self-govern — the federal government in Australia established IP Australia.[4] The website of this national agency features online resources developed specifically for schools. Called InnovateED, the purpose of these 'free' resources is to 'help' Australian teachers 'uncover their students' own creativity and imagination.' The website's contents seek to 'reveal the ideas that shape the world we live in' by 'linking the concepts of innovation and intellectual property to the KLAs for years 5-9.' KLAs are the Key Learning Areas of the state school curriculum and refer to subjects such as English, Mathematics, and Science.

The teacher resource contains over 120 lesson plans, interactive games, and other activities. The website creators claim the activities 'integrate with the curriculum, reduce workloads and enhance the quality and the outcomes of the time that teachers and students spend in the classroom.' No information is provided on how this program of copyright education is to be integrated into an already crowded curriculum, how the extra time and effort on the part of teachers translates into better educational outcomes, or how

such generic approaches to intellectual property will engage students sufficiently to convince them that 'ideas' 'shape the world.'

Nonetheless, a cartoon character, Ippy, has been devised to assist teachers in the process. Ippy makes an appeal to students to 'help protect my big idea from the evil rip off.' Notice the attribution of moral deficiency to the discursive 'other,' the 'evil rip off.' This metaphorical signifier of iniquity is depicted visually by a related cartoon character, one which bears not a cute baby curl on its head as Ippy does but the symbol of satanic depravity: a pair of horns.

IP Australia is also 'concerned about protecting your privacy.' Note that 'your' refers to the teacher or student visitor. In a lengthy disclaimer of some 1156 words, the website informs the reader how it handles 'clickstream data.'[5] Clickstream data are the paths that users take when navigating the Internet and, as the website states, IP Australia's Internet service provider logs and records information on all visitors to the site. This information includes server addresses, the top-level domain name (for example, .com, .edu, .au), the date and time of visits to the site, pages accessed, documents downloaded, the type of browser used, and the previous site visited. The purpose of this data is purportedly to 'deliver better services' by 'performing statistical analyses to establish priorities and allocate resources.' Visitors are assured that 'no attempt will be made to identify users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect the Internet Service Provider's logs.' The statistics and log files are 'preserved indefinitely' and used 'at any time and in any way necessary to prevent security breaches and to ensure the integrity of the information supplied by IP Australia.' This raises the question about what security breaches school teachers and students are likely to commit while learning about copyright with Ippy? It is evident, then, that while IP Australia engages in the pedagogical work of getting teachers and learners to self-scrutinize their cultural resource uses and to self-govern their practices, it is also surveilling them.

As well as the social costs in terms of privacy, mention should be made of the financial cost of the Agreement to the Australian economy and the education sector. Despite the positive outlook on the part of the Australian government,[6] there are those who remain skeptical about its long-term benefits. US comment on AUSFTA that was cited earlier indicated the possibility of inequitable outcomes. Trade figures support this. Whereas Australia is typically considered a relatively affluent 'developed' country, it purchases more goods from the United States than from any other trading partner and has a current goods and services trade deficit to it of some $9 billion. From 1996 to 2000, Australian royalty payments to the United States increased 84 per cent (Weiss, Thurbon & Mathews, 2004, p. 134). As a net importer of intellectual property rights, the financial cost of outflows in 2002 alone exceeded US$1 billion (Weiss, Thurbon & Mathews, 2004, p. 180). With these new changes, Australian consumers — including its schools, universities, and libraries — will be subject to exponential increases in royalty payments, the already disproportionate trade balance will ramp up and further severely inhibit Australia's ability to create and innovate.

Indeed the Australian copyright collection agency, Copyright Agency Limited (CAL), and the body representing Australian schools on copyright matters, the Copyright Advisory Group to the Schools of the Ministerial Council on Education, Employment, Training and Youth Affairs currently have taken their case to the Supreme Court on the

move to make schools pay for accessing Internet websites. Some schools, for their part, are talking about 'turning the Internet off' (Bylund, 2006).

Consistent with Rose's theory of governance, Australia entered into this Agreement freely as an autonomous nation states.[7] One must assume that Australian trade representatives believed the deal would benefit their national constituencies. Nonetheless, concerns have been raised about the erosion of Australia's national sovereignty through a loss of control over legislative and regulatory power across a range of social domains. Culture and education are two of these domains. Condemnation of the US policy of harmonization and of the negotiation process has used the language of 'bribing, bullying and browbeating opponents,' 'gagging debate,' 'intimidating the press,' 'ridiculing opponents' (Weiss, Thurbon & Mathews, 2004), and described legislation as being 'rammed through parliament' without proper debate (Weatherall, 2004/05).[8] In an attempt to stem the rising tide of anti-Americanism (Hollander, 2004; Ross & Ross, 2004) cited as a concern by Lindsey (2003) above in his argument to use trade policy as an 'olive branch to the world,' US educators and researchers might think about whether similar terms were used to describe negotiations there? If not, what does this say about the process? Would the incidence of words of concern constitute evidence of a fairer and more equitable outcome for both signatories?

