UNIVERSITY OF DUNDEE – DIGITAL CITY - FOURTH 1-2

This is not the disappearance of your obsolescence … the cutting edge, and absolutely that things then get, often get redefined by the new niche but for themselves but I mean the point is that if somebody wants to be, you know at the centre of things, previously you had to be at, in the city to do that, you no longer have to be. That's the … of it. That does mean that the city in terms of these functions has become obsolescent, as a technology, the city is a technology of what? You know think in those terms, what is it that we, why do we have, what do we do with them? A city is a technology of defence, that's obsolescent, the city is a technology for finance, that's obsolescence, a city is a technology for shopping, well I can do that online, fact you know even though I had, you know recourse to a lot of shopping in New York City, its just an activity, so a lot of the functions of the city, they're very clearly traditional functions have been obsolesce.

But that doesn't lead to a kind of diffusion of people does it? I mean there used to be this kind of, this fantasy that we'd all become teleworkers out in the country.

Right.

We wouldn't need to live in cities anymore but, but actually there is still something else that is driving the spatial concentration of people, even in the United States, I mean not just in Mumbai or wherever.

Right.

The spatial concentration of people is still a kind of a driving force in the like of the earth and some of what you're saying, the logic of it would suggest it would go the other way but its not going the other way.

I'd say as well because I think there's something here about the relationship between the city and digital technologies in that, the management, the structure organisation of digital technology is, the infrastructure of the systems, the occurrence, the occurrence … doing to us and they have to be extended out into the countryside, there are lots of people that don't have these little broadband access etc, certainly our country, maybe different in the States. Maybe broader coverage of these such things but the kind of systems and management of that broadband kind of companies etc, probably much more substantiate in cities than they are in countryside's etc.

Well I agree that, you know in terms of business models you're going to go through the population centres, first, to some extent, other ways, again I mean my particular, you know understanding of the New York area, if for example New York city was, got cable television relatively late in the UK,

and you know they're the guys, what do you need it for, we have regular TV, you know which is fine and there's no need for cable TV, so cable television tended to begin with more isolated areas, but I think we're basically moving to, if you look at where's the technology moving, we're looking to the idea of broadband wireless that is accessible no matter where you go, you know just about, so and that you could have, you know complete, you know computer function, you know with, with very little equipment in any space whatsoever, so you know we are in a transitional moment but I'm, I'm not sure that you know just because things may even be going in the opposite direction in short term that in the long run its still not, we were still moving in a certain direction. So I think you're right, I mean there is, there are functions, perhaps that the city is still serving, and the question is you know what, are there alternatives that are developing that, to those functions? And then second of all are there things that happen, that, that will lead people to think well I'm actually better off, I, you know for example again, I mean after 9/11, you know businesses will return, have returned to Lower Manhattan, rebuild, whatever rebuild, whenever we'll build, its just, you know the controversy, there are new businesses coming there but not like before, I mean a lot of those businesses were already set up offices and in other parts, the metropolitan area, over in Jersey city for example and out of Long Island, spreading outward, and I think they're going to stay there, more of them are going to stay there and that kind of event, which you know they just happen, it does happen periodically, catastrophic events happen. Will leave people, I mean imagine if, I mean sooner or later going to have some kind of play, right, the concentrations in population will lead to, it'll be this bird flu or you know, birds seem to be threatening us, Western Isle or these other bird flu, right? Where are people going to want to live after that? You know, I mean you know I think that that its just a matter of time for certain events and if the technology is there to make that alternative viable, its not, I mean that, we're going to try to play with futurism, you know that would be, what I would expect?

Its not the, arising principally because of the emphasis that's given to technology, very much you expressed and that in effect I see technology as more serving rather than necessarily determining and there is an element of determinacy that's coming through, in relation to the idea that in some sense its obsolescent but you're saying that cities other functions, but I mean if we came to say the economic functions of a city, then that's being recast by new technologies, latest ground is perhaps going to directly argue against what you're saying for example that its all out view of world city, and world city and hypothesis is indeed a statement of how technologies have aided, have served the idea of cities reinventing themselves in a new special manifestation which has led then through to the emphasis on particular cities, so okay, it may be that some cities have probably developed in decline as a result of these technologies but it has reinvented a city in other cases, and that seems to me to emphasise the importance of these other processes, the economic for example, that your firms that are moving out to the outer edges of New York and New York, perhaps 9/11, that may well be because of economic reasons that rents are far cheaper at

the edge of a city that discovered there, there's some possibilities of making good communication within the metropolitan area. New technologies in the last 20 or 30 years have recast the way in which the office function is, so we're talking about back offices that might be located in Swindon and I don't know maybe in Bangalore or whatever, but head office functions are re-emphasising if anything, the city, because of the other purposes that the city faces. So I think that they, I would say, its more of a comment really that the argument is over emphasising modern technology, it serves.

