

# Chapter I

## Introduction to the Study

*The Congress shall have the Power...To coin Money, regulate the Value, and of foreign Coin, and fix the Standard of Weights and Measures.*

—U.S. Constitution, Article 1, Section 8

### INTRODUCTION

This book is a study of the process of standardization—the process of establishing the technical standards that define nearly every artifact of the modern world. In the field of Information and Communication Technology (ICT)<sup>1</sup> such standards are documents that specify everything from the prongs on plugs and cables to the software protocols that make the Internet work. Technical standards and standardization play a vital role in trade and commerce, and increasingly in economic and cultural globalization. The aim of this study was to setup a research project to explore the discourse around standardization and to analyze it to provide a better understanding of the underlying issues.

Historically, these standards have been set largely by volunteer<sup>2</sup> participants in committees that operate within a wide range of environments, institutional rules and

social practices. In general, these groups have espoused a traditional commitment to general principles of democratic deliberation, public accessibility, and balanced stakeholder representation. The historical practice is now being challenged by a variety of forces, including newer, more private organizations that do not necessarily have the same commitment to these principles.

## PURPOSE

The purpose of this study is to establish an overall framework, that of *Digital Enclosure*—Enclosure in the Digital Age—a concept borrowed from legal, economic and public policy discourse for understanding important, contentious and interwoven issues in the current global standardization system. These issues include the rise of new standards-setting “consortia” and the challenge they pose to the traditional standardization process, intellectual property rights (IPRs), competition, anti-trust policy, business and commercial strategies, the Open Source movement, geopolitics, and technical innovation.

This study will begin by problematizing the Enclosure of standards and its relationship to notions of intellectual property, the concept of the “public,” and public goods. It will then suggest some forms of Enclosure and some of the counter movements and institutional responses and adaptations to Enclosure. In particular, the current work will seek to explore and understand the consortia phenomenon by analyzing the discourse surrounding it to ascertain the cultural meanings that drive related policy decisions by corporations, governments and institutions. Finally, it will consider Enclosure with respect to technical innovation and competition. Primarily, the purpose here is to establish the terms of the discourse surrounding standardization and consortia, the meanings of such terms, and to provide a framework for further study, analysis, and informed debate.

## THE PROBLEM

The central focus of this study is on the practice of technical standardization as a form of public discourse and idea production within a technical culture. In particular, the study focuses on the discourse surrounding a recent trend toward the privatization or “enclosure” of standardization activities under various corporations, trade associations, and consortia, and away from the more traditional, and possibly, as often claimed, more “open,” more democratic, and more inclusive voluntary consensus<sup>3</sup> committees. The distinction between the traditional formal system<sup>4</sup> and the newer consortia is one of legitimacy based on accreditation, on adherence to

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