It is apparent then that trade mechanisms at the global level and their subsequent legislative and policy changes at the national level function as 'great machines of morality' (Rose, 1999, p. 103) in their will to regulate the creative impulse of the populace through intellectual property law. At the same time, however, the notion of governance underpinning this paper opens a space for consideration of counter-measures that differ in viewpoint and practice from institutionalized technologies of normalization. These counter-positions materialize as action that is not necessarily against, but rather emerges from, juxtaposes, complements, and infuses systematized legal injunctions. The literature is peppered with simplistic dichotomies, examples of which are positive or negative effects, 'us' or 'them' ideologies, and pre-FTA or post-FTA periodizations, all of which fail to account for the incongruities, ambiguities, contradictions, and exceptions in the outworking of these complex social issues. Rose (1999, p. 6) eloquently describes these complexities and diplomacies as a 'delicate and complex web of affiliations between thousands of habits of which human beings are composed — movements, gestures, combinations, associations, passions, satisfactions, exhaustions, aspirations, contemplations — and the wealth, tranquility, efficiency, economy, glory of the collective body.' It is to some of these contrapuntal developments in the area of copyright activism that I now turn.

New economies of intellectual properties

Penal sanctions may indeed repress, but they have not and cannot establish impenetrable systems of cultural oppression. Whereas WIPO's focus is on the 'violation' of creator rights and the question of compensation, a wide spectrum of affiliations, associations, and organizations from government, corporate, and community sectors are developing other ways of conceiving and practicing intellectual property and copyright. Numerous listservs, weblogs, and conferences constitute discursive manifestation of these forces for counter-conduct. Space allows brief mention of only a few here.

One of the more important Australian initiatives is the Creative Commons project (see Kiel-Chisholm and Fitzgerald, this Issue).[9] Traditional media companies and

governments tend to focus on the policing of piracy rather than on encouraging creativity. The BBC Creative Archive initiative is an exception. With a billion dollar funding remit from the British Government, the BBC has opened parts of its extensive digital archives to free public use. The project has forged partnerships between a commercial television station, Channel 4; the British Film Institute; The British Library; the news organization, ITN; the Joint Information Systems Committee; The National Archives; The Natural History Museum; the Museums, Libraries & Archives Council; senior figures from the independent production industry; BBC Worldwide; and the Creative Commons. Access is based on the Creative Commons model of a win-win approach to rights management rather than on the extremes of the pure public domain or the reservation of all rights. Using the Internet, it offers creative rights holders opportunity to release audiovisual content for viewing, copying, and sharing with some rights reserved (e.g., commercial exploitation rights).

On a smaller scale, The Public Knowledge Project is a public-interest advocacy organization committed to supporting a vibrant information commons.[10] Based in Washington D.C., the group works with library professionals, educators, scientists, artists, musicians, journalists, consumers, software programmers, civic bodies, and interested business groups to preserve the fundamentals of democracy in a digital age: namely, openness, access, and the capacity to create and compete culturally. A similarly named but more educationally oriented project is the Public Knowledge Project located at the University of British Columbia, Vancouver, Canada.[11] This federally funded research initiative uses online technologies to enhance the value and accessibility of scholarly research to the public.

Coalitions and foundations are other discursive and material spaces for contesting the politics of intellectual properties. The *Electronic Frontier Foundation* in the United States and its Australian counterpart, *Electronic Frontiers Australia*, are non-profit groups and platforms for activism in policy and law.[12] At an international level, the civil liberties organization, IP Justice works to promote balanced intellectual property law in digital environments.[13] Dominant players such as publishers tend to consider these spaces and practices of counter-conduct as 'irrelevant.' These initiatives nonetheless constitute significant political and discursive symbols of deconstruction and reconstruction of what would otherwise seem an incontestable regime of knowledge regulation limiting cultural participation.

Concluding remarks

This paper has shown how intellectual property rights and questions of copyright permeate the micro spaces of social, cultural, economic, and political life. Changes in Australian international trade and copyright policy were examined as a case in point. Story (2002) claims that copyright is the 'sleeping giant' of the international education agenda. The questions canvassed here seek not to impute blame but to invoke a sense of transnational professional interest and agency. Indeed, if the purpose was to find cause or to apportion blame, then the European Union might have been a more productive focus considering that it historically has been the source of some of the more egregious developments in copyright policy. Furthermore, as representatives of the people, Australian trade negotiators are responsible for AUSFTA and Australian citizens are answerable for its long-term educational outcomes.[14] It might be a salutary exercise nonetheless for US educators to consider whether strategies and deals made by their leaders are as conducive to harmonious long-term bilateral relations as they might be.

