From JHB with love...

Dear global commoners

I've just gotten back from a really exciting trip to Japan, preparing for next year's iCommons Summit to be held in Sapporo.

During my stay, I met with many organisations that are excited to help make next year's Summit something very special. With the help of the wonderful team from Sapporo City, Creative Commons Japan, Digital Garage, Loftwork and many others, we've made a great start to planning for next year's event and we think that this will bear fruit as we prepare for the most successful Summit yet. There are a lot of details that are being discussed on the node (http://icommons.org/nodes/isummit-2008) and we urge you to join up and offer your help and advice. What I'll focus on for this letter is the theme and structure of the programme for next year.

Japan is famous for innovation. I have never visited a country where creativity is such an integral part of everyday life – from the beautiful illustrations on public signage to the cute mascots for tech products and the incredible interactive museums around the country. But the picture is not as rosy as it seems. According to the people I met, professional artists still have their own struggles and there are still policy challenges to developing creative industries in places outside Tokyo.

With the Sapporo City Government providing a great deal of support to the Summit next year, we've been talking to people from universities, the creative sector, government, indigenous peoples' museums and local business about making next year's event into something that has a positive impact on Sapporo, Japan and the region. Rather than Sapporo just being a 'venue' and a 'backdrop' for our Summit, we want to make sure that it builds awareness and capacity around the commons in the years to come.

With the primary theme being 'Innovating the Commons', next year's Summit will focus on those who may not be currently involved in commons debates/issues as well as supporting and inspiring those who are currently involved in projects to build the commons – all in creative and experimental ways. Creative Commons Japan and the Digital Garage Group will be helping us to build localised awareness-raising materials and to bring as many local participants and sponsors onboard as possible. The Sapporo City Government is starting a 'Remix Sushi' project to generate greater awareness of the ideas of cultural sharing and innova-

CC enthusiasts, by Fumi, CC BY-NC-SA 2.0

tion (people will submit sushi recipes and a group of Japan's greatest sushi chefs will select the best ones to be served at the Summit). The team is also engaged in the 'Machibon Project' – a beautifully illustrated textbook on urban development released under Creative Commons. We're also investigating a research project with Creative Commons International and a host of other projects will be announced in the coming months as they are finalised.

In terms of the structure of the programme, we are designing the event around the following main 'tracks': 'inspire', 'debate', 'learn', 'create', 'show', 'play'. The idea here is not to divide by discipline but rather by interaction type so that we can retain the diversity of the sessions and ensure interactivity. The overarching 'inspire' track will bring together people from a variety of different disciplines – not just copyright experts or open content geeks, but a diversity of people from the entertainment, business, development and education sectors to talk about the necessity of openness, sharing and accessibility in driving innovation around the world.

Under 'inspire' are tracks devoted to 'debate' – a debating chamber where we will ask speakers to address different perspectives on a topic; 'learn' – an interactive curriculum to build understanding of the basic ideas that underpin the commons and how to apply them in different sectors; 'create' – where nodes can invite participants to help them build commons resources and develop experimental products and 'show' – where nodes, organisations and companies can display the innovation projects that they are currently working on.

Finally, and perhaps most importantly to get the creative juices flowing and for the real interactivity to occur, we're going to have a track called 'play'. Here we're looking for a series of digital and analogue games that participants can bring and facilitate to enhance communication across cultures and languages.

We'll be publishing a request for proposals with lots of time for review and preparation, so start planning how you'd like to be involved! This landmark Summit is going to require a great deal

Content

of energy and passion from Summit participants in order for us to success. But I think that if we can all contribute personally over the coming year, we will be part of something very extraordinary when we meet in Sapporo on July 29.

Best,

Heather

heather@icommons.org

P.S. Yes, the Sapporo Beer Festival will coincide with the Summit. Anyone up for leading the free beer project? ;)

Gogo tells it like it is:

"People do not indulge in piracy for the sake of being criminals"

There are a few people that don't have the "receive messages" turned on in their iCommons accounts, so I have had to invite them to join our project node through email, which means they might not respond. Is there a way to invite these people through iCommons even though they have "receive messages" turned off? From Cynthia Jimes, ISKME

Gogo says:

Dear Cynthia, if I had used my curling irons this morning (which I didn't), I would most certainly take my hat off to you for this important question. But I'm afraid the answer is a short story with an unhappy ending. The ending is: No. There is no way to invite people to join your project through the iCommons website if they don't have the receive message turned on in their account. But because Gogo hates to be the bearer of bad tidings, she hopped onto icommons.org to look a little more closely at the situation. Now, surprisingly, quite a lot of people do not have their receive messages turned on, which means they didn't tick the option: "It's ok for me to receive projects participation invitations through my profile page at iCommons.org (your address will only be shown to users you reply to)" when setting up their profiles. The big question is: WHY?

Gogo is of the opinion that people who do a lot of online subscribing to various sites, including commercial sites, automatically refrain from asking to receive messages because past experience has shown that this opens up... well, a spam of worms! Now this is where icommons.org is different. Having your receive messages on means that you are one degree closer to your community; people will only contact you if they wish you to participate in their node or to discuss relevant issues, and they will only want you in their node if they believe you have something to offer.

For example: no one who knows Gogo is going to invite her to the Document Format Policy node, but they might invite her to Heather and Jimmy's 50 great parties club (hint, hint). In other words, it won't be spam; it will be specific and targeted communication. The ending here is a happy one: you can edit your profile, so rethink what it is you want to gain from having a profile on icommons.org - you might just see that receiving messages is a good thing!

Q: Gogo, what do you envision as the future of Creative Commons in developing countries? On one side, I heard someone say that CC lacks sense in countries with high rates of piracy as pirates would have easier access to works that allow many uses (as CC licences do). On the other side I heard that CC could indeed help to civilise the system and decrease rates of piracy. What do you think about it? From Oscar Montezuma, CC Peru

Gogo says:

Dear Oscar. Well, Gogo packed up her knitting with speed, hopped into a taxi and was down to the iCommons HQ faster than you can say, "developing countries". I burst into the office and stated, "I need advice!" Kerryn was Skyping, JC had his headphones on, Rebecca said, "I'm interviewing Mark Shuttleworth", Daniela said, "I'm editing the newsletter", Wendy said, "Ask Heather" and Heather said, "I'm in Japan." It's not that they don't love Gogo. So it was with a huge sigh that I sat down and thought carefully about your question, Oscar. This is the situation according to Gogo: Creative Commons is the future for developing countries. For example, in our fine land, South Africa, there are 11 official languages and automatic permission to translate texts for educational purposes should be the default. Piracy is a response to a need: the need for materials and information that is not accessible to many under the constraints of copyright. People do not indulge in piracy for the sake of being criminals; as the adverts would have us believe. Piracy is finding ways to move freely where authority has forbidden access; of finding the opportunities that the status quo doesn't allow for. Creative Commons is one of the ways to re-balance the status quo. But, Gogo does also believe that there will always be piracy in some form or another as there will always be those who have and those who have not, and those who wish to have. Gogo suggests that if you want to read more and debate more about this topic, read Prashant Iyengar's article *I-Pyrate* and Allison Fish's *The Asian Privateer* on icommons.org and in this newsletter on pages six to eight.

Node reports: an update on iCommons community projects this month

Policy/law by Paul Jacobson
August saw a focus on open access in the policy/law category on icommons.org The Open Document Format node was launched, which is intended to stimulate discussion about document formats in general as well as about which document formats iCommons should support. The Public Sector Commons node was also launched, which aims "to create a knowl-edge sharing network centred on the provision of open access to government and public sector materials."

Media/events by Kerryn McKay
The big event in the EVENTS node is, of course, Heather and Jimmy's 50 Great Parties club which is a huge hit. The node has received the most comments and participants that any node has received to date. This speaks volumes about our community and our desire to be part of the fun!

Education by Kerryn McKay
The iCiC project, which is a research project administered by iCommons and undertaken by ISKME is about to move into its third phase. Exhaustive study and research into OER creators and actors has yeilded some interesting information that will be made known to the community for comment within the next month. Go to the node and wiki to update yourself on the status, and also look out for Cynthia's *How to run your own OER Hackathon* article in the Lab Report on page 18.

Science/Research by Rebecca Kahn
This month, the node report for the science/research nodes is less of a report-back and more of a call to action. The research node is empty, people. And we know that there are all sorts of people doing fascinating research in the commons. So use a node to publish your Open Access papers, or document your campaign for Open Access at your university or school. You'll get me as your node co-ordinator, and I'll do just about anything you need to help you maintain your node.

Business by Rebecca Kahn
The business nodes seem to have quietened down, but there are some great projects there. This month, I'd like to highlight the Financial Commons Project, which aim to extend the CC domain to monetary economics and finance. Pilot projects have been run successfully in Brazil, so if you're interested in porting this project to your country, contact node administrator Schwartz through the node.

Culture by Daniela Faris
Two new nodes were established in this category in August. The first is the Artistic Licences node, which aims to remix the legal text of common copyleft licenses, to represent them in a more creative way. The other culture node is the CC Band node, which has a really fun goal of gathering CC enthusiast musi-cians together, to compose the official theme song of the next Summit. To all you culture enthusiasts, sign up for these nodes now!

How to Throw a Hot Party

*One of the organisers of the first '*Heather and Jimmy's 50 greatest parties club*' party,* **Kevin Driscoll***, shares his experiences of organising the event in Singapore in August. Here are five easy steps to help you pull off one of the other 49 parties to be held this year, as "The Place To Be" (TPTB) for sizzlingly hot Commons fun.*

Start here

The key to throwing a hot party is vision. Close your eyes and imagine the party you want to throw. Notice how many people there are. Is it crowded or comfortable? How are the people dressed? Are people talking or dancing? What does it smell like? For best results, you might try this imagination process with a friend or two.

Step 1: Do the groundwork

The first and most daunting challenge to throwing a hot party is identifying where and when it will take place.