Well you could say that, I would say that the spread, you know re-inventing the city is creating something different, and I think that as the sort of spreading out goes, that means that you actually want to open up areas that are not the city, within the city, you know this is going to change the very idea of what we mean by a city, but I will say that I, I think that I did not leave out the idea that there are economic factors and other factors matching technology does not confirm what we do, but I personally don't believe that we have free reign over, we are able to do whatever we want with technologies, you know they simply serve, I think that's the perspective that gets us into trouble every time, so not to recognise that you know in a sense, you know the technologies that we've shaped in turn feed back into us and shape us, whether we want them to or not, I mean I may decide never to take an airplane, but I live in a world with airplanes where again, I, that changes the very nature of disease for example, because I've just come here, carrying some new biological plague from New York that hasn't yet surfaced and you're all now infected. This is something that would not be possible without the airplane and its not a matter of serve or choice, its something, unintended consequences are always going to be there in future, they're just unavoidable. So.

I would like, I think we should move on, I mean I think that slowly moving to something. I mean unless there's an overwhelming need, you know we could all just say no, we want to continue this but I just, our original idea about this was that if we, discuss in the afternoon that I thought.

It sounds right.

Perhaps.

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So shall we begin in again?

Thanks first of all for the invitation and I'm always very glad, as Lawrence was mentioning I'm a lawyer and I'm always extremely glad to get out of the law school and be able to interact with people instead of lawyers, there'll be more jokes like that. Whenever I get out, I try to be as self-deprecating as possible right, and it helps I guess when you're a lawyer but one of the

disadvantages of this is that its very difficult to pitch a legal bid for, to an audience because I've found that when I've seen it before, you can, I end up sounding either condescending and to the audience or actually just being too technical and nobody understands a word you're saying, so I'm going to apologise in advance that I'm going to be very broad perhaps and I'll be happy to have any interruptions on specific questions that you understand, I'm not going to be very technical, so that's probably a relief. The other thing is that I'm also happy for you to interrupt me because maybe you have already noticed that I'm not Scottish and my accent, I know sometimes I maybe mispronounce some things that, I'm happy to repeat myself, I don't consider it an insult. Its starting here speaking Spanish, I think that I would expect the same. So that's fine. I'm going to be talking about speech as common space, this is very deceiving actually, and I'm going to be extremely deceiving here because probably you only see speech mentioned twice, space here, is going to be mentioned less in the city sense than in a more, trying to use a speech to create a common space and I will try to capture that, eventually. Probably the first thing that I'm going to do is try to establish speech as copyright words, now this is not a theory or anything, its just for the purpose of this paper, there is much more speech than is copyright, protected by copyright, quite a lot, but for the purpose of this, I think that I want to concentrate on that speech, which is protected by copyright, for the purpose just of this speech. Copyright is pretty much awarded to anything this original, any original work that fulfils certain characteristics, its, one of my favourite phrases explaining copyright is that copyright flows from the pen to the paper, or I guess now it flows from the fingers to the keyboard there, would be a more, more accurate description. And I think that this is more relevant when we are going to be talking about mostly online words or words in cyberspace which is what we try to concentrate on. The things on the left are what you would generally consider to be protected by copyright, and the things are on the right is what's not protected by copyright or either unprotected or protected by other types. Expression and idea, you cannot copyright an idea, if you have an idea of writing a novel about an English spy you cannot copyright that. And you have to convert it into an expression and to do that you have to start narrowing down what you're going to be talking about, so the English spy likes women and likes Martinis, shaken, not stirred and then dresses all very, very nice, likes fancy cars, and is called Jim Bond 006. Now we have here no form of expression and you can copyright that, of course it would probably infringe someone else's copyright, in the same line, you can copyright symbolic representations, saying that music, art, architectural designs, literary works and now computer programmes as well, all, everything that's functional is not protected by copyright, its going to be probably a patent or sign right, it if it has a function, something that we can use a camera to exemplify, I can patent the camera because it's a functional mechanism, I could copyright the video, its an original work and so I could copyright. In the same line you can copyright literal expressions, literal here not in the textual sense or in that, little expression, non-literal items such, for example as an idea or a reputation, you can actually have other types of protection, such as trademarks, trademark does not really protect the actual literal representation but the reputation, so this is what

mostly I'm talking about. When we are talking about copyright and speech in the sense that I'll try to build this into the common speech, its very important that, we generally get this traditional idea of who is the person writing the copy? Generally we have this idea or its presented to us in law and also in fact, that copyright is something that happens to other people because its authors, authors of course, are other people, in the traditional view of authorship like this its also the person writing all their life, the literal man sitting on a typewriter, now would be sitting on a computer, writing something and of course the fairytale of the simple mother, writing, striking, writing blockbuster novels in a café in Edinburgh, all these ideas is what we are generally presented under authorship and this creates a very distinct narrative that is not married with reality because we are presented first with the author, as the really important thing that copyright is involved with and then we're presented with the reality, the owner, and because in copyright and in copyright forms in general, we're presented or we are defending the author, we are defending the programme, we are defending the director, the musician, when actually the owners are the ones that have always taken this, it's the publishers, the software giants, and probably the Hollywood studios and the music industry, those are the people who actually own the copyright, but we're presented still, we're fighting to be music … something, we are presented with poor musicians that brought to us by the music industry, as the author, so there is a very interesting split here and this is the tradition of what's been growing in recent years with this split of between author and owner, because what we have, actually in the market nowadays, particularly in the copyright market is the long tail[?], the long tail is a very interesting idea, but most works are, the profitability of works is only very few works that aren't profitable and the rest of us have the long tail, of things that are, have no value or not very, lot of people are interested, but I don't know about you but I don't think anyone here approaches the levels of Jackie Robbins[?] and those of, that means all of us are here and Jackie Robbins of the world are going to be inhabiting the tail. This is also understood generally by, and described, in other matters like the Ferreto distributions, the 80/20 rule, 20% of all works that, 20% of all people do eighty percent of all the work, things like that. This is actually expressed by the idea of a long tail, we have this in the market at the moment. This is the traditional way, the proprietary way of doing this. This is how the market works, but I believe that this has become a cliché that the internet has changed everything, it has become such a cliché that I tend to tell my students never to begin their essays with that, the idea if I read that very, as the opening sentence in another study essay I'm going to scream its because its prevalent, and its there, we keep hearing all of this in journalistic articles, we hear it everywhere, probably because it is very true and its particularly true in the area of authorship and ownership, it has brought the long tail. Authorship was something that happened to other people, now authorship is something that happens, why? Well first of all I think its something that is very interesting, and interesting. The internet I think has changed the relationship between us and information. I have this, this nice definition of information from computer scientist, Michael Matronian[?] who I understand is also a Jesuit Priest, make that what you may but that, if you permit me to read it, it is a product of human thought

and not being self … information's changing, growing, combining and creating authors. Work never … and original from a single human life, there are always sequences, the language, the characters, the themes and the structure all have their predecessors and in, you remember what I was saying about copyright, copyright protects very importantly originality and you probably have heard of the case now from the, Dan Browne the Da Vinci Code, that his ideas came from someone else, it is common, I don't know of anyone who had a very, very original idea, and we do have original ideas from time to time but they tend to be sometimes informed by some other people. This has been brought more by the internet, its also the growing understanding that we can map the move of information through spiders and I know that … so I, but never too sure what the thing means, but I think that there is something about thinking of information as organic in some ways, because we can actually see it online, when we follow the trail of the internet, with spiders for example, which isn't a very nice organic term. We see that there is some sort of viral thing happening, it almost replicates itself, information replicates, its something that even if you don't think of information in means, means. I think that there is a new sharing ethic on that, its not entirely new that people use to share but I think it has to lead, where people like … the current information is going to be the currency of cyberspace. Its almost like sharing cookie recipes online, that's also, cookie monster industry. People share things all the time, share information, we all do to get that cookie monster, take a picture of the cookie monster, Google search. People re-use, recut, reform and republish online, you take something and you make some changes. This is something that is actually prevalent in hacker culture. Hacker is a very misunderstood term, hacker is actually someone who is very good at computer and its generally a self-given title but also social title, if you're a hacker, you're going to be recognised as a hacker by your peers. Hackers actually have very interesting ideas about information, this comes from the hacker dictionary, which is anonymous, its anonymous work about hackers sharing their own ideas, information increases in value by sharing it with other people, it can be a basis for someone else's learning software, can be improved collective. Information wants to be free is another hacker maxim, you'll probably have heard this from people like John Terry …[?] but it is a hacker concept. Then we are presented because this started as a hacker movement, it had very fertile ground in the software development, so we are presented with two very different ways of producing software. We the proprietor software, you cannot change software, you cannot make changes to it, you are presented with sealed bits of information as is the piece for example with Mydos[?]. I cannot make any changes with this if I want. That means closed source. I can't have any access to the source, this is also present with other types of software, even if they are given to you free, as is the case with things like Freeware, like Shareware, they are given to you free but you cannot change them, so they are actually proprietors of them. Then we have the non-proprietors of, where some of the most interesting ideas have been growing. Things like the polytimain[?] you can release something into the polytimain, that means that its not protected by copyright. Also you can release them using something called Copylet. I'll try and explain that later. Ongoing the movements, like the

free software, I don't know if its all software, I'm pretty sure. When you're presented with this movement from, what I generally call the whole eternity of software, have of course the guy with, that's actually a laptop but it looks like a … that's Richard Storeman of course, and then the guy that dressed like a Jedi, that's Eric Freeman, he is, this is at present a kind of protest outside of Microsoft, I don't know why he dressed like a Jedi other than I think he was expressing that Microsoft was illegal empire and he was of course against it, and the guy he is Lennox Stovolt[?], who pretty much created it Lennox operating system, but actually was a Lennox .. but that big rise to the operating system. These three guys have been, you could say guilty for bringing all this sharing ethic and hackered ethics of sharing more into the forefront and have been very influential online. Derek Raymond's, very nice, I think its, he thinks of software development as the cathedral and the bazaar, proprietary software he thinks that it works more like a building a cathedral. Why? Because you have someone like Microsoft that has a very strict project, management and the managers tell the software engineers exactly how they should build the software and it should look like this and we are going to have this and this and this and so forth, so its more like a cathedral, as open sores, works more like a bazaar, its is chaotic, I think a bazaar is a nice word to describe, because there is no central authority, there are some people who are leaders of the movement but the software is created and operated, shared almost with promiscuous abandon, people share software all the time, the resource of. Now these has created some problems however, and this is where copy … comes. When you are sharing, when you are making things available, you create something, you are a programmer, you create something, you can offer to the public online, almost all software is available online. Someone can come under the terms of the licences, under which this software is released, they can make changes, they can modify some, and the whole idea is that those modifications are going to be improvements that can be shared back to the community, so the community benefits etc, etc, that's the idea, the idea is people create, people share, somebody else, one buys it and then to share it. The problem is in reality something different started to happen, and it was that people started creating software and fair enough companies came and said oh this is great, we have a lot of free software lying around, that we can just use, we'll keep it a bit, we'll put it in our programmes and we'll sell it, we'll close it and we'll sell it to other people, now that's what prompted the creation of a concept of copylet. Now copylet uses copyright, in order to protect the software, you can do all of this but the important part is when you must buy this under a licence, you are forbidden to, for example close it, you can under some licences, you can share it. Now under copylet you have to continue sharing all of your modifications, so the community will continue to battle, that is the entire concept, now this is a legal concept actually. It is a very specific clause in the licence under which open source is created. It is a philosophical concept but its also a clause, its law. You may be asking well this started the software, does it have application in speech? Well of course software engineers will consider software to be speech as well. I tend to agree. What we are thinking about here is actually the creation of conservation areas, not in the sense of the Yellow Stone National Park but more in a

privately owned conservation area, that's why I put this segment, that's from my native Costa Rican, we have concept, we have national parks, which are publicly owned, but actually in an interesting way, we have private, I think its probably the same in the UK, I haven't really thought about that, and we have privately owned areas that people will turn into a conservation area, so they will be shared, you can go and visit, it is still conservation, for the good of everyone, but it is still owned by them. To apply this to speech would be you have things that are protected by copyright but are going to be accessible by everyone else. So we are creating if you may a digital conservation space, where are increasingly having a number of works, a number of copyright protected works, speech, that is protected by copy, a copyright, but that is shared to the world, Wikipedia is an example whatever you think of Wikipedia, whatever you think of Wikipedia and some people think its great, when I show it to my mother she was just starting to learn the internet, back in December, and she thought it was the best thing that she had ever seen because well of course it was available in Spanish as well but she, how do those people make money? Why are these people just writing stuff there? What is the incentive? And this is the thing, we're at the nexus of why the internet must change so many things. Before copyright was something that happened to other people, now copyright is something that happens to all of us, if you are blogging, if you are participating and you're creating learning materials and putting them online, you are now part of the authors, its no longer the ratified musicians and now it happens to you as well, it can happen to you. We're creating this sort of digital conservation place, this is where creative comes, sometimes will be, I'm saying we, its not really a movement, its not really a religion, as you can probably tell I'm very much, enthusiastic about the creative comments, I think it's a very, but we are often called creative … its such a nice language. Because here, essentially and an understanding coming back to the property, the traditional property analogy and it is a use of private owned space, but its available for everyone for cultivation which is sort of what comes once, about. When we're talking about where it comes, we're talking about a spectrum of rights, you'll have the public domain in one hand, you have copyright, full copyright on the other, where you have all rights reserved and you have space in the middle of some rights reserved, with all reserved, copyright its full extent you have all forms of copyright at your disposal, with creative comments you allow people to do some things with your work. Generally you allow them to use to publish, to cut and paste and mix and remix and rematch if you want. All those symbols are what creative comments is all about. The licences are very straightforward actually for legal ease, for legal concepts, you must attribute the work, if you are going to, for example I write an article and I publish it on the … you must attribute me as the author, that's why attribution now is assumed, you have to attribute me all the time and you can use different options, that means you can choose that nobody is going to use your work for commercial purposes or you can say that, you can choose between those two as well, no derivative words means, lets say I write an article, I'm very proud of the article, I don't want anyone to make any changes to it, so I can actually specify this in the licence, I say okay you're very, I'm very happy for you to re-use this, re-publish it, print it, make photocopies of it, do

whatever you want but don't change it, or you can specific a share alike, which is a copylet … of licence but share alike means that you can make changes, I'm going to allow you to make changes to the work but if you're going to make changes you have to make those changes available under the same licence, under where it comes and this creates a chain and replicates in this, which one. The licences then, because of all those options and you cannot choose all of the options, are going to look something like this, attribution and division or commercial divisions, non-commercial, share alike and non-commercial, the separation now, as existing over the licence, how does this happen in real life? There is a website where you go and creative comments, answering some very simple questions, you can obtain a licence right away and that can you put on your website, I think that's one of the reasons why this is such an interesting phenomenon for, for the digital era. In the end you get three licences, one is the so-called readable common speak[?], which is a very easy to read thing that you can put on your website that explains the terms of the licensing very understandable language, the other one is what they call non-readable code because of course we know that there is so much in it, and this is the full terms of the licence and we have actually a very interesting part which is you can get some code and you can put on your webpage and that is going to tell the browser and the machine that you are using a creative comments licence and that can be searched by Google. What does this all amount to? Its very interesting that we have now licences, well in my view of looking at information from a global perspective, I believe that traditionally the way information flows, particularly very high technology information, we see a North, South flow generally, I know this is not very accurate because flowing either productions from the South to the North etc, but generally or traditionally we see more information being shared from the North to the South in different ways they get as piracy, they get as commercial transfers, or take it as sheer invitation, if you go to market in Kuscov, you're going to see pirated DVDs, you're going to see people imitating Western styles, etc, etc, the idea is that things like creative comments, things like open source, like free software can create a space or common space where those technology flows or those information flows have no importance, where it doesn't matter if you are in the South or in the North and you will be able to have the exact same information as someone who is in a developed country, I mean I have heard that this map is very popular with Australians, it is then however, quite clear that this is still very unequal map because what I'm talking about her is mostly the digital space, and I am very aware that this is an … and what I'm talking of this common space, still pretty much a developed or even reached areas of developed countries, for example this is the amount of kit that the BBC gets from around the world, you can probably see that its, it's a good accurate map I think of what, where the information in the North is being accessed from, but also I've noticed it is an accurate map and spread so where the main hubs, the main computer hubs are located in the world, when you map this with things like computer access it actually is very, very accurate, so we can create a common space, it isn't very possible and I am here going to be, you're talking very optimistic, I have, I tend to be a very optimistic person but we have to take into consideration that this is very, still an

extremely common space and making more dots available in, where there are no dots, its also eventually part of … thank you.

APPLAUSE

So saying, I was going to be very broad.

You might have to sue yourself unattributed image of matrix.

Oh yes, yes, forgive me, the … Brothers, I ought to acknowledge they own the copyright, yes, I always say that I, that I'm the prime infringer, all those images are, I think with two exceptions are all infringing.

And without paying you to be here.

Exactly, well that no longer has any bearing, even if its infringement for non-commercial purposes and still, supposedly.

Just to explain, we've got, well a PhD student is just about to start with us, but she's looking at the notion of copyright without the visual disciplines and she actually created something called Net Art Generator, where you type in keywords and a landscape or building and you'll go and search all the images on the web and then collage and create a new image that you have sort of ownership of.

Yes.

But obviously its pinching all, from everybody else, so she's going to be investigating this notion of copyright and what constitutes copyright.

Yes, that's applied to the visual arts.

Yes.

That's very interesting, I guess it would make for a great case study in originality of what constitutes originality. I think that's precisely, in my view, where all copyright or most copyright litigation comes, trying to determine this glory line or originality or trying to find what originality really is, which is key concept. I guess probably in that instance it would have its own copyright, the new generated image but you don't know, I would have to have those things.

Good luck.

Yes.

I just wanted to ask the, something in relation to, your interesting talk, where you say overfit[?] is something that happens to all of us, just maybe a few reflections about what is it? I mean how do you see, is this thinking about the sort of dimutive notion or which … such as an idea or exactly the

opposite is happening and then your notion will alter and ownership is actually enforced by the fact that everybody can come … and I'll tell you a little bit about what I personally say, would say.

Yes.

That's its obviously very complex, I do think in terms of you know to use Benjamin's terminology, the owner of the authorship is pretty much alive and maybe we could, really we should try and distinguish between the different functions of authorship which we … as very much authorship as before but say most cases where we are given actually the illusion of being owners, so what is it exactly that we are doing, whereas we are just performing that function of following somebody else's actually programmes and intentions online, that the situation is pretty much complex, I'm just wondering whether it would, where we stand.

Yes, when I, I tend to, I should have precisely there, I think that the idea of the dilution of authorship or looking at authorship as an instrument of copyright policy is obviously, its not my idea, here I am using information in the stricter sense, and may authors have been doing this. Rosemary Coombe, Martha Woodmansey have been talking about this, that there is, when I'm talking about authorship, its precisely, I'm thinking of this idealised version of the author as opposed to the reality, the reality is, I guess we're sold this, the authors and other people and this is exemplified perhaps by, I've been discussing some of these issues, sometimes I foolishly get invited to industry meetings or places where people from industry are and their idea of authorship is precisely this idealised person, whenever they talk about copyright, they talk as almost they are the only ones that are legitimised to talk about authorship and copyright because they are the real authors and the real copyright owners, I have this musician, it was a poster saying well you know you don't live from your copyright do you? What gives you the right to come and talk about copyright in those terms? I said well, wait a second, I do live for copyright as well, I am an author, I, well true enough I don't get paid for what I write, I make a living, God forbid I would get paid, but you know I am because I have a salary, I have a job, if I don't publish, I don't, I get fired, so in a way I am an author and I, we've got copyright, when I generally talk about authorship then, its in those terms, the idealised author with capitalisation, which is precisely why we're so, if you're a blogger you're not really in those capitalised terms, you know you're a hobbyist, its another term that they have, its very interesting, they actually have those terms and they call you a hobbyist, if you're someone else, you don't belong to this idea of non-industry or whatever, they actually call those hobbyist, yes, by, I tend to disagree completely and this is why I'm saying that people are starting to understand with the internet that authorship is more than that, we are authors as well, capitalised or not, we are, we are creating more, not only that we're publishing them, we're sharing them, we're all publishers, we have, an author technical knowledge, you can publish it yourself. Yes, I don't know if.

We can raise another issue of its impossible to own knowledge and to own ideas and to actually label the best positions to, and in fact there's a case for human rights, so human rights initially was formulated in terms of ownership with property, physical, attributable.

Yes.

Its physical things. There'll be this whole sort of other life now between, we talk about ideas and so on, and you know call that into question, almost look at that in a sense.

I completely agree, that is something that, lets say the, those people who are sort of slight, copyright, and I would consider my copyright lawyer whose very, very sceptical about the traditional ways in which we're sold copyright law or the hyper enforcement of copyright that takes place in the industry. Precisely the idea of copyright is, or the ideas is one where you can equate it to physical property, this is mine and you cannot touch it, all these things that we see on DVDs, you know piracy is stealing, it drives me up the wall, first because they are equating something that is physical, tangible, to stealing an idea which is completely untrue to begin with, its completely different if I, for example there are none, I forget the word, there are none opposable, if I steal your, if I steal a CD from you, you cannot use that CD, you cannot get that back, if I'm stealing an idea, you can still use the idea, you see there is a very, very sharp distinction between two objects but still the whole point is that we're presented this concept that we have to equate physical property with, with intellectual property which is completely not good.

I really liked your talk, you know it obviously coincides with you know the idea that the internet changes everything and of course changes our understanding of copyright and authorship and I just wanted to extend that a bit because you wrote, you started out with the traditional, traditional concept of authorship and you mentioned originality but its only traditional in a narrow spectrum of history and actually in, you know from a media, ecology point of view, its quite fascinating to look at where authorship came from, if you go back to the oral culture, there is obviously a concept of authorship because there's no writing, how can there be authorship, we sort of looking backwards we keep trying to fit things into a literate model, so we often refer to those types of things as anonymous, you know that by anonymous world of songs, you know but in fact they belong to the whole culture and the idea of authorship as it exists, is actually the idea of performance, so whenever someone performs a song that's their creation, that's their proposition and 10 different people perform the same song, each one owns there, or you know is attached to their performance, that's the only conception possible. When writing's introduced a lot of stuff isn't, people don't necessarily sign it, why would you you're just writing for your own purposes or on account of somebody else as a kind of job that you're doing. The few instances that a name gets attached I think has to do with schooling, so you get Playdough and you know he perhaps writes some stuff out and then shares with the students who also make copies and

along the way other people are making copies, the problem with that whole situation is that a lot of times, much of the time no two copies are quite the same, even if the exact words are the same, its like your students taking notes, God knows what they're writing down, and you know then God knows that they do with that, those notes, mostly nothing but you know you see some of your phrases, perhaps coming back to you on papers, unattributed, that's, you know exactly the process that occurs for centuries upon centuries and I forgot who it was, I think it was some priest or nun who had written in the Middle Ages that there were four ways to author a book and one way is just copy completely someone else's work, another way is to copy it with some slight changes, you know another way is to copy it with some of your own material added, another way is to write something that's mostly, that's somewhat original with other people's work incorporated into your own, those are the four ways to author the work. The obvious missing one is to write something completely original, that and it was during the Middle Ages was considered a good thing to copy other people's work, because it was, you know helping to disseminate ideas, there was no idea of ownership or copyright until the printing press, the printing press is invented, there's suddenly an economic incentive for ownership and copyright laws response to that is basically printers who are pissed off because other printers are pirating their work, but they pushed for it and I believe its in the UK that the first copyright laws surfaced, you know as a response to this new technology and what people were doing with it, you know there was, before printing there was no economics to creating a book, no real pay off but with it, I mean along with that came publicity, like nobody really heard of Play, very few people knew about Play or never saw that before, printed, and just very small pockets of school that, who are aware of them, they've suddenly become large cultural figures after, after printing disseminates information all about them, and so for the author as well becomes a point of pride more than money to have their name attached to the work, and we get the cult of originality out of that which leads certain poets to commit suicide over this but there never was any originality to begin with, it is a by-product of printing and once printing has been superseded by electronic media, you actually get a return, called a retrieval of scribal characteristics, of easy copying, even easy changing of tax, we even use the word scroll to talk about electronic tax, a lot of the medieval characteristics return to us.

Just, I completely agree with that, I sometimes, I joke with friends that we should make a complete requirement for copyright judges because something else, when you are dealing with originality sometimes you are entering, almost this similar argument of what, not what is real but what was a copy, and for example, what would happen if I took a picture of that picture of any of these pictures around here, I guess probably some of them would be, you know in the public domain now or not having copyright, probably if I was scanning, you know if I was taking a picture, they may or may not think that I was being original, and I may be able to claim that as my original work, now if I was scanning the picture that I took, is there enough originality to warrant that I can own the copyright over the scan of the picture? It gets like that, it comes extremely surreal.

I think that was, was it in the 80s about sharing large artworks … went into museums, galleries and photographs, which she then signed as her own and published.

Yes, yes.

And so she raised those questions.