Invariably, the politics of difference — and frequently disadvantage and (cultural) dispossession — mediates the meanings of actions. Accordingly, the manner in which products of culture and knowledge are constructed, conceptualized, managed, and distributed emerge from, and are infused by, the ways in which nations seek to secure and control their own populations and to gain economic and political advantage over other nations. Fears of economic domination through cultural imperialism are one aspect of an increasing hostility directed towards the foreign and economic policies of the United States. Because cultural domination impacts upon educational capital and the availability of symbolic resources for educational sectors, intellectual property rights are part of these political tensions.

The fruits of victory frequently carry within it the seeds of its own defeat. There is the possibility therefore that current intellectual property policy in the United States — while reaping big profits for media conglomerates — could be contributing to the social malaise within, and international hostility without, that many refer to as the 'end of the American century.' Work by educational researchers, economists, and political and social theorists indicates that this possibility is worthy of further inquiry (see Balakrishnan & Aronowitz 2003; Johnson, 2004; Mann, 2003; Pollin, 2003; Slater & Taylor, 1999; Soros, 2004; Todd, 2003; Wallerstein, 2003; White, 1996). The present paper was written in the belief that nobody wants, nor can afford, for this malaise to continue or deepen. One way of preventing it is to become critically informed and politically active about the local and the global educational implications of 'property' approaches to symbolic work and intellectual resources.

References

Aronowitz, S., & Gautney, H. (Eds.). (2003). *Implicating empire: Globalization and resistance in the 21st century world order*. New York: Basic Books.

Balakrishnan, G., & Aronowitz, S. (Eds.). (2003). *Debating empire*. New York: Verso.

Bollier, D. (2005). *Brand name bullies: The quest to own and control culture*. Hoboken, NJ: J. Wiley.

Brown, S. (2004). *Myths of free trade: Why American trade policy has failed*. New York: The New Press.

Bylund, A. (2006). Aussie rumble over copyright fees for educational web use. *The Australian*, Tuesday 28 February.

Capling, M. A. (2005). *All the way with the USA: Australia, the US and free trade*. Sydney: University of NSW.

Chomsky, N. (1999). *Profit over people: Neoliberalism and global order*. New York: Seven Stories Press.

Chomsky, N. (2000). *Rogue states: The rule of force in world affairs*. London: Pluto.

Chomsky, N. (2002). *Pirates and emperors, old and new: International terrorism in the real world* (2nd ed.). London: Pluto.

Chomsky, N. (2003). *Hegemony or survival: America's quest for global dominance*. New York: Metropolitan Books.

Der Derian, J. (2001). *Virtuous war: Mapping the military-industrial-media-entertainment network*. Boulder, CO: Westview Press.

Drahos, P., & Mayne, R. (Eds.). (2002). *Global intellectual property rights: Knowledge, access, and development*. New York: Palgrave Macmillan.

Features, IT Broadsheet. (2005). Copyright cops launch 2100 cases. *The Australian*, 22 November, p. 11.

