

# Faces of the Commons

## Assessment of Network Potential

Creative Commons Community

## Regional Report

# Latin America

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## 1. Sample Choice

The chapters chosen for this research are Argentina, Uruguay and Paraguay. Argentina is one of the oldest chapters of the region. It has been affiliated to the network since 2005. Initially, the chapter of Argentina was formed by an NGO called Bienes Comunes, under the lead of Ariel Vercelli. At the end of 2010, CC HQ and Bienes Comunes decided to end the affiliation. Vía Libre and Wikimedia Argentina stepped forward to take the lead of the Argentinean chapter. Vía Libre is an NGO established in 2002, focused originally on free software issues. Later, its agenda expanded to include copyright and ICT & Human Rights. Wikimedia Argentina is the chapter of Wikimedia Foundation and has the official recognition of Wikimedia Foundation. Correspondingly, it also has a strong tie to the financial support of WMF, through a special Committee created ad-hoc called the “Funds Dissemination Committee” (FDC).

Both organizations had a close relationship when they signed the MOU. But within time that relationship cooled down. It even came up to the point where the two affiliate institutions have not talked between each other for a long time -almost a year. In terms of composition, Vía Libre is a small organization, composed by a staff of two people and a board of three people. Wikimedia Argentina has a board composed by nine people, a staff of four people (three full time, one half-time), and a group of volunteers that can participate in the board meetings or leading & proposing activities for the chapter.

On the other hand, Uruguay & Paraguay are the newest chapters of the region. Paraguay and Uruguay started their affiliation process within some months of difference in 2013. The presentation to the public was made finally in mid-2015.

In Paraguay, the affiliate institution is TEDIC: a multidisciplinary non-profit organization that aims to promote civic initiatives in education, communications, technology, development and research. TEDIC's staff is composed by four full-time people, but only two of them are partially dedicated to lead some initiatives regarding CC. There's a small group of volunteers (4-6 people) working on CC initiatives with the cooperation of TEDIC.

In Uruguay, although having signed the MOU, the Uruguayan Librarians Association (Asociación de Bibliotecólogos del Uruguay) does not have a close relationship to the actual group of volunteers that is leading the work inside the chapter. The group is composed by nine people that come from different professional backgrounds. It is definitely one of the most active chapters in the continent, probably followed by Colombia. What is more, none of the people working inside the group of volunteers are being paid for their work, inside CC Uruguay or inside another organization similar or related to the subject of CC.

In terms of gender balance, most of these institutions and groups have an equal proportion of women/men working. This is somehow reflected in the scope of the subjects interviewed for this research (10 women, 7 men). Their backgrounds are different but we're mainly talking about young middle-class professionals (between 25-35). In this sense, it is important to highlight that from all the people interviewed for this research, only two of them are actually lawyers. The teams are composed by

very diverse profiles, including software developers, social communicators, journalists, musicians, librarians, university teachers and researchers.

In the case of Uruguay and Paraguay, we had group interviews with each team. Paraguay specifically asked to be interviewed as a team. Uruguay frequently holds team meetings to discuss their projects. These meetings are lively discussions regarding positions of CC Uruguay. It seemed reasonable to recreate some of those interactions in the context of this research. This posed some challenges for the discussion guide, as it was mainly designed for interviewing the public leaders of each chapter. In the case of Paraguay, it was clear that the public leader plays an important role in guiding the discussions of the team. Uruguay does not have a predominant voice and roles are better balanced inside the team, without anybody taking the lead of the discussions.

Following the “Affiliate Tiponomy” developed by John Weitzmann and presented in the Global Summit 2015<sup>1</sup>, most of the chapters interviewed for this report are between a type “A”<sup>2</sup> and a type “4”<sup>3</sup>, but without being totally one or another. Wikimedia Argentina, Vía Libre and TEDIC resemble more closely the type “A” category. Wikimedia Argentina is a non-profit with direct ties to the funding of the

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[https://docs.google.com/presentation/d/1YtNRsglZNUdHHN3RcDNNWmtgms8MzUZSvNs4uzeM4mc/edit#slide=id.gbeb8b026b\\_0\\_25](https://docs.google.com/presentation/d/1YtNRsglZNUdHHN3RcDNNWmtgms8MzUZSvNs4uzeM4mc/edit#slide=id.gbeb8b026b_0_25)

<sup>2</sup> “Non-Profit, usually an NGO, foundation, independent think tank or independent research institute, working in / interested in the area with several paid staff and reliant on project funding that mostly comes from public sources”.

<sup>3</sup> “Formally incorporated (i.e. dedicated) affiliate organization, usually run on a membership model or some other formal structure. Tends to be very active with strong volunteer support. Has ability to apply for and receive grants, and sometimes even able to hire one or two staff”.

WMF, but has no staff working directly or indirectly in CC related-projects -although Wikimedia & its associated projects are indeed major users of the CC licenses.