In order to properly **pick a date**, you need to consider your intended guests. An iCommons party attracts people from all over the social spectrum. Consider the ***typical nightlife habits*** of the city in which you will be throwing your party. Which nights of the week do people typically go out? Follow this pattern. It's best not to be a pioneer when it comes to scheduling.

Choose a date early and tip-off all of the city's movers and shakers ASAP. Let them know the size of your event and the people you will attract. This will discourage them from planning competing events. You aren't announcing the party to the public yet but trying to ensure that your event is TPTB the night it goes down.

People who book **venues** don't like ambiguity. They want to know the date and the time in black and white. Come to them only after you have chosen a date. With a little diligence, you can find a venue just about anywhere. Remember to be creative. Start with places you've been to before and then move on to **untapped resources** like community centers, public parks, schools, and private function halls.

Venue checklist:
make sure you know the following before booking a venue...
- the legal capacity of the room
- the availability of a soundsystem and/or projector
- the staff that will be on-hand for the event
- door charges and the money distribution
- what (if any) promotion is provided and how the venue prefers to be listed on promotional materials
- options for open bar or drink tickets
- time limits (doors open, last call, everyone out)

Step 2: Plan to engage the senses

Once the venue and date are set, you are ready to spend time thinking about the fun stuff. Bring yourself back to that original vision and slide into the shoes of one of the guests. To plan a hot party, you need to consider all five of your partygoers' senses. See "Exhibit A" below.

Exhibit A: the partygoer

How does the party taste and smell? If your party falls during the typical mealtimes in your city, you must consider your guests' appetites. You can subtly encourage people to eat in advance by making your start time a few hours after the typical mealtime. On the other hand, parties with a culinary theme can be extraordinarily fun, memorable experiences.

How do the people get to your party and how will they get home? Do they take a cab, walk, or public transit? Will people have a hard time finding the venue? Making a map and writing clear directions is always worth your effort .
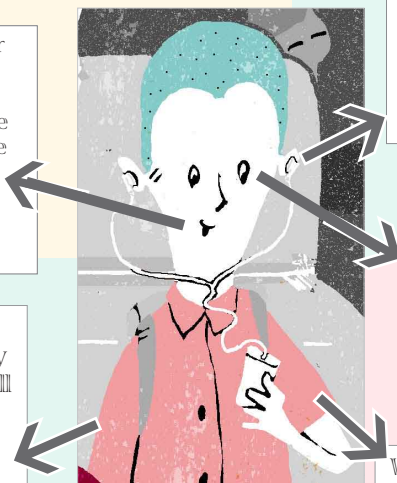
What does it sound like in the party? Will there be music? Is it live, from a DJ, or a laptop shuffling mp3s in the corner? Is the music making people dance, drawing their attention, or providing a soundtrack for conversation?

What does the party look like? Think about your venue at the time of the party. How will it be lit? What is on the walls? What is underfoot? What do the bathrooms look like?

What does your party feel like? If it's cold outside and hot inside, you might need a coat check of some kind. If it's hot everywhere, you might need some big fans.

Drinks Tip:

In many countries, alcohol is commonly drunk at parties. If you are running the bar, severely limit the number of drinks available. This will make the lives of your bartenders much easier. A good idea would be to offer just beer and vodka with a choice of mixers. If the drinks are free or the price is reasonable, you will hear few complaints about this system.

Step 3: Getting the word out

Strategic promotion is fundamental to throwing a hot party. Your promotion will take multiple forms: word-of-mouth, online social-networking, and flyering.

Word-of-mouth starts right away while you are ironing out the date and location. Let people know what you're up to. There is a hot party on the horizon and they should keep their eyes open! Hot parties have **hot fliers**. Get your graphic designer friend to whip up a flyer that'll look just as great as a JPEG, as it will when it is printed out on paper.

In the weeks leading up to your party, be stationed outside of other local parties to hand out flyers as people start heading home. A flyer on the way out of a venue is much more valuable than a flyer on the way in because people will actually read it. You should also pin flyers up at local businesses catering to the guests you hope to attract. **Now post that JPEG everywhere**. Make bulletins to MySpace, create an event on Facebook, send out mass emails, put the details on your blog, make an away message, change the IRC channel subject, etc. A particularly **crafty move** is to change your profile image on social-networking sites to the flyer image. That way, the flyer is implanted on the pages of all of your friends!

Checklist for the party flyer:

have you included the following info?
- name of the party
- date and time
- venue name and street location
- telephone and/or email to contact for more information
- logos for sponsoring organizations
- information about age restrictions, dress codes, etc.

Step 4: Timing is key

Timing is critical with promotion. You need to tell people about the party a **few weeks in advance** so that they have time to forget. That way, the second time you tell them will trigger a long-lost memory, making their attendance feel like a foregone conclusion. You will be surprised at how effective this strategy can be. Then, *two days* before the event, stage an Internet blitz that lasts for at least 24 hours. **On the day** of the event, send out email blasts, make more MySpace bulletins, and get some serious SMS forwarding going. Remember, make sure everyone knows that your party is TPTB.

Some promoters roll back the start time on their flyers in an attempt to trick their perpetually tardy patrons. I have found that this fudging of times is such an accepted practice that most party-goers will assume the party starts an hour later than listed. Rather try putting the exact time and stress that partygoers must be prompt. "9:00PM – BE ON TIME, SRSLY" has worked wonders for me in the past.

Step 5: It's not over till the punch is drunk

Once the party starts, your job as organiser is to *circulate* through the crowd, introduce yourself to the guests, make introductions between strangers, take many photos, and have fun without becoming drunk. You need to be *available* and sober for staff of the club to make sure everything is running smoothly. Unfortunately, throwing a party isn't always quite as fun as simply attending one!

After the party, post the best photos on the web and write thank-you communication into all of the online spaces to which you advertised. Your party was hot and everyone knows it!

Entertainment Tip:

Try to limit the number of artists and performers at your event to three. Three is the magical, manageable number. Three provides enough diversity to satisfy all of your guests but will not disorient and distract them. A classic trio features a DJ, VJ, and single live performance about 30% of the way into the evening.

Street vendor, sourced from WikiMedia Commons, in the Public Domain.

I-Pyrate

by Prashant Iyengar, ALF, India

"Much had been done by the Potter publishers, just short of calling in the navy and air force, with the unprecedented levels of protective fuss including setting up a 24-hour anti-piracy hotline, armed guards, all-night vigils, and armored convoys worldwide shipping the book from airports to stores".
Asia Times Online

Last week, the multi-ethnic city of Hyderabad in south India – the city I was raised in - was hit by serial blasts killing 42 persons and injuring about 50 others. The navy and the air-force were not summoned, no hot-lines established. This article is not about terrorism and the bootlegging of deadly arms and explosives, but is instead about something far deadlier: media piracy.

In a chapter titled "Piracy" in his seminal book *Free Culture*, Lawrence Lessig distinguishes two kinds of piracy - the abhorrent commercial 'Piracy I', rampant in Asia and Eastern Europe and which, notwithstanding many cute excuses, is "wrong" (the word is employed as many as 16 times in this short section of the chapter), and the other sort of piracy, fondly titled "taking", which occurs when people use the Internet to download

music albums. This latter type of piracy is stated to be not-so-wrong for reasons including "because the industry is not asking the right questions" and "because much of this piracy is motivated by a new way of spreading content caused by changes in the technology of distribution". Online piracy is not wrong, but is only a question of "balance".

I would like, in this article, to mount a defence of the much calumniated Asian pirates (even those in Eastern Europe). In doing so, I will try to highlight how the appellation of pirate belongs "more to the definer than the defined".

The pirate has always been considered a threatening figure existing outside the law in direct threat to the stable social order.

I need to issue a preliminary caveat or *mea culpa* here to readers. I owe much of my crucial non-formal education to various forms of piracy. All the computers I have ever used (dating from the late 80s) have operated on pirated software. In the early 90s, my brother and I devised ("invented") an elaborate electronic wire scheme to pirate cable TV so that we could watch *Star Trek*TM

and *The Wonder Years*TTMTM. Most of the books I have read have been either pirated or second-hand copies. Most of the music I listen to was downloaded illegally off the Internet (which, for a while in the initial years, we accessed using a hacked account). Last year, I began hosting a site of Free Indian Supreme Court Judgements which was effectively a rehashed, improved (cooler, I insist) version of the government website - pirated from them, in fact. And so on - stuff that doesn't get onto CVs. So my objectivity in this article may be a bit impaired. (In defence of my character, I have never shoplifted, I love animals and am moved by music.)

For three reasons, I think classifying piracy in India as wrong may be too simplistic a way of looking at this phenomenon.

Firstly, most legal media commodities that are sold in India are exorbitantly priced and are largely unaffordable by the average consumer. In this context, the pirates may be seen to be facilitating a parallel economy which caters to those who are unjustly priced out of the mainstream market. In support of this point (as 'Defence Exhibit 1') I would like to produce a comparative chart of the prices of specific popular media articles

in India and the US and projecting those prices in terms of per capita GDP data (see chart below).

This table demonstrates the injustice that the "Asian market" levels of prices would cause if they were imposed in the United States. I assume the same test is replicable for countries like the UK and Canada.

Spectacular news reports of "anti piracy" raids only serve as periodic reminders of the magnitude of the market that the major publishers refuse to serve. For instance, consider the following statement from an article in the International Journal of Higher Education:

> "Stacked to the ceiling in one shop alone were pirated copies of 70,000 books, from copies of first-year chemistry books, to reproductions of pricey medical texts - enough copies to stock a large American-university bookstore."

More than the publishing industry, it is the pirate industry which shows India up as a nation of voracious readers constantly endeavouring, against odds, to educate itself.

Secondly, whilst Harry Potter has come to be regarded as the poster boy for anti-piracy campaigns, it is in fact professional books such as medical and engineering textbooks, that are pirated most extensively in India. In a revealing survey reportedly conducted by the Federation of Publishers' and Book-sellers' Associations in India (FPBAI) in 2000 it was found that 85 out of 110 retail sellers of medical books in Delhi were selling pirated copies – a fact that signals that much of the medical profession in India today could owe its existence to this hidden subsidy by the pirate industry. In addition to catering to our domestic market, the IIPA in 2004 reported that the Indian pirate industry

was exporting low-priced copies of textbooks to other Southeast Asian countries.

