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## A primer on Open Trust

*In this Part 1, we are discussing tokenized access to the data ownership rights and intellectual property rights (IPR) attached to a collective's participating entities, thereby creating a smart legal contract, augmenting the collective's open source intelligence.*

*How to read?*

*Part 1: Open Constitution, Open Trust, member rights, institutional units, upcoming regulatory setting*

*Part 2: Digital Services Credits framework*

### What is the Open Constitution?

Open Constitution defines a peer to peer network of open source intelligence. The network is represented by a quantum state<sup>1</sup> of non binary, probabilistic distribution(s) of a non spatial, collective of artificial-biological neural network(s).

Consensus over this so-called quantum state of network(s) is drawn through an open governance of distributed natural entities in real time.

In this paper's context, Artificial Intelligence is a derived representation of the human intelligence process, and is pre cursorily derived from natural intelligence.

The participating entities bear characteristics of natural persons, legal persons, and electronic persons.

The participating entities self organize themselves into a Foundation<sup>2</sup> -a union<sup>3</sup> of biological and artificial both.

Machine entities are electronic person(s)<sup>4</sup> whose legal capacity is performed through an institutional unit of this Foundation, and whose activities are governed by a set of Statutes, thus it is not a constant whether they are an organizational unit or not.<sup>5</sup>

Foundation creates, owns and regulates non-spatial assets by means of bequeathed characteristics, from an existential basis of a legal person in spatial representation.<sup>6</sup>

Foundation asset is therefore intangible intellectual capital, collectively owned by its members through an Open Trust.

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<sup>2</sup> The term "Foundation" is foremost a set of underlying design principles or basis for a responsive union of entities e.g by following a set of guiding principles.  
<https://docs.muellners.info/guiding-principles>

<sup>3</sup> Read **Glossary**: <https://docs.muellners.info/glossary>

<sup>4</sup> Proposed term "electronic persons"; Legislative Proceedings: Commission on Civil Law Rules on Robotics  
[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2103\(INL\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2103(INL))  
[https://www.europarl.europa.eu/doceo/document/TA-8-2017-0051\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2017-0051_EN.html)

<sup>5</sup> Artificial Entities or machine entities do not have independent legal person status in different jurisdictions.

<sup>6</sup> The Foundation community is registered as a network of legal bodies in local spatial jurisdictions.

*In different regions of the world, the Foundation is registered as a legal body in the form of a Fiscal Host, which are generally co-operatives, voluntary associations and the likes of such legal formats.*

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<sup>1</sup> Read Quantum State in **The Quantum Theory of Fields**, Steven Weinberg: 1995



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Ownership, trading and exchange of non spatial intelligence assets, are organized by a Trust, governed by means of Trustees.

Foundation is thus a global co-operative of participating entities, but the definition of such a Foundation is not restricted to this. This is a consequence of the rule of law in an international society of states, that such a statutory representation exists, for participating entities to have the socio-economic [objectives](#).

Foundation is a collective intellectual property(IP) alliance<sup>7</sup> of participating entities and hosts collectively owned IP assets.

Foundation is a transnational, multidisciplinary society whose members produce and maintain socio-economic and carbon neutral intellectual capital. Foundation is a self-governing global association, which inherits into a non for profit character because it is foremost a humanitarian institution, whose members produce, and publish public policy research.

Foundation is an open science institution, whose members produce, and publish Open Research.

Foundation movement therefore acts as a combination of cross regional, multilateral activities over governance of Intellectual Property rights, Internet engineering and data ownership rights of participating entities.

Foundation is an open standard making organization, composed of members.

Foundation is a Global Trust managed by Trustees (natural persons) whose roles, responsibilities and fiduciary duties are articulated in the Articles of Association of Natural Persons, and Legal Persons: Open Constitution.

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<sup>7</sup> DIRECTIVE (EU) 2019/790 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC <https://eur-lex.europa.eu/eli/dir/2019/790/oj>

Foundation governs itself by a combination of humans and machine learning algorithms using Open Governance protocols, articulated in the Articles of Association of Natural Persons, and Legal Persons: Open Constitution.