Vía Libre, on the other hand, has some paid staff, but they are mostly dedicated to their agenda and have little time to dedicate to CC related projects. TEDIC is closer to a type “A” categorization. However, its funding does not come from public sources (understood as state sources in Latin America), but from other sources of funding such as the EFF. CC Uruguay is clearly a type “4” organization, with the slight difference that the affiliate institution is not an ad-hoc organization but rather an organization that lent its name as to provide legitimacy for the working group. This team was already doing advocacy on copyright reform and working on CC related projects before.

Interestingly, with the exception of the former lead of Argentina, Ariel Vercelli, none of these groups has ever made a licence port. Partially this is due to the fact that the 4.0 was already being debated when they joined the network. However, they also participated in the previous debate of the transition from 3.0 to 4.0 without being active groups & chapters.

In 2012 - before becoming partners to the CC Community - these three came all together in a project led by Derechos Digitales, called “LibreBus”. The project consisted in a bus that went through Uruguay, Paraguay, Argentina & Chile, organizing activities around free culture and free software in each city where the bus stopped.

One year later, in 2013, the Global Summit was held in Buenos Aires. This event gave these groups the chance to come together once again. However, each of the chapters

followed very different processes ever since, achieving different levels of activity and motivation to keep on working with CC. Partly, this is the reason why the three of them were chosen for this report: to acknowledge the challenges they have experienced since those two activities took place.

## **2. Basic context information**

To begin with, it is important to highlight the fact that all across Latin America, with the exception of Brazil, there is a common language spoken (Spanish). As most countries of the region, the three countries chosen for this research suffered dictatorships that ended around mid-80's, Paraguay having the longest of all. The population in Paraguay is mostly rural, with a very small middle-class with a professional background.

Furthermore, certain regions of the country have a strong -and complex- relationship with Brazil, and to a lesser extent, with Argentina. Argentina and Uruguay share some common characteristics, both in terms of the general population - a strong presence of middle-class with a professional background - but also regarding one of the most outstanding characteristic of this part of Latin America: a strong and well-developed system of public education, that goes up even to the higher grades, allowing people to access to the university system freely and, in general, without costs. Higher education is public and free, as well as lower degrees in the public education system. This has an impact on OER and Open Access policies, that are going to be explored later on.

With CC being almost an Internet-born initiative, it is important to highlight Internet penetration rates in the region. Latin America has a total penetration rate of 66.7% over the total population -more than half of the population is connected to the Internet. With a 79.4% of penetration, Argentina has one of the higher percentages of the region, followed by Uruguay with 71.6%, while Paraguay has a penetration of 45.9% of the total population. However, it is also important to point out that the percentage of connectivity does not necessarily translate into the quality of connectivity. As a matter of fact, most of these Internet connections are provided via mobile phones, the new privileged way of access for most Internet users in the region.

A shared characteristic between the three countries is the fact that poverty and inequity in the region<sup>4</sup> make copyright agenda seem like a distant and unimportant problem -in the best case, a problem to be solved in a later future. In addition to this, law enforcement is not particularly important for copyright. The policy seems to be *laissez faire, laissez passer*, with everybody making daily use of photocopies & downloading content from the Internet -when access to the Internet is provided.

This drives the discussion of copyright issues - and most important, of CC licenses - to be considered an abstract debate for these countries. The challenge that this situation poses for the field has been very well depicted in an article by an earlier collaborator of CC: “How are we supposed to explain copyleft where everyone is

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<sup>4</sup> Latin America is one of the most unequal region of the world, according to the ONU’s ECLAC [<http://www.cepal.org/en/articles/2016-latin-america-worlds-most-unequal-region-heres-how-fix-it>].

practicing it?”<sup>5</sup>. For instance, trying to explain the importance of OER and the hidden cost of educational materials seems like a distant debate, within a context where everyone is going to the copyshop on a daily basis to make copies of the books they need.

Hence, this situation works as a double-edged sword: explaining the basics notions of copyleft could potentially generate a ‘chilling effect’ on daily practices that are still necessary in contexts like the Latin American one. For example, when explaining copyleft/copyright to a librarian, this could potentially prevent him or her from providing photocopies to a user, just out of being afraid of the previously unknown legal risk that this might entail.

Nonetheless, this particular situation may change in the future with the approach of the region to FTAs’ mandatory compliance to intellectual property policies -that would undoubtedly translate in an increase of law enforcement efforts in this field.

After the economic and social crisis of the 2000s, the region experienced a wave of progressive governments that turned down every initiative brought to sign FTAs inside the region, characterized by the symbolic movement called “NO al ALCA” - an FTA promoted by the US that allegedly was supposed to create a “Free Trade Area of the Americas”. After the rejection of the FTAA, the discussions over FTAs chilled in most of the countries of the region.

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<sup>5</sup> Pagola, Lila (2010). “Efecto copyleft *avant la lettre* o cómo explicar el copyleft donde todos lo practicamos”, en *Argentina Copyleft: la crisis del modelo de derecho de autor y las prácticas para democratizar la cultura*. Villa Allende: Vía Libre. Online access: <http://vialibre.org.ar/arcopy.pdf>.