This situation is analogous to the position in other developing nations including Brazil, Egypt, Nepal and China. In 2004, the International Chronicle of Higher Education reported that in Latin America as a whole, "illegal reproduction of books is a staggering $7-billion industry, far outpacing the $4-billion legal publishing industry". While this statement is intended to elicit outrage and perhaps a commitment to cracking down on piracy, one cannot suppress the lingering question of how many of the consumers of this $7 billion pirate industry would in fact be able to afford the difference. As Debora Halbert, Colin Darch and Alan Story point out:

> The ability of the regional publishers to deliver low cost books without loss of quality exposes the fact that publishing and expensive publishing are two distinct activities...

"What is lost to individuals and nations through the criminalisation of copying is nothing less than access to the means for living a safe, healthy and dignified life".

Thirdly, and this merely buttresses the previous issues, one is compelled to wonder why the regional language publishing industry in India is immune to the problems of piracy. Piracy is a malaise unique to the English language publishing industry and this is despite the fact that regional language authors, for instance in Telugu, are raging successes selling many thousands of copies. These figures compare favourably with the sales figures of English bestsellers. What then accounts for the pirates' lack of interest in this potentially
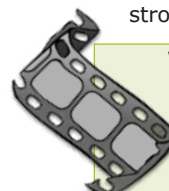
A Consumer Electronics Association advert, by Owen Blacker, CC BY-NC 2.0, on flickr.com

lucrative business? Regarding the Telugu book industry, I would venture to suggest that the answer lies in the fact that these books are priced very low to begin with, ranging between Rs. 20 ($0.5) to Rs. 300 ($7) with the most popular books being available for around Rs 100 ($2.5). This makes piracy commercially unviable, socially unnecessary. The ability of the regional publishers to deliver low cost books without loss of quality exposes the fact that publishing and expensive publishing are two distinct activities, and that copyright is being deployed exclusively in service of the latter.

To conclude, I'd like to respond to a slightly unsavoury comparison Lessig makes between consumers of pirated goods and alcoholics: "We don't give the alcoholic a defense when he steals his first beer, merely because that will make it more likely that he will buy the next three."

More than anything else that Lessig has said, I think it is this sentence that mounts the harshest of critiques against the existence of copyright. When one contemplates this casual transformation of a nation of bibliophiles and autodidacts into diseased addicts, it unmasks the ethical hollowness of the entire copyright system.

As Upendra Baxi has pointed out, "It is not that the Indian people.. are unable to develop a strong commitment to legalism. It is rather that both the rulers and the ruled collectively feel that most legal rules do not set any genuine moral constraints to behaviour motivated by strong personal or group constraints."

Item	(A) Retail Price in USD in India	(B) Retail price as Percentage of Indian Per Capita GDP ($975)	(C) Actual Retail Price in USD in the US.	(D) Projected price in the US based on 'B' percentage of US per capita GDP ($43,444)	(E) Number of hours of work needed for a US Citizen to earn 'D' based on employer costs per hour in US ($19.47)
Harry Potter and the Deathly Hallows	$24	2.4%	$35	$1042	53.51 (1.5 weeks)
Nimmer on Copyright	$1745	179%	$1745	$77753	3993.4 (118 weeks)
Microsoft Windows Vista (Home Premium)	$226	23%	$239	$10070	517.2 (15.2 weeks)
Office 2007 Professional	$432.4	44.35%	$499	$19271	989.7 (29 weeks)

"Defense Exhibit 1": a comparative chart of the prices of specific popular media items in India.

The Asian Privateer: Rethinking Lessig's "Asian Pirate" in the Postcolonial Context

by Alli Fish, ALF, India

As Prashant notes in this month's article for the Local Contexts, Global Commons node, Lawrence Lessig, the prolific scholar-champion of the commons and supporter of the capitalist order, distinguishes between two types of piracy. Simplistically speaking this division constructs a beneficial piracy (taking) that operates in contrast to a negative piracy (Piracy I). On the one hand, Lessig argues that the former effects a transformative use of original source materials thereby producing creative output. On the other hand, he denigrates the latter, negative piracy, as simplistic mechanical reproduction - a type of activity that Lessig notes is commonplace in markets throughout Asia. Critiques of Lessig's work, for example, in Kavita Phillips' paper, *"What is a technological author? The pirate function and intellectual property,"* suggest that this dichotomy of piracies constructs the figure of the Asian pirate as a crude copier of originals who does not himself produce anything of social value and, instead, inhibits the efficient functioning of the capitalist market.

The following article challenges this perception of the Asian pirate. In order to do this I assume that contemporary legal and market systems do not offer equality of access to social, political and economic resources or opportunities. As such, I suggest that Lessig's "problem" of Asian piracy should be rethought taking into account both the history of colonialism and postcolonial realities. In lieu of this, I introduce the modern Asian privateer who uses the domain of the market, the avenue of domination in the postcolonial context, and not the legal-political; the avenue of domination in the colonial context, to negotiate equality of access not only for himself, but also for his customers.

The act of piracy, a robbery committed on either the high seas or the shore, has an extensive history and traces its roots back to both ancient Roman and Greek cultures. In fact, the first recordings of pirates tell of a fierce sea people that threatened travelers and settlements in the Aegean around the 13th Century. In the intervening centuries pirating activity spread throughout the waterways of the world threatening both inter-state trade and communications. As such, the pirate has always been considered a threatening figure existing outside the law in direct threat to the stable social order. In the era of the modern political state, policing piracy was a problematic enterprise as the crimes took place on the high seas and outside of any nation's jurisdiction. During the era of European imperialism the pirate threat, because it created great difficulties for the success-

Howard Pyle illustration of pirates approaching a ship, from Howard Pyle's *Book of Pirates*. Sourced from WikiMedia Commons, Public Domain.

ful administration of the colonial project, was recognised as a menace to humanity and the progression of civilisation. Thus, international agreements were drawn up regarding its eradication. These agreements, thought to be the earliest invocations of the universal jurisdiction in international law, allowed for states to try, convict, and punish pirates encountered outside of the nation's boundaries. Thus, the traditional pirate exists as an illegal figure that is a parasite that retards the progressive

> The pirate has always been considered a threatening figure existing outside the law in direct threat to the stable social order.

project of capitalism. It is this figure of the pirate that is invoked both in the hegemonic understanding of the intellectual property piracy (for example see Vaswani's article *"India steps up fight against piracy"* and Lessig's *Asian pirate*.

Not all acts of theft and violence on the high seas, however, were viewed as illegal pirate activity. Between the 16th and 19th Centuries, during the height of the colonial project, the privateer

became an accepted tool of naval warfare sanctioned and used by most European powers. Like the pirate, the privateer attacked and robbed merchant ships. The profits of these ventures were then split between the ship's investors and crew. Unlike the pirate, however, the privateer was legally allowed to attack and commit robberies - in fact, that was the privateer's function: to attack, rob, and disrupt maritime activities of enemy nations. Additionally, unlike the pirate, the privateer was considered to be a state-authorised warship and its crew, if captured, were to be treated as prisoners of war. The logic behind the authorisation of privateering was that interrupting an enemy's trade, particularly the trade between a state and its colonies, would create not only economic hardship for a nation, but might also cause its empire to disintegrate. For example, Britain used privateers to attempt to stem the flow of gold from Mexico to Spain that the latter used, in part, to fund its navy. Privateers, therefore, were legitimized by the state since their activities were considered an effective technique for weakening an enemy nation that posed a direct threat

to the nation's stability and way of life.

During the colonial times in which the privateer existed, relations of power and subjugation were overtly rationalised through the political domain. In other words, hierarchies of domination were figured through governmental constructs in which one state had the right to exert direct political control over other political territories. For example, a European state, such as Spain, maintained direct political control over its respective colonies, such as Mexico. This type of relationship was often rationalised as a humanitarian project in which the coloniser bestowed civilisation on colonised populations. It was in this world, where relations were rationalised through the political domain, that the privateer moved as a legitimate figure protecting societal interests. In contrast, in the contemporary moment such

> The Asian privateer...is providing his own society with the access to informational resources.

strong notions in the primacy of political hierarchies are no longer in operation.

One state no longer has the right to the direct political control of another and, in the myths of the post-colonial era, nations relate to one another as equals in international forums. However, the reality is that not much has changed since colonial times and power is still unequally distributed. In truth, certain societies still exert strong forms of economic domination over the old colonies. This domination has, in reality, resulted in inequality of access to resources and opportunities for the vast majority of people living in former colonies. This inequality is preserved through the hegemonic myth of capital-ism that requires the same treatment for all market players with no consideration for formative histories and the individual social positions these produce. In short, power and domination are no longer so much politically overt, as it was during the time of the privateer, as they are economically subtle.

Given this logic, if, in colonial times, privateering was a state-authorised method of combating the threat of enemy subjugation, then, in postcolo-nial times, the Asian pirate should be rethought. In this sense a postcolonial privateer would be a figure who legiti-mately, though perhaps not legally in the strict sense of the word, struggles against the economic suppression of his community from external hegemonic market forces. In this sense, the Asian privateer, through the mechanical reproduction of otherwise costly goods, is providing his own society with access to informational resources - informa-tional resources that are necessary to effectively participate in international dialogues in nearly every domain.

Everyone is a Pirate: Will the New Digital Television Embrace DRM in Brazil?

by Paula Martini, FGV, Brazil

In spite of strong opposition on the part of consumer groups and civil society in general, Brazil is about to embrace DRM for its digital television system. The situation is especially worrisome when one considers that TV is the number one network in Brazil, reaching more than 90% of Brazilian households. If the broadcasters succeed, DRM will be installed in all Brazilian set-top boxes.

