

# Creative Como

The interview with Ronaldo Lemos, the chairman of the board of iCommons

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About: Ronaldo Lemos da Silva Júnior is the chairman of the board of [icommons.org](http://icommons.org), the director of the Center for Technology & Society (CTS) at the Fundação Getulio Vargas (FGV) Law School in Rio de Janeiro, and Project Lead for the Creative Commons in Brazil. He is one of the founders of [Overmundo.com.br](http://Overmundo.com.br), the largest Web 2.0 initiative in Brazil.

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[Dubrovnik, 15<sup>th</sup> of June, iCommons Summit day one, the roof of Revelin]

**Hi, Ronaldo, and thanks a lot for having time to speak with us. This is the first day of the iSummit. What is the feel of it so far? What do you think, how it will develop from here?**

First, for me it is a pleasure to be talking with you... My feel about the iSummit is the best possible. First, it's taking place in such a great city, the environment is perfect, but the best thing about it is that you can see that something is going on. Something is going on in terms of how people are connecting, how people are seeing that they can do things together, either together in the same space or together in the Internet, and I think this is very powerful. I think people who are here are motivated not only by intellectual property, but through the fact that they think, they perceive the fact that they can change things. We have big challenges ahead, technology, internet and lots of other things like the decadence of the welfare state, challenges that we have to face in the future. And I think technology is very much at the edge of solving these problems. Not that it is technology that is going to solve them, but in fact technology is the spearhead, it is the first thing that is having to face these new challenges of the new century. My impression is that people here are concerned not only about intellectual property but about new solutions for our old problems.

**One of the focuses of this iSummit is the issue of collecting societies still boycotting the collaboration with Creative Commons. We had the chance to talk with the representative of one of the biggest collecting societies, CISAC, but I think the general feeling after that, and after Lawrence Lessig's appearance in Brussels a few weeks ago in front of representatives of societies, is that they are willing to talk, but there isn't much progress really, and it is quite uncertain if there will be any, anytime soon. What do you think, could this problem be solved without actually collaborating with collecting societies?**

That's a very interesting question, and I think right now there are a few of cooperations between Creative Commons and the collecting societies. The fact that Larry Lessig went to Brussels – whatever happened in Brussels – and the fact that we had somebody from the collecting societies here as well, indicates at least a willfulness to try to initiate a dialogue. Of course I find this very good. If we can work together, that's very good. But, concerning creativity, the person from the collecting society said something I found very intriguing. He said that he represents 2.5 millions

authors around the world. I wasn't impressed by this number as I actually think this is a very small number compared to the amount of people who are creating things nowadays through the democratisation of the ways of production – so 2.5 million is actually not much. You have to think about these new constituents, which are not part of the collecting societies and sometimes do not want to be part of the collecting societies, because they know that they can manage their creation in a different way. So this is the challenge that we have to face. How do you rethink the ways that artists/creators can manage their work? Now technology allows you to establish direct contacts with your audience. So this is a challenge not only for the Creative Commons but for the collecting societies as well. And I think they are finally realizing that they have to do something about this problem, because their legitimacy will become more and more questionable if they don't do anything.

**In your presentation about what is happening in what you defined as periphery, not just in Brazil or Southern America but in Nigeria and other places, you made a distinction between what you called "legal" and "social" commons. It reminds a lot on the expanding phenomena of exploring the so-called piracy, where something like "grey commons" is defined (Piratbyrån). How compatible, how overlapping those "peripheral" events may be with what is happening through this "pirate" approach in (mostly) Europe right now?**

That's an interesting thing. This research that we have done in Brazil and in other countries realizes that there are many places in the world in which intellectual property is either unknown, irrelevant or unenforceable. This is a fact, a social circumstance, and you cannot avoid it. But on top of it you realize that in these places business models are emerging that take into account these facts. People develop business models in circumstances in which they cannot rely on intellectual property. And, curiously, in these places there is a lot of innovation going on. Since you cannot count on intellectual property protection in the sense that you are Hollywood and intellectual property allows you to sell your film five times: you sell it to the movie theaters, to TV, to video on demand, and then you sell it on DVD – OK, this is based on intellectual property. What if you don't have intellectual property protection? That means that you have to do something else. You have to innovate the terms of your business model. If you take a look to Nigeria's film industry that's exactly what is happening there. In Nigeria, you don't have a strong IP (Intellectual Property) regime to rely on, and actually from the beginning of the nineties until the late nineties Nigeria didn't have an articulated copyright law, so you could not count on that, and even though, they developed a very sound, a multimillionaire business model for producing and selling audio-visual content that doesn't rely on intellectual property. This is what I think we can pay attention at, because it provides us with different alternatives on how we can do business with intellectual creation. So when you think about this correlation, which sometimes is repeated as a dogma, that you need intellectual property as the only source for motivating intellectual creation, it proves to be completely wrong. Intellectual property can be one of the incentives to be creative, but there are many others. And these other incentives are becoming as important or sometimes even more important than intellectual property itself.