That period came to an end recently, after the coup in Brazil against the government of Dilma Rouseff, the election of president Mauricio Macri in Argentina and the rise of the right-wing side of the ruling party in Uruguay. All in all, the situation now is that each of these governments is in a race to sign FTAs. This implies that IP standards will be raised to meet to the requirements of these FTAs, with the TPP as the blueprint for local legislative reforms that are taking place -even before the signature of any FTA.

However, this does not necessarily mean that the aforementioned progressive governments had a positive agenda in copyright reform. Well, on the contrary, Argentina approved the constitution of more than three different collective societies on different artistic disciplines, creating more interest groups that oppose to a more balanced copyright reform to add L&E; extended the term for phonographic works to enter to the public domain (from 50 to 70 years after publication) and left untouched the remaining problematic issues of copyright law, such as the lack of L&E. Additionally, the government tried on two different occasions to introduce a digital levy that was finally dropped by the Parliament -but only after various civil society groups & certain industries opposed to the levy.

In Uruguay, there was an important raid in 2013 to some photocopy shops nearby the School of Law of the UDELAR, the biggest public university of Uruguay. This initiated a discussion regarding the need to introduce L&E in the copyright law of Uruguay. The students' union proposed a bill and after a hot debate in mass media and the Parliament, the students' union and the major collective societies reached an agreement, but the ruling party of Uruguay has freezed the proposal because they

still find several issues problematic. As a matter of fact, CC Uruguay had a key role in this debate. In Paraguay, some attempts to introduce a digital levy were also made, but they failed after the opposition of CC Paraguay.

It is also important to remark that the collecting societies in Latin America follow a strong similar structure and they work really close to each other when trying to prevent changes or to move forward restrictions on copyright law. However, this also opens a window of opportunity in terms of the things that could be achieved regionally if there was some sort of common goal for working with collecting societies.

Argentina, Paraguay and Uruguay are the three members of the Open Government Partnership (OGP), and this alliance could help them move forward the goals of CC. Last but not least, the importance that public education has in part of the region makes it a great opportunity to work more strongly to develop OER & OA initiatives.

### **3. What do affiliates bring into the network?**

One of the most striking features the affiliate's network of Latin America is the vast diversity of profiles that nourish the CC Community. In fact, as several of the interviewees pointed out, each one of them is far from being the "typical regional affiliate", usually portrayed as "one or two lawyers". As a matter of fact, in the same line of thought, the "ideal affiliate" proposed by CC Uruguay is quite interesting:

CC has the reputation of making the licences known and for not doing anything else. The publicizing of the licences is something that gets done as you progress -the licences and the tools of public domain, that are for me the biggest Cinderellas of CC. The ideal chapter of CC should be like this: a chapter that knows how to manage projects and that moves away from “the chair”. (CC Uruguay).

This initial quote poses a really important dilemma - one that is present throughout the interviews of all the regional affiliates: the comparison between the licenses as a technical and legal tool, on the one hand, and the licenses as the frame of reference for carrying out different activities, on the other hand.

None of the affiliates acknowledges being only focused on technical and legal aspects. That seems to be a very theoretical level of discussion -maybe even *too* theoretical for the interests of these organizations. Naturally, the affiliates do not dismiss these technical and legal aspects -what is more, as it will be pointed out in the next section, the technical aspects of CC seem to be one of its most important strengths. However, they seem to understand their role as affiliates as the agents in charge of ‘embodying’ and ‘bringing to life’ the principles that CC stands for and represents through the licenses, their communications and the image they have created at a global level. At this point, teaching and promoting the technical grounds of the licenses sounds almost like the basis - but that cannot be just everything. In the words of the volunteers from CC Paraguay:

The movement has the common feature of being articulated in an individual point of view; that is, through micro-activities regarding licences with particular artists that are interested in licensing their work. We like to think that in this way we bolster the development of a network. In brief, we believe that, in order to strengthen this network, we need to have projects going on permanently (TEDIC - CC Paraguay).

In a rather hostile - or, at best, indifferent - environment, this mode of “permanent activity” seems to be the default mindset for the region. For that matter, each of the affiliates’ interests skew on rather different directions. Roughly, two distinctive fields of action can be distinguished: (1) active participation in the field: in communities of creators / producers or in relation to the GLAM sector; and (2) advocacy and lobbying among public and political institutions. In this regard, CC Uruguay alongside with CC Paraguay believe that their ability to gather volunteers from the artistic community is one of their key capacities to facilitate change within their contexts. With the helping hand of members who come from the cinema industry, from the music scene, writers or photographers, their scope of action broadens considerably. As the affiliates of CC Paraguay point out:

In a certain way, the new members of the chapter made us lean towards cultural activities, while before we were much more oriented towards legal analysis or, for example, to a more philosophical approach to the licences. Thanks to the communication background or the link with the world of films of the new members - that’s a plus for us - we achieved a profile more related to culture... More related to cultural spaces and to political discussions in support of the commons and the public space (TEDIC - CC Paraguay).