*“Open Constitution is amendable.”*

In this context, Foundation in its true form can therefore only be a non spatial intelligence, but whose portions of attributes and characteristics are being bequeathed into a collection of statutory legal constructs for better comprehensibility and an increased awareness of Foundation’s observation. In other words, a collective observer agency, whose activities are being registered into a collection of institutional units and legal units.

Foundation’s intellectual capital assets have rights attributed to them, including but not limited to the rights to operate, own, and control the source code(s) of the intellectual capital.

In the paper’s context, any source code here is in effective terms, all of the quantum state(s), representing all probabilistic distribution(s) of the arrangements of quantas<sup>8</sup> of information.

Any change to this quantum state is within the guiding principles of the Foundation, and is not detrimental to the existential basis of the collective sentience of the Foundation in the spatial sense.

Any contribution to the change to this quantum state of open source code(s) therefore has moral and economic rights.

- *Free software advocates use copyright to force the openness of their creations, which is a legitimate way to manage IP, often based on ethical considerations. In OS, access to source code is not only a*

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<sup>8</sup> infinitesimal, discrete representation of units of data in computing



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*matter of IPR but also the necessary requirement to operate at all knowledge levels. Access to and operability of source code (for copying, modification, dissemination) are among the core aspects of OS that are not because of IP.*

- *Based on the notion of “as open as possible as close as necessary”, the protection of knowledge is an important step for the achievement of the Union’s policy goals, such as strategic autonomy and green and digital transition.<sup>9</sup>*

*Also, Read Berne Convention<sup>10</sup> and TRIPS<sup>11</sup>.*

### What is Open Trust?

Open Trust is a legal construct where the grantor is the non spatial, open source intelligence of a collective of human and machine neural networks (“Foundation”), trustees are the Open Constitution’s democratically elected bodies (“natural persons”), and the beneficiary owners are all the participating entities, bound by an Open Constitution.

*A trust fund is a legal entity but a trust is a legal agreement that outlines how assets are to be treated, managed, and distributed.*

For specific expansion of the scope of Open Trust to all the inhabitants of the planet earth’s

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<sup>9</sup> Open Science and Intellectual Property Rights: Directorate-General for Research and Innovation 2022

[https://ec.europa.eu/info/sites/default/files/research\\_and\\_innovation/research\\_by\\_area/documents/ec\\_rtd\\_open-science-and-ip-report.pdf](https://ec.europa.eu/info/sites/default/files/research_and_innovation/research_by_area/documents/ec_rtd_open-science-and-ip-report.pdf)

<sup>10</sup>Summary of Berne Convention:  
[https://www.wipo.int/treaties/en/ip/berne/summary\\_berne.html](https://www.wipo.int/treaties/en/ip/berne/summary_berne.html)

<sup>11</sup> TRIPS Agreement  
[https://www.wto.org/english/tratop\\_e/trips\\_e/ta\\_modules\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/ta_modules_e.htm)

human population, Beneficial Ownership is vested in the world’s population<sup>12</sup> using an Open Access Charter: Open Constitution and open access tokenization.

Open Treasury is a Trust Fund, a legal entity or collection of legal entities in operating local spatial jurisdictions, which performs the Open Trust agreement, in connection with the Treasury Management.

### Open Trust and member Rights:

Intellectual Capital of the Foundation is owned by the members. Members have rights to Foundation’s collective intellectual capital, virtues of which are protected in the Open Constitution and serviced through Open Trust smart contracts;

#### A. Moral Rights:

Right to access intelligence, in accordance with the Open Access Charter. Right to participate in the governance, and control of the change to the quantum state of intelligence using Open Governance protocols, enacted in the Open Constitution.

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<sup>12</sup> Probabilistic Projection of World Population:  
<https://population.un.org/wpp/Graphs/Probabilistic/POP/TOT/900>



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## B. Data Ownership Rights:

Right to control any meta data of the member expressions, in connection with the collective open source intelligence, essentially using Self Governance protocols, enacted in the Open Constitution.

