

Cloudberry on Creative Commons

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PREFACE, OR HOW IT ALL GOT STARTED...

The Creative Commons communities in Sweden, Norway, Denmark, Iceland and the Faroe Islands are working together in a project managed by the Society for Free Culture and Software (FFKP), sponsored by the Nordic Culture Fund and Nordic Culture Point. The aim of the project is to raise awareness amongst the creative community in the Nordic countries about Creative Commons.

By gathering 25 creators for an initial workshop in Gothenburg the 5th of November, the project sought to understand better the motivation for people to engage with Creative Commons, the stumbling blocks along the way, the networks and means to reach new creators, and finally to provide a common platform for activities in the Nordic region.

In this report, we've gathered the input of the creators that were part of the workshop. We try to show the current trends in society, and how Creative Commons meet those. The discussions from Gothenburg have been summarised under four distinct headings, each ending with a number of key points that present our thoughts

on Creative Commons.

As a part of this project, we've also launched the Cloudberry Project, a web site where we try to gather creators and activists who are working with Creative Commons. By showcasing creative works licensed under Creative Commons from the Nordic countries, we hope to encourage more widespread use of Creative Commons, and we also hope to encourage others through the site to engage more with advocating Creative Commons in their local communities.

We invite you to read the thoughts of this group of creators, and take part in the discussion. Towards the end, we've included a section on what activities we'd like to see happening around Creative Commons. You're more than welcome to engage in one or more of them, and claim the ideas for your own!

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Göteborg
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THE FUTURE OF CULTURE

Over the past number of years, the music industry in particular, but the creative industry generally, has gone through a number of changes, some of which we are only now beginning to understand. Current businesses are maintaining an illusion of the way the rewards system work for creative people and curating the idea of the lonely genius getting their just reward for something they have created.

The lonely genius is very rarely lonely, and very rarely does the creator get their just reward from the mere creation of a thing, be it a piece of music, a movie, or a photograph. We are in a time and place in history where the cost of distribution of many creative works is close to zero. And more importantly, the cost of duplication beyond the initial copy, is also close to zero. In some fields, the cost of production is also approaching zero, although this is not universally true.

Current ideas stipulate that the reward system work in a way that you create a thing, for which you then get paid. However, most creators today, and for very many years, have had to supplement

whatever income comes from the actual thing, through lectures, presentations, shows, performances, exhibitions, or any other way that generates revenue based on your creation without actually charging for the creation itself.

We bait the creators of the future with an idea of a business model which already towards the end of the 20th century was obsolete. We have switched to other business models, and we are now very close to understanding the exact business advantages of this new form of distribution.

In music, less emphasis today is on the selling of albums than on the reaching of a lot of people that enjoy the music. Creative Commons is a part of the publishing future, where sharing will play an important role in making a creator known, reaching a lot of people, and through those people establishing a relationship where the creator can eventually find their rewards through activities beyond their creation. As one creator expressed it: "People pay me for my creativity. Not for what I create."

IDEA #1: CREATIVE COMMONS IS REFORMIST, NOT REVOLUTIONARY

It can be seen as rather challenging to be against Creative Commons: regardless of your views on politics or culture, there are good arguments to be made for Creative Commons and this contributes to the strength of it as a brand that people from all sides can gather around. Members of the copyright industry and budding artists should be able to find a common ground, and it should be an aim for any communication of Creative Commons to defuse the current tension between the various participants in the dialogue.

When Linux Weekly News wrote about the launch of Creative Commons in 2002, they expressed the view that "Creative Commons is a reaction to the steady increase in the power of

It's not a question of whether Creative Commons is good or bad, but how it can be used.

copyright holders over their creations."¹ This line of reasoning and arguing for Creative Commons might interest some, and is likely to bring a fair amount of followers. It is unlikely to attract a wider audience though, and fails to meet the aim of defusing the tensions between the various interest groups.

Creative Commons is not a counter-culture, and should not be communicated as being one. Instead, emphasis should be placed on the establishment of new grounds within existing culture. Rather than a revolution, we're talking about a reformation of current practices. This reformation should not be a reaction against the current principles put in place by groups already vested heavily in the system, but a reformation which involve all participants jointly.