Given the fact that copyright policies and intellectual property regulations are not everyday issues in the public and political agenda -in fact, they are mostly ignored both in theory and in practice- reaching to the librarians, curators, producers and creators serves for a double purpose: not only it means to put the licenses into practice on actual artistic creations or historical artifacts, but it also works as a potential line of dissemination of CC for the audience and consumers of those cultural goods. Regarding this argument, the people from CC Uruguay are really straightforward:

What's the ideal chapter? A chapter that's close to the communities. If we were only two lawyers that know something about copyright, that would be a failure. To me, it's necessary to join and have a role within the communities. We need to help activate the communities (CC Uruguay).

Moreover, reaching out to the different communities also plays a very important role internally. This type of interaction proves to be a valuable source of insight about the concerns, doubts and obstacles that may hinder the approach of the artistic community or the GLAM industry to CC -i. e. those entitled to copyright rights that may, in the end, choose a different licensing scheme. This is quite a sensitive issue for Galileo Vidoni, from Wikimedia Argentina:

I think that the most important thing is the actual experience of use of CC licenses. Our work is to achieve the implementation of CC licenses on a big scale in actual projects of content release. The mission of CC as an organization is achieved when you reach an agreement of these characteristics: where the licence is what actually allows you to release content and to grant a broader use of a big collection of content. Is an experience of use in the field, of knowing which are the limitations, the scope and the needs regarding the issue (Galileo Vidoni - Wikimedia Argentina).

On the other hand, Argentina's co-affiliate Vía Libre and Paraguayan TEDIC consider that advocacy and building strong bonds with the political sphere plays a very important role in changing copyright policies:

The impact on public policies is our main goal. We make public events but with the same goal: our goal is damage control and reaching out to the decision-makers. As a matter of fact, we have a lot of influence over decision-makers (Beatriz Busaniche - Vía Libre Argentina).

In a pretty straight forward logic, approaching decision makers is the most effective way to attain change in policies considered repressive, inegalitarian or unfair. From

this standpoint, achieving public visibility and expressing a voice of dissent represent a very concrete role for their activism. In the words of CC Uruguay:

I think that our major victory is that now anyone understands that there are different opinions when it comes to intellectual property and the enclosure of culture. I think, this is one of our major victories (CC Uruguay).

This kind of victories may seem “small” for certain contexts. However, in the regional scenario, these achievements are not easily attainable. These organizations have to cope with both internal and contextual difficulties. Regarding internal obstacles, it is very hard for these organizations to guarantee a strong leadership and a solid base of activists and supporters. Only depending on the goodwill of volunteers and without a sustainable structure of funding, commitment tends to be rather fragile and unstable:

It’s also difficult to sustain commitment while you are a volunteer. We open up participation, we organize meetings... but putting time into something that’s completely voluntary is not that easy. At least here. Here is hard to get people committed with the project besides the hard core of people that’s already working on it. Bind together people for a permanent job is hard (TEDIC - CC Paraguay).

In the same way, very frequently leaders find themselves overwhelmed by different fronts of action and by challenging agendas. In such circumstances, offering a clear leadership to the team - without any other support - is a tough task. On the other hand, difficulties may be related strictly to the context of action. Most of the time, copyright issues do not appear to be relevant to the public agenda:

The vast majority of people doesn’t understand intellectual property issues as a problem of “daily life”. When you think about the debate over copyright or over electronic voting... or the “privacy debate” itself. In those cases, it is very hard to encourage public debate. All the threats that infringe those rights - such as the right to privacy or the right to access culture -

are created by tools or services that seem to offer actual and real solutions that are totally enjoyable at the very same moment of use or consumption. In contrast, the problems that might arise from those uses are, at best, hypothetical. Due to this difference, it is hard, very hard, to install this topic in the public agenda (Beatriz Busaniche - Vía Libre, Argentina).

Without a closer look into the public interest, restrictive copyright policies are usually decided on behalf of private lobby groups. It is the hidden agendas of these corporations or organizations that tend to guide decision- and policy-making. In the judgement of Galileo Vidoni:

Specially when talking about the restrictive issues of copyright from a patrimonial point of view, there are “intense minorities”, very concrete, that have a specific interest, be it pecuniary or legal, against a “silent majority”, that many times represents the public interest, the society. There’s no representation for them, because there’s no organized group with the capability to bring that perspective onto the table as loudly as these other “intense minorities” do. So then, very frequently, copyright issues seem to be tackled from a wrong perspective since the beginning, because the people that are moving them forward are the ones that want to restrict access (Galileo Vidoni - Wikimedia Argentina).