In the United States, the adoption of DRM was proposed by the Federal Communication Commission (in the modality of a "broadcast flag") and was rejected, even judicially, thanks to an effort coordinated by the Electronic Frontier Foundation, under arguments of unconstitutionality. In Brazil, the same unconstitutionality is once again present. To implement DRM (the same "broadcast flag"), the executive branch in Brazil will have to mandate that the Brazilian industry only manufactures set-top boxes tainted by the system. It will also have to ban all imported equipment not certified according to the DRM standards. That will be a clear violation of the Brazilian Constitution, in as much as such drastic limitation of rights and imposition of burdens would have to be decided by the Brazilian Congress.

To make things worse, the Brazilian Constitution sets forth that television must be "free and gratuitous". Accord-ingly, if the DRM is implemented, it directly violates this constitutional definition. In addition to that, Brazilian Copyright Law explicitly allows limitations on copyright that actually allows copying and quoting excerpts of TV programmes. With the DRM, the technology is not able to distinguish between the types of uses that are allowed by law, and the types that are not. Good and bad uses will be dealt with in the same way: they will be equally blocked.

In spite of all these arguments, the battle is being won by the broadcasters. There are only a few Ministries in Brazil who went public against the implementation of the DRM: the Ministry of Culture and the Ministry of Science & Technology, among others. Nevertheless, the almighty Ministry of Communications, led by Helio Costa – a former anchorman of the largest Brazilian broadcasting company (TV Globo) – totally supports the adoption of DRM.

Helio Costa, the Brazilian Minister of Communications, Agencia Brasil, CC BY 2.5

Recent facts, not-so-new divergences

On 21 August 2007, a major newspaper reported that "the tendency is that the Secretary of State will follow broadcast-ers' request and recommend to the President the prohibition of recordings".

In the same article, the *Folha de Sao Paulo* newspaper stated that "divergences were opened on Government because of the DRM and Digital TV issue". Apart from the Ministry of Culture's position against DRM, the Secretary of State released a communication to the press denying that the Committee had already made a decision on the issue (after rumours that it would reject the implementation of DRM). Even Minister Helio Costa, before meeting with his former employ-ers (the broadcasters), declared that the DRM would be unconstitutional, but he quickly changed his mind after being reprimanded for this slip.

On 22 August, Costa informed that, in the end, the final decision on DRM for digital TV would be taken directly by President Luiz Inacio Lula da Silva.

Academics also oppose the imple-mentation of the system. "The Brazilian Constitution refers to open television as free and gratuitous. Inserting anti-copy technologies means overcoming those characteristics foreseen by the Constitu-tion," says Bruno Magrani, a professor at the FGV Law School in Rio de Janeiro.

Civil society groups disapprove too

Articles presenting different points of view have been published in the main newspapers in Brazil. The

broadcasters and their lawyers have written in support of the adoption of an anti-copy system, claiming that if it is not adopted, they will not be able to get deals on premium content such as the Olympic Games or the Soccer World Cup. The local branch of the Motion Picture Association (MPA) also insinuated that if DRM is not implemented, they might increase the prices of films sold to local televisions, and might even cease offering films altogether.

Consumer groups and civil society as a whole claims that legitimate and reasonable uses, like exhibiting a TV show in classroom in order to illustrate a theme, for example, would then be made impossible by DRM. Additionally, the main problem would be the transfer of power to the broadcasters: they alone would be able to decide what could and what could not be copied. In the best case scenario, even if someone is allowed by the broadcasters to copy a show, it will not be possible to take it anywhere else legally, without breaking the DRM – not even to a friend's house or to a classroom, a portable media player or work.

Proprietary DRM technology collects royalties

The DRM proposed in Brazil is the High-bandwith Digital Copy Protection (HDCP). It is a proprietary standard, and manufacturers must pay royalties for its usage. Royalties, in turn, will be collected from consumers purchasing the set-top boxes. In other words: you pay for a technology that does not do you any good. Conversely, it reduces the utility of your TV system. Additionally, HDCP has been pointed out by many studies as a fundamentally flawed protection technology. It will be easy to break and to manufacture DRM-free set-top boxes, giving birth to a parallel market that simply eliminates the benefits of the Digital Television over the national industrial policy.

And it goes further - according to the
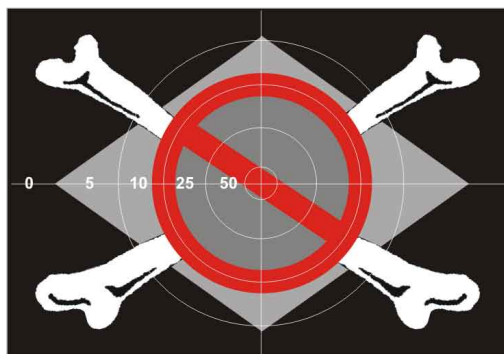
by Felipe D'Ippolito, CC BY 3.0

chairman of the Institute for Television Studies and former member of the Advisory Committee of the Brazilian Digital TV System in Brazil, Nelson Hoineff:

"Very recently, manufacturers of TV sets asked government, if not allowing definitely the DRM for equipments, to at least allow them to have devices which would comply with future forth-coming DRM needs. Discussions about copyright and DRM are at the core of the most important discussion that is right now being undertaken on the digital TV implementation in Brazil."

Who will pay the bill?

Proprietary and expensive, HDCP system would make set-top boxes even more expensive than the "one hundred dollars" promised by Minister Helio Costa. Some recent estimates indicate that the set-top boxes might cost up to US$ 400 – and we are talking about a country in which 1/3 of the population have a per capita incomes of less than US$ 90. Considering that more than 90% of the households have television sets, think about a television divide between those with and without access to digital television.

Throughout a complicated licence scheme, in which HDCP is offered as a feature of the HDMI connector, there is also a promise that the royalties might actually be cheaper if you buy HDMI with

the DRM, than without it. Nevertheless, who can guarantee that the cost of royalties, to be paid annually, will not be increased in a few years, to compensate for this initial discount?

The largest consumer group in the country, the Institute for Consumer Defense (IDEC), recently published an article in one of the most popular newspapers in Brazil criticising the implementation of DRM in digital television. IDEC argues that "the anti-copy system simply does not work, as demonstrated by studies made in the US". It continues:

"MPA wrote a reply to our article claiming that there has been no opposition in the United States against the implementation of the DRM. DRM was actually rejected by public interest and consumer organizations in the USA. It would be worse for consumers and would not stop piracy."

IDEC has been opposing DRM for some time – in May, it launched an anti-DRM campaign named 'Technological Restrictions: You Pay for it and Get Less', in partnership with the A2K Brazil project, run by the Center for Technology & Society at FGV School of Law. The Association of Housewives, Consumers and Citizenship also supported IDEC in its fight against DRM on Digital TV.

In Brazil, TV services must be governed by public interest. A political system that allows the adoption of a knowingly inefficient system, which implicates costs and no benefits to the consumer, is a defective political system. Or, at least, it is giving too much importance to only a few speakers.

> Listen to interviews with Luiz Fernando Moncau, the Institute for Consumer Defense's attorney and Nelson Hoineff, chairman of the Institute for Television Studies at **http:// icommons.org/articles/everyone-is-a-pirate-drm-in-brazilian-digital-tv**

Library 2.0 and overdue books

by Derek Abdinor, South Africa

The web was initially intended as a network of references, much like a library. The rules of measuring the effectiveness of a network, being the size of the overall network and connection between the nodes, one could say the web has grown exponentially. Is it possible to still think of the web as a library of information?

This library does not have prohibitive accessibility. In fact, it is very simple to produce content, publish it and submit it to the library (everything is accepted) which then categorises the content into its system.

Increasing body of knowledge

The more authors, the more books. With the body of knowledge increasing, references and citations among works

increases, too. Citing references to support your own thought indicates not only a depth of study but a confidence in your assertions: "Don't just believe what I say, see for yourself" (Yochai Benkler, Wealth of Networks, 2006).

The referrals between the books brings authors together, many of them collaborate on building tools to make publishing easier and then offer it freely to everyone else. Some band together to create an encyclopaedia that is massive, free and open to all users to add and comment on. Readers struggle to sift through the volume of work produced, and therefore use each other as filters: they borrow each other's bookmarks and they recommend the best articles they have read, using a voting system so that a newcomer can judge the popularity

or newsworthiness of the article before even engaging with it.

Readers submit their daily journals, films, events and all other media available into the library, which then struggles to index all of it in a meaningful way. The problem is compounded when authors find that they can reference maps in another aisle instantly from their pages, videos can connect to a voting system and people start bringing their scrapbooks with all pieces of media into the library for indexing.

The indexing system becomes less relevant, and authors then create self-appointed catalogues for their content, tagging it with keywords. Now one can search the system for all instances of keywords and not retrieve random, groupings of your search terms.

Readers are authors

Not only are there hundreds of millions of authors, readers are now authors, too. Through commenting on and organising the works of authors, or sending pages to colleagues and friends and discussing them in groups or journals, they re-author the initial message. The reading room has become the read/writing room; the library has become a communal area, a commons of information production, where reading a book only makes sense if there is an action by the reader.

Imagine a member of this library who needs to get information on the Cape Vulture for reasons unknown to us. She may be daunted by all the methods of information retrieval or she may be empowered by it. Her options include:
- Searching down the aisles until she has narrowed her search to a few books, then flipping them open and browsing.
- Using the cataloging system, she can find an expert who has written the definitive book. It may be only 10 years out of date but is the accumulation of many years worth of study.
- She can find a reputable compendium, such as Roberts' Guide. While the material is vast on birds, the Cape Vulture occupies only an entry. She knows, however, that this entry is bound to be up-to-date and rigorously proofed.
- She can view the entry for Cape Vulture under the reader-author-generated encyclopaedia. If she is unsure about the legitimacy of the entry, she can cross check with other sources or view the debates surrounding this entry.
- She can view the updated journals of specialists in the field, and decide for herself if they can add value to her quest. She could ask them questions or comment on their posts.
- Using the system, she can view all media related to the Cape Vulture, from videos tagged with "Cape Vulture" to audio clips of their mating cries. She can immerse herself in this study, and while taking a long time, she will be aware of many other issues around the topic and get a good general understanding.