This way of communicating Creative Commons does not mean that we can not talk about it as something new though. While not a new born any more, Creative Commons can still be seen as new in relation to the industry at large, and it's perfectly within the frame of being reformist.

New ways and means of distribution is a challenge for both publishers and creators, and Creative Commons offers a way to

1 "The Creative Commons Launches", Linux Weekly News, <http://lwn.net/Articles/18282/>

work with this within the frame of current policies, while at the same time opening the door to further changes down the road. We can see publishers and the industry at large as allies in a search for contemporary business practices. While the industry has a deep investment in the current system, we should work to interest them in Creative Commons, rather than bypassing them.

In presenting Creative Commons, we should aim at showing the success stories, and the individuals and organisations leading by example. We should also be aware that many creators are not interested in business models: their aim is to create, and to be rewarded for what they create. While the reward system is changing, this does not invalidate the publishers, but it can change their role within the ecosystem. *Reform, rather than revolution.*

One of the roles for the publishers is to remove the administrative burden from the individual creators, under the auspice of the creator, or groups of creators . This places the creator in control of the publisher, which is a reformation of the current publisher

role. In this new role, publishers would have a natural interest in business models working with Creative Commons and could be as

Current business practices should be added to, not invalidated, for the benefit of publishers and creators alike.

important a target group as the individual creators.

All the time, we must make sure to stress that we reform the current system and allow more people to present their works to a larger audience and to engage in a community of sharing and collaboration. This does not invalidate previous business practices, but we seek to offer new business practices that work with the principles of Creative Commons. Adoption of these new business practices and of Creative Commons overall remains with the individual creator. Think of Creative Commons as reformist, not revolutionary.

- ☑ Work to defuse the current tensions between the different interest groups.
- ☑ Introduce that publishers have a role even if that role is different than before.
- ☑ Point out that Creative Commons is a new way for some creators, but that it doesn't invalidate existing practices.
- ☑ Be clear that new business models are required.

IDEA #2: CREATIVE COMMONS CONTRIBUTES TO NEW THINKING

In line with the trends we see in society today, especially as it relates to creative work and culture, we see a re-evaluation of the concept of culture, existing business models, means of distribution and ways of working.

Creative Commons would seem like a natural starting point for discussions around these topics. It is not the only point for such discussions though: the re-evaluation of culture has taken place largely outside of the scope of Creative Commons, amongst creators and in the context of funding of culture.

One example of such a discussion is the "Re:Imagining Cultural Spaces" conference which took place in mid November 2010. The conference explored "questions crucial to sustaining adaptable arts and culture spaces in the 21st century. A post-institutional approach is at the core of the programme. Where will art meet audience in the future?" Creative Commons is relevant in such a

discussion, but it's not about creating the discussion but rather joining an ongoing discussion.

While we should be aware that Creative Commons should not be perceived as "just another licensing scheme", it's undeniably so that from a legal perspective, when faced with a new means of distribution, copyright and copyright licenses influence the discussion. As Creative Commons offers a concrete and easy approach to copyright licensing, a discussion around new means of distribution would naturally lend itself to a discussion of Creative Commons.

In relation to the concept of culture generally, some of the questions asked are: who are the creators of culture? Who are we creating the culture for? What is culture? A trend in society is the shift towards peer productions and the idea that everyone can participate in the shaping of our shared culture by contributing to it. It has become increasingly easier to bypass the needle's eye of the "institutionalised" culture by engaging directly with the audience.

Creative Commons is already perceived as a tool for creators at large and not exclusively for the established cultural circles. Amateurs and professionals alike can find equal use of Creative

Commons and this aligns well with the idea of peer production. While not providing a depth of answers to the questions posed, it does give some hints for the further discussion.