What CC allows them to do is to bring a dissident voice into the table. In the words of CC Uruguay:

During all this copyright reform process, that a group of eight or nine people has had so much presence in the media, even when it’s for something negative, illustrates certain legitimacy of the work that we’re doing, for good or for bad. I think that’s for all the work we have been doing. Also, because we have a special line of work regarding communication, we have a mailing list for media, where we intentionally send them some information that we select. We decided to occupy an empty space and to antagonize with powerful players that have never been questioned before. And that pays off a lot (CC Uruguay).

Overall, “taking action” seems to be the capital purpose of the organizations involved as chapters with CC. This is, “taking action” in order to pose a voice of dissent from

within a silent public interest and to get things done. The other side of this advocacy movement is to “bring to life” the CC licenses and the spirit of a free culture:

The issue here is policy and projects. I think that all chapters are trying to do advocacy. The problem with advocacy is that it doesn't generate social grounds or social support by itself. That's the reason why you need the projects (CC Uruguay).

In that way, these organizations ‘bring to life’ the licenses of CC -to quote just a few examples: the agreements between Wikimedia Argentina and GLAM references such as the Academia Nacional de Letras (Argentina) or the Museo Nacional de Bellas Artes (Argentina), the advocacy against the digital levy law carried out by Vía Libre (Argentina), the online database of public domain authors built by CC Uruguay, the development of the 3<sup>rd</sup> plan action cycle of the Open Government Partnership (TEDIC -CC Paraguay) and the frequent organization of “open” music and “open” film festivals (CC Uruguay and CC Paraguay).

Successful experiences such as these, with the seal of CC, are clear factors of motivation and engagement for these organizations. However, even though the CC license suits their interests adequately, Creative Commons Community still plays a subsidiary role in their missions as chapters. As a matter of fact, there is a general sense of disconnection between their work on “policy and projects” in the field and the vision, values, goals and directives of CC.

In this sense, they choose CC because it allows them to achieve their goals faster and easier, but there is not a sense of CC community or partnership in what they are doing, both within HQ and with the network. The network appears to be a vague concept. Chapters point out specific people as “the network” but underestimate the

fact that CC is what brings them together. Overall, they talk about a feeling of being isolated. This feeling applies both to advocacy efforts and to specific projects they're carrying on. The common feeling is that HQ could do more both in terms to understand their affiliates and to help them.

In the next section, we will take a closer look on what they feel the network of CC provides them with.

#### **4. How can the network help the affiliates in the region?**

Once the profile and general characteristics of the regional affiliates are described, it is necessary to look into what the network has to contribute to the work of these organizations.

Chiefly, three main types of positive input from the network are highlighted by the affiliates: (1) in a rather symbolic skew, CC Community represents recognition and credibility credentials for the affiliate; (2) from a more technical standpoint, their licensing scheme is a very useful legal tool; (3) as a global community, CC has the potential to foster and to strengthen networking and bonding amongst organizations that share common goals.

Every regional affiliate agrees on the first of those arguments. Without a shadow of doubt, the CC seal 'opens doors'. For Beatriz Busaniche, this capability translates directly into the "obligation of being listened":

For us, that we come from such a bottom place in a system that's completely hegemonic, the fact that they don't ignore you and that they have the obligation to listen to you is an achievement. It shows that you exist. The credentials at global level are important and they are a value that we need to protect (Beatriz Busaniche - Vía Libre, Argentina).

The affiliates of Uruguay acknowledge the symbolic value of belonging to the community in a very similar manner:

We also need to think why we use CC so often. Because CC has an international backup. Imagine that CC Uruguay ceases to exist. Do we lose a lot or do we lose a little? I think that we lose a lot. At the moment of being in certain spaces, such as the assessment to AGESIC<sup>6</sup>, the title CC had its own specific weight. Of course, this doesn't happen in all places. But in the academic sector and in certain sectors, it has its own weight (CC Uruguay).

This way, the endorsement of CC works as a powerful boost to reach out to other organizations that may be reluctant to discuss their copyright management policies. What is more, the international prestige gained by the community represents a value surplus. In Latin America, public interest, institution managers and policy makers show more willingness to listen when they learn that this discussion was born in the Global North. Galileo Vidoni states it very clearly:

The value of CC is that it's backed up by an institution that works on a global level and that has important success stories on the global level. That's something that can move local institutions that don't tend to be so open-minded. You will only open their mind when you show them that the British Museum is doing what they're denying themselves to do (Galileo Vidoni - Wikimedia Argentina).

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<sup>6</sup> AGESIC stands for "Agencia de Gobierno Electrónico y Sociedad de la Información y del Conocimiento", it's a government office that depends of the Executive Power and it's dedicated to promote electronic government and initiatives around the digital society. It required the assessment of CC Uruguay for their 2nd Plan of National Action of Open Government.