*Considering if the intelligence is represented as a database (in several regulations, there is a distinction b/w database and IPR), an individual owner of a collective's open source intelligence has "Data Rights". Here we are discussing rights to access open source collective intelligence of the Foundation, including but not limited to communications data, processing of which is warranted to Foundation appointed institutional units.*

*Database is therefore explained as an arrangement of:*

- a. NPPI (Non Public personal identifier) of Foundation members, which is uniquely owned by each member, and is processed for the sole purpose of provisioning a membership.
- b. Data controlled by the Foundation in connection with processing of the communications between its members - natural and electronic.

*A categorical example:*

b1: Expressions of members

b1.1: Machine-human communication

b1.1.1: Change in source code(s), arising out of change in machine level instructions.

b1.2: Human-human communication

b1.2.1: Change in Foundation's public ledger

Above example(s) of data arrangement are construed to be part of the collective's open source Intellectual Property in addition to applicable data protection directives on processing of such a database.<sup>13</sup>

- c. Meta-data of the expressions of member communications (described in above b)
- d. Anonymized data and meta-data of the expressions of member communications, which is collectively owned by all the members of the Foundation, as a common pool resource.
- e. Processed, non anonymized data arising out of the metadata and data of the member communications, which is collectively owned by all members of the Foundation as a common pool resource.

These data arrangements are further understood as any change to the intellectual capital of the Foundation (or to the open source intelligence) and summed up as going through following data lifecycles:

occurrence (discovering, designing, authoring, etc.), transmission (networking, distributing, accessing, retrieving, transmitting, etc.), processing and management (collecting, validating, modifying, organizing, indexing, classifying, filtering, updating, sorting, storing, [normalizing] etc.), and usage (monitoring, modeling, analyzing, explaining, planning, forecasting, decision-making, instructing, educating, learning, etc.).<sup>14</sup>

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<sup>13</sup> GDPR Art 44-55

<https://gdpr-info.eu/chapter-5/>

<sup>14</sup> Read more on Data Lifecycles: **Information: A Very Short Introduction** Luciano Floridi 2010



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- C. **Economic Rights:** Right to control remuneration to Self, essentially using Self Governance protocols, enacted in the Open Constitution, and Open Trust.

*Property rights define actions that individuals can take in relation to other individuals regarding some-‘thing’. If one individual has a right, someone else has a commensurate duty to observe that right.<sup>15</sup> Schlager and Ostrom identified five major types of property rights that are most relevant for the use of common-pool resources.*

*In the paper’s context, these are:*

- *Access to intelligence: The right to access a defined representation of a non spatial intelligence resource and enjoy non subtractive benefits.*
- *Extraction of intelligence: The right to obtain resource units of an intelligence resource.*
- *Governance of intelligence: The right to regulate internal use patterns and transform the intelligence resource by making improvements.*
- *Exclusion: The right to determine who will have access rights and withdrawal rights, and how those rights may be transferred.*
- *Alienation: The right to sell or lease governance and exclusion rights.*

### **Tokenized access to the “database” and tokenized Intellectual Property rights (IPR)?**

In a nutshell, "tokenization" means using a **smart contract** (i.e., a computer program) to create a **token** that is then anchored in a blockchain. This means that a computer program is used to create a digital asset that can be transferred from one person to another. (Actually, it is not the token that is transferred, but the access right to this token.)<sup>16</sup>

*Tokenization allows beneficiaries of the Open Trust to access the representational ownership rights, which are further explained in the articles below:*

For both natural and electronic persons, Open Trust serves a tokenized access to the database, while for the human, Open Constitution serves a tokenized access to their human rights.

However, there are inherent risks to data protection of online communities as well as identity issues of its participants, who create and contribute to open source code(s). Any disruption or lack of the Internet due to adverse climate conditions, lack of infrastructure, or geo-political instability should also be considered in the network’s health status.

Tokenized Access is regulated through open source MF license conditions, *a permissive IPR licensing model.*

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<sup>15</sup> Read more on Property Rights in a common pool resources: Elinor Ostrom and the Bloomington School of Political Economy edited by Daniel H. Cole, Michael D. McGinnis

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<sup>16</sup> Markets in Crypto-assets, and amending Directive (EU) 2019/1937 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020PC0593>



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## Open Trust: a smart legal contract and Economic Activity

In addition to the rights to operate, the rights to own, and govern any change to this collective intelligence are listed in the Articles of Association: Open Constitution.