Regarding the way we work with culture and on creative works, one of the foremost properties of most Creative Commons licenses is the collaborative nature of the production. Only in a small portion of the cases can you not reuse a work or build upon someone else's creative work. This should be used in the discussion around the ways in which culture is created and how we as a society work with cultural production. One important aspect of culture is also that there are also cultural works that are always changing. Creative Commons would be immensely useful as a tool for such works.

We see here that Creative Commons can join the ongoing discussions taking place in society today and offer compelling answers to some of the questions, or at the very least offer new insights and new thinking to a field that in some areas are in dire need of such.

- ☑ Culture is constantly being re-evaluated
- ☑ Creative Commons is not the origin of such discussions, but should join the discussions where they are happening
- ☑ In relation to distribution, collaboration, and business models, Creative Commons provide important pieces to the discussion.

IDEA #3: CREATIVE COMMONS IS A COLLABORATING COMMUNITY

Very little creativity happens without the creative input of others, or in collaboration with others. This is not exclusive for Creative Commons, and creators world wide have always engaged in creative communities. What Creative Commons brings to the table is an opportunity to engage in this collaboration in an international setting. This does not preclude national or local collaborations, but offers a larger arena for the collaborating creators.

What is more: this collaboration space is open and available for everyone, regardless of their previous work. Creative Commons avoids the threshold often needing to be passed by young creators, and gives them an opportunity to engage both with the world at large and with other creators. This opens up for collaborations between all creators, and fuels creativity through remixing.

One of the strengths of Creative Commons is that culture avoids the eye of the needle and lowers the barriers. You do not need to

be famous or "discovered" by someone else in order to engage in a dialogue and exchange with the public, and benefit from it.

Remixing is a strong driver for cultural works and most creators would be familiar with the feeling of building upon inspirations or works of others to create new works. Creative Commons should work with this feeling and link it with the ways in which using Creative Commons licenses can encourage such a collaboration.

What happens with your works once they have been released to the public? This question is pertinent, especially when it comes to issues such as defamation, or illicit use of creative works. With Creative Commons, the creators themselves decide on the license to use for their creative work. Allowing them the option to disallow commercial use, or remixing, is one of the drivers for the adoptions of Creative Commons. At the same time, remixing is a central aspect of what many creators see in Creative Commons and disallowing it can be seen as going against the natural development of creative works -- quite the opposite of what was intended!

**There is no ultimate design.
No design is the final one and
remixing fuels creativity.**

The issue of allowing or disallowing commercial use and remixing is a complex one, and while one must

acknowledge the role this has played in forming the current identity of Creative Commons and allowed more creators to adopt the licenses, it is high time for the community at large to think about the affects of this on culture generally and re-evaluate its use.

- ☑ Creative Commons lowers the barrier of communication with the public
- ☑ You, as creator, decide what others can do with your works
- ☑ You, as creator, can still sue people for defamation

IDEA #4: CREATIVE COMMONS IS MORE THAN A LICENSING SCHEME

Globalisation is a side effect of Creative Commons, and to reach all creators, we need to speak less Californian.

Creative Commons is more than just another licensing scheme. There are plenty of licenses out there to choose from for your cultural works, and Creative Commons was neither the first nor the last in the list of licenses introduced for free culture. Yet when talking about Creative Commons, a lot of emphasis is often placed on the licenses. In our communication about Creative Commons, we should be clear on that many are not interested in the licenses themselves. They are a means to an end, but they are not the end in themselves.

We can reduce the feeling of Creative Commons as just another licensing scheme by talking about the way it changes society, though keeping in mind that even if social change is and can be a strong driver for many creators, it's not for everyone. The feeling

of being part of a social movement, reforming the current system, can be a strong driver for those creators who also want to see their works as contributing to this process of societal change.

In our presentations about Creative Commons, we must be prepared to face new audiences. In fact, we should not only be prepared to do so, but we should actively seek them out! We don't want to get stuck preaching to those already converted, but work to include those new to Creative Commons in our audience. The approach taken to explain Creative Commons to each new audience might be different, and it's important to be prepared to adapt the message depending on your audience.