Regarding the technical aspects of the licenses, all of the affiliates agree that from a legal point of view they are really useful. The most highlighted features are: (1) Flexibility and adaptation; (2) Clarity and precision; and, at last, (3) Global standardization. This three attributes are more strongly highlighted by Argentina's Wikimedia chapter, due to the global span of their activities:

It has the advantage that is adapted in different jurisdictions. It is compatible with the global repositories of Wikimedia, with the global conditions of Wikipedia, with other chapters might achieve... This means that all the material that Wikimedia might have with a CC license, even with a CC license ported from Argentina or from México, they are going to be interoperable, so all that content, in practical terms for the average user, is under the same conditions (Galileo Vidoni - Wikimedia Argentina).

Beatriz Busaniche also stresses the global standardization an important strength:

There's standardization at a global level that allows you to show that you're not a crazy person that comes out of blue. It gives you credentials and it helps you, because standardization is key. You can't have a million of different licenses... (Beatriz Busaniche - Vía Libre, Argentina).

In addition to this global interoperability, as Galileo Vidoni notes, these licenses also work as a common ground that fosters and enables dialogue between these organizations and the legal department of different institutions:

As a resource, for us is a very valuable because is a simple text to understand, to "sell", that the other side understands at the same time that it has a legal value. Is the tool to achieve our goal, the release of content. Then, the CC licenses are the common code that we can use with the legal department of GLAM institutions (Galileo Vidoni - Wikimedia Argentina).

Lastly, the potential of networking enabled by the global scale of the CC Community is the third positive input recognized by the affiliates. However, the networking potential tends to be strongly undervalued by the affiliates, especially due to a poor sense of belonging to the community - this point is going to be addressed on the next section.

In spite of the recognition of the aforementioned positive inputs from the community, the affiliates also raise several objections regarding the functioning of the regional network. In this sense, they pose challenging questions in two main areas: (1) Regional strategy; and (2) Funding.

The issues related to the regional strategy revolve around what Beatriz Busaniche states as the lack of a “solid brand” for CC in the region. This elusive identity strongly diminishes the potential of causing an impact on the regional environment. In the same manner, Galileo Vidoni perceives that there seems to be no clear direction in terms of planning or goals. From his point of view, this lack of clarity weakens the capability of the affiliates to fairly respond to HQ expectations - but also interferes with the capacity of the affiliates to express their needs to HQ:

The identity needs to be more clearly defined:, what's the identity that is desired and expected from each CC affiliate in the different countries, which are the expectations about projects, what needs to be developed, what needs to be done. Also, we need to define what CC global and HQ can deliver to these chapters... If it's financial support and lines of funding, clarify them; if it's legal assessment, clarify it that way (Galileo Vidoni - Wikimedia Argentina).

Furthermore, for the affiliates of Paraguay, a very strong skew towards technical and legal matters from some of the countries affect regional integration, cohesion and communication:

On the other hand, with the exception of Uruguay and the little that I know about Argentina, the other chapters of the region seem to be doing a rather legal work. Due to the diversity of this group, it is not that interesting for us to interact only with people that are doing the translation to Spanish of 4.0. At this moment, CC regional has an overly legal profile. The members of CC Chile are all lawyers. In Perú it's the same. Since we don't know each other, the mailing list doesn't have a lot of participation (TEDIC - CC Paraguay).

On the other hand, the second aspect that undermines the regional network potential has strictly to do with the offering of funding. In fact, Beatriz Busaniche poses the problem as one of the most sensitive issues for this type of organizations:

We compete between each other for scarce resources. If I get a grant, someone else doesn't get it. This is something that happens across all levels. The first main challenge is that one, the sustainability of organizations in a strictly material and economic matter. There's this idea that we're competitors despite the fact that we are building things together (Beatriz Busaniche - Vía Libre, Argentina).

From there, the repertoire of funding alternatives offered by public or private institutions may strengthen or weaken the bond with these organizations. In this case, most affiliates lean towards a rather critic standpoint regarding the funding offered by CC. Their most important objection refers to the lack of consistent and sustainable funding:

Applying to larger funds to give sustainability in time to certain projects is something that could be interesting. CC funds are small compared to other sources of funding. It's interesting anyway that their policy of funding has changed. Now, you can apply with your own projects,

that can be related to your agenda issues and to the agenda of your local communities. That's something that motivates you (TEDIC - CC Paraguay).

Although recognizing the value of the last change in funding policy, the affiliates from Paraguay believe that the funding offered by CC is still poor. However, this inadequacy must not only be understood in terms of quantity, but also in terms of quality. The affiliates look forward to finding resources that allow them to function in the long term:

They don't help you institutionally. They don't offer you money for long-term projects. You can't put that into a long-term project, the type of thing we're interested on. We have a long-term agenda; we don't have an emergency agenda (Beatriz Busaniche - Vía Libre, Argentina).

In the same line of thought, Uruguayan affiliates take one step more. In their opinion, a sustainable-over-time funding may work as a strong driving force to encourage the less active chapters:

For me we need to have money for functioning, apart from grants, we need to have money for the functioning of chapters (CC Uruguay).

In brief, the affiliates recognize very positive aspects of their participation in the community. Nonetheless, they also pose interesting questions to express their mild discontent with certain practices of the network. As a matter of fact, as aforementioned, these objections tend to be aggravated when the affiliates feel that they are disconnected from the global community. This particular issue is going to be taken care of in the next section.