Not up to you

How you find information online is a matter of preference, and it's really up to you. But how people find information on you online is not really up to you.

Your company/brand/reputation is the Cape Vulture, and you have most likely published a website (written by experts) which is to be found at a predictable location online. However, your web presence exists in online news, Google page two, a bookmark, Facebook group, online video, Hello Peter or as a blog post from someone who is mentioning unpredictable things about you.

The networked web means that good news and bad news will travel at equal speeds, but they will choose many different paths to disseminate. In the library, people are always talking and always listening, it's become the last place to have a quiet read.

Open Library - All The Books You Could Ever Read

Back in the mists of time, when we used to look things up in books, and not on Google, libraries were the first place we used to go. For many people, the person you turned to when you wanted to know something, was a librarian. They would direct you to the book, dictionary or other resource where you could find what you were looking for.

Libraries were also the place where we could wander, picking up books that appealed to us just because they looked interesting, browsing and moving on. Much like many people now use the Internet – wandering from source to source, reading a bit here and there and then moving on.

One would imagine that, in the digital age, libraries and online communities would meld really well, since, for many people, the process of (and pleasure they take in) finding information is the same. It hasn't always been the case, though. Many libraries have resisted using and cataloguing on the Internet, and many developers baulk at the volume of content, and prefer to look at ways of presenting new information, rather than reformatting information that already exists.

But the instances where libraries and developers have come together, the results have been spectacularly exciting. An example of this collaboration sees an elegant, useful, totally comprehensive and exciting project called Open Library, a brainchild of the Internet Archive.

Due to launch in October, Open Library is the big daddy of online libraries – it's a place where entire books are housed, as beautiful, elegant scans. You can see the illustrations and covers of books long out of print. You can also find the metadata about the book – in a pop-up that looks just like an old fashioned catalogue card, you can find a book's ISBN number, publisher, date of publication, what collection the physical book belongs to,

and where it was housed. It's a phenomenal wealth of information, tailor-made for the bookworms and data-freaks.

But Open Library has taken this degree of access one step further. If a book is in the public domain, it is free to download, print and share from the site. Or you can send it to a third-party printer, who will print it for a nominal fee. If an audio version of the book exists, you can listen to it. And if you have a collection of your own public domain books, you can load them up onto the site. Books can be read in different viewers, and some of them will be offered on the $100 Laptops for children around the world.

Open Library aims to, one day, include all books that have ever been published. That's a huge task. At the moment, they're partnering with over 30 different libraries, including the Smithsonian Institution, the Missouri Botanical Garden and the University of Toronto to scan and load all or part of their collections.

It's a beautiful, exciting, inspiring project. **Rebecca Kahn** spoke to Aaron Swartz, the Tech lead on the Open Library project.

What was the initial impetus to start this very ambitious project?
I think the first inclinations I got toward it were when I was reading a magazine article and it gushed about some classic book. I went to find it on the Internet but the book was old and out of print so there was nothing. Amazon does carry out of print books and libraries don't have much more than a sentence. I wished there could be a site that had information about every book, not just the ones publishers were pushing at the time.

Digital libraries free up public domain books that often would never be noticed on a library shelf. This is important. But I wonder sometimes if these odd, sometimes

wonderful, often obscure books don't just bog down digital libraries with oddities and clutter metadata?

Certainly we need to get better at search – at Open Library we're hoping to rank more highly books that have been reviewed in major papers and magazines, that lots of users buy or visit, that have lots of copies. But there is still some joy in coming across an oddity, just like in a grand real library.

Open Library offers content, covers, different versions of the same text - where did you source all your scans from, and how long did it take to scan and upload them all?

The scans are being done by our parent project, the Internet Archive – companies and libraries have been funding them to take books off their shelves and run them through the scanner. They've been at it for several years now.

Reading a book on Open Library is very easy, unlike some other digital libraries that are very clunky and rough. What factors influenced the design of this interface?

Thanks. We still have some ways to go with the book interface, but we wanted something that felt comfortable to read. We can do so much more with digital books that we thought we should try to make a reading experience that was even more comfortable than with paper.

How does the Internet Archive plan to keep a project like this sustainable?

We're hoping to get grants from library associations and make some money out of book sale commissions. But our costs are surprisingly low.

I'm interested in the potential for online and traditional libraries to compliment each other as sources and repositories of knowledge. How does the Internet Archive see the Open Library complimenting and working with the libraries that have partnered in the project into the future?

We hope to push people towards libraries in their area. When they find a classic old book they want, we'll tell them which local libraries have a copy and how to get to them.

The official launch is in October. How many books are you planning to have uploaded for the launch?

We're hoping to have several hundred thousand with full text and tens of millions with catalogue records.

Book people are often a bit funny about where they read (by daylight, lamplight, sitting up, lying down...) Where do you like to read?

Heh. I find it hard to find a comfortable position. I usually switch between sitting up and lying down. I read all day on many occasions so I often have to go through the switch from daylight to lamplight.

If you visit Open Library before October, you'll be looking at the demo site, so keep your eyes open for their launch.

Profile: Meet Tim Spalding from LibraryThing

Are you the kind of person who just can't help taking a look at the bookshelf every time you walk into someone's house? Do you secretly wonder whether you should arrange your books by author, title or edition? Do you find yourself piling up the "to read" books by your bed, and adding to the pile every weekend? If so, then LibraryThing is the space for you.

A combination of catalogue and social space, LibraryThing is changing the way people think about sharing information about books. It's the place where people who speak about the future of libraries hang out, as well as the place for people who are turned on by finding obscure Middle Eastern cookbooks. LibraryThingers enter photo contests on Flickr, share their books on BookMooch and buy what they find in LibraryThing on AbeBooks. There is even a LibraryThing in Second Life which allows users to link their libraries to their SL profiles.

With over 17 million books catalogued (that's more than Harvard's library), it's also a place where people get to play with metadata. Tags, categories and ratings are part of the fun of the place, as are functions like Unsuggester, (which allows you to find out which books to avoid like the plague) and an author picture gallery of open licensed photos. Founder and creator Tim Spalding spoke to **Rebecca Kahn** about the future of libraries, tag-mashing and user-generated translations.

Developing communities is something we at iCommons think about a lot. When LT first started, did you have to actively 'grow' the community? Or did people just take to it?

I started out a hobby project, not a job, so I was relaxed about it. But I did send some emails to people I thought might be interested. Making an earlier site (Isidore of Seville, highly-focused on web directories) I had learned that people don't mind emails out of the blue, as long as they're about a passion of theirs and you speak in a human voice. I took great care not to write "form letters," but to engage with people as one book-lover to another. Many were bloggers, and they proved the magic sauce that got LibraryThing going.

LibraryThing is available in about 30 different languages, and much of the translation work was done by volunteer LT users. Did you ever intend to create different language version of the site, or was it a spontaneous project that originated from the users themselves?

All the translation is by the users. (The only language

I'd be qualified to do is Latin and Neo-Latin leaves me cold.) But it wasn't a spontaneous thing. We had to build the features. Basically, this involved turning `echo "Add books?"` into `echo translate ("Add books?")` ten thousand times. Translation is basically a wiki, with a voting feature to take certain agreed-upon snippets off the table. It's given us the biggies, of course, like French, German but also Danish and even Welsh.

What amazes me about LT is the diversity of content. You can spend days just looking for cookbooks, or obscure texts, or bestsellers. It's a wonderfully democratic space (and lets face it, book people can be snobby). Did you ever expect such a wide mix of people to use your site?

The scale was a surprise. When I added the first social features I made an icon for when more than one person had the book. The graphic contained the number of other users who had it, a different graphic for each number. It had space for two digits. I actually scotched this before it went live, but it gives you some idea what my expectations were. I wasn't thinking there would ever be a book with more than 99 owners!

Regarding diversity, however, I was only half-surprised. I knew how many books were out there. The "long tail" of books in people's home libraries is much longer than the long tail of commerce. But I was pleasantly surprised to see the site embraced by people with different interests. It started out with a somewhat academic cast, but it quickly acquired strong delegations interested in Evangelical theology, knitting, manga and other topics alien to my experience.

There's a distinction between information about books, and the information that's in books. Often, it's the 'in' part that gets people upset because that's where copyright starts

becoming an issue. But, asking as a non-librarian, do people get sticky about sharing information about books?

They do. Amazon data is quite free, but library data isn't. Almost all libraries in the United States and many overseas are members of an organization called OCLC, a central repository and clearing-house for bibliographic data. OCLC helps libraries use each other's work so that every library in the United States doesn't have to catalogue their books *ab novo*.

The trade-off is a restrictive licence. The bargain made sense when storing and processing information was expensive work and sharing data means shipping physical cards around the country. But OCLC is a fine idea out of touch with the present. Worst of all, we're paying to perpetuate it. OCLC's biggest contributor is the Library of Congress, followed by state schools and universities that get public money. That's not right.

There are now efforts underway to break this system. The Internet Archive's Open Library project is accumulating records, starting with the Library of Congresses, and basically daring OCLC to sue them. The legal issues are complex and nobody knows how such a suit would fall. (It's less about copyright than about licence.) I'm surprised they haven't sued yet. OCLC once sued a hotel that filled its rooms with books and numbered them according to the Dewey Decimal System. Maybe they think Open Library will fail. Or maybe going after such an icon of freedom gives them pause.

LibraryThing avoids trouble by using data protocols that libraries have around to facilitate non-OCLC data exchange, with other libraries and citation software like Endnote. We haven't signed any licence with OCLC, so we're not breaking any licences. In theory, OCLC could tell the libraries to cut us off. So far, libraries welcome what we're doing, and indeed frequently send us connection details. If LibraryThing got into the business of "real" cataloguing, the dynamic might shift. OCLC has no particular interest in private cataloguing and our "small libraries" (churches, clubs and house museums) aren't on their radar.

At school, we all learnt that a library is the first place you go to if you want information. Then the digital era came along, and people predicted the end of the library. But aren't sites like LT, and Open Library and Wikipedia (and millions of others) libraries, but in a different space? It seems to me that the process of searching for information, and having it lead you to other sources is the same. Do you think people are becoming more accustomed to thinking about the Internet as viable spaces that compliment libraries?