When communicating Creative Commons to a class on international law, it makes a lot of sense to include information about the particulars of the licenses or the difference in jurisdiction in the presentation. For most others, talking about such details will be at best very boring, and at worst, outright damaging for the presentation.

At the same time, when talking about Creative Commons, many current presentations start with talking about the rules imposed by the licenses, or even the limitations of the current system. This sets a negative tone to the presentation which is important to get

away from. Rules tend to stifle creation, and most creators are well aware of this. So starting a presentation by citing rules is discouraging to some participants in an audience, and they might not even look further. By focusing on the possibilities of Creative Commons, rather than the limitations, you set a much lighter and more sympathetic tone to your presentation.

- ☑ Don't be afraid to leave out the legal history
- ☑ Try new audiences and approaches to find what works for each audience
- ☑ Focus on possibilities rather than limitations

IDEA #5: ACTIVITIES WHICH YOU CAN ENGAGE IN TO PROMOTE CREATIVE COMMONS

This is a collection of ideas that you can consider for your Creative Commons activities. They were put together during the Creative Commons network of Nordic artists in Gothenburg on the 5th of November 2010, as input to the Cloudberry Project. If you engage and do any of these ideas, we would love to hear from you, and want to support you in whatever way we can!

Make visual examples

Explain how Creative Commons work with remixing. For instance by engaging writers who can supply sentences, plot parts, or other literary bits and pieces which can then be rearranged and remixed visually to form stories. You can do the same with music, graphic

design, or others. It would be a great way for new and old creators alike to contribute to Creative Commons by donating parts to be used in such visual examples.

Creative Commonsville

Create a game for Facebook and MySpace where people can experiment with remixing. Work with and against your friends to remix the latest Creative Commons music or picture into something truly remarkable.

Creative Commons Festival

Organise a music festival or photo exhibition showing only works licensed under Creative Commons. The fact that only Creative Commons licensed works are shown is part of the idea, but it should not be the only criteria for being included. Focus on quality. Engage with the creators you want to exhibit or play, and allow them to feel a part of the festival. Why not give all visitors a CD with the raw material of the music played or the photos displayed?

Use Google

Google has a tool to search for Creative Commons licensed works. This is relatively little used, and needs some attention. Create a

campaign to get web sites that offer Google searches, or which find information through Google, to use the Creative Commons search. Or just do an advocacy campaign highlighting this particular feature of Google. We know, it sounds odd to advocate Creative Commons by advocating a single company. But hopefully this might encourage other search engines to do similar.

Create information workshops

Set up information and instructional workshops on Creative Commons in collaboration with other associations, for instance different kinds of artists guilds that would have an interest in increasing awareness of Creative Commons among their members.

Organise a Creative Commons Salon

Put together a CC Salon in your city -- take inspiration from any of the Salons already being organised around the world. This would appeal mostly to those already in the know about Creative Commons, but it could be used to increase activities around Creative Commons by those already "converted".

Encourage public broadcasters to use CC

There are very few reasons why a public broadcaster should NOT use Creative Commons licenses for their material. Create a campaign that advocates this by highlighting those who actually do, and engage in constructive discussions with those who don't. Just make sure to not play the blame game: be constructive in the dialogues, and try to defuse any tension that might arise quickly and early on.

Done with CC

Come up with and showcase examples of creative works which can ONLY be legally done with Creative Commons, or which would have such a high administrative cost or overhead to be done in any other way. For instance, taking a thousand Creative Commons images to create a new image (each original resized to about 20x20 pixels or so, to make up a larger image together with all other images). The administration of doing this without Creative Commons would be staggering! Challenge your thinking and see if you can't come up with something else that would be next to impossible to do without Creative Commons.

Initiate large-scale projects

Take on the world and initiate large-scale collaborative creative projects, such as creating a full length crowd-sourced film or a crowd-sourced orchestra playing contemporary Creative Commons music.

Scout for CC material

Among the vast amounts of material available under a Creative Commons license online, not all have the same level of quality. Hunt down what you consider to be exceptional displays of art using Creative Commons licenses and highlight those to the world. This could be combined with the idea of a Creative Commons festival or exhibition.