## **5. What is the collective identity of CC affiliates and preferred model of leadership?**

To begin with, personal commitment and deep engagement are both the main drivers that inspire the participation in the “openness” movement. As aforementioned, in most cases, these organizations function - often on a daily basis - thanks to the effort and commitment of volunteers, even at very high levels of responsibility.

Besides this personal stance, all the organizations have a certain organizational culture in common. Without a unique leader imposing a course of action, the work of the team and the volunteers is likely self-guided and self-oriented. Indeed, there is a clear inbound consensus regarding the most important topics of the organization’s agenda. However, these understandings tend to be broad enough to allow debate and discussion - among those who have the necessary expertise and want to deal with the matter at hand. Briefly, they all follow a strongly collaborative and horizontal dynamic, with a constant feedback from peers and colleagues.

In reference to the existence of a regional “openness collective”, there is indeed a perception of shared interests, shared values and shared goals between very different organizations. These implicit bonds are likely to emerge when ‘things go wrong’:

When there's a difficult situation that threatens the rights of people on the Internet or that threatens their access to knowledge - just to quote a few examples - we're always on the same lane. It might be from different trenches, from different positions, from different responsibilities - because we also work from different points of view - but at the last stance we're on the same side of the road; the side that puts the collective rights of society over the

restrictive, individual, specific and concrete rights of certain groups of pressure or of a certain sector or of a certain corporation (Galileo Vidoni - Wikimedia Argentina).

Regardless of this perception about the “openness collective”, the affiliates are likely to hold back when asked about their sense of belonging to the CC Community. Paraguayan affiliates even depict the situation as “disconnection”:

One feels disconnected from the global network. The debates on the regional mailing lists are very legal... Being a volunteer-driven space, you need to have a fair amount of fun too, something that motivates you. The formality of the mailing lists isn't what we are looking for. We need a more informal and relaxed channel to build up communities. Some kind of more direct communication with the ones that are working at the regional level, even with the discussions that we're having at the local level (TEDIC - CC Paraguay).

This “disconnection” happens to be a feeling that appears throughout the entire region:

This is not a critique to the ones that are now working on that, but I think that it has no institutional density. What's CC Argentina? Where it is? How do they manage themselves? For us, CC is an enteley. We don't know where it is, who they are, we don't know their faces, we don't know their names, we don't have a daily or frequent communication with them. We think that they should be interested in knowing who they are being represented by here, regardless of whether we're interested or not in knowing them (Galileo Vidoni - Wikimedia Argentina).

Similarly, CC Uruguay was quite surprised by the lack of an initial introduction and presentation when they became affiliates:

It would be good to have a some kind of dialogue. We don't have any stance of regional meetings. If we're part of an organization, the leaders - or at least those at certain positions - should carry out a welcoming introduction. And explain you the basics. Tell you “please, did you read this?”. There are documents that are essential to understand the way in which the

organization works. They should and make sure that those documents are being read (CC Uruguay).

They even go a step further, complaining for the lack of response and feedback after their presentation of the roadmap:

We wrote what we expected to do throughout the year, the roadmap. We also drafted a report at the end of the year, and we didn't receive any type of feedback. It was like a stone thrown in the river. There was no: "good" or "no, this slips out the boundaries of CC" or "cool, keep it that way". A minimal feedback that the report was read. At the end of the day, that report sums up what you have done for the organization throughout the year. In spite of being a very important document, there's no feedback whatsoever (CC Uruguay).

Nonetheless, the riskier consequence of this feeling of disconnection and weak sense of belonging is that it is very difficult to establish a common agenda and a common planning of goals between CC and their affiliates - as noted earlier:

The agenda of this group of activists exceeds CC. We have a broader political agenda, but the projects agenda is, without a doubt, a CC agenda. Of course we love those projects and we'd love to carry on with that, because there's still so much to work out there... (CC Uruguay).

This feeling of detachment gets even stronger when the affiliates' organization had existed before the agreement with CC. Such is the case of Vía Libre:

I don't mean to underestimate the organization, but being affiliates of CC doesn't change us in anything. I'd tell them to lean more and better on the organizations that are already here. They should try to work on long-term projects with the local organizations, designing the projects together... Right now they seem not to be able to express what they want from us. They need to think in a more strategic attitude, not only in regards to particular projects. What does CC want in the region? Or better, what does the region need in this discussions? To try to think alongside with the local organizations to build a ground and long-term work (Beatriz Busaniche - Vía Libre, Argentina).

As a matter of fact, if the “openness collective” really manifests itself when the ‘the heat is on’, as the quote of Galileo Vidoni pointed out earlier, the connection between the CC Community and the regional environment is conspicuous by its absence when CC withdraws from the debates that hit the political arena.