I've said and written a fair amount on these topics, but ultimately I'm not sure what the future holds for libraries. I go back and forth. Clearly the Internet is rewriting all the rules.

LibraryThing differs from Wikipedia and to some extent from Open Library in concentrating on the metadata. You cannot read any actual books on LibraryThing. We link to sites like Google Book Search, but I think we're going to continue to focus on the metadata, not the data.

LibraryThing does, however, show what libraries can do, building better catalogue and integrating social relationships and social data into the discovery process. In this connection, we've recently started to sell something called LibraryThing for Libraries, which puts some of our data and services into the library catalogue.

Just from looking at some of the groups on LT, it seems as though some librarians have embraced the idea wholeheartedly, and are very active in the movement towards opening up access to knowledge and information. And yet, in the worlds of free culture and open access, they're often left out of the debates. Why do think this could be?

I think there's a good deal of mutual suspicion. Librarians have too often positioned themselves against the Internet, as an authoritative source of information against a sea of junk. Many in the technology world regard librarians as relics or not at all. They tend to reinvent the intellectual tools that librarians have used for centuries.

There's been a sea change in the last few years. A small army of forward-thinking librarians and people who work in libraries has arisen. They've started using the term "Library 2.0". They work on projects together, have unconferences and work through issues together. They're all passionate about open solutions.

Libraries are slow-moving institutions, but change is happening. At the last two conferences I attended everyone was talking about how their library was looking at moving to one of the new open-source catalogue and library systems (eg. Evergreen, Koha). I'm not sure how many are going to follow through, but this stuff is starting to reach critical mass.

Do you think LT is also providing a model to libraries on how data can successfully be opened, and shared?

Libraries have been sharing data intensively for over a century now - it's central to the profession. But their horizons have been narrow. I hope that we're doing something to expand them. Certainly I'm starting to hear others picking up and expanding on my argument for open data. And LibraryThing is many librarians' introduction to what unbound library data can do; it opens eyes. Lastly, we're taking some of the fear out of "user-generated content" - sharing with your patrons, not just other libraries.

We hope to inspire, but, as a private company, we can never be as open as libraries can be. Some of our data is free - either totally or free to libraries - but not all. Maybe the goal should for libraries to open up so much that LibraryThing starts looking evil.

One of my favourite features of LT are the statistics, the ability to look at tag clouds, numbers of books, how they're rated, use unSuggester etc. It's fun, but it's also really valuable information, that has been generated by LT users. Are publishers and booksellers making use of this information? And if so, how do you manage to balance sharing information with them (which is ultimately a good thing for people who like to read and buy books) and having them just use LT as a free alternative to doing research?

Fun drives a lot of what we do. Our "Unsuggester" (people who read X don't read Y) is a classic example - it has no commercial value at all, and indeed would probably bankrupt any commercial bookseller that used it.

I know publishers are starting to use LibraryThing for market research. We have a lot of interesting statistics and tags are an interesting window into how their buyers see the world. We may add some special "pro" features for the top users, but we can't "capture" most of this value. That's fine. If publishing executives checked LibraryThing ever day, there's no way that doesn't help us a lot.

Although using the site is free, putting our data on an outside site is not. So, we're currently showing LibraryThing recommendations on AbeBooks.com pages, and BookFinder is starting to use our tags too. We plan to add other booksellers too.

You, your team and every LT user have built something that is very special. Do you ever just sit back and think "How the hell did I get here?"

I know just how I got here. It's that bucking bronco underneath me right now.

10 Questions for:

*M*eet TzuChiang Liou - a key coordinator for this year's WikiMania conference, held in Taipei at the beginning of August. In this interview with **Daniela Faris**, TzuChiang shares his experiences, and passes on some tips, for organising similar Commons events. He also gives us some insight into the Free Culture landscape in Taiwan.

TzuChiang Liou

1. I see that preparations for WikiMania started in October 2006 - ten months before the event! What groundwork did you do in the first two months of preparation that stood you in good stead for the future?

In short, we secured the most precious assets in the beginning - committed team members.

We initiated a local preparation team in the very first month, most of the initial members were the core organisers during the preparation, which was quite important in many aspects. Some team members even successfully persuaded their employers to sponsor this event and to consider the preparation as one of their daily tasks. In my case, Academia Sinica was the local co-host organisation, that helped us since I could spend a certain amount of time per week dedicated to the preparations. For example, I could make presentations to sponsors or meet with the media during office hours.

Secondly, one of the challenges for us this year was local sponsorship, since the concept of free culture isn't mainstream in Taiwan yet. We spent quite a lot of time contacting possible sponsors in the beginning, filtering out potential candidates, polishing our presentation skills and spreading this event by word of mouth. Expanding and exploring local sponsors in advance allowed us to schedule and maximize our limited human resources.

Lastly, as the programme coordinator, I initiated the programme committee in October. The committee consisted of Wikipedia community members from Berlin, Boston, London, Sacramento, Australia, Hong Kong and Taiwan. The regular meeting among committee members in different time zones was a challenge, but definitely worthwhile. Some of the members were the organisers from previous Wikimanias and all of them are active in the community. They came together not only to organise a great programme, but also to connect and mobilise cooperation between communities worldwide in many ways.

2. How did you manage the volunteers for the event?

Like the community, we believe that volunteers should be motivated by passion and commitment. We tried not to manage them but recruited and trained the volunteers to manage themselves.

With the help from the Association of Digital Culture of Taiwan, we set up some training courses before the conference. The courses focused on three agendas:

1. Free culture: A basic introduction to Wikipedia and it's spirit, free content licensing, free culture and Web 2.0;
2. Volunteering spirit: Sharing experiences from volunteers. The ethics and basic regulation of volunteering;
3. Hands-on tutorials: Scenario-based training, crisis management and division of tasks.

For the volunteers who weren't familiar with free culture, the value of these courses was not necessarily to teach them about how to do their tasks well, but to invite them to join and discover more about this great movement.

3. You were directly involved in coordinating sponsorship and media partners. What advice would you give to people approaching sponsors for their own event related to the Commons, in order to get the funding they need?

(1) Find a dedicated person (i.e. a single contact window) who gives presentations and negotiates with sponsors during office hours, keeps track of all sponsorship and provides an updated status report regularly. If possible, share the load of administrative tasks (e.g. contract, account management, cash flow. etc) with someone else. Most of all, there'll always be people who can help with sponsorship but most of them can only contribute limited time, but having a dedicated sponsorship person means that one person can coordinate the sponsorship team members, and follow-up all on sponsorship opportunities.

(2) Make a general sponsorship programme, mainly focus on the benefit of promotion and media exposure. This would be announced publicly and used in most cases.

(3) Figure out your own "currency". Communicate with team members and define the priority list of resources you need (e.g., cash? meals? venue? media exposure?). Separate case sponsorship from your other resources; unify the value of THE currency (to what extent you could accept resource exchanges,

what kind of exchanges are preferred). Set up internal rules before you negotiate with sponsors.

(4) Keep the programme customised, yet deliverable and fair when negotiating with specific sponsors. Sometimes the sponsors would like to change the programme according to their own interests - you should keep the flexibility by default, but follow some principles. Make sure the customised programme is deliverable (do not over promise) for the preparation team, fair in relation to other sponsors and consist to your own "currency".

(5) Let go of some opportunities if sponsors ask for too much and you can't afford it. Sometimes you need it but you might not want it.

(6) Take advantage of connections within the community, finding the right person to contact will save a huge amount of time.

(7) Try to secure as many sponsors as you can in the first round, secure at least one to two major sponsors if possible.

(8) Encourage sponsorship rather than subsidising, to avoid administrative efforts.

4. And what advice would you give to people approaching the media for coverage of a Commmons event they are organising?

(1) Big names always work - pitch to the media using some famous speakers.

(2) The local press carry local agendas - find out what the connection is between the event (either the topic or the concept) and the local community, not only within the community you know, but also others (e.g., education, music industry, knowledge management, etc). Identify speakers for the media as potential interview subjects.

(3) Launch a press conference a few months before the event if possible. Raising some media exposure before the event could help promote it and facilitate sponsorship opportunities as well. For Wikimania, we launched a press conference using the name of our major sponsor, this way you could utilise the media resources and reputation of that sponsor, and satisfy them as well.

(4) Draw up media strategies at least six months before the event. Be sure to explore the focus and characteristics of different medium, schedule the appropriate exposure timeline for magazines, newspaper, TV/radio stations and online media. Starting with some in-depth articles on magazines would be nice, then follow up the discussion online by the community.

(5) Ask the preparation team members to write articles regularly.

5. I read a comment about the choice of Taiwan as a host for Wikimania. The author wrote:

> **"it is a destination hard to reach for the majority of Wikipedians, who are either in the United States or Europe. The largest potential base of computer users nearby - in mainland China - are largely blocked from reading Chinese Wikipedia, let alone contributing articles to it."**

Why do you think that Taiwan was the best choice to host WikiMania?

The goal of the Wikimedia Foundation and its sub-projects is to build a world in which every single human being can freely share in the sum of all knowledge. This is an inter-cultural, multi-lingual online community and I think the geographic boundaries should not be the major concern. Put it this way, no matter where the event is, there'll always be an inconvenience for some people.

For Taiwan, the community's promising growth trend, the energy and commitment we demonstrate is our strength, cultural diversity and a leading IT environment are a plus. And by the way, Taiwanese cuisine is attractive for some.

And yes, it's really a pity that people in many places can't connect to Wikipedia, but look at the bright side, it's because there are still places that can't use Wikipedia or join the Free Culture movement in general - that gives us a reason to promote these concepts. We have also established a local Wikimedia Taiwan chapter, which is dedicated to promoting these ideas. In fact, we did have some friends from China as speakers like Isaac Mao and Haidong Pan, there were also around ten users from China attending WikiMania. We hoped that this event facilitated the Free Culture movement in China and across the Asian community.

