

## CULTURE

the government is expected to bow to pressure from the music and publishing industries by toughening copyright laws when it presents its bill on intellectual property regulation in the coming weeks.

To put it in layman's terms, today, if you punch songwriter Víctor Manuel on the street and then go into a store and steal his latest album, you would only be fined; but if you download one of his songs for personal use, you can land in jail, Candeira explains.

This government has disappointed us; Amador Fernández says summing up the prevailing feeling among copyleft activists.

Creative Commons' proponents reject the industry's apocalyptic view of a world in which copyright infringement, of what-

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ever sort, will quash creativity by stripping authors of their rightful earnings. Instead, they argue that a more flexible approach to intellectual property will have just the opposite effect: it will boost creativity by multiplying exponentially an author's prospective audience.

The basic premise of their argument is that most artists want, above anything else, to see their work reach as wide an audience as possible and that restrictive copyright laws prevent that from happening.

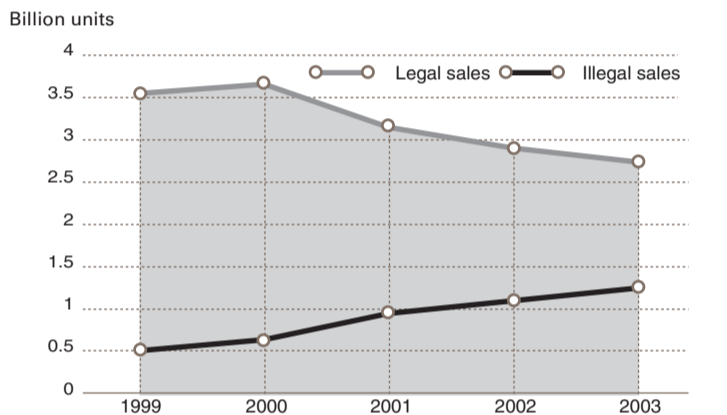
As journalist and musician Ignacio Escolar, author of the award-winning article *Please pirate my songs*, puts it, as a musician "it's easier to communicate something if the public doesn't need to pay to know you."

Author and journalist José Antonio Millán agrees. "My aim is to optimize my contact with my readers, in terms of quantity



A painting by Manuel Chabrera under a Creative Commons license.

### Volume of legal and illegal record sales in the world



Source: IFPI-The Recording Industry World Sales, 2003.

EL PAÍS

and quality, and I'd also, why not, like to earn money in the process," he writes in his article *The ownership of intellectual property*, published on his blog. Millán has not yet published his latest book of short stories, *Nueve Veranos*, but it is already available for free on the web under a Creative Commons license.

"My books don't spend much time on bookstore shelves and exporting them to America is almost a heroic feat. Therefore, if I want a good share of the 150 million Spanish-language readers scattered across the five continents to taste what I've done, electronic distribution is a good choice. A very good choice, at

that. The only choice," he says.

Of course, not all authors and artists are ready to take this step. As a matter of fact, most of them are reluctant to do so. In this year's Goya Awards ceremony, an annual event that rallies Spain's artistic elite — at least in terms of popularity —, some of the country's leading singers and filmmakers spoke out against piracy and Internet downloads, defining them as nothing short of "theft of artists' intellectual property". Opera diva Montserrat Caballé, for instance, who presented the gala, called for people to respect the only income sources of artists.

And yet, most successful musicians like, songwriter and parliamentary deputy José Antonio Labordeta, admit that their key source of income are concerts rather than record sales. According to industry sources, only 2.5 percent of the income accrued from record sales goes to the artist. The least successful ones, of course, do not only fail to make a living from music at all, but more often than not also fail to ever have their work published and distributed.

"When the Internet was born, 80 percent of the music ever recorded was not available at any price. It had been deleted, forgotten, withdrawn from the market. According to a US Supreme Court finding last year, this is typical: 98 percent of all the works in copyright are not available in the marketplace... There was no commercial legal way to make that music available on the web, but rogue P2P networks put virtually all the music ever recorded online in a scant year or two," US copyleft guru and author Cory Doctorow argues.

It is with such straightforward, common sense arguments that Creative Commons is gradually winning adherents across Spain. At least half a dozen publishers here are using these or similar licensing systems for their works; one of the country's pioneering free newspapers, *20 Minutos*, with a circulation of

two million readers, has put its contents under Creative Commons' licenses and dozens of bands and musicians, such as La-Mundial.net and Hush, are endorsing the movement as the best means to make their work known.

"I think this system will spread significantly. Its presence is already multiplying," Pablo, from Traficantes de Sueños explains. Others, such as the Italian WuMing writers' collective see the process in more revolutionary terms, describing it "as an unstoppable tsunami that speaks of a transformation of the technological context," Amador Fernández from Acurela explains.

