Editorial

Elliott Bledsoe and Jessica Coates

ARC Centre of Excellence for Creative Industries and Innovation, Queensland University of Technology, Australia

Arguably, the concept of an 'open' or 'free culture' movement first emerged when Richard Stallman was lamenting a paper jam. The culprit – a then-cutting edge prototype Xerox 9700 laser printer – had failed to print a 50-page document Stallman had thought was waiting for him on the print tray. No one had responded to the jam. The print queue was growing with each new document, but nothing was coming out.

It was 1980. Stallman was working at the MIT Artificial Intelligence Lab. When a similar problem emerged with an earlier printer on the Lab's network, Stallman simply modified the software to work around the inefficiency. But Stallman could not update the 'hack' that fixed that problem to this new device. Xerox had not published the source code of the software that controlled the printer. Worse still, they were using non-disclosure agreements to curb the distribution of the source code by developers with access to it.

This event galvanised concerns Stallman had about the trajectory of software development. Stallman foresaw the erosion of the hacker ethic – a sort of unwritten code of conduct upheld by early computer programmers. At its core, this ethic valued sharing, openness and decentralisation of information[1] – notions that did not sit well with the commercial strategies of corporates who were investing in software and programmers. As corporations began bankrolling software projects, they naturally sought ways of protecting the economic value in these projects. They wrapped copyright licences around software that made its use comparatively limited. Quintessentially, such arrangements grant the licensee a right to run the software only and explicitly limit them from distributing copies. These licences also generally prohibit modifying or reverse engineering the software, an objective further pursued by not distributing the source code with the software package.

Stallman cites[2] the circumstances around his denial of access to the Xerox printer's source code as the impetus for establishing the Free Software Foundation (FSF).[3] Founded in October 1985, the organisation promotes "the development and use of free (as in freedom) software and documentation."[4] One of the earliest outcomes of the FSF was the release of the GNU General Public License[5] (GNU GPL or GPL), a copyright licence that explicitly allows

To cite this article: Bledsoe, E. and J. Coates. (2010) 'Editorial', *PLATFORM: Journal of Media and Communication* Yes, We're Open! Why Open Source, Open Content and Open Access. A Creative Commons Special Edition (December): 3-8. ISSN: 1836-5132 Online

the copying, distribution and modification of software. It also compels all derived works to be licensed under the same terms, in order to preserve these granted freedoms downstream. This licensing scheme, together with similar licences, would go on to be known as Free/Libre and Open Source Software (FLOSS).

During the intervening decades this 'open' movement has grown and evolved dramatically. As the internet has gradually become a fundamental and inextricable part of people's daily lives, so too the concept of open has become an inextricable part of the internet. New players have extended the GPL's reach well beyond the GNU Operating System[6] for which Stallman originally wrote it. While much of this open software may go unnoticed – like the fact that most of the software that makes the internet possible is open licensed – software powerhouses like Mozilla and Sun Microsystem/Oracle have helped bring open source software into public consciousness by spearheading numerous open source projects including the Firefox web browser[7] and the Java software platform[8].

In 2001 another influential arm of the free culture movement entered the field with the launch of Creative Commons.[9] Against a background of increasing copyright protection – most notably the passing of the *Copyright Term Extension Act of 1998* or *Sonny Bono Act* – Professor Lawrence Lessig and a battalion[10] of IP and internet commentators sought to extend the model devised by the FSF to more traditional creative products, such as books, films, music and pictures. Although not the first to attempt this, Creative Commons' flexible approach and focus on ease of use has stimulated its rapid and viral adoption. Through its core suite of free copyright licences and tools, and partnerships with popular content sharing services like Flickr, Vimeo and Google, Creative Commons has made it possible – and popular – for anyone to share their creations.

(Not) Defining Open

There is no consensus as to what it means to be open. In fact, even the language adopted by proponents is changeable, with terms such as 'free', 'open' and 'commons' used by different groups in different contexts. These different notions of openness have spawned individual communities of interest, each developing and adhering to their own philosophy and norms. Some of these differences are only superficial, while others diverge significantly on key philosophical matters.[11] What results is that not every community, organisation or licensing scheme means the same thing.

