

Sarai.txt^{1.2}

This Copy is Yours

Pronunciation: 'kāpee

[A]bstract out of, act like, act out, adopt, affect, alternate, **ape**, appear like, approach, appropriate, **approximate**, arrange, autograph, [B]lack number, backup, **be like**, be redolent of, **bear resemblance**, beat, block print, **blueprint**, borrow, bring to mind, buy, [C]all to mind, call up, **carbon copy**, caricaturise, chalk out, change, chart, chorus, **clone**, collage, collect, colour, come again, come close, come near, companion (be/create a), compare with, compose, copy out, correspond, **counterfeit**, counterpart (make), crosshatch, [D]aub, delineate, depict, derive from, design, diagram, display, **ditto** (do), do a repeat, do again, do like, do over, document, doodle, **double**, draft, draw, draw up, dupe, duplicate, [E]cho, edit, effigy (make), elevate, **emulate**, enact, enface, engrave, engross (yourself), essay, evoke, exact counterpart (make), example, exchange, [F]abricate, **facsimile**, fair copy, fake, favor, fellow, fiction, figure, fill-in, follow, **forge**, [G]erminate, ghostwrite, go like, graph, [H]atch, hoke up, [I]conise, identical same (try), idolise, illuminated (be), illustrate, imagine, **imitate**, impersonate, impressed (be), impression (form), **imprint**, infect, inscribe, issue, [K]nockoff, [L]ibrary (make own), like, look like, [M]ake commodity, **make a recension**, make like, make out, make over, make use of, **masquerade as**, match, mate, microcopy, microfilm, mime, **mimic**, miniaturise, **mirror**, mock, model, multiply by two, music (set to), [N]early reproduce, news item (use as), **next best thing** (try and find), not tell apart, notate, number, [O]utline, [P]aint, paint a picture, **pantomime**, parallel, paraphrase, parody, **parrot**, part, partake of, pass for, **pattern**, pen down, perform, personate, **photocopy**, photograph, photostat, picturise, piece, pinch, pirate, **plagiarise**, play, play a part, plot, portray, **pose as**, pretend to be, print, printout, produce, profile, project, proxy for, push the pen, put in writing, [Q]uadruplicate, quote, [R]eading matter (treat as), rebuild, recense, **reconstitute**, reconstruct, record, **recreate**, re-creation, redesign, redo, redouble, reduplicate, reestablish, refashion, reflect, re-form, refund, **regenerate**, regurgitate, reincarnate, reinstitute, reissue, relief, **remake**, remind one of, renew, renovate, reorganise, **repeat**, replace, replicate, represent, reprint, reproduce, **resemble**, reserve, reshape, restore, restructure, resurrect, revise, **revive**, rewrite, rough out, rub, [S]ample, savour, say again, scoop, score, scratch, screed (make), script, seem like, sell, shade, shadow, sign, **simulate**, sketch, smack of, sound like, sow, spill ink on, **spitting image** (create), spoil paper, stack it up, steal, **stencil**, sub, substitute, suggest, superscribe, **surrogate**, [T]able, take, take after, take off, take on, take over, the same (do), tint, token, trace, trade, transcribe, triplicate, **twin**, type, [U]nderstudy, utilise, [V]ersion, very image (create), very picture (create), **very same** (create), [W]all paint, work, write down, write out, [X]erox

"The truth is, that the natives of that monarchy [the Mughals] are the best apes for imitation in the world, so full of ingenuity, that they will make any new thing by pattern, how hard soever it seem to be done; and therefore it is no marvel if the natives there make shoes, boots, clothes, linen, band, and cuff in our English fashion, which are all of them very much different from their fashions and habits, and yet make them all exceedingly neat."

Terry, *Voyage to the East Indies*, 1655 ed.

Quoted in Ahsan Jan Qaisar's *The Indian Response to European Technology and Culture, AD 1498-1707*, Oxford University Press (1982)

Questions on Standards

By Ravi Agarwal

What do standards mean? I want to raise questions regarding environmental norms, their assumptions, their dynamics and what kind of imaginations they might obstruct. In relying upon the language and framework of standards, we could lose other ways of looking at the environment and at ecology. This is an increasing concern for me as an environmental activist (involved as I am in several standardisation processes) – why things don't happen, and why things don't work, and why we aren't doing things in a different way.

A definition

Standards are normally understood as a process of setting technological parameters. So they are, essentially, a technology-oriented perspective on something. They consider, for instance, how much carbon dioxide or lead is released in a certain process. That is, you take one single pollutant and set a standard for it. This is called an Ambient Standard. Then, there is the Source Standard, which looks at the source of the pollutant and therefore makes it possible to regulate the source, e.g. a car, in reference to the established norm.

A technical question? Or a question of technique?

The truth is, these standards are actually unclear. There is no Ambient Air Quality Standard per se. But we do have Source Standards. And the calculation of the Ambient Standard from the Source Standard requires mathematical modeling. Normally, to set a Source Standard is to regulate a source. For instance, if a thermal power plant is set up, it will be checked with a meter to assess if norms are being followed. The presumption here is that these norms are health-based standards.