**You presented us with various different business models which don't have names yet, maybe they will never have, but I got the impression that they are adjustable and that they are sort of coming from the improvisation, from that non-regulated grey zone... Are we now entering a time in history where there won't be one business model which can be copied and pasted, but various business models, which have to be adaptable to the specific circumstances of a special societies? Or can we derive some patterns and rules that can be applied everywhere?**

That's an excellent question, and I'm afraid I don't know the full answer. But one of the things we can say for sure is that this emerging model is produced by the fact that these peripheries can be everywhere. They can be in Brazil, in poor countries, in rich countries, they can be in Eastern Europe, anywhere, it's not a thing about poor and rich, it can be the peripheries of London, the peripheries of New York, the mix tape markets, all the things that are emerging out of the pirate radios, it's the same thing. But it's the first time in history that this is happening. This is new. For the first time people appropriate the means of mass production, which is a concept of the previous century, so that everyone is now able to multiply the copies of your work, be it by digital technology, be it by CDs, all this is being democratized. We still don't know what the consequences will be. The impact will be profound. When I mentioned the Nigerian movie industry to a very well known movie maker in Brazil, he told me "Ronaldo, this is not movies, this is not cinema, this is something else". I was intrigued, I researched and I found an article by the founder of the Cinémathèque Française, a guy named Henri Langlois. He wrote in 1969 that the true

cinema would only emerge when the peripheries would appropriate the means of producing audiovisual content and were able to tell their own stories unmediated. This is the time when the true cinema will emerge. And I sent this article to this famous Brazilian director and he never wrote back to me, so I don't know what he thinks.

**Discussing ideology, there is a part of Creative Commons movement asking for even more of a "depoltitization" of the movement. Then again, Creative Commons and similar initiatives do mess with the very notion of property, which has to be very political, very ideological, and we agreed on that. What would you say about the politics of Creative Commons initiative?**

Just an example before I answer this question. Politics is completely relevant, for instance, for the definition of what cinema is. The definition of cinema is actually a totally political definition. Because if you define something as cinema, that means that you have state incentives for that particular form of production, that you have certain types of distribution, certain expectations, and so defining something as cinema and defining something as not cinema has a political impact, and this renders the definition of cinema itself as a political definition.

In terms of the Creative Commons project, what is happening right now is the following: you have Creative Commons on one side and you have iCommons as the entity that has been created to take care of the movement. The role Creative Commons are expected to play right now is a legal role. Creative Commons is the guardian of these licenses, it deals with legal problems...

iCommons as the movement, and you are totally right, is very diverse. You have people who are in a certain place in the scale, and you have people who are very much like anarchists, like communists, and you have people who are more conservative, they all live together. And this is what makes the movement powerful. Because in spite of these different ideas and different concepts people have, there are a lot of things in which people agree as well. I think this is one of the most important chances of iCommons and learning how to live with these disagreements is one of the things that make us an important and relevant movement.

And another thing I find important is, by doing this, by having one single movement made of disagreements, at the same time we are challenging the structures that were built in the 20<sup>th</sup> century. So nowadays left, right, it doesn't mean much. We are building something else, even in terms of ideology, because we are having other ways of articulating what you think and what you aspire, which are completely independent from these concepts, these dichotomies that were made in the 20<sup>th</sup> century. So now we are free to reinvent that language, as well.

**So you believe that it is possible that it is the process in which some sort of trans-ideological platform is emerging?**

That's exactly what I mean when I say that technology is at the spearhead of all these transformations. Technology is the first one in which you see this redefinition of concepts, the redefinition of roles, and you can see it clearly. Just take a walk through this conference. You see people from all ranges, from all backgrounds and beliefs, and at the same time you see something that unifies them. How you call it, post-ideology, trans-ideology, para-ideology, I don't know. You still have to reinvent this language.