6. A blogger made this statement regarding the Taiwanese public's involvement in Wikimania:

> **"When it comes to social issues like citizen journalism, sharing economy...participants from Taiwan have far less feedbacks than they did in those technology-related workshops. In fact, the number of bloggers, community workers and academics from Taiwan attending Wikimania 2007 is actually relatively small. In Taiwanese blogosphere, Wikimania 2007 is not a hot topic before or after the conference. It reflects that Taiwan, as a hub of global IT industry, is still an engineering-centric society."**

Do you agree or disagree, and why?

I mostly agree with the author, and I think it's probably because some active bloggers come from the Open Source community (after all, they stand a better chance of catching up with network trends), naturally they are more concerned about the technical aspects of such a movement. But I think that will change very soon. In fact, more and more bloggers are concerned about the inter-disciplinary nature of the Internet, and writing about the social impact of technology.

On the other hand, Wikipedia or the wiki-based phenomenon has already been discussed within some business, academic and educational spheres in Taiwan, from my observations. So perhaps it's just the difference in interpretation of the term "social awareness". Wikipedia or it's social implication is relatively easy for people to understand and implement, sometimes they'll just adopt the concept and practice it without actually using a wiki-engine or posting their thoughts on blogs. So I'm positive about the future of Free Culture and it's social awareness in Taiwan.

7. What effect do you think the Wikimania conference has had on furthering the Free Culture movement in Taiwan?

The Free Culture movement has been established in Taiwan for years, it has transited from a small community to larger user-bases in the past few years. But the movement has not managed to reach the general public with a systematic approach. Thanks to the work and strategy of our media team, Wikimania 2007 successfully attracted public attention for a few months. Conservatively estimated, we had over 40 mentions and interviews regarding the event (even growing after the event), and around four millions page hits to our online advertisement. I'll say that Wikimania connected the online community with those who might only have heard about this movement before.

8. In an interview with the New York Times during WikiMania, Jimmy Wales told this story:

> **"There was a young man who was assigned to drive me around when I was here in Taiwan last time and he told me that he had been raised in a very Taiwanese nationalist family. He told me he was raised with the very basic belief that the mainlanders had been brainwashed and had all the wrong history and he told me that now that he has been working on Wikipedia and he has met a lot of them he said, I still think they are wrong about a lot of things but I can kind of see they have a point here and there. And it was interesting to me because this was a young man who has moved from thinking of the other as some sort of mysterious, brainwashed masses to going oh, actually, these are people like me. That's just one**

Some fun scenes from the WikiMania conference, by fuzheado, CC BY-SA 2.0, on flickr.com

> **person, but this spirit is reflected, hopefully, in Wikipedia..."**

How has Wikipedia changed the way you see the world?

People like to talk about the 'correctness' of Wikipedia, but I think the multiple points of view and the debate among people with different cultural backgrounds adds to the benefit of Wikipedia. Limited by technology and distribution channels, what people learn from traditional encyclopedias, is the consensus among certain groups of experts within a certain period of time. If I just read but don't know how to learn, sometimes the knowledge could become disinformation and result in prejudice. That's especially true in a culture that doesn't encourage people to question authority.

In fact, many tragedies have occurred because of arguments about truth, people fight for the authority to interpret information. The fact is that there are many blurry areas and uncertain issues of many so-called truths. With the mechanism in Wikipedia, people can not only gain knowledge from an article page, but be aware that the articles might have been discussed and might have evolved from many different points of view, through the "history" and "discussion" pages. Most of all, this project encourages people to respect different opinions and cultural perspectives.

I think the virtue of respecting different perspectives could be regarded as a kind of 'correctness', and that'll change the way people see the world.

9. What kept you motivated during the preparations for the event?

The pleasure and challenges of working with the great local preparation team members and global programme members.

10. Did you take a holiday after WikiMania?

Basically I keep myself away from the Internet for a couple of days after the event - that's a holiday for me!

Organisation Spotlight: WikiMedia Commons

Licences: GFDL, CC BY-SA, CC BY, public domain, Free Art license, CeCILL

Web Address: http://commons.wikimedia.org

Number of registered users: 191,174

Number of media files: 1,819,667

Number of pages: 2,299,595 (2nd to English Wikipedia)

Number of featured pictures: 945 (0.05%)

Strangest edit war: colours of the Italian flag

By: Brianna Laugher

The winner (top) and runner-up (above), of the WikiMedia 2006 picture of the year competition. Winning picture by Aurora Borealis, public domain and runner-up by Eric Pouhier, CC BY-SA 2.5

Welcome to Wikimedia Commons. "Commons" is, unfortunately, a little bit too common these days as far as naming projects go, but bear with us, because this project is anything but common. (And there's no official connection* to Creative Commons, iCommons, the House of Commons, or any other "Commons" except the abstract one.)

Founded just three years ago as a way to avoid uploading the same image to 200 different wikis, Wikimedia Commons began as a central media repository, making life more convenient for Wikipedia editors. Since then it has grown rapidly into a multilingual community of photographers, illustrators, scanners, audio editors, translators, organisers and annotators.

Although the vast majority of files uploaded are JPGs (photographs), the site also accepts audio and video files (OGG format), scanned images (DJVU) and other graphic formats including PNG and SVG. Video uploads are few, due to limited playback support for the OGG format. Audio uploads are mainly pronunciation files, servicing Wiktionary, and spoken Wikipedia articles. DJVU files are widely used by Wikisource.

The uptake of Scalable Vector Graphics (SVGs), has been impressive, with the format now being used for computer icons, detailed diagrams, and even road maps! Around 6% of the total number of files are files in the SVG format. (When the images are used in Wikipedia, the wiki software automatically creates PNG thumbnails, for greater accessibility.)

While comparable in depth and variety to stock photography or clipart archives (or even search engines like Google Images), Wikimedia Commons makes its mark as a project dedicated to only hosting freely-licensed media. Any free-content licence is accepted on the site as long as it allows for certain key freedoms, including commercial use and modification. These conditions are the closest to those of the GNU Free Documentation License, which is the licence of Wikipedia's text (and most Wikimedia Foundation projects). This means two of the Creative Commons licences are

accepted: Creative Commons Attribution (CC-BY) and Creative Commons Attribution-ShareAlike (CC-BY-SA).

Another feature that distinguishes it from mere archives is the fact that anyone can contribute. Registering an account takes seconds and doesn't even require an email address. From there anyone can instantly upload freely-licensed materials. Wikimedia Commons is not just a collection of "original content" created by Wikimedia editors, but also a kind of "utility filter" on many other media collections on the web, including Flickr and public domain archives.

Wikimedia Commons' original focus as a convenience for Wikipedia has stood it in good stead. For starters, it acts as a discouragement to people who would upload blurry pictures of their shoelaces taken with a phone-cam. Can you imagine your picture on a specific Wikipedia article that exists today? If not, then it's probably not suitable for Wikimedia Commons.

Secondly, it acts as an encouragement to the obsessive annotative skills of the Wikipedian and their ilk. Broad, idiosyncratic tags are no good. What's the binomial Latin name for this insect? What date was this photo taken? Which book did this illustration come from? What's the geo-tag for the location of this plant? Thanks to the wiki software, if you don't know the species name, someone else can add it in later. Unlike static archives, everything is in a constant state of improvement.

With such rapid expansion, it's not surprising that sometimes it's hard to find what you're looking for. Luckily the Wikimedia Commons community has improvised, and there are several methods to finding high-quality results. The first one is the image search engine Mayflower, which is a vast improvement

on the default text-based search. Try it and see!

Two more FYIs are "Featured pictures" and "Quality images". These are user-driven processes that recognise top-quality and high-quality images, respectively. Both are linked from the main page and offer hundreds, (nope, now it's thousands!) of high quality, well-annotated images.

If you think this all sounds rather interesting in a distant potentially-useful-one-day kind of way, then you might be interested in our 'Picture of the Day'. You can check out one awesome free image each day via the website, RSS or a mailing list. If, on the other hand, you've already been mentally reviewing which of your photographs would look best on Wikipedia's front page one day, have a gander at our First Steps guide, along with useful tips on contributing your own work. We look forward to welcoming you to the community.

There is no official connection between Wikimedia Commons, and iCommons or Creative Commons. However there are official connections between the Wikimedia Foundation and these groups: overlapping Board members. Jimmy Wales is on the Board of all three, while Heather Ford, the Executive Director of iCommons, is also on the Wikimedia Foundation Advisory Board.

10 of the Best: talking about the world's

-encies

by Michelle Thorne, CCi, Berlin

Back in 1984 a conference dedicated to "Technology, Entertainment, Design" (TED), was launched in Monterey, California. Every year since, roughly a thousand people gather for over four days to listen to fifty of "the world's most fascinating thinkers and doers," each of whom compress their ideas and visions into eighteen minute speeches. Although the TED Conference has a $4,400 price tag and an invitation-only policy, in April 2007 its organisers decided to open up the discussion and release the speeches online. True to its motto "Ideas worth spreading," TED Talks published all videos under Creative Commons licences, and feedback and downloads are encouraged on its forum.

Several notable members of the Commons community have made appearances at TED. In this month's 10 of the Best, we highlight six of the best TED talks related to the Commons.

1. Richard Baraniuk of Rice University shares his vision of a "Napster for education," an open online repository for course materials called Connexions. His digitized system aims at minimizing expensive textbooks and instead focusing on modifiable educational material, available and edited on-demand.

2. Jimmy Wales held a TED Talk to explain how "a ragtag band of volunteers" could come together and compile the Encyclopedia of the Future—Wikipedia. He

Tracey Chapman at TED, by jurvetson, CC BY 2.0

expounds on the wisdom of crowds and explains how the collaborative editing process works.