However, any pollutant is bound to be a health risk. So there's something called the acceptable risk, the first grey area in the world of standards. If an element causes cancer in one person in a million, it is an acceptable risk. This is determined through dose response, that is, how much it will take for a "normal" human being to be affected. This is measured through lab experiments. If you give 20 times the legally permissible amount to 100 hamsters, what dosage is sufficient to kill 50 of them? Following the logic of this cause-and-effect relationship, which is not foolproof, the classification of the pollutant is negotiated.

The standard simulacrum

Both the determination and implementation of standards involves the mobilisation of a huge bureaucracy and scientific institutes, with their own conflicting interests. The latter is important to consider – it means that industrial interests would naturally tend towards not raising standards too high. Standards drive the development of technology, and technology has to be upgraded to comply with standards.

Moreover, different countries follow different standards. We don't have global standards because costs are not uniform across nations. The WHO sets certain standards, but the European standards are higher. A differential is created, which in turn determines the flow of technology, and dumping. This, along with being seen as an effect of the standards, needs to be considered as an important influence in the setting of standards. Standards are set according to the best available technology in relation to an acceptable cost. But there is never any clear definition of what constitutes "available technology".

Thus constructed, standards drive laws as well as implementation procedures. Compliance with standards implies that the source is environmentally safe. They become the basis for all kinds of environmental action. If you make yourself susceptible by non-compliance, you risk being taken to court by environmentalists.

The aftereffects

Standards affect the cost of technology and, so, how the industry looks at itself. They help frame the fundamentals of environmental policy making, on which decisions are made. They impact investment and regulation. They even impact how we look at our own health.

There is an ongoing brouhaha with regard to the "scientificity" of standards. But actually it's about hard core cause-and-effect science and a lot of political negotiation. And we accept these daily as norms. We start accepting generalisations. Standards control our responses. "If we accept these", we think, "everything will fall in place". Generalisation becomes a known trajectory of what we can accept, and what we find acceptable. The conflict is fundamental, because it deals with life itself. This is the reason why one makes generalisations in the first place.

Imagining alternatives

Consider two cases.

First, we may talk of a certain standard for the quality of food. But contamination may happen at any stage – in production (agriculture), in transportation, in retail marketing, or at the level of consumption. How can we deal with this in an interconnected manner, when institutions are not talking to one another, and in the absence of a common language?

Second, the rise in the cost of oil. There was an idea that if this continued, it might give rise to the wish to look at renewable sources of energy. But established markets will never let prices rise to a point where the manufacturer can't cope and consumers have to switch to a non-fuel alternative like bicycles. There will always be a technological innovation to stop that from happening. Even if it means that the standards cars need to comply with are continually raised.

We want to look at renewable energy as an option, but there are no standards for it. Standard-driven costs don't encourage alternative approaches, and alternative approaches can't be a function of market-driven costs. Technical alternatives do not gain momentum on their own.

What we imagine for the environment seems to be based upon the compliance of certain standards. We evolve technical solutions to our environmental problems. We are ecological beings, yet our connect is technical.

For instance, consider the river Yamuna. If we start focusing on the river, there is no other frame than that of the Yamuna being polluted, of not being in a condition in keeping with accepted environmental standards. These standards are set by a body of experts who have no relationship to the river, it lies outside their imagination. The city's general connection with water, after all, is through what flows from the municipal taps – that is, a mediated relationship to the very fundamental source of our lives.

Outside the domain of the "expert", there are several existent imaginations, realities and knowledges to that river. The Yamuna has a complex web of life around it – from the daily boat transportation of daily wage labourers across it, to the ferrying of vegetables, the bullock carts filled with river sand for construction, the various temples along its banks with priests who can be seen performing rituals at 4:00 in the morning. Yet norms for the river are repeatedly being set up without any of this kind of lived experience as part of the understanding.

How can we save a river if it is not situated in our imagination? People say the Thames is clean. That's because they can see it. The fact is, people don't see the Yamuna. For us it is not a presence, except negatively.

The dynamics of urban issues have a prescribed trajectory. And we are finding that in our efforts to link our relationship to ecological spaces with the larger, personalised questions of culture and daily life, there is very little common language.

Excerpted from an oral presentation by Ravi Agarwal at the Urban Environments Workshop held at Sarai on 3-4 November 2004. Ravi Agarwal is an environmental activist and photographer. Ideas from this piece are developed in his forthcoming article in *Sarai Reader 05: Bare Acts*.

ENVIRONMENTAL GOVERNANCE IN INDIA



JUDGE



MINISTER



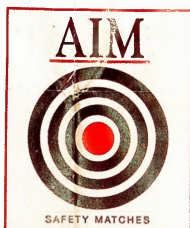
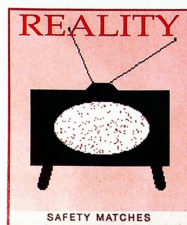
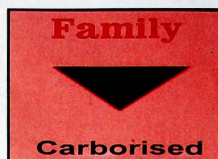
BUREAUCRAT



ACTIVIST



SCIENTIST



Copyrighting Fire!