Fergusson, I. F., & Sek, L. M. (2005). *Trade negotiations during the 109th Congress*. Washington, DC: Congressional Research Service IB10123.
Fitzgerald, B. (20). Structuring open access to knowledge: The Creative Commons story. In C. Kapitzke & B. C. Bruce (Eds.), *Libr@ries: Changing information space and practice*. Mahwah, NJ: Lawrence Erlbaum.
Foucault, M. (2003a). Governmentality. In P. Rabinow & N. Rose (Eds.), *The essential Foucault: Selections from the essential works of Foucault 1954–1984* (pp. 229–245). New York: The New Press.
Foucault, M. (2003b). Security, territory, and population. In P. Rabinow & N. Rose (Eds.), *The essential Foucault: Selections from the essential works of Foucault 1954–1984* (pp. 256–261). New York: The New Press.
Foucault, M. (2004). *Society must be defended: Lectures at the Collège de France 1975–76* (D. Macey, Trans.). London: Penguin.
Gadbaw, R. M., & Richards, T. J. (Eds.). (1988). *Intellectual property rights: Global consensus, global conflict?* Boulder, CO: Westview Press.
Graham, P., & Luke, A. (2003). Militarizing the body politic: New mediations as weapons of mass instruction. *Body & Society*, 9(4), 149–168.
Grant, B. (2004). *Fatal attraction: Reflections on the alliance with the United States*. Melbourne: Black Inc.
Hartnell, N. (2006). Copyright violations threaten trade preferences. *The Tribune*, Bahamas Business News, February 20 – 21:12. Retrieved 16 March 2006 from http://www.bahamasb2b.com/news/wmview.php?ArtID=7087.
Hertz, N. (2001). *The silent takeover: Global capitalism and the death of democracy*. New York: HarperCollins.
Hollander, P. (Ed.). (2004). *Understanding anti-Americanism: Its origins and impact at home and abroad.* Chicago, IL: Ivan R. Dee.
International Intellectual Property Alliance. (2005a). *Description of the IIPA*. Retrieved 22 June 2005 from http://www.iipa.com/aboutiipa.html.
International Intellectual Property Alliance. (2005b). *Copyright and trade issues*. Retrieved 22 June 2005 from http://www.iipa.com/copyrighttrade_issues.html.
Johnson, C. (2004). *The sorrows of empire: Militarism, secrecy, and the end of the Republic* (1st ed.). New York: Metropolitan Books.
Kufour, K. O. (2004). *World trade governance and developing countries: The GATT/WTO Code Committee System*. London: Royal Institute of International Affairs/Blackwell.
Larner, W., & Le Heron, R. (2004). Global benchmarking: Participating 'at a distance' in the globalizing economy. In W. Larner & W. Walters (eds.), *Global governmentality: Governing international spaces* (pp. 212-232). London: Routledge.
Lessig, L. (2004). *Free culture: How big media uses technology and the law to lock down culture and control creativity*. New York: Penguin Press.
Lindsey, B. (2003). *The trade front: Combating terrorism with open markets*. Washington, DC: Cato Institute Center for Trade Policy Studies. Retrieved 22 February 2006 from http://www.freetrade.org/pubs/pas/tpa-024.pdf
Lyon, D. (2001). *Surveillance society: Monitoring everyday life*. Philadelphia, PA: Open University.
Lyon, D. (Ed.). (2003). *Surveillance as social sorting: Privacy, risk, and digital discrimination*. New York: Routledge.
Mann, M. (2003). *Incoherent empire*. New York: Verso.

McLaren, P. (Ed.). (2005). *Capitalists and conquerors: A critical pedagogy against empire*. Lanham, MD: Rowman & Littlefield.
McLaren, P., & Farahmandpur, R. (2005). *Teaching against global capitalism and the new imperialism: A critical pedagogy*. Lanham, MD: Rowman & Littlefield.
National Security Council. (2002). *National Security Strategy of the United States*. Retrieved 23 June 2005 from http://www.whitehouse.gov/nsc/nss.pdf.
Nederveen Pieterse, J. (2004). *Globalization or empire*. New York: Routledge.
Office of the United States Trade Representative. (2004). *U.S.-Australia FTA Quotes of Support 07/15/2004*. Retrieved 2 June 2005 from http://www.ustr.gov/Trade_Agreements/Bilateral/Australia_FTA/USAustralia_FTA_Quotes_of_Support.html
Peters, M. A. (2003). Theorising educational practices: The politico-ethical choices. In P. Smeyers & M. Depaepe (Eds.), *Beyond empiricism: On criteria for educational research* (pp. 221–236). Leuven: Leuven University Press.
Pollin, R. (2003). *Contours of descent: U.S. economic fractures and the landscape of global austerity*. New York: Verso.
Prestowitz, C. (2003). *Rogue nation: American unilateralism and the failure of good intentions*. New York: Basic Books.
Qureshi, A. H. (1996). *The World Trade Organisation: Implementing international trade norms*. London: Royal Institute of International Affairs/Blackwell.
Rikowski, R. (2005). *Globalisation, information and libraries: The implications of the World Trade Organisation's GATS and TRIPS Agreements*. Oxford: Chandos.
Rose, M. (1993). *Authors and owners: The invention of copyright*. Cambridge, MA: Harvard University Press.
Rose, N. (1999). *Powers of freedom: Reframing political thought*. Cambridge: Cambridge University Press.
Rosenburgh, V. (1987). Copyright and the new technology. In R. P. Benko, *Protecting intellectual property rights*. Washington, DC: American Enterprise Institute for Public Policy Research.
Ross, A., & Ross, K. (Eds.). (2004). *Anti-Americanism*: New York: New York University Press.
Ryan, M. P. (1998). *Knowledge diplomacy: Global competition and the politics of intellectual property*. Washington, DC: Brookings Institution Press.
Saunders, D. (1992). *Authorship and copyright*. New York: Routledge.
Sell, S. K. (1998). *Power and ideas: North–south politics of intellectual property and anti-trust*. Albany, NY: State University of New York Press.
Senate Select Committee on the Free Trade Agreement between Australia and the United States of America. (2004). *Final Report on the Free Trade Agreement between Australia and the United States of America*. Canberra: Commonwealth of Australia.
Slater, D., & Taylor, P. J. (Eds.). (1999). *The American century: Consensus and coercion in the projection of American power*. Oxford: Blackwell.
Soros, G. (2004). *The bubble of American supremacy: Correcting the misuse of American power* (1st ed.). New York: Public Affairs.
Story, A. (2002). Don't ignore copyright, the 'sleeping giant' on the TRIPS and international educational agenda. In P. Drahos & R. Mayne, R. (Eds.), *Global intellectual property rights: Knowledge, access, and development* (pp. 125–143). New York: Palgrave Macmillan.
Todd, E. (2003). *After the empire: The breakdown of the American order* (C. J. Delogu, Trans.). New York: Columbia University Press.