The fact is, although the copyleft platform in Spain portrays itself as little more than a licens-

**Although the copyleft platform is very low-key, its language betrays a revolutionary zeal**

ing system, a movement based on a minor legal glitch, their language betrays a certain — albeit subdued — revolutionary zeal.

"In Creative Commons we're not against intellectual property and copyright; what we seek is a reform of the copyright system to benefit authors without engaging in a technological war against civil society," says Ignasi Labastida from Universitat de Barcelona, one of the key institutional supporters of the licenses. "We're not anarchists ready to raid the establishment's winter palace with our torches," he adds in a hardly soothing tone for those eager to defend the existing copyright establishment.

In late January, Creative Commons organized a conference to celebrate the 100-day anniversary of the introduction of the licenses in Spain. The room in Madrid's Círculo de Bellas Artes building where the conference was held was packed with people, and when Cory Doctorow concluded that the licenses are "artifacts from the early days of a better nation," the audience seethed with contained energy.

The prevailing feeling is that Creative Commons goes far beyond a simple intellectual property licensing system, it is what Amador Fernández defines as "a different understanding of culture;" one that views culture as a renewable common good, and that as such its benefits "multiply, rather than erode" through sharing. It is a movement that dares question the concept of ownership and that claims, in Doctorow's words, to simply "codify what modern culture has already decided it wants to be: a hybrid nation of explicit influences, generous borrowings and inside references."

It is the movement's hybrid essence — one that straddles the basic tenets of market liberalism and social democracy — that could prove its biggest stumbling block, as a result of its inability to rally the support of a specific political side for its cause in these days of strengthening bipartisan democracy. And yet, this political independence and the movement's communion with the unstructured information flows of the Internet, could also prove its biggest asset.

## "Art is a gift that ought to be shared"

Spanish painter Manuel Chabrera allows others to freely sample reproductions of his works

M.M.Z., Madrid  
Manuel Chabrera is one of Spain's most renowned living contemporary artists. His works are on view in international institutions around the world, including Florida's Art Museum, the United Nations' New York headquarters and Montreal's International Institute. Reproductions of some of his paintings, meanwhile, such as the one featured above, are up on his website, protected by a Creative Commons license.

This arrangement makes these reproductions freely available for anyone who wants to use them for books and newspapers such as this one; to feature them in films and documentaries and even to use and transform them for other artistic pursuits. The latest book on his work, presented in Madrid's Contemporary Art Fair, Arco, can also be downloaded for free on the Chabrera Foundation website: [www.chabrera.org](http://www.chabrera.org).

Sharing his work with the

public comes naturally to this painter, who is an ardent supporter of the Creative Commons project in Spain.

"History consists of a constant reassessment of existing works, of their recreation. Avant-garde movements and great works of art are a product of this process," he says. He hopes that the works he has put under a Creative Commons license will serve as inspiration for new artistic expression, be they in the form of paintings, books or even operas.

"Art is a gift that must be shared. It's important to grant authors' freedom, because without creative freedom it's hard to create anything new," says this holder of the Silver Medal of the European Academy of Arts.

"Some see art as a cow that can be milked dry," he says apologizing for what he considers a crass image. "Our philosophy is the creation of a world in which art and culture is open to anyone."

Chabrera, who works on multiple projects in places as far-off as Berlin and New York, first heard of the Creative Commons project in the United States. The initiative, he says, emerged "as a very serious project from some of the world's most respected lawyers."

This convinced him to take what many in the art world consider a very risky step: to allow others to transform electronic reproductions of his works for their own creative purposes.

The type of Creative Commons license he has chosen is one of the most flexible in the market. According to the license's terms, as described in his website, users are free to "sample, remix and transform in a creative way this work with commercial or non-commercial ends," and to "communicate and distribute copies of the work with non-commercial ends (ie: Internet file swapping)." The only conditions are to cite the original author and

to use the work only to promote the new piece of art resulting from the manipulation of the original.

This is only one of the many formulas these licenses offer to protect intellectual property. More restrictive ones include the option of withholding the right to sample the piece and to use it for commercial purposes.

Chabrera admits that there is an inherent risk in allowing others to use your works without his supervision, but for him "it's a risk worth taking." If Walt Disney had not been allowed to use popular fairy tales such as Pinocchio and Cinderella the current progress of the animation industry would be unthinkable, the artist says.

Measuring the success of his initiative in sparking creativity is hard, he admits. "This is something that is very experimental. But the hundreds of phone calls and e-mails we have received from people who have used the images thanking us is telling," he concludes.