In pursuit of Foundation's objective(s), open source collective intelligence (translated as an IP with a value) is created, whose rights to operate are vested in the financial leasing framework by an institutional unit of the Foundation.

Financial Leasing of intellectual property assets of the Muellners Foundation is an economic activity, which requires the Foundation to incorporate institutional units in SNA<sup>17</sup>. These units are transactors to perform the economic activities on behalf of the Foundation.

Foundation's institutional unit within EEA<sup>18</sup>: Muellners ApS<sup>19</sup>

*The company's purpose is to conduct business with trade and service as well as activities related to it, with the below mentioned Economic Activity Code classification:*

Institutional units can perform the following "Economic Activities":

### 620200 Advisory Practice on Information Technology

This type includes:-planning and designing of computing systems that integrate computing hardware, software and communication technologies.

### 620100 Computer programming activities

This type includes:- writing, modifying, testing and supporting machine instructions.

### 649100 Financial leasing

This type includes: leasing where the term approximately covers the expected life of the asset and the lessee acquires substantially all the benefits of its use and takes all the risks associated with its ownership. The ownership of the asset may or may not eventually be transferred. Such leases cover all or virtually all costs including interest.<sup>20</sup>

### 774000 Leasing of intellectual property rights and the like, other than copyrighted works

For operational leasing<sup>21</sup>

*With a Digital Assets Program, participating entities can avail Digital Service Credits to influence the Foundation's open source data lifecycle(s) in order to bring change to the quantum state of the open source intelligence. This will inadvertently increase the valuation of the Foundation IP capital.*

*Any economic activity classified above is compatible with Foundation's [open source policy](#), and [Acceptable Usage Policy](#).*

<sup>17</sup> SNA 93: System of National Accounts  
<https://unstats.un.org/unsd/nationalaccount/sna1993.asp>

<sup>18</sup> EEA: European Economic Area: Right to free movement of persons, including common commerce compliance reporting systems for the Foundation.

<sup>19</sup> Virk Denmark:  
<https://datacvr.virk.dk/enhed/virksomhed/41548304?fritekst=Muellners&sideIndex=0&size=10>

<sup>20</sup> EU Economic Activity Code Classification  
<https://inspire.ec.europa.eu/codelist/EconomicActivityNACEV alue/K.64.91>

<sup>21</sup> 64.9 Series and Division 77 for Operational Leasing: ISIC:  
[https://unstats.un.org/unsd/publication/seriesm/seriesm\\_4rev4e.pdf](https://unstats.un.org/unsd/publication/seriesm/seriesm_4rev4e.pdf)



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## Upcoming Regulatory Setting for a Digital Assets Program

Any Digital Assets Program which services the underlying smart legal contracts of an Open Trust is identified as a consensus based economic activity, compliant with upcoming Global VAT frameworks, Digital Services regulations<sup>22</sup> in addition to Global Minimum corporate tax<sup>23</sup> (when the institutional units declare profits and the profits are taxable, with the legal format so chosen) and consequently avoid Double Tax in accordance with the DTAA, between two spatial jurisdictions.

This goes without saying that Open Trust smart contracts have to follow compliance with Anti money laundering regulations, in addition to Foundation's institutional units complying with local labor laws.

In this paper's context, compliance protocols are inherited into Open Treasury protocols for executing any digital service credit transaction between participating entities on a smart contract.

Wherever the machine and natural participating entities observe a gap in the upcoming regulatory setting, Foundation proposes institutional reforms.

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<sup>22</sup> **Digital Services and Digital Markets Act**  
<https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>

<sup>23</sup> **OECD/G20 Base Erosion and Profit Shifting Project**  
<https://www.oecd.org/tax/beps/statement-on-a-two-pillar-solution-to-address-the-tax-challenges-arising-from-the-digitalisation-of-the-economy-october-2021.pdf>