The definition of open source[12] advocated by the Open Source Initiative[13] is often cited as authoritative. It is similar to the Open Knowledge Foundation's[14] definition of open knowledge[15] and Opencontent.org's 4Rs Framework for defining open content.[16] All three definitions emphasise non-discriminatory access, unfettered distribution, access to the source and required downstream licensing as being key characteristics of openness. Similarly, Freedomdefined.org holds that for a work to be a 'free cultural work' it must be licensed under a free culture licence[17] and not be released in a way that restricts the essential freedoms granted by such licences.[18]

Although the philosophies and practicalities of 'open' and 'free' vary between communities and individuals, they are all united by the same simple objective – to make it easier to share and re/use knowledge, culture and content, legally. This objective is fuelled by a fundamental belief that the current copyright laws are not well suited to the new cultural and communications environment. The 'You can't touch this' approach of traditional 'all rights

reserved' copyright, coupled with aggressive expansion of corporate control of significant cultural products, has heralded a 'permissions culture', an environment where you need to ask for permission to do pretty much anything. Almost everything you might want to do is reserved as the creator's exclusive domain. That dominion lasts a long time; well after the authors have died for most works. And since copyright applies automatically to any creative product the moment it is produced, from computer programs to shopping lists, the result is that a lot of stuff is locked out of the public's hands.

While this level of protection may be good for major corporate players and some artists and authors, arguably such stringent legal restrictions were never intended to apply to, and are not appropriate for, the vast majority of works created. Holiday snapshots, government data, video diaries – while all of these need some protection, in many if not most circumstances the default standard designed for Disney films will not suit the desires of the creator or their intended audience. While this has always been the case, the internet and digital technologies have shone a stark light on the inequity this system fosters, by exponentially increasing the number of works created, bringing the huge resources of amateur and noncommercial producers into the public eye and, most importantly, unleashing a demand for material that can be shared and reused.

Free culture proponents aim to address this inequity not by shifting the goalposts of default copyright, but by utilising the private rights of copyright owners to foster a more flexible copyright environment. Designed with control and the enforcement of monopolies in mind, these rights – the right to choose how creative works are used, and to license such uses to others – can equally be used to facilitate sharing. Recognising that some creators do want or need strict control over their works, open content licensing schemes seek not to change copyright law to create a new blunt standard that will reverse the permissions culture, creating a situation equally inappropriate for large categories of works. Rather such schemes work to empower individual copyright owners to make their own decisions about how their material is used and to provide them with legal tools to help them make that decision known. By providing information, education and tools, the free culture movement aims to make it easier for those who want to share their material with others to do so, regardless of their motivations.

Open Is Mainstream(ing)

Thanks to this simplicity, pragmatism and flexibility – and arguably in large part the diversity in the voices that now champion these philosophies – at the end of the first decade of the new millennium, open is cool. Collectively two of the most widely used open source web browsers – Mozilla's Firefox and Google's Chrome[19] – have pushed past 40% share of the web browser market.[20] The number of Creative Commons licensed works has reached more than 250 million.[21] New approaches to copyright management and commercialisation designed to help, not hinder, digital sharing are being experimented with by Hollywood,[22] President Obama,[23] Yoko Ono[24] and even Coca-Cola.[25] The new commons are flourishing on digital networks and the concept of 'open' has embedded itself across sectors, industries and communities like an internet meme, bringing with it new fields of academic thought, from computer science to economics, from sociology to law. Perhaps open is now mainstream?

With this in mind, this special 'open' issue of *Platform* focuses not on the past of the free culture movement – debates on issues such as 'What is open?' and 'Will it work?' – but on

the 'Now where?' It chooses to explore the more pragmatic questions that occur when an idea becomes reality – the whys, hows and wherefores of open as it enters the mainstream.

We are privileged to be able to begin this issue with an interview with one of the leading thinkers in the field, Esther Wojcicki, the Vice-Chair of the Creative Commons Board of Directors. Esther is an award winning journalist and educator, who has taught at Palo Alto High School in California for 25 years and blogs regularly for *The Huffington Post* and Hotchalk. She is an articulate and experienced advocate of open, using it in her professional and personal life. In Wojcicki's interview she introduces us to the background philosophy of Creative Commons through the lens of her experience, giving her take on why rights literacy is necessary to teach a generation that will work and play primarily on the net.

Providing a broader overview of where things are at, the issue commences with Rachel Cobcroft's piece chronicling the development of the international Creative Commons Case Studies initiative. The 2-year-old qualitative research project uses real world examples to gauge the impact of the Creative Commons licensing scheme's legal, technological, social, media and policy initiatives. As well as providing the fundamentals of the Creative Commons model, Cobcroft's piece examines the progress of open content licensing; identifies models of implementation and licensing trends across industry sectors as diverse as music, government, wikis and fashion; and, perhaps most importantly, explores individual motivations for the adoption of open philosophies.

A similar focus on motivations is central to our second piece by Cheryl Foong. However, in contrast to the broad picture provided by Cobcroft, Foong takes a narrow focus for her analysis, asking the question can open philosophies go hand in hand with commercial gain? Drawing on examples of adoption of Creative Commons licensing by content creators and intermediaries, Foong concludes that, if used wisely, the open licensing scheme can be a useful tool for those creators who wish to circumvent traditional distribution channels dominated by content intermediaries, while maintaining a level of control over their copyright works. However, Foong identifies a need for caution - giving your work away is not a business model in itself, and only those who can successfully adapt the tools provided by the open movement to, as Techdirt CEO Mike Masnick puts it, connect with fans and give them a reason to buy,[26] will achieve success in this space.