## **6. Conclusions and recommendations**

To conclude, we believe that the most important issue to address is this feeling of disconnection with the CC Community. Indeed, this weak sense of belonging cascades to most aspects of the affiliates’ relationship with the Creative Commons as a whole, generating a negative impact that ultimately hinders the potential that the community might have in the field. Furthermore, there are no clear notions that help the chapters to understand what they are expected to do and the type of support that HQ can provide them with. Hence, it may also be observed that the present model of affiliation does not fulfill the expectations of most volunteers.

There are opportunities that are not being properly addressed for different reasons. We have organized our recommendations in three axis: (1) Communication in the network; (2) Funding; and (3) Affiliation.

### **6.1. Communication in the network**

One of the first learnings from the field work is the absence of a fluent conversation between HQ, the network and the chapters. The chapters have posed several suggestions that might ameliorate this aspect of the relationship:

- **To establish a common agenda**, with a clear mechanism of follow-up and feedback. What is more, this follow-up should be supervised and carried on by an authority or open leader that knows well the local ground to facilitate empathy and the depth understanding of the problems -both in terms of legislation, challenges that might arise, the political situation of each country as well as the local communities.
- **To overcome the linguistic barrier** between HQ, the network and the chapters. This is particular important in the case of Latin America, where there is a common language that covers for most of the 80% of the population.
- **To facilitate integration** at the global and regional level. There is an urgent need for each affiliate to feel a part of the larger network. Different activities could be carried on to make this happen: regional summits, visits and meetings with international referents of the community, online events, periodic follow-up calls with the regional coordinator and so on. In any case, the most important challenge is guaranteeing a **regular communication** between HQ representatives and the chapters in each country. This appears as a clear demand on the chapters: "we weren't introduced to anyone apart from a blog post", "they don't even know who we are and we are supposed to represent them", etc. In brief, frequent communication and follow-up to the chapters is needed.

## 6.2. Funding

This was a sensitive issue for most of the affiliates. For chapters working in a model of “group of interest” - such as CC Uruguay -, small to medium funds for specific projects seem to be the best option -and an option that they can handle. However, they definitely see this type of funding as a limitation for growth in the near future. To tackle this issues, we suggest the following strategies:

- **To diversify lines of funding.** CC could open up different lines that vary according the situation:
  - Rapid response to advocacy issues - such as a copyright reform- is crucial. Firstly, this requires not only a rapid response from CC - such as sending out an open leader that could demonstrate support in national Parliaments, as pointed out by CC Uruguay. This could be a specific line of funding for CC chapters that are working on advocacy campaign for copyright reform, who need to produce simple materials but on an urgent basis -such as a leaflet, etc.
  - Core funding is needed for more established structures, at best, to have an in-person that works full time for the CC Community. Project funding, like the “Awesome Fund”, seems to be one of the main achievements of CC HQ, as pointed out by several of the chapters. This could be enhanced through partnerships with other organizations that are already providing funds for open projects such as Wikimedia Foundation.
- **If funding cannot be provided, capacity building is needed.** CC as a global network counts with several organizations that could help smaller ones to grow through collaborative funding. To achieve this, organizations need to share

agendas in order to identify common potential topics of interest and join efforts. CC has the potential to contact donors with people who need funding. This can only happen if CC has a clear understanding of the copyright agenda of each chapter and where they need to focus.

### 6.3. Affiliation

With the exception of Paraguay, other affiliates experiences difficulty with their current model of affiliation through institutions that do not support their work or are not as involved in the cause as the team. The double affiliation of Argentina seems to have reached a dead-end, while the affiliation of Uruguay seems to be an affiliation "just for the papers" to comply with the requirements of CC.

We believe that affiliation needs to be readdressed in a new model for the network. Options could be:

- **Allow other institutions to function as "CC Ambassador" or as "CC Representatives"**. Opening up the network for other types of commitment that don't necessarily involve a formal affiliate institution could work in the region. This option could pair up with the CC certification that is being prepared by HQ - after following a proper process of translation, internationalization and standardization.
- **Allow different levels of commitment** to the network from different persons, group of interest or organizations.

- **Clarify the role of HQ, chapters and other potential members of the network.** Whatever the model is, as for today, chapters - even the ones that have been working for a long time - do not have a clear answer for what they are expected to do, what HQ would like them to do, what is the model for communication of the things that are being done or what is even the scope of projects that fall under the jurisdiction of things that a chapter could potentially do for CC or not. If there is already a model established for that, that model should be communicated, reviewed and receive feedback on a regular basis.
- **Enhance capacity building for advocacy.** Policy, advocacy or copyright reform is one of the key strategic areas that should boost CC in the future, given the serious threats that seem imminent in the short run. Naturally, this cannot be addressed by only one person. For example, special working groups of lawyers could be organized ad-hoc to meet the demands and technical requirements that chapters encounter when facing a copyright reform or advocacy issue. Probably, the legal team of CC is one of the most qualified teams of lawyers and academics experts on copyright of the world. But the channel to communicate with them is still loose and does not address properly the demands of affiliates.