



<https://creativecommons.org/>  
<http://www.creativecommons.cl/>

15 June 2016

Sr. Ignacio Walker Prieto  
Presidente de la Comisión de Educación, Cultura, Ciencia y Tecnología  
Senado de la República de Chile

Dear Senator Walker,

We are writing on behalf of Creative Commons regarding the Senate consideration of Bulletin 9889-24.<sup>1</sup> Creative Commons (CC) is a global non-profit organization that enables the sharing and use of creativity and knowledge through free copyright licenses and legal tools. CC Chile is an international affiliate of Creative Commons that focuses on copyright, open licensing, and educational efforts in Chile.

It has come to our attention that the Chamber of Deputies has approved a bill that would create a new, unwaivable right of remuneration for authors of audiovisual works. In addition, we understand that the provisions of the law would apply to foreign audiovisual works, and that authors are supposed to be compensated even if they do not wish to receive royalties. The law would apply to all audiovisual works, even those published under open licenses. We are concerned because the bill could create unnecessary complexity for authors who want to share their works under Creative Commons licenses.

Of course authors should be able to be paid for their work. But with over 1 billion CC licensed works on the web, we also know that many authors simply want to share their creativity freely under open terms to benefit the public. For example, educators and scholarly researchers create and share works primarily for educational purposes and to advance their field of study—not necessarily for financial remuneration.

---

<sup>1</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=9889-24](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=9889-24)

All CC licensors permit their works to be used for at least non-commercial purposes. When an author applies a Creative Commons license to her work, she grants to the public a worldwide, royalty-free license to use the work under certain terms. The license text specifically states, "To the extent possible, the Licensor waives any right to collect royalties from You for the exercise of the Licensed Rights, whether directly or through a collecting society under any voluntary or waivable statutory or compulsory licensing scheme. In all other cases the Licensor expressly reserves any right to collect such royalties."<sup>2</sup>

We respectfully request that the Senate vote against the bill, or offer an amendment so that authors may continue to share audiovisual works under Creative Commons licenses without imposing an additional burden such as having to agree to an unwaivable right for remuneration.

Thank you for your consideration. Please feel free to contact us should you have any questions.

Sincerely,

Ryan Merkley  
CEO, Creative Commons  
[ryan@creativecommons.org](mailto:ryan@creativecommons.org)

J. Carlos Lara  
Legal Lead, Creative Commons Chile  
[juancarlos@derechosdigitales.org](mailto:juancarlos@derechosdigitales.org)

Vladimir Garay  
Public Lead, Creative Commons Chile  
[vladimir@derechosdigitales.org](mailto:vladimir@derechosdigitales.org)

---

<sup>2</sup> See Section 2(b)(3) of <https://creativecommons.org/licenses/by/4.0/legalcode>.