**Our forthcoming CC jurisdiction is not really funded yet at all, and then you told me that Brazilian jurisdiction saw it's first funding 18 months after launching the licenses. Here, so far, we are doing fine with a lot of voluntary work and using of "public" services, like Google hosting of everything and similar... Do you think that now it is possible to get rid of the money in the system, altogether, and to run a small activistic enterprise free of traditional infrastructure costs?**

I'm not sure that you can get rid of the money, but I'm pretty sure you can hack your way to it. For example, in the Brazilian case I mentioned, we got funding very late in the project, but in the same time we managed to become part of a law school, which was giving us institutional support to develop the project. They were not paying us to do the Creative Commons job, that was something that was paid or motivated by our enthusiasm for the project. But at the same time, if you hack these institutions, if you know how to navigate in the cooperation with other people, to do partnerships, to work together, I think you can find ways that are broader than the mere fact: now we have money, now we can do things. I think it is possible to do things through cooperation and through partnerships, building alliances, and that's actually what is happening in Brazil. Money came after that. We had all the work done, that's a paradox, and then we had money.

**Discussing the licenses, have you experienced any difficulties considering using the CC licenses within public service sector? I don't know how it works in Portuguese, but for an average Slavic language user and an older civil servant, it's very hard just because of the language barrier to imagine them saying that they will license the work under "Creative Commons version 3.0", not to mention the bigger problems in understanding the concept. Is it possible to maybe rethink the names of licenses and to maintain the CC "brand recognition" for the movement behind the licenses, but to introduce some neutral phrases and catchy 2.0 names like flickr, google, digg, etc...?**

This is a great question, and we had this problem in Brazil as well. The term Creative Commons in Portuguese is very difficult, even how to pronounce it. This is a problem that we had from the beginning. But when we started the project, Creative Commons Brazil launched a challenge, because Brazilians have this capacity of reincorporating other cultures, transforming them and giving them back in a completely different way. So we launched this challenge of who would be the person who would reincorporate Creative Commons in Portuguese and come up with something that is meaningful. I called it "the challenge of the *utererizacao*" – I know this term is very weird, I will explain where it comes from. There is a famous hip hop song, where they say: "whoomp there it is, whoomp, there it is." Everybody knows it and it's very popular in Brazil. But we don't know as Portuguese speakers how to pronounce "whoomp, there it is." So Brazilians transformed it into "uuu-te-re-re", that sounds similar.

**Does it mean anything?**

Nothing. It doesn't mean anything. And then I launched the challenge that said "we are not going to translate the license – if someone wants, please go ahead, find nicknames, find other words to refer to this license". Then the minister of culture Gilberto Gil came with a definition that is called *licença creativa*, which means "creative license" – it was OK, but not that good... And then a guy from Salvador said: oh, in Portuguese Creative Commons phonetically sounds like "criei tive como" – "I created because I had how", and sometimes we adopt that. Because it's plain Portuguese and it has a similar meaning as the original license. So what I would suggest, I'm not sure, different cultures have different solutions, but take up this challenge, let people tell you how you should call it, invent nicknames – it makes people closer to the idea and they can reinvent the whole thing for you and can cooperate with you and become re-appropriating, which is for me the most important thing, how people can re-appropriate these ideas and recreate them. That happened in Brazil and it's really nice.

**And, for the end, some mid-term or short-term predictions, expectations...**

**What do you think may happen with the CC movement and generally with the advancement of technology and networking by the time we talk again, maybe this time next year?**

Well, it's very hard to make predictions. So I'll better do some expectations. I think the expectation that everyone shares is that the movement is going to grow a lot, because there is a simple reason for that: this transformations that we are living at, file sharing, emerging cultural industries from the peripheries, new forms of rethinking the distribution of cultural content, they are going to get deeper and deeper. The challenges and the facts will continue to change, and naturally the response to the facts and the reaction to these facts will also continue to grow. So my expectation is, when we meet next year maybe in Sapporo, we will have a much larger, much more influential movement than we had before, and every year it will be like that, simply because the challenges are only starting. We are only seeing the beginning of the changes of the century. This is one of the communities that have been organized to deal with these challenges and we are doing what we can. I think we are on the right path.

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[< link to iSummit 2007 photo set >](#)

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this was the interview with

**Ronaldo Lemos**

[the audio & video of this interview @slobodnakultura.org]

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