Standards Today

CONSORTIUM INFO.ORG
GesmerUpdegrove LLD

A Journal of News, Ideas and Analysis

January - February 2010

Vol. IX, No. 1

EDITORIAL:

Enabling a New Age of Collaboration

Andrew Updegrove

Collaboration has always been an essential part of human activity, but until the advent of the Internet, the technological means by which non-local collaboration could occur seldom progressed to any meaningful extent. Only three great enabling leaps forward preceded the current century: the invention of the printing press, which allowed *ideas* to spread farther, faster, and to more recipients; modern transportation, which allowed *people* to travel farther, faster and more often to meet with others; and the modern telecommunications system, which allowed real-time *interaction* to occur across great distances, albeit mostly on a one-on-one basis.

The Internet and the Web have the potential to far exceed the impact on collaboration of any, and perhaps all, of these earlier technological advances. This, because the Internet is capable of allowing virtually anyone on earth to have simultaneous access to the same information, and to actively participate in real time in the same endeavor. In short, the Internet has the power to

The Internet has the power to trump the reach of the printing press, the ease of modern transportation, and the interactivity of the telephone combined.

trump the reach of the printing press, the ease of modern transportation, and the interactivity of the telephone combined.

Indeed, the potential that Internet and Web technologies offer for collaboration have already been realized, as evidenced by the proliferation of open content and open source projects, the migration of expensive, hard copy scientific and other

Standards Today is a free bi-monthly electronic Journal sponsored by the Boston law firm of Gesmer Updegrove LLP. The current issue of **Standards Today** and a subscription form may be found at www.consortiuminfo.org/bulletins. Questions or comments about the articles in this issue or about ConsortiumInfo.org may be directed to Andrew Updegrove at wygegrove@consortiuminfo.org, or by telephone at 617/350-7800. To learn more about Gesmer Updegrove's standards and open source practice, visit http://www.gesmer.com/practice_areas/consortium.php, or contact Andrew Updegrove.

© 2010 Andrew Updegrove. All rights reserved.

journals to free Internet-based access, and the adoption by governments of more transparent and interactive Web-based platforms, to name only a few examples.

Still, unaided technology can only enable collaboration up to a rather informal point. As a widely distributed activity becomes more ambitious and complex, pragmatic issues – such as who will pay for the servers and manage related administrative duties – begin to arise. So, too, do legal concerns, including who will own the resulting work product, and make sure that no third party's rights are infringed. Issues like these particularly trouble government, academic, corporate and other potential institutional participants. Unless these matters can be addressed to their satisfaction, they are unlikely to engage.

As a result, ambitious Web-based collaborative projects are harder to launch than more elementary initiatives, such as simple Wikis for sharing information and providing a venue for discussion.

Happily, new mechanisms have been designed and made available in some areas of high interest and wide participation, such as open source "forges" that provide a mix of practical and legal tools to anyone that wants to launch such an initiative. But tools such as these have been optimized for use a single type of collaboration.

Those that wish to launch a new Web-based activity in other areas often struggle with the questions such as cost sharing, governance, ownership, liability protection, and even how to open a bank account without the name and employer ID number of a legal entity to provide to the bank. Too often, the founders of new initiatives seeking legal assistance or advice from traditional non-profit organizations may find that they are encouraged to shoehorn their project into a particular corporate form and tax exemption model that was designed for far different uses. Often, this form will ill serve, if not actually impede, their ability to achieve their goals.

In fact, there are a number of pre-existing legal and governance frameworks that are well suited for modern on-line collaboration, although their visibility, outside the niches in which they have been used, is low. Each of these frameworks is in some respects different, sometimes simply because each has evolved in its own, widely divergent area of endeavor. But interestingly, each has adopted the same name to describe its style of organization – as a consortium.

This is not a coincidence. As I explain in greater detail in the *Feature Article* of this issue, behind the differences in documentation and formalities, each of these frameworks is based upon the same core principles and addresses the same essential needs, whether the goal of the collaboration is to conduct research and development, to bid to acquire and own a sports team, to share the costs of library acquisitions, or to develop and promote technical standards.

But if consortia are so well suited for collaboration, why are they common in certain domains and nonexistent in others? Perhaps because until a successful first-mover becomes broadly visible in a sector, it does not occur to others that they, too, could easily engage in the same types of activities. Indeed, the consortium model only took root among libraries within the last few decades. But in that short time, the launch of new library consortia has accelerated logarithmically. And in the area of

standards development, the number of consortia has burgeoned from a handful in the mid 1980s to more than 500 today.

It seems clear, then, that these consortium models should be made more visible generally, so that their useful and flexible structures can be repurposed in new areas where they have not yet been utilized. Just as the standard setting consortium framework is beginning to spread into disciplines such as the health sciences, the approach taken by libraries should be made known to other types of non-profit entities that could acquire and share information with their peer organizations to mutual advantage.

As importantly, lightweight, well-explained, and easily implemented frameworks for on-line collaboration should be developed and made available for any "grass roots" initiative to adopt and use with confidence, just as the Creative Commons organization has developed a family of free copyright licenses that authors can use to protect the rights they wish to reserve, while encouraging the collaborative use of their creative works by others.

Making proven consortium structures more visible should encourage more diverse participation in more ambitious types of collaboration, with fewer resulting mistakes and greater certainty of results for all concerned. With so much to be gained through global collaboration (and the enabling technology already in place), the lack of proper administrative, governance, and legal tools should hardly be allowed to hold back the momentum of global collaboration – especially when they are already there, waiting to be used.

Copyright 2010 Andrew Updegrove

Sign up for a free subscription to **Standards Today** at

http://www.consortiuminfo.org/subscribe/2.php?addentry=1