3. Sir Ken Robinson, who uses wit to assert that our schools "are educating people out of their creativity;"

4. Ngozi Okonjo-Iweala, the former Finance Minister of Nigeria, who tackles corruption and reform in Africa;

5. Hans Rosling, Swedish global health professor who wows us with brilliant new statistics software from Gapminder to challenge conceptions of the developing world and;

6. Dan Dennett, the philosopher who unpacks the power of memes and dwells on human consciousness.

For anyone needing a daily dose of intellectual mega-speeches, TED Talks will not disappoint. Happy viewing!

iCommons.org Highlights

Social(ly responsible) media
by Paul Jacobson
We create a media rich archive of our lives and our culture on social networking sites like MySpace and Facebook, but what are the consequences of storing our memories online?
http://icommons.org/articles/socially-responsible-media

Recalling the Spirit of the FOSS Movement
by Fouad Bajwa
What is the underlying motivation for collaborating on FOSS projects? Fouad imparts his ideas, and extends an invitation for you to add yours here too!
http://icommons.org/articles/recalling-the-spirit-of-the-foss-movement

Bridging the Knowledge Divide, Without a Computer!
by Anas Tawileh
Imagine a world without technology - a truth for many people around the globe. Anas reports from Tanzania, where with some resourcefulness, a radio station has been established to transmit CC resources, and lots more.
http://icommons.org/articles/bridging-the-knowledge-divide-without-a-computer

The stars are ours
by Judy Breck
Judy introduces the Astronomy Picture of the Day, as a powerful online educational resource, for now, and the future.
http://icommons.org/articles/the-stars-are-ours

On the cover this month

This month's cover is designed by Masakazu Yamazaki, courtesy of **Loftwork**.

Born in 1980, Masakazu depicts the charm of people. In his illustrations, he paints using "restrained colors," that accentuate the texture and atmosphere of the work.

For this month's cover design, he uses grayish colours as a base, in order to accentuate the diverse characters and people, who will be attending the Jimmy and Heather's 50 greatest parties all over the world!

How to run your own OER Hackathon

by Cynthia Jimes, ISKME, USA

OER hackathons are used to bring together peers to create or develop content together, in a face-to-face setting. Hackathons can take many forms, depending on the dynamics of the individuals involved and the immediate needs of the given OER project. The idea is to provide a real-world venue where author peers can have face-to-face engagement around their content, and draw on one another for motivation and support. The tips below, which were developed based upon actual hackathons within the Free High School Science Texts project, are meant as a way to help other OER projects organize their own, tailored hackathons that consider the needs, practices and resources that are unique to them.

A scene from the FHSST Hackathon held in Cape Town in May this year. Pic from fhsst.org, under a GFDL licence.

1. Assess the need and outcomes

Is your OER project centered around the creation of content through online authoring platforms or tools? Do you seek to increase author engagement and motivation around your project? Is your project desperately in need of content in a specific subject area or format? Hackathons provide a way for authors to interact and motivate one another as they create content, and to get questions answered about their content, the authoring process or use of the content authoring platform and technology. Each hackathon will likely vary depending upon the given stage or the immediate needs of your OER project

2. Determine venue and timing

Hackathons can be held in any location, from campus computer labs to local coffee shops. Draw upon the resources you have access to as well as what will be most appealing to the hackathon participants when deciding where to host. Remember that you may need WiFi capabilities, and that some participants may not have laptops. When it comes to timing, it is likewise important to consider the needs of the participants. For example, some may prefer weekday time slots, while others are more available on weekends. A good rule of thumb is to allot at least two hours for your hackathon, so that participants have time to get settled and get early questions answered before they dig in to the brunt of the work.

3. Spread the word through multiple channels

A good way to announce the hackathon to your OER community and authors is by taking advantage of all of your existing channels of communication. Do you communicate with your community via email? Through your website? Through a newsletter? Also, consider how you might advertise the hackathon to the external community by, e.g., distributing fliers and inviting people through social networking sites such as Facebook. Finally, you might invite existing authors to bring along friends to the hackathon. It is a good idea to ask interested participants to formally sign up.

4. Provide structure and flexibility

You might decide upon initial, yet flexible structure for the first hackathon. For example, the hackathon can begin with an icebreaker session for people to inter-act and get acquainted. The participants can then divide up new content assign-ments, based upon their interests. The facilitator can also guide participants (especially newcomers) through an overview of the content authoring process and associated technology if necessary. If the hackathon is large, it could be a good idea to have a number of experienced authors to help in answering questions and troubleshooting. Participants can then begin to work on their content individually, asking questions along the way.

If, however, participants are hesitant toward using the technology, the facilitators might appoint one or two individuals to input any new content into the system, so that participants can focus on the creation of content in a software programme they are comfort-able with. Other ways to structure the event might be to use the time as a way for people to exchange feedback and do revisions on content already written.

5. Offer refreshments and keep it fun

It is a good idea to give the hackathon participants something to look forward to. Pizza, coffee, sweets - whatever it takes to create a fun, enticing environment.

6. Share the success of your hackathon

Did the hackathon lead to a bulk of new content? Did it inspire participants to get more deeply involved in your project? Did it result in new authors who are anxious to write more content? Did the participants vow to return to the next hackathon just to get more free pizza? Consider sharing these successes with your wider project community. Doing so serves as an indication to others that the project is progressing, and as a reminder that they, too, should keep working and contributing content.

7. Cultivate hackathon evangelists

You may want to identify existing authors who are enthusiastic about your project and talk with them about initiating informal hackathons in their local communities. And as with the case of FHSST, you might find that authors begin to self organise on their own, without your prompting. In such cases, you can potentially inspire more of this self organisation through a viral process by making online announcements about locally-initiated hackathons, which might plant the seed for others to do the same.

The Danica incident or how to jeopardise our goals

*This month, iCommons' resident copyright columnist, **Tobias Schonwetter**, explains why CC licensing needs copyright law and why some of us need a change of attitude to make CC an even greater success in the future.*

I think the Creative Commons licence scheme is extremely useful and socially more important than ever in order to obtain an even freer culture. At the same time, however, I do believe in copyright protection – certainly not in all its current detail, as should be clear from my previous columns, but as a general concept to stimulate the creation of new works. This is not to say that such stimulation by means of copyright protection is always necessary (and as a matter of fact, the success of Creative Commons proves the contrary) but I believe that without copyright protection less works would be created to the detriment of our culture and society at large.

A statement like the above often provokes the accusations of either having a split personality or of not being able to stick to one's principles. Of course, this is not the case, as I will endeavour to demonstrate below. Yet more disturbingly, a pro-copyright statement made within the Creative Commons community – even if it is phrased as half-heartedly as mine – seems to trigger the desire in some to respond in an amazingly inappropriate manner. This was last illustrated when Danica from Belgrade in Serbia complained via the iCommons mailing list about the verbatim reproduction of her CC-licensed blog on a Chinese website which uses banner advertisement. Danica was outraged because she had not given her consent. Somewhat regrettably, Danica used words like "stealing" of her intellectual property, "plagiarism", "infringement", "cybercrime" etc., in her initial mail. Legally, the case was rather simple to solve and her complaint was, in my opinion, unfounded – although the fact that advertisement had been placed on the site added a nice little twist with regard to the discussion of the meaning of the 'non-commercial' element in CC licences. Unfortunately, Danica was attacked by some of the participants of the mailing list in an unacceptable manner which was, to say the least, quite embarrassing for everybody involved in our movement. I know for a fact that Danica was not only surprised by these responses but, understandably, also personally affronted.

In my view, the general implications of this incident are even more worrying. After all, the hostile attitude shown by some of the list members forms one of the greatest threats for the success of the entire CC movement. Danica represents the large and tremendously important group of people for the future growth of CC who do not know (enough) yet about CC and its underlying ideas but who are, in general, positive about

its objectives. Rather than scaring these people away or attacking them for their dissenting views, we should try to explain our opinions objectively and in doing so convince them to join us. We surely do have the better arguments on our side and therefore there is no need to intimidate or insult others - this serves solely as an indication of weakness. We must not fool ourselves: Knowing that millions of works are already licensed under a CC licence, reading about CC in the specialised press and elsewhere as well as meeting hundreds of like-minded people at conferences such as the recent iSummit in Dubrovnik, does by no means mean that we have accomplished all our goals. Creative Commons is not as well known as we want to believe some times, not even by the most relevant groups for the movement, namely artists, policy makers and, well, lawyers. For instance, the university I am affiliated with at the moment, the University of Cape Town in South Africa, was recently once again ranked the best university on the African continent. So there is clearly a lot of knowledge produced down here. Yet, I would be surprised if more than, say, half a dozen people have heard about Creative Commons at this institution. When Heather Ford asked the audiences at the beginning of the events at the recent Free Culture Tour who actually knew what CC or iCommons was, she was met with a very limited amount of affirmative responses (which, by the way, is one reason why I think this tour was necessary and a huge success).

Even if people have heard about CC, there is still a lot of (irrational) scepticism we have to deal with, especially from artists who often develop an almost emotional relationship with their creative works and who fear that they would give too much away by using a CC licence. I tried, for example, to explain the (in my mind obvious) advantages of the publication and distribution of works under CC licences to a DJ friend of mine, who possesses much potential, but makes little profit from his own music. The result was unsuccessful. So at best, the groundwork is laid for Creative Commons and we are about to enter the next phase of trying to really win over

the masses to partially opt out of the statutory copyright regime by means of a CC license. We will certainly not succeed on this path if we snub interested people - like Danica.

It is my interpretation, that Lessig's withdrawal from the current copyright debate and from CC's top position a few weeks ago confirms my assessment since it was arguably driven by his awareness that another era is about to begin for CC and that, for the way ahead, a less controversial and more mediatorial figure is needed at the top.

Speaking of Lessig brings me back to what I began this column with: My belief that a certain degree of copyright protection is necessary to encourage the creation of some new works. Lessig is of the same opinion and has stated on numerous occasions that Creative Commons licensing is not aiming at destroying copyright. A closer legal look reveals that any other interpretation would mean that the CC licence scheme is seriously flawed as these licences are based on copyright law. In other words, the abolishment of copyright law would effectively tear down the very foundation on which CC licenses are built - clearly a disturbing discovery for many in the movement. In essence, CC licences were just invented for all those people who do not want to exercise all of the rights copyright law affords them. But again, all this does not mean that the way copyright law is shaped at present is just and sound. Far from it!