I was in the pub last night, and a guy asked me for a light for his cigarette. I suddenly realised that there was a demand here and money to be made, and so I agreed to light his cigarette for 10 pence, but I didn't actually give him a light, I sold him a license to burn his cigarette. My firelicense restricted him from giving the light to anybody else, after all, that fire was my property. He was drunk, and dismissing me as a loony, but accepted

my fire (and by implication the licence which governed its use) anyway. Of course in a matter of minutes I noticed a friend of his asking him for a light and to my outrage he gave his cigarette to his friend and pirated my fire! I was furious, I started to make my way over to that side of the bar but to my added horror his friend then started to light other people's cigarettes left, right, and centre! Before long that whole side of the bar was

enjoying MY fire without paying me anything. Enraged I went from person to person grabbing their cigarettes from their hands, throwing them to the ground, and stamping on them.

Strangely the door staff exhibited no respect for my property rights as they threw me out the door.

Ian Clarke

Sarai Reader 01: The Public Domain, 2001

Bought = Gifted
Owned ≠ Shared
Discarded ÷ Everywhere

"In Baghdad, Dreaming of Cairo..."

A review of "Reimagining the Public Domain" by David Lange
(from *Law and Contemporary Problems*, Vol. 66, pp. 463-83)

This article is also available at <http://www.law.duke.edu/journals/66LCPLange>

D. Lange is Professor of Law, Duke University. A preliminary footnote to the article declares: "Copyright in this work is hereby disclaimed and abandoned."

Paolo Coelho's bestselling book *The Alchemist* presents the (ironic) notion that one can wander in delusion all over the world in search of whatever one is looking for, or the fulfilment of a need, when in actuality everything one requires is right where one is, within easy reach, in one's own life and thinking. The core idea of Coelho's narrative, which continues to be cited as a masterpiece of modern inspirational literature, is strikingly similar to a long Sufi parable in Jalaluddin Rumi's *Masnawi*, titled 'In Baghdad, dreaming of Cairo: in Cairo, dreaming of Baghdad'. Its focus is a man who goes on a journey seeking the buried treasure he saw in a dream.

Such a linking of texts in the reader's mind may be purely hypothetical, but reminds us how conditioned we are to established notions of authorship and "transformative appropriations", to borrow a term from the essay reviewed here. David Lange seeks to redefine the public domain and examine its relations with creativity, imagination and rights. He categorically wants the public domain, however it may be defined, to secure the "elemental aspirations" that are innate to human beings: "to think and to imagine, to remember and to appropriate, to play and to create". He acknowledges that the term "public domain" is elastic and inexact, and can be perhaps most usefully seen as a commons, set off against fences that "delimit the interests of individual rights holders"; this definition is invaluable for the purposes of imagining a politics of the commons that structures the operations of cyberspace. The public domain contests the "expansionism" of intellectual property regimes, which are "boundary-fixing" encroachments upon the imagination, and a means of extracting payment for creativity and creative expression.

Lange demands that the public domain be envisioned as autonomous, having an affirmative existence of its own, and to be strengthened accordingly. "Reform" of the public domain is not enough: there should be "revolution". We are urged to envision the public domain "as if it were a status like citizenship, but a citizenship arising from the exercise of creative imagination rather than as a concomitant of birth". This citizenship confers protection, not merely recognition or definition. The public domain should be understood as an affirmative source of entitlements capable of "deployment" against encroachments upon the creative imagination by intellectual property regimes.

According to Lange, imagination and its parameters form the central focus, reach and scope of the public domain. He asks whether "imagination" is distinct from "action", quoting from an article by Jed Rubenfeld in the *Yale Law Journal*: "The freedom of imagination demands that people be free to exercise their imagination. It is not a freedom to do what one imagines." Violence, intentional misrepresentation, misinformation, do not qualify. Additionally, when copyright law bars simple piracy, it does not punish infringers for exercising their imagination; it punishes them for failing to exercise their imagination, for failing to add any imaginative content to the copied material. By Rubenfeld's standard, peer-to-peer filesharing in the Napster mode does not qualify as an exercise of imagination, but Lange feels that it does indeed, and moreover, does so in a "substantial" manner.

He also says that creativity and appropriation are "as inseparable as creativity and memory", adding that it is "fundamentally wrong" to insist that children internalise the proprietary and moral values of the copyright system. He cites the example of Helen Keller, whose early efforts at creative self-expression were damaged "irreparably" by accusations of plagiarism (regarding a story she had composed) leveled against her by her mentor Michael Anagnos, the director of the Perkins Institute for the Blind in Boston, that Keller attended.

Lange discusses copyright and the doctrine of fair use in terms of what he calls "transformative" or "creative" appropriations, reminding us that there may always be some level of functional and aesthetic "equivalency" between two works. He defines piracy as "an appropriation unmotivated by any creative exercise, including an exercise of the creative imagination". Somewhat ambiguously, he defines appropriation as "creative" (and thereby qualifying as an exercise of the creative imagination) "when we see in it the qualities or attributes we recognise in conceptual art of any kind".

