

It's only piracy if you're poor

by Roberto Verzola

Piracy used to mean the hijacking of ships on the high seas. Now, the United States uses the word to refer to what everybody—including but not restricted to most governments in Asia—is doing: copying software.

Ron Eckstrom of the U.S. lobby group Business Software Alliance explains why he is lobbying Asian governments to clamp down on copying software. “Copying licensed software is a form of stealing,” he says. If you cannot afford to buy a BMW, you have no right to go into

pirate our intellectuals? In fact, we are benign enough to take only a copy, leaving the original behind; they are so greedy they take away the originals and leave nothing for us.

Our undersecretary for foreign affairs Macaranas, who seems to take seriously his role as U.S. spokesman, says, “lack of technological and financial resources should no longer be used to justify piracy.”

His comment reminds me that much of the world's technological and financial resources

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anybody's garage and steal one.”

In the 18th and 19th centuries, however, the United States itself was a center of piracy of British books and publications. U.S. publishers justified their piracy by saying that the American public should not be denied access to British knowledge and literature just because they couldn't afford British prices. And the U.S. publishers pirated British materials at will.

In other words, when the United States couldn't afford BMWs, they went into British garages to steal some more. But now that Eckstrom has a BMW, he doesn't want anybody stealing it.

If it's a sin for the poor to steal from the rich, it must be a much bigger sin for the rich to steal from the poor.

Don't rich countries pirate our best scientists, engineers, doctors, nurses, and programmers? When global corporations come to operate in the Philippines, don't they pirate the best people from local firms? If it's bad for poor countries like us to pirate the intellectual property of rich countries, isn't it a lot worse for rich countries like the United States to

are held by the rich countries, and poor countries want affordable access to these resources. It also reminds me that others had earlier used their lack of resources to justify piracy.

The United States, for instance, enjoys a huge lead in satellite and communications technologies. When it launched spy satellites into space, a number of poorer countries protested. One could imagine them complaining: “Why are you taking aerial photos of our territory? You are taking national proprietary information; that's piracy!”

The United States' response, in effect, was, “We have the sovereign rights to take photos of every country, including yours. You are even welcome to buy them, if you can afford them.”

And because they couldn't afford BMWs and satellite technologies, poor countries had no choice but to pay through the nose for Landsat photos of their own territories.

The United States then went on from military satellites to commercial satellites, which transmitted video programs to other countries. Again, one could imagine more conservative countries complaining: “Why send

us these programs full of violence, crime illicit sex, and other social ills? Please stop, they violate our standards of morality.”

But the United States’ response, in effect, said, “Haven’t you heard of the free flow of information? It means we have the right to transmit video programs to you, even if you consider them objectionable.”

In the course of time, some local people actually developed a taste for these U.S. programs. They taped the U.S. video transmissions and sold the tapes locally or showed them on local TV.

Now, it was the United States’ turn to complain: “Why are you copying our licensed materials without authorization? You are pirating our intellectual property rights!”

Piracy is also an emerging issue in biotechnology, another field that is very much a monopoly of advanced countries like the United States.

U.S. researchers roam the globe looking for plants, animals, or microorganisms which show commercial promise. Many of these are indigenous herbal plants and concoctions, whose pharmacological properties are now the subject of intense interest by U.S. biotech companies. Researchers take the samples out—often without consent of the host countries—isolate the active ingredients, synthesise them in the laboratory, and patent the resulting formulations. This is known as biopiracy, a widespread practice by rich countries.

Yet, when the Philippine government licenses local firms to copy pharmaceutical formulations of global corporations, to reduce the cost of medicine for our people, the giant transnational drug companies cry “piracy.”

In short, the United States has finely tuned the definition of piracy, allowing it when it is good for rich countries, but banning it when it is good for poor countries.

This is the definition that the United States now wants Asian countries to embrace.

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