The message that open is valuable, but does not solve all problems is taken up in our third paper, a collaborative piece by Alexandra Crosby and Ferdiansyah Thajib. Viewed through the lens of video activism in Indonesia, Crosby and Thajib seek to explore the experience of individual creators attempting to tackle the behemoth of copyright in the liberated, but confusing, internet age. In doing so, they argue that while open licensing is an improvement on the models of the past, there is not yet a solution for the problems of copyright management that fits the Indonesian context. Of particular concern are issues of collaboration and credit in a world where attribution is the new currency, and the increasing gap between the global rhetoric of copyright enforcement and the diversity of practices on the ground. In the end Crosby and Thajib conclude that if the commons movement is to be successful in Indonesia, it must address cultural issues, images of imperialism and practical barriers to clear and open licensing in a society where no strong copyright tradition exists.

The final paper by Peter Jakobsson also focuses on the principle of collaboration that underpins the current commons movement, but with a more critical, theoretical eye. Relying primarily on the analytical model provided by Rene Girard's theory of mimetic desire, Jakobsson

examines the relationship between the growing trend, and rhetoric, of cooperation on the 'social web' and the often undervalued importance of competition in the same field. In doing so, he argues that both competition and collaboration are not only valuable but central to the new forms and platforms of cultural production. Most interestingly, to demonstrate his argument he draws on the real world example of YouTube's Partnership program, demonstrating that even in a limitless world, scarcity still exists in resources such as viewer attention.

We hope that these collected papers help our readers to explore and consider the question of open, its place in our current creative environment, and the value it can add to a world of increasing collaboration, experimentation and innovation. We hope they bring a little more freedom into the world.

The publication of this edition would not have been possible without the fantastic support of our copy editors, peer reviewers and the work of Gin Chee Tong, who has done an amazing job with the template. Furthermore, the authors would like to acknowledge the support of Professor Brian Fitzgerald, Queensland University of Technology, and Advisory Board Member of *PLATFORM*.

Endnotes

1 Levy, S. 1984. *Hackers: Heroes of the Computer Revolution*, New York: Doubleday.

2 See Williams, S. 2002 *Free and in Freedom: Richard Stallman's Crusade for Free Software*. Sebastopol: O'Reily & Associates. Available online at http://oreilly.com/openbook/freedom.

3 http://www.fsf.org.

4 http://www.fsf.org/about.

5 http://www.gnu.org/licenses/gpl.html.

6 http://www.gnu.org.

7 http://www.firefox.com.

8 http://www.java.com.

9 http://creativecommons.org.

10 The founding Board of Directors of Creative Commons Corporation were cyberlaw and intellectual property experts James Boyle, Michael Carroll, Molly Shaffer Van Houweling, and Lawrence Lessig, MIT computer science professor Hal Abelson, lawyer-turned-documentary filmmaker-turned-cyberlaw expert Eric Saltzman, renowned documentary filmmaker Davis Guggenheim, noted Japanese entrepreneur Joi Ito, and public domain web publisher Eric Eldred. See http://wiki.creativecommons.org/History.

11 See for example the criticisms of the Noncommerical Creative Commons licences put forward by some proponents of the open source software community.

12 http://opensource.org/docs/osd.

13 http://opensource.org.

14 http://okfn.org.

15 http://www.opendefinition.org/okd.

16 http://opencontent.org/definition.

17 Freedomdefined.org classifies a licence as being a 'free culture licence' if it grants:

- The freedom to use and perform the work;
- The freedom to study the work and apply the information;
- The freedom to redistribute copies; and
- The freedom to distribute works derived from the original.

18 http://freedomdefined.org.

19 http://chrome.google.com.

20 As at October 2010. Determined based on the cumulative median of both browsers.

21 Ito, J. 2009. "Creative Commons: Enabling the next level of innovation". *What Matters*, http://whatmatters.mckinseydigital.com/internet/creative-commons-enabling-the-next-level-of-innovation.

22 http://creativecommons.org/weblog/entry/7196.

23 http://www.whitehouse.gov/copyright.

24 http://imaginepeace.com/archives/8310.

25 http://creativecommons.org/weblog/entry/17299.

26 Mike Masnick. 2009. "My MidemNet Presentation: Trent Reznor And The Formula For Future Music Business Models." *Techdirt*. Presented at the Midemnet conference on 17 January 2009. Available at http://techdirt.com/articles/20090201/1408273588.shtml.