

Online Artists Share Work -- Tyrants Would Prefer They Share a Cell

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ABSTRACT

In South America, for instance, Creative Commons was regarded as a victory in the battle between North and South -- between the West and the rest, so to speak -- over intellectual property rights.

FULL TEXT

It has been a decade since lawyers and technologists formed the nonprofit corporation Creative Commons to help artists and authors share their work with each other and the world. Creative Commons offered free copyright licenses, tied to underlying computer code that made it simpler for artists and authors to signal the freedoms they want their creativity to carry to prospective users and the world.

Very quickly, a wide range of creators, including scientists, scholars, educators, musicians, bloggers, photographers and filmmakers began using these licenses to make their works more freely available -- legally, and within the protective contours of traditional copyright. The resulting explosion of shared material today includes hundreds of millions of photos on Flickr, tens of thousands of "open access" scholarly articles, thousands of videos on YouTube and Blip.tv, and the heart of all free culture, Wikipedia.

For most of us in the West, this movement has supported a new era of creative excitement and intellectual freedom. In some parts of the world, however, the cost of supporting this movement to share information has been high.

Creative Commons began in the U.S. But very quickly the idea spread globally, adapted in each case to fit the copyright laws and language of specific countries. Thousands of volunteers internationally worked to spread the technology, including code indicating that material is covered by a Creative Commons license and thus free to use and adapt, within specified limits.

Yet as Creative Commons spread, its meaning was morphed by the countries that adopted it. In South America, for instance, Creative Commons was regarded as a victory in the battle between North and South -- between the West and the rest, so to speak -- over intellectual property rights. Brazil's minister of culture, the musician Gilberto Gil, embraced Creative Commons as a symbol of the new flexibility that he thought copyright law should have.

Throughout the Middle East, Creative Commons has become part of a broader and growing movement for freedom that captured the sense of a people starved for access to culture and truth beyond their own borders. With the connections made possible by the Internet, the licenses opened the door wide to legal sharing of all kinds of

material.

In nations with repressive regimes, though, governments have grown suspicious and increasingly wary of so-called free culture. Now one early Creative Commons supporter in Syria may face the ultimate penalty for his work to give Syrians an easier way to share their creative work.

Bassel Khartabil is a 31-year-old computer programmer. He is also a pacifist and the Syrian lead for the Creative Commons project. For more than a decade, he has been working locally to integrate Syria into the online world, going into schools and businesses, for instance, to teach them how to use the new tools of technology, and educating future bloggers and website architects.

Mr. Khartabil has also helped spread freely licensed software and culture throughout the region and in so doing encouraged Syrians to develop critical skills like remixing. The ability to take images and other material and mix them into social commentary -- as the Jib Jab videos do in the U.S., for instance -- is a free-speech right that Americans take for granted. But in a country like Syria, the ability to do something like juxtapose dubious claims by the country's leadership with more truthful images from other sources makes remixing an important tool for political dissent.

In late 2012, Foreign Policy named Mr. Khartabil one of this year's top 100 thinkers. The magazine singled him out for "fostering an open-source community in a country long on the margins of the Internet's youth culture."

But Mr. Khartabil wasn't able to accept that honor. He was arrested in March by Syrian authorities because of his work and has been held -- at times in utter isolation -- ever since. His family fears the very worst.

Mr. Khartabil isn't a partisan, aligned with one Syrian faction against another. He represents a future, aligned against a totalitarian past. The Syrian government is fearful of the potential threat to the totalizing control that defines the modern Syrian state. The government thus wants to shut the free-software, free-culture movement down, in a way that only a totalitarian regime can.

Syria won't win this battle in the long term, just as the regime is unlikely to outlast the insurrection now wracking the country. It, too, will learn that the future cannot be stopped, even if the men and women leading it can be silenced.

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Mr. Lessig is a professor at Harvard Law School and a member of the board of Creative Commons.

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DETAILS

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