Lange concludes his essay by citing the example of a poem by Anne Frank, written in Amsterdam to her friend Henny on the occasion of the latter's birthday party in 1940: "Dear Henny / Pluck roses on earth / and forget me not." It was later discovered that this poem appeared to have been "appropriated" verbatim from an anthology of poetry widely available in the Netherlands at that time. Lange asks if, by the standards of contemporary copyright doctrines, Anne Frank could be classified as a creator, an author, a plagiarist, a pirate, a thief. He states unequivocally that it is wrong to lay impediments (moral, intellectual, legal) before exercises of the imagination, "whether great or small". We have to ensure that proprietary modes do not "rob us of this vital aspect of our citizenship: the right to think as we please and to speak as we think".

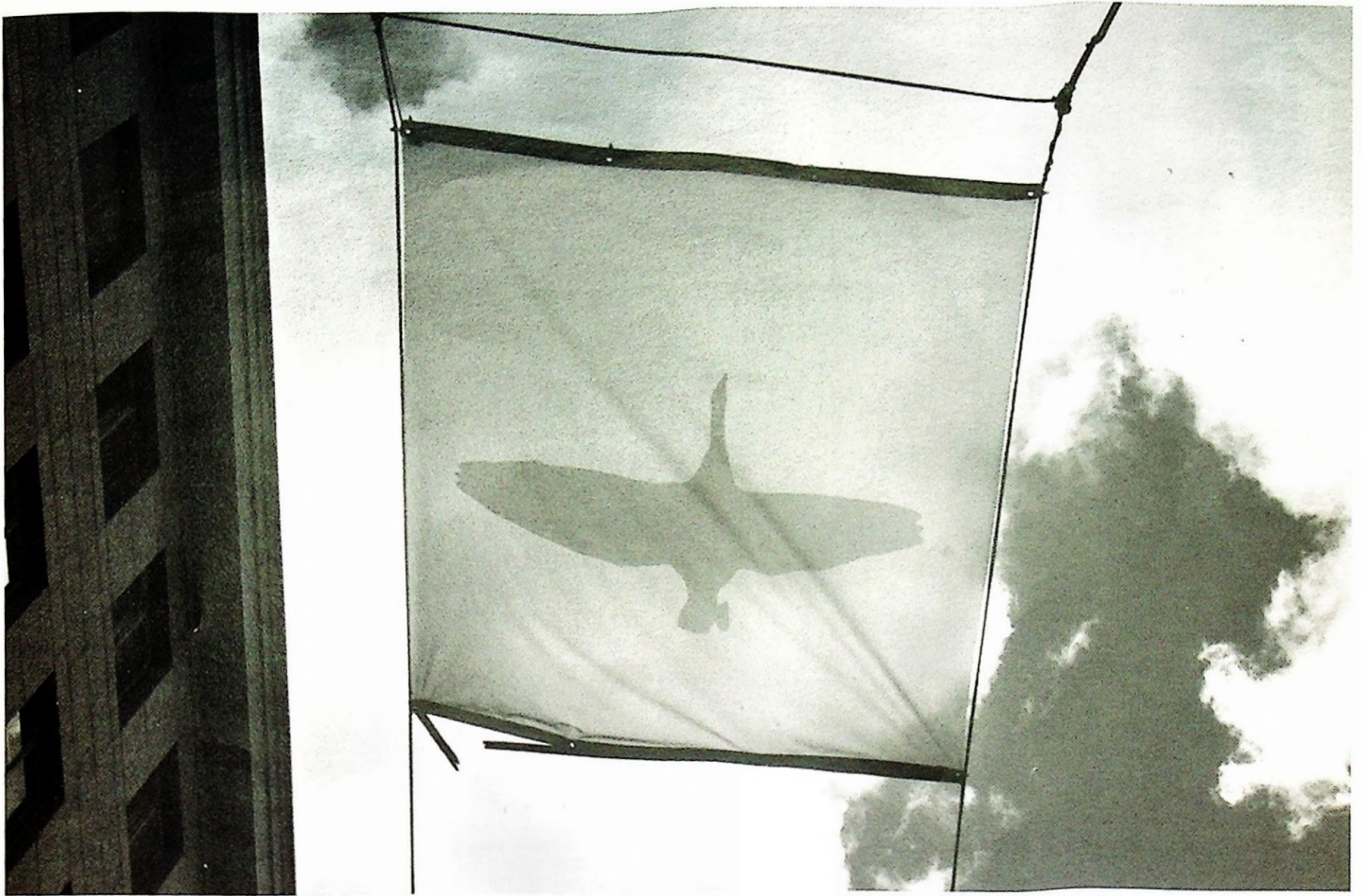


Photo: Monica Narula

Photocopying is a process which makes paper copies of documents and other visual images. The machine that performs this function is called a **photocopier**. A high contrast electrostatic image copy is created on a drum and then a fusible plastic powder (called toner) is transferred to regular paper, heated and then fused into the paper. In recent years **photocopiers** have adopted digital technology, with the copier effectively consisting of an integrated scanner and printer.

1. Place the **paper** on the dark surface.
2. **Close** the top.
3. Press the **START** button.
4. **Wait** as green bands of light travel across the page.
5. **Check** if another sheet is sliding out into the tray, transformed into an exact copy of the original.
6. Take **copy**.

Starting Up

Prabhu, a video library owner in the Austin town area of Bangalore, says, "We were always talking about movies. Me and my friend. So we bought one VCR player. At that time it was in demand and we started hiring it out. We became partners, thinking, 'Why don't we open a library with that?' We invested a little money, Rs 5000, and bought some cassettes.

"One other guy next to Galaxy theatre, Sagar King his place is called, helped us out. We initially stocked 300 cassettes. Since we knew that guy, we took from his shop whatever extra cassettes he had. I bought a VCP and my partner bought a VCP. And we said okay, we are partners. If one of us rents out something, we share the profits; and if both of us rent out something, we share the profits.

"We spoke to a guy who had an egg shop. We told him, 'Give us some place. We will pay you whatever rent you want. We'll have a video cassette shop.' He was very happy at his shop being partly converted to a cassette shop.

"The Sagar King guy said, 'Okay, I'll give you 300 tapes, and in return you have to give me Re 1 per tape everyday.' So it was Rs 300 every day. No matter if ten cassettes went out or twenty went out. It was very good.

"We took all 300 tapes, kept them at the shop, and then we started distributing pamphlets everywhere. The response was excellent. Whenever there were new movies, everyone wanted them. We used to run, get the movies, give them. Business travelled like anything. We had a fantastic business immediately, because we were the first people to start. From far away places people used to come for English, Hindi, Tamil films, and all that.

"Later we said that this money was not enough, so we took another partner. And then we took the whole egg shop on rent. The egg shop man also joined us as a partner. So then we started off the full-fledged cassettes shop. Business was very good. We went on for four-five years like that."

Video with Chai

When PK started his video parlour in the late '80s, he was visited by the police a number of times. But he says that the police also had no idea of how or if they were empowered to regulate the video parlour.

"What kind of problems did I have? Yes...mainly police. They used to come and say 'Why you are showing this? What permission have you got?' In the beginning there were no rules, no permission, so we said that we do not know what permission we are supposed to have. In fact, this idea came to me because I was running a restaurant. I was selling tea, coffee, *bonda*, snacks. In the dull hours there were hardly any people, and there was just a radio or a gramophone to entertain the customers. Then the bright idea came to our mind to get a TV and show video movies.

"So when the video was on in the restaurant and there were regular tables and chairs, people used to drink coffee and eat snacks and watch the movie freely. Somebody would watch for ten minutes, half an hour, two hours. Some crazy people might watch for the entire three hours, stretching out one coffee. So then we observed that the crowd started growing steadily. Within one month we realised that we had more customers, and when we started the movie, it was house full. People used to sit for the full three hours, but we didn't do much business.

"Then slowly it came to our minds to set a condition that if you order one thing, you cannot sit for more than one hour. So if you wanted to see the whole picture for three hours, you had to order three times.

"There were chairs on both sides and half the people were sitting *ulta*. So, slowly we thought, let us forget the benches and let everyone face the TV side, and we served them only coffee in the hand. We closed down the *puri bhaaji* and heavy snacks, for which you require a table, and slowly, slowly, we increased the coffee charge also. And then slowly, slowly we thought, you give us a flat Rs 10 for sitting here, forget coffee. So this is how it all started."

<http://mail.sarai.net/pipermail/commons-law/2004-August/001837.html>

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Mayur is a researcher with the PPHP (Publics and Practices in the History of the Present) project, Sarai

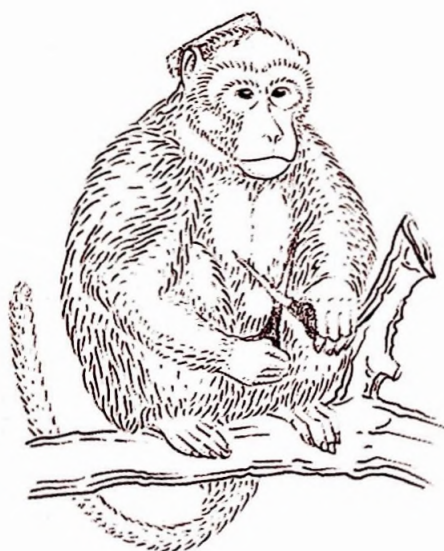
The School of Good Copying

The general syllabus for art students focuses on the realistic style of painting under the programme which is authorised by the Russian Academy of Art.

The programme consists of copying still life, portraits, nudes, images of the interior of the institute halls, and antique reliefs found in the halls of the museum of sculpture. When weather permits, primarily in June and July, these studies are taken outdoors and works created 'a la prima' or, as is more commonly known, *plein air*.

The art of copying is performed by students in the 3rd and 6th study levels. Depending on the chosen subject (an old Russian work or painting) the student may produce an icon or perhaps a depiction in oils. The student may elect to copy a work from either the Russian State Museum, The Hermitage, or from within the halls of the Academy itself. Occasionally, a student may decide to produce a copy of one of the works currently under restoration.

All phases in the production of a copy are conducted under the supervision of the instructors of the restoration faculty.



To Copy Writings

Take a piece of unsized paper exactly of the size of the paper to be copied

+ moisten it with water, or with the following liquid: take of distilled vinegar, 2 lbs.; dissolve it in 1 oz. of boracic acid

+ then take 4 oz. of oyster shells calcined to whiteness, and carefully freed from their brown crust

+ put them into the vinegar, shake the mixture frequently for 24 hours, then let it stand till it deposits its sediment

+ filter the clear part through unsized paper into a glass vessel

+ then add 2 oz. of the best Aleppo galls bruised, and place the liquor in a warm place; shake it frequently for 24 hours

+ then filter the liquor again through unsized paper, and add to it after filtration, 1 qt., ale measure, of pure water

+ it must then stand 24 hours, and be filtered again if it shows a disposition to deposit any sediment, which it generally does

+ when the paper has been wet with this liquid, put it between 2 thick unsized papers to absorb the superfluous moisture

+ then lay it over the writing to be copied, and put a piece of clean writing-paper above it

+ put the whole on the board of a rolling-press, and press through the rolls, as is done in printing copperplates, and a copy of the writing will appear on both sides of the thin moistened paper, on one side in a reversed order and direction, but on the other side in the natural order and direction of the lines.

From *The Household Cyclopedia of General Information* (1881)
http://www.publicbookshelf.com/public_html/The_Household_Cyclopedia_of_General_Information/firstcopy_cdc.htm

Zee Telefilms Ltd. v. Sundial Communications Pvt. Ltd.

IN THE HIGH COURT OF JUDICIARY AT BOMBAY

Zee Telefilms Ltd & Anr..... Appellants

Versus

Sundial Communications Pvt. Ltd. & Drs..... Respondents

Shah and Deshmukh, Judges

Decided on March 27, 2003

Held: Having considered the two works involved in this case not hypocritically and with meticulous scrutiny, and by the observations and impressions of the average viewer, there are striking similarities in the two works which cannot, in the light of the material placed on record, be said to constitute mere chance. The only inference that can be drawn from the material available on record is unlawful copying of the plaintiff's original work.

Notes from the judgement:

Sundial Communications is a company engaged in television and video programming. In January 2002 it worked out an initial concept montage for a TV serial titled *Kanhaiyya* and presented it to ZEE Telefilms Ltd. The latter expressed an interest in producing the serial, and Sundial Communications produced a pilot by October 2002. The pilot was sent to Star, Sony, and Sahara, along with ZEE. For protection, both the initial concept and the pilot were registered with the Film and Writers Association, and the title was registered with the Film Producers Association.

Initial negotiations with ZEE fell through, and consequently Sundial entered into discussions with Sony Entertainment Television. However, they learnt soon after that ZEE Telefilms was producing a show titled *Krish Kanhaiyya* which seemed to be based on the concept of *Kanhaiyya*. Upon hearing of the prospective production by ZEE, Sony Television refused to sign a contract with Sundial. Hence Sundial took ZEE Telefilms to court for breach of confidentiality, copyright infringement and for passing off Sundial's work as their own.

In examining the question of whether the defendant's work violated the plaintiff's copyright, the court considered, "One of the surest and the safest tests to determine whether or not there has been a violation of copyright is to see if the reader, spectator or the viewer, after having read or seen both the works, is clearly of the opinion and gets an unmistakable impression that the subsequent work appears to be a copy of the original."

When this principle was applied to the case, the following emerged:

KK, Krish Kanhaiyya (Plaintiff) v. *K, Kanhaiyya* (Defendant)

KK: Family is rich and dysfunctional / *K*: Family is rich and dysfunctional.

KK: The main woman protagonist (stepmother), most affected by the environment in the house, prays for help to God / *K*: Main woman protagonist Dadi Ma, most affected by the environment in the house, prays for help to God (Lord Krishna).

KK: The prayer is answered soon by the arrival of *Kanhaiyya* / *K*: The prayer is answered soon by the arrival of *Kanhaiyya*.

KK: God is in Bal Krishna form / *K*: God is in child form.

KK: Their interaction with *Kanhaiyya* is heartwarming, consoling and gives some support to the main woman protagonist / *K*: The interaction with *Kanhaiyya* is heartwarming, consoling and gives some support to the main woman protagonist.

KK: *Kanhaiyya* attaches himself to the seeker of help / *K*: *Kanhaiyya* attaches himself to the seeker of help.

KK: Opening sequence of the serial has flute music, and instruction normally associated with Lord Krishna / *K*: Starts with invocation to Lord Krishna.

KK: Opening title has a prominent peacock feather and the character of Lord Krishna depicted on it, with the title *Krish Kanhaiyya* written across it / *K*: The opening title has a peacock feather with the main character's face and *Kanhaiyya* superimposed across it.

In both serials, the father is a businessman with three children. In *KK* the elder son is a sportsman and a footballer, whereas in *K* the elder son is a cricketer. In the former, the second child is a budding scientist and does not sleep all night, whereas in the defendant's serial the second child is a computer geek, does not sleep all night and spends too much time on the computer. In *Krish Kanhaiyya* the youngest child is a daughter and talks to people through her doll, whereas in the defendant's serial the youngest child is also a daughter and talks in third person. The servants in both households also have similar characteristics.

After viewing both films, the court reasoned, "...a viewer would definitely form an opinion or would get a dominant impression that the defendant's serial has been based on or been taken from the original work of the plaintiffs. It is true that there are some dissimilarities in the manner of presentation which are highlighted by the learned counsel for the defendants in his arguments. However, we think that these dissimilarities are trivial and insignificant. To quote the words of the learned judge Hand in *Sheldon v. Metro Goldwyn Picture Corporation* (1993), 8/n F 2nd 49, 'It is enough that substantial parts were lifted; no playwright can excuse wrong for showing how much of his work he did not private.'"

FLOSS IS NOT JUST GOOD FOR TEETH

Free, Libre and Open Source Software Explained (finally) in Simple English!

http://www.sarai.net/floss_book.pdf

“Why do they call it ‘Floss’ when it doesn’t clean your teeth?”

Are you a non-nerd, a human being who happens to use computers without living inside them? Does that make you curious to find out what the buzz regarding open source and free software is all about? What’s in it for you? Does it work? Is it fun and easy to use? How is it made and who makes it? And how ‘free’ or ‘open’ is it, really? Have you looked long and hard for answers to questions like these in plain English? If that’s the case, ‘Floss is Not Just Good for Teeth’ could be just what you are looking for.

Impress your techie buddies with the fact that you care for your kernel, and open yourself to a whole new world of concepts that offer challenging and exciting ideas about creativity, collaboration and coding. ‘Floss’ geeks, make yourselves understood to other human beings—download and distribute ‘Floss is Not Just Good for Teeth’ to friends, family and colleagues, so that they can finally know and appreciate what keeps you awake while they sleep.

‘Floss is Not Just Good for Teeth’ is a collaboratively produced introduction to the concepts that underlie free and open source software, written especially for the non-technical reader, at the Sarai Programme (www.sarai.net) of the Centre for the Study of Developing Societies, Delhi.

Visit http://www.sarai.net/floss_book.pdf for free downloads.

Produced at the Media Lab, Sarai-CSDS (Delhi) as part of ‘Towards A Culture of Open Networks’ (<http://opencultures.org>), with support from the EU-India Economic Cross-Cultural Programme.

Field Notes

Seeds?

A seed is a source or beginning; a germ; the propagative essence of a plant. It is also an offspring, progeny. Seeds are borne by plants, and then dispersed. Some are winged, and able to drift on air currents. Others rely on being carried far from their origins by humans, animals, insects, birds, water. Some seeds are soft and lush, and can be eaten. And some seeds are so hard and tough that they can be used to make jewellery.

Each seed, a carrier of life, develops into the plant it is borne of. Seeds can lie dormant for a long time, till they find conditions ripe for their germination. They are inactive in their dry state. In a moist environment, they absorb water and swell. A root begins to grow out of the seed, a stem emerges as well. With the stem, the seed begins to lift out of the ground. Soon it unfolds its seed leaves, the cotyledons. These open to catch the sunlight. Between them, a bud gives promise that true leaves will soon appear. And with the opening of true leaves, the plant is off to a good start.

Seeds multiply themselves, so humans find seeds immensely valuable. And because seeds have this perfected ability to make more of themselves, people take on different roles in relation to 'cultivating' them. Some people only breed them – that is, enhance the qualities of seeds over generations through different techniques, specifically genetic modification. This is done through laboratory experiments, and the results are tested in the field. Other people produce, breed and conserve seeds. These are farmers, who need to sow part of the seeds they produce to grow the next generation of crops. Their areas of influence, like their resources, are usually local and small scale.

Both sets of people rely on and lay claim to the reproductive value of the seed. Since the farmer is also a breeder, the definition of the breeder and the farmer need to be further differentiated. To negotiate this, the question of rights arises: Who has what kinds of rights over the reproduction of seeds? For instance, sometimes certain breeders (who are also big corporations) are allowed to extract fees from farmers and other breeders who want to use new seeds. With rights come different forms of infringement and methods of compensation for the holders of the rights. So, if a breeder's seeds being used by farmer A are carried by wind to farmer B's field, the latter may be disallowed from selling his yield that year. Farmer A is bound by terms and conditions to the breeder, and barred from selling or giving his seeds to any other.

In addition, a seed's functions also get redefined. When seeds are cultivated, they are not only reused through sowing, but also involve different kinds of transactions – exchange, selling and buying, gifting. These are forms of dispersal, and they are based on the ability of a seed to regenerate, germinate, to reproduce itself. Also, through their practice and knowledge, farmers constantly produce new varieties of plants specifically suited to the region and area to which they belong. This is done by means like cross-fertilisation between varieties, one of which, for instance, may be hardy and pest resistant, and the other may be high yielding.

In the new role of the seed, the final redefinition is brought about through seeds coded to commit suicide. These are called terminator seeds – sterile seeds produced for one-time use by genetically modified plants. By this means of preventing farmers from reusing the seed for future crops, reproduction of the seed and the nurturing of the practices around it are contained and curtailed.

Binding the creation and circulation of the copy – the seed – becomes a precondition for control over domains of knowledge, processes and materials.

Notes from proceedings of "New Technologies, Social Knowledge and Intellectual Property Law". A Sarai/CSDS and HIVOS workshop (in collaboration with Alternative Law Forum, Bangalore), November 2003.

*This copy is yours. Agreed.
What about its shadow?*

Imitating Life

Fish must be painted swimming and darting with vitality. They should appear startled by a shadow, or they should be floating idly, opening and closing their mouths. As they float on the surface, dive or glide through the weeds, the clear waters envelop them or ripple off them. Deep in one's heart, one envies them their pleasure. As with human beings, living creatures should have idea / meaning...

If one fails to render this aspect of their divine quality and merely copies their appearance, even painted in a mountain stream or torrent the fish will look as dead as on a platter.

Hsu Hsi, *The Mustard Seed Garden Manual of Painting* (17th century)

CIRCULAR

The R&D wing developed a prototype color photocopier to copy content displayed on a PC monitor two years ago. The prototype measures about 5x9 cm and features a colour LCD display and a photosensitive layer. When a user touches the screen and presses a button, the portion touched is copied. However, there have been no responses to the invitation for tenders to make copies of this prototype. A prototype cannot stand alone. A meeting is hereby scheduled for the third of next month to decide the fate of the aforementioned device.

By Order

(二) 即此在真品(即合法著作物)「如未經著作財產權人同意,攜帶書籍、雜誌、錄音帶、唱片、CD、錄影帶、LD、美術品、電腦軟體……等著作入境,每次每一著作僅限一份。

二、對本須知如有任何疑問,歡迎電詢(〇二)八七三二一四五二,並請取閱「著作權法第八十七條及第八十七條之一條文內容說明」參考。

經濟部智慧財產局 敬製

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<http://www.tipo.gov.tw>

A story is told about an old woman in Ireland, who always left the front door of her house open at night. Those were not safe times, and people often wondered about the wisdom of this act. Finally, someone asked her. "It's so cold outside," she replied. "Anyone passing by, who may not have shelter for the night, can just stop here, take refuge from the harsh weather. The warmth of this house does not lessen with another human presence. In this way, for the last ten years, I have had breakfast with a different traveller every morning, and heard different stories about so many lives."

Sometimes we create contexts where we host others, and often we are equal beneficiaries. The relief of a drink of water from the *matkas* along Delhi roads, during a summer afternoon, is unforgettable. Few know the hands that clean and fill these vessels, but everyone can be certain that the *matkas* will always contain fresh water.

Cultures of hospitality exist all around us. This is an invitation to everyone to tell us about the *sarais* in their everyday lives. Please write to broadsheet@sarai.net

Coming Up @ Sarai

The "Contested Commons" Lectures, January 2005

The Public Service Broadcasting Trust and the Sarai Programme of CSDS, Delhi, present a series of three public lectures by internationally recognised scholars, examining the fate of the commons after new conflicts over the public domain, and intellectual property law.

Thursday 6 January, 7:00 PM

"Between Anarchy and Oligarchy: The Prospects for Sovereignty and Democracy in a Connected World"

Professor Siva Vaidyanathan, New York University

Siva Vaidyanathan is a prominent cultural historian, media scholar and public intellectual. He is the author of the classic *Copyrights and Copywrongs: The Rise of Intellectual Property and How it Threatens Creativity* (New York University Press, 2001).

Friday 7 January, 7:00 PM

"U.S. Path to Wealth and Power: Intellectual Piracy and the Making of America"

Professor Doron Ben-Atar, Fordham University

Doron Ben-Atar is the author of the well-regarded book *Trade Secrets: Intellectual Piracy and the Origins of American Industrial Power* (Yale University Press, 2004). The publication of *Trade Secrets...* opened up an important new window in the history of intellectual property law.

Saturday 8 January, 7:00 PM

"The Commons Revisited"

Professor Peter Linebaugh, University of Toledo

Peter Linebaugh is a preeminent contemporary social historian. He is the author of *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Allan Lane, 1991) and *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Verso Books, 2003).

All lectures are in the main auditorium of the India Habitat Centre. Entry free.

Forthcoming

Deewan-e-Sarai 02: Shaharnama

The second Sarai Hindi Reader will focus on cities past and present, especially Delhi, by enabling dialogue between social science and literary imaginations in Hindi and Urdu. The collection brings together writings by young and emerging writers, revisits older histories and inscribes the contemporary in a fresh register.

Sarai: (se-rai, sho-rai) n. (Hindi, Urdu, Punjabi, Bengali, Turkish). An enclosed space in a city, or beside a highway, where travellers and caravans can find shelter, sustenance and companionship; a tavern, a public house; a meeting place; a destination and a point of departure; a place to rest in the middle of a journey.

Sarai is a programme of the Centre for the Study of Developing Societies, New Delhi. It is a space for research, creative practice and dialogue about contemporary media and urban constellations.

Participate in talks, public lectures, conferences, seminars and workshops; curate or watch films every Friday; and have conversation over coffee at the Sarai cafe.

Participate in online discussion communities around media and the city, intellectual property, community radio, cinematography, digital archiving and free software, hosted by Sarai:

http://www.sarai.net/community/lists_info.htm

For more information, subscribe to the Sarai Newsletter: dak@sarai.net

Our address is 29 Rajpur Road, Civil Lines, Delhi 110054 (near Old Transport Authority).

Visit Sarai online at www.sarai.net

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