

- 1) *Publicly viewable data*, not constrained by copyright or trademark should be *openly and equally accessible to, and useable by, all*
- 2) Foes of open access *abuse legal constructs of copyright, trademark and access to undermine competition, innovation and user rights*. Entrenched interests operate as trolls that blacklist access to, and use of, information that otherwise would be in the public domain.
- 3) Entrenched *trolls sue entrants* in the marketplace based on trumped up claims. Examples include:
 - i) claiming ownership of universal words and symbols (i.e. the word “face” or “list” or even the peace sign) and then suing competitors/innovators for trademark infringement
 - ii) falsely claiming ownership of user generated content as their own, with associated exclusivity and copyrights as a pretext for suing others
 - iii) censoring access to public data on a public website based on discriminatory and anti-competitive pretexts
- 4) The defense against trolls is *collective action to protect the public domain* through the creation of safe havens (aka a *data commons*) that is open and equally accessible by all
- 5) A data commons *receives but does not itself access data* that has been collected by others whom have not (yet) been censored or blacklisted by trolls. Access remains open as long as individuals and entities are willing to stand up for open access and share censored content that they can still access with those who have been blacklisted. Sharing what one is permitted to access, for now, is not yet a CFAA violation!