

ALWAYS TAKING FROM EVERYONE TO GIVE TO THE RICH  
BUT... 2009 IS DIFFERENT:

**3 STEPS TO CONSERVING OUR DIGITAL RIGHTS.**

**A FEW SIMPLE TASKS FOR A RADIANT 2009 vs THE GREAT TWITTER COMPETITION!!!**

For Governments and substantial private interests, **2009** is earmarked as **the year** in which citizens' existing free access to information on the Internet will give way and fall under the control of communication multinationals monitored by royalty management bodies like... (each country to fill in their own) or entertainment industry giants like... (each country to fill their own) It's not on, is it?

But 2009 won't go down in history for this.  
2009 will go down in history as the year in which we simply didn't let them.  
Arrogance gets boring.

**BRIEF PREMISE AND INSTRUCTIONS FOR USE**

This mail is quite long, but it's necessary and totally operational. So please read it lovingly. It contains things that you may not know and you need to know, if you don't want them to take away what's yours – your free access to information.

The people who are writing this include housewives/husbands, business people, internet users, lawyers, judges, "distinguished" intellectuals, unemployed people, professionals, scientists, artists, artisans, workers, grandparents, teenagers and citizens in general. There are millions of us who use the Internet, we are civil society, unyielding, self-organising, so as not to let them plunder what's ours again.

The content of this e-mail has been put together with the advice of dozens of experts in the subjects we are dealing with. Everything in it can be corroborated in the links that we provide throughout. (note: All of these links are possible now because of the "right to quote", an example of one of the rights that are most heavily under attack. Have you noticed that when you go to watch a video on YouTube lately, often it has been censored and it's no longer there? This never used to happen, right? These are the kinds of things we should not "get used to").

Citizen access to alternative information, other than that circulated by the big players, has never been looked favourably upon.

Imagine if we'd had no option but to **believe** the news about the weapons of mass destruction in Iraq, if there had been no other information to check it against.  
That was just one example of the hundreds of everyday lies that lost credibility because the internet has established the healthy habit of using webs, blogs or P2P networks to quickly and freely verify the information that comes "from above".

**WHAT'S GOING ON:  
THE CABINET AGENDA FOR 2009 AND THEIR PLANS "ON OUR BEHALF"**

The Intersectorial Commission recently set up by most countries to legislate the Internet access rights of citizens is virtually made up exclusively of agents with interests in the "culture" business. Civil society and organisations that deal with the Internet seriously and professionally from the point of view of citizens and users stand out by their absence from the Commission or their paltry representation.

However, the Commission includes representatives from absolutely eeeeevery one of the 8 royalty management organisations and from the cultural and entertainment industries, together with their legal advisors.

There's no doubt about what interests they are planning to defend, and how little Culture has to do with all of this.

(you can see in the Spanish case:

<http://www.mcu.es/gabineteprensa/mostrardetalleGabinetePrensaAction.do?prev%22layout=notas&layout=notas&html=13972008notaxt&language=es&cache=init>

To put it simply, it is everybody's responsibility to show that civil society is informed, has opinions, is alert and wants to be taken into account at least in decisions that affect it :-), that it has become attached to its rights, to the technological achievements that make it more democratic, to the enormous market opened up

by the Internet and to the thousands of independent talents that are benefiting from it in every sense, and that it is not going to allow these achievements to become dependent on private and multinational interests, as occurred with the other mass media.

There is still time to react, before the legislation is irreversibly passed.

### **It's simple. It's urgent.**

It's now or never, because the Spanish presidency of the European Union in the first half of 2010 is the home straight for the strategy being implemented by the Ministry of Culture. The Spanish Minister of Culture Cesar Molina has promised the cultural industry that the problem of "piracy" will be resolved then, and the resolutions will be consolidated at the European level. And, as we know, that means they will be forever.

Molina is preparing a European scale frontal attack on filesharing or P2P networks, aligning himself with France and the United Kingdom, **against** Sweden, Denmark, Austria and, in certain ways, also against Italy. He wants to force ADSL Internet providers like the redtel network (telefonica, vodafone, orange and ono) to agree to control Internet file traffic by cutting down or reducing user bandwidth.

That will be the end of the free circulation of information, which from then on will be filtered according to the criteria of management bodies, private monopolies.

P2P is dangerous for the powers that be, because there are no bosses in P2P. Filesharing obviously won't ruin artists, or multimillionaires, or anybody else - all those who want to be famous and for their things to do the rounds on the Internet. It is only dangerous to the cultural industry and its pressure groups.

Why are we pushed into being flexible with our work, our housing contracts and our savings, while an industry as obsolete, fuddy-duddy and inefficient as the cultural industry isn't forced to finance its own adaptation to the digital age without depriving citizens of what's theirs - free access to the Internet and filesharing networks.

Didn't we learn anything from the financial crisis?

### **WHAT DO THEY WANT TO ACHIEVE?**

The end result is that companies that profit from the cultural industry will control what can and can't circulate on the Internet, "punishing" citizens with systems fit for a modern-day Inquisition.

The claim that the cultural industry is in crisis is a lie.

We all know how lucrative the Internet is, for the cultural industry too:

Greed Breaks the Sack.

<http://exgae.net/exgae-multiply-and-share-forth/7-solutionsfacts-plus-one>

Policing-based and "educational", memory only throws up a similar case in the dark ages of the Inquisition, which managed to prevent and then limit access to the information that had been made possible through the invention of the printing press.

(<http://www.stealthisfilm.com/Part2/>)

Don't forget that they took over television in the end, and they've used it to brainwash us ever since.

### **WHAT WE WANT**

We've seen what happens if we allow a situation in which there is more protection for the fate of banks and private multinationals than the fates of individuals.

Society has to make it clear that it wants an end to economic policies that respond to lobbies. That it no longer wants to mortgage its civil rights and its knowledge to private interests.

It's not "profitable".

### **HOW WE CAN GET IT**

As it already says all over the Net,

1) By demanding the dismissal of the Minister of Culture (here in Spain [but probably very necessary in many other countries]) as clear proof that society does not want obsolete, privatised cultural policy for the digital age.

2) By reforming the "Intellectual Property" Laws in favour of the citizenry.

(Did You Say "Intellectual Property"? It's a Seductive Mirage, by Richard M. Stallman: <http://www.gnu.org/philosophy/not-ipr.html>)

## **THIS IS WHAT WE'RE GOING TO DO:**

### **STEP 1**

a) From every corner, in every mail, on every web site, in every forum, as a signature at the end of a work e-mail or on a love letter, as a banner, as decoration, in graphic design, tattoos, graffiti, in your soup, on façades, on toilet doors - a sentence demanding the resignation of Minister of Culture (the Spanish one is Cesar Molina).

Free-style: Molina resignations; Molina out; Molina to the Cleaner; Molina, oh! Molina; Molina, you make Cervantes turn in his grave, etc. Etc...

And to keep those phrases interesting, we announce...

### **THE GREAT TWITTER COMPETITION**

MolinaPirate!

(see details at the end of this email)

b) Forward this mail all over the place, so it can circulate non-stop and neutralise the omnipresent effects of the Ministry's erroneous campaigns, so people can hear about it at their children's schools before the Ministry's multimillion dollar campaign begins, so teachers can learn about it, send it to City Councils, to work and leisure places everywhere, send it to your friends, to the press, to everybody... so that artists and art centres can hear about what is being plundered from society in their name.

So that everywhere they look, those who think they can act with impunity in relation to our rights can see demