



WHAT IS ALTA-PI?¹

The working group **Alta-PI** (Alternatives to Intellectual Property) was launched after contemplating several globally unsolved puzzles related to creativity, recognition, and indigeneity. How should creativity be recognized? How should communities or collectivities receive recognition as creators and/or custodians of knowledge and culture? In response to these questions, many people in the world have turned to internationally recognized intellectual property rights and/or intangible heritage protections.

These international frameworks of intellectual property and intangible heritage, however, have limits:

- Adequate forms of recognition do not exist for cases of collective creativity.
- Global instruments that structure intellectual property regulations favor the global North and those who can afford to defend themselves through legal channels.
- The durations of intellectual property protections have been extended to the degree that very few materials seem to pass easily to the public domain.
- In some cases, indigenous peoples are concerned about expressions they believe do not belong under intellectual property regimes.

¹ This brochure was prepared first in the Spanish language and for dissemination activities within Bolivia. It reflects many initial ideas of the organizing team, as well as summarized main points that emerged from the workshop, "Rethinking Creativity, Recognition, and Indigeneity," (Coroico and La Paz, Bolivia, July 2012).

- When the management of seeds and other forms of knowledge about life fall under rubrics of intellectual property, food sovereignty and other areas of collective well being can be put at risk.

Those who initiated this project suggested that Bolivian civil society, with its indigenous majority and contemporary processes of transformation, could provide unique perspectives about how to untie these knots that seem to tie up all culture under rubrics of **property**.

With this principal challenge in mind, and with the hope that innovative proposals might emerge from Bolivian civil society, Alta-PI began its activities by providing information, presenting comparative cases from other parts of the world, and generating conversations. Related materials and documents can be accessed at <http://alta-pi.blogspot.com>) and (<http://www.rhul.ac.uk/boliviamusicip/home.aspx>).

WHAT ARE THE CONCERNS IN BOLIVIA ABOUT INTELLECTUAL PROPERTY AND HERITAGE SYSTEMS?

- Heritage fever is causing conflicts among Bolivians and also between Bolivians and citizens of neighboring countries. These processes of heritagization do not necessarily reflect actual state policies on the matter, but rather how people perceive these issues. Within these perceptions, many people are **mistaking “heritage” for “property.”**
- The very language of heritage, in its Spanish terminology (**patrimonio**), **reinforces patriarchy.**
- The present organization of author’s rights is not working well for the majority of Bolivians. Under international intellectual property protections, **Bolivian artists are disadvantaged** next to international artists. On the other hand, there seems to be **no balance** between author’s rights and user’s rights, and little hope of reaching one, given globally structured inequalities.
- Current author’s rights legislation **lacks a way of recognizing collective and/or indigenous creations** and few if any conversations seem to bring a critical perspective to the question of whether or not intellectual property regimes fit these cases at all. Indigenous peoples often have other more pressing concerns about **control, recognition, and survival** of their own cultures, and these interests are

not always served well by intellectual property regimes, particularly given the fact that within these frameworks, everything eventually moves into the public domain.

- Indigenous expressions are often used within general creative processes without consideration for what this might mean for indigenous peoples, and also without even thinking about having a dialogue with these communities. Creators need to develop a consciousness about these issues in a way that would **show more respect** for indigenous peoples and that would seek in the creative process **alternative forms of recognition**.
- The push towards stricter intellectual property protections proceeds without any recognition of **the problems of unequal access**. Who does not have at home a “pirate” copy of a book, recording, or computer program? Education in Bolivia would not work without piracy. Piracy, in many cases, is a response to the problem of access.
- **The institutions** that administer policies in these areas (Ministry of Cultures, SENAPI—National Service of Intellectual Property, SOBODAYCOM—Bolivian Society of Authors and Composers, UNESCO Intangible Heritage of Humanity, WIPO World Intellectual Property Organization, among others) because of their institutionalized forms, and not because of any single individual, tend to parse culture, marginalize and nationalize indigenous issues, and implement international regulations that, in addition to functioning according to a different reality, are sometimes structured to the disadvantage of Bolivians.

WHAT ARE ALTERNATIVE WAYS OF APPROACHING THESE ISSUES?

These problems **do not have single solutions**, but rather require many locally relevant conversations that take into account differing and sometimes contradicting perspectives. **Some responses to these puzzles may be found outside any legal framework**. In the interest of promoting many conversations, Alta-PI generally does not push a single proposal, but rather shares questions, concerns, and comparative cases:

- While everyone talks about “author’s rights” what happens with **users’ rights**? In other parts of the world, intellectual property regimes have sought a balance between these two groups, recognizing both as important elements for the promotion of creative processes. Many people in these other parts of the world also show concern for the future of creativity, precisely because the scales are tipping more and more heavily towards author’s rights. Given the inequalities between the

global North and the global South, can any such balance be achieved on a global scale? (For more discussions on this topic see the CopySouth Dossier: <http://copysouth.org/portal/>).

- Copyleft, and Creative Commons represent two alternatives to copyright snafus. **Copyleft** provides a license that works against the principles of copyright and allows the reproduction and distribution of works under the condition that they remain open for future use. “Copyright” sets up prohibitions, while “copyleft” insures permitted use. The word “left” can refer to a political left, but it also can refer to “authorize,” “offer,” or “allow.” **Creative Commons**, a non-profit organization, proposes legal instruments that work not against, but alongside copyright, and allow creators to exercise their rights in determining the degree of freedom others will have when using their works. While Creative Commons began in the U.S., similar initiatives exist in Brazil, Argentina, (<http://www.bienescomunes.org>), and other countries of the world ([http://wiki.creativecommons.org/CC Affiliate Network](http://wiki.creativecommons.org/CC_Affiliate_Network)).
- To avoid reproducing patriarchy, how can alternative languages be engaged to avoid terms like “**patrimonio**,” which in English is “heritage”? Would the Spanish term “**herencia cultural**” (cultural inheritance) be more appropriate to the task?
- How can the treatment of these issues take into consideration not only artists and those in the culture industries, but also **those who create and maintain collectively** expressions and knowledges?
- At what moments should the **rights of indigenous peoples** and the corresponding declarations of the United Nations, be invoked instead of author’s or user’s rights? Conversations are needed about those cases for which **no kind of intellectual property fits**. When a group’s interests are not served well by intellectual property rights or heritage programs, **protocols** may provide options. Protocols prescribe modes of conduct and put emphasis on forms of intercultural encounters. People follow protocols not because the law requires them to do so, but rather because of social pressure. Protocols emerge from the norms of specific communities, and sometimes have links to global networks that take social justice into account. However, they always need to be designed, articulated, and understood within a specific context; they depend on conversations, not on the lawyers that cost David a lot and Goliath relatively little. Indigenous groups are not the only ones who use protocols; the internet itself functions through a set of protocols (for more details on indigenous culture and intellectual property see <http://web.law.duke.edu/cspd/itkpaper>).