Vaidhyanathan, S. (2001). *Copyrights and copywrongs: The rise of intellectual property and how it threatens creativity*. New York: New York University Press.
Vaidhyanathan, S. (2003). *The anarchist in the library: How peer-to-peer networks are transforming politics, culture, and information*. New York, NY: Basic Books.
Wallerstein, I. (2003). *The decline of American power: The U.S. in a chaotic world*. New York: New Press.
Weatherall, K. (2004/05). Locked in: Australia gets a bad intellectual property deal. *Policy*, 20(4), 18–24.
Weiss, L., Thurbon, E., & Mathews, J. (2004). *How to kill a country: Australia's devastating trade deal with the United States*. Crows Nest, NSW: Allen & Unwin.
White, D. W. (1996). *The American century: The rise and decline of the United States as a world power*. New Haven, CT: Yale University Press.
World Intellectual Property Organization. (2001). *WIPO Intellectual property handbook: Policy, Law and Use* (No. 489 E). Geneva.
World Intellectual Property Organization. (2004). *WIPO Intellectual property handbook: Policy, law and use introduction* (2nd ed.). Geneva. Retrieved 18 May 2005 from http://www.wipo.int/about-ip/en/iprm/pdf/ch1.pdf
World Intellectual Property Organization. (2005). Retrieved 12 May 2005 from http://www.wipo.int/about-ip/en/overview.html
Zoellick, R. B. (2001). Countering terror with trade. *Washington Post*, 20 September, page A35, www.washingtonpost.com/ac2/wp-dyn/A59531-2001Sep19?language=printer.
Zoellick, R. B. (2003). Zoellick says FTA candidates must support US foreign policy. *Inside U.S. Trade*, 16 May.

[1] "Social practice" here refers to stable and patterned forms of social activity. Peters (2003) provides a critical typology of competing views of practice and examines their differing politico-ethical implications.
[2] Rose illustrates this point with the example of the World Bank, whose funding for developing countries is conditional upon the reduction of public enterprises and an increased emphasis on the private sector.
[3] The US government has rejected calls from industry to negotiate a free trade agreement with New Zealand. Two reasons for this were New Zealand's independent stand on foreign policy issues such as refusing to allow US nuclear powered ships into its harbors and its refusal to support the Iraqi War. Robert Zoellick refers to these as "political and security impediments" (see *Inside US Trade*, 23 May 2003).
[4] See http://www.ipaustralia.gov.au/ retrieved 20 July 2005. See also InnovateED at http://www.innovated.gov.au/Innovated/html/i01.asp retrieved 21 July 2005.
[5] See IP Australia, Private Policy retrieved 12 June 2005 from http://www.ipaustralia.gov.au/about/site_privacy.shtml
[6] See *Australia – United States Free Trade Agreement: Advancing Australia's Economic Future*. Retrieved 25 June 2005, http://www.dfat.gov.au/trade/negotiations/us_fta/ausfta_brochure.pdf
[7] As "free" as one can be while functioning within the constraints of discursive positioning which frame social agency and efficacy.
[8] Linda Weiss, Elizabeth Thurbon, and John Mathews have local and international credibility as scholars of international relations, politics, foreign economic policy, and strategic management.
[9] See www.creativecommons.org.
[10] See http://www.publicknowledge.org/
[11] See http://www.pkp.ubc.ca/
[12] See http://www.eff.org/; http://www.efa.org.au/
[13] See http://www.ipjustice.org/
[14] The Australian government had two years to fulfill its obligations to the Agreement, and opportunity still exists through forthcoming legislation to moderate its projected impact.