I'd like to put some of your thesis together with some of, some of Nancy's and it goes something like this. The different forms of, from full copyright to the different forms of licensing and open with the creative comments licensing, seems to me to be about different acts, different degrees of access to material, okay, to culture material, could be written, could be, so that there's some material which is copyrighted, its very difficult to use and there's other material which is completely unlicensed and it's a free for all and there's other material which has different kind of licenses which impose certain constraints on how to use it and what it seems to me that that's doing is shifting the possibilities for thinking about and imagining this city, okay, I mean if, I mean I don't know how you would ever like be able to chart those differences but obviously if every single image of the city that's been produced was freely available for, to me to, or to whoever, to re-use in my own kind of narrative building about cities and city life and city culture and social formations that cities support and what not, if every image was available to me for that narrative project, I would probably have a different narrative than if that body of images and text and what not were highly restricted or restricted in different ways and so what's happened is you know there's a big bag of images, containers as it were, visual and oral and written images and there are only certain accesses to that bag, certain images squeeze out and certain ones don't, and it absolutely changes the, the ways I can, I can represent the, urban life in different forms of narrative and the way it kind of makes, I mean I was thinking of, with, I mean that's a kind of general question I think, a general way but I could have said that about anything, not just cities but I think it has some bearing okay, on this point about obsolescence versus decline and what not, that Lance was talking about, because I don't think, I don't think its precisely you know, I don't think we're precisely talking about, oh I think we have to define what we mean by obsolescence or decline, because I mean you know goodness and they weren't really in all fairness, and I think it was a great day, but I don't think he really did define what obsolescence and decline mean, I mean obviously on some level you know as, if the city is just a fine, you know points of higher concentration of people, there's always going to be cities unless population is completely evenly spread throughout the world, okay that would probably be the end of the city, as long as there's kind of uneven density, then there's a kind of degree zero, a verdict, okay, but so the real point that I think as well like how do we make sense of these concentrations and if there is something that's

becoming obsolescent, right, its not so much that like or may include things like the fact that maybe the coastal system breaks down, and thinking about being a Roman Empire or something or, or you know, crime demographics change, so streets are used as much, it may include that but I think what's more important in terms of this idea of obsolescence is that, that how we understand the city, the city which is the same city, I mean New York hasn't really changed very much in a 100 years, it's the same damn city basically, you know it is really, I mean some of the coffee shops have changed, a couple of building have changed but it's the same city really, but what has changed are the narratives of that, that change how we understand that thing and if there's obsolescence I think it would be that you know the, the sort of, the way we understand this thing are, there's a sea change in how our understanding, okay, if there's obsolescence in the city of the city it would be that, that there's a kind of, it isn't just fluctuations in how we understand the city but absolute sea change, so you know we no longer, although in fact we still live here, you know it keeps the rain off and a degree zero of living, you know we no longer perhaps now say this is true but, but there's trying, sort of sea change means that maybe we no longer see the city as the main mechanism by which we congregate anymore, I don't think that's true but lets say we all decide well the significant forms of congregation is now the internet, not the city, that to me would be an example of obsolescence, that has nothing to do with whether or not there's still piazzas and urban spaces in cities to congregate but it has everything to do with how we conceive of the city, how we understand it and that seems to me to be where the whole question of access to information comes in because you know the answer to, you know the tools by which I make the narratives of the city is exactly the issue of how I understand the city.

I'm just wondering if we could.

And just to say as an architect, I mean you can write anything you want about a city and make another narrative but, but as architects you know we use images, every time we do a building, you know I don't care what you say or who your client is, fundamentally it's a statement about how we imagine the city to be, okay it's a proposition.

Would irrelevance as a word serve? Because sometimes, perhaps I'm thinking of irrelevance from perhaps a legal perspective and I'll apologise for this. I think that growingly there may be a certain irrelevance of the city from a digital perspective, to give an example whenever I go back home I am connected to the internet through virtual private network that for all the internet purposes, for the purpose of this space, that we call cyber space, I am in Edinburgh, I'm sitting down in Costa Rica in shorts and T-shirt and enjoying the nice weather but I'm actually virtually for the internet in Edinburgh. Legally I am, so if I do something like download music or share music online God forbid, I could actually, even though I'm sitting in Costa Rica, because I'm virtually in Edinburgh I would be liable in the UK, so just

the fact that I'm in a city in Costa Rica is irrelevant and I think it could be for, for legal purposes at least, perhaps I'm being.

Yes.

Unimaginative lawyer here but.

So you're saying you'd be prosecuted.

Yes.

Under Scottish law.

That's what's real.

Because your server is in Edinburgh.

Because I am, I am connected to the internet through a server that is, actually for all purposes I am actually physically in Edinburgh, it doesn't make a difference if I am there. It may make a difference that the Police would have to go to Costa Rica to get me. That's increasingly easy now, long arm jurisdiction exercised by some countries and.

That's an interesting tale because I don't actually think that that sort of diminishes the idea of Edinburgh as a location, as a place in a way it sort of elevates it and makes it more poignant, even though, even when you're in Costa Rica, you're in Edinburgh.

Yes, yes.

I mean it might be.

Ah right.

I mean shifting things because it probably, what it means is, I think that, that somehow the, the.

What if everyone's is Costa Rica and no-one's in Edinburgh? But then you have a virtual city and.

Yes. Interestingly growing numbers of people are, if you're gambling online, 90% of all gambling websites are in Costa Rica, we have, particularly nice tax break and you know for legal reasons, for tax reasons as well but for legal reasons, online gambling is legal in Costa Rica so yes, a growing number of citizens of the world are going to find themselves at night playing poker or doing whatever online.

To let that, with all due respect, Lorens brought about the vitality of the city and the lack of celestas of New York go without re-emphasising Asimov and you very wisely I think, brought up J G Ballard, because Ballard in, if

you take Supercan which is his last novel, really reiterates in narrative form, the disintegration of the city, which is actually a coastal, Cote d'Azur, centred on but not centred on Cannes but also globally and fragmented and corrupted in a sense, so Ballard is.

You've, this is going to come as slant to your main talk but we've got a legal example, you know Scottish law would prosecute you if you did something wrong in Costa Rica, and the internet changes everything and I've been trying to get my head round what the internet changes about the law, how does the internet change legal knowledge. Right, and there are some interesting parallels here in the sense that what I've just said to myself in my head that you know jurisdiction is to law what copyright is to knowledge, and the law seems to require discrete spaces, right so I'm still hanging on to the idea about you know while we are concentrating, congregating in cities when we have these technologies that would make it possible not to do that but the law seems to have something to do with that as well, I mean Lance's talk was a lot about, issues about how things get regulated in cities but the law didn't come up then but you seem, you know you are a lawyer and you can kind of introduce that into it, I don't sense that the internet has changed a lot about the operation of the law, right, and the law is still sending, it's a very powerful form of regulation, and yet the law still seems to require discrete spaces.

I see that but I think it does depend on perhaps the, where countries are going to be more willing to exercise that space or not, I think, in my, its child pornography or its some, something related to terrorism or hacking into, into a server as you will be prosecuted, certain.

Ethan Catch, who is Professor of Legal Studies at University of Massachusetts has written a couple of books on how electronic media changed the practice of law, you know things like Lexus, Nexus and really altered the motion of precedent in law, so I wouldn't presume to represent his stuff, nor would I care to, but I know the first book was electronic, electronic media and the transformation of law. He's definitely somebody who took McLuhan and applied it to legal studies and the second book has the word digital in it but its KA, I think KATSH or SCH.

TSCH I think, yes.

He's originally from New York.

Yes, this is really interesting because I do have my own opinions on how, how the law has been affected, I tend to, to be honest I think the case of the, the law has been completely changed by the, by the internet, I think some things have been overemphasised, but at the same time I think it was misunderstood, we are now, I think as what happens with a lot of things, the case gets overemphasised on, when the new technology arrives, oh gosh the internet has arrived, what are we going to do, we have regulated, then you regulate it, which has happened between 1997 and 2000, you over

regulate it, often and then you realise that what you regulated about was something that doesn't really exist and your legislation is not adequate so you have to really change the, first wave of regulation that we had, I have examples, take spam, we have been trying to regulate spam since 1997, unsuccessfully I don't think anyone receives less spam now if any by technical means we are but not because, but I think as well that the case is, is now, now that we've had the swing that oh no, you know its just another technology, we have to get on with it, has, its actually not been overstated, I think that the internet has changed a lot of things, particularly aspects like copyright, I would say this is an area that I would, its quite strongly that it has been changed, I think possibly some forms of cyber crimes that didn't exist for example are always.

Yes, it wasn't, it was an issue that you then tried in Edinburgh.

Oh no.

Because the place of the trial, see that was truly cyber crime.

Yes.

All sorts of things like that one understands how the internet has created new forms of crime and created new forms of chasing criminals and prosecuting but the trial, right, we seem to be a long way from the idea of a virtual trial. The trial that takes place in cyber space and I mean even potentially comes into this because I think if I set my mind to it, I could make a case for the court room as a significant building alongside the kind of clock tower as something symbolic of the order that prevails in a particular city and we could do virtual trials.

Yes, completely.

I mean we have video links to trials but yet the concept of a virtual trial I think would still seem deeply alien to people because its not a physical place.

Yes, no I completely agree, only with the exception that I believe I could, if the crime was heinous enough or the UK felt strongly about Scottish courts I think, there's also an extradition agree I could, happens all the time with hackers for example, they get arrested in their countries of origin, the Philippines, whatever and sometimes they get extradited. In the case of a Russian hacker, he wasn't extradited from Russia because I think for some reason there is not extradition agreement for that type of crime, but he went for, to a conference and the second he landed, he was arrested, there was this big uproar online over these hackers were having this cyber campaign of free … etc etc and he was, he was arrested for copyright … because he had broken the protection of a PDF book for example. So you're right but I think for something like, to give example, not music downloads but if I was downloading child pornography, I think many countries would extradite and I would be tried.

Yes, should we break for lunch because sitting directly?

That's why you've paid so much interest.

Then you can, yes, I'm going to throw you to the hands out, I mean we can obviously come back to this unless everyone wants to, you know. Lets have a. I mean we sort of, if people want to run off and finish doing their break and just, obviously just meet back in an hour which will be at quarter to three.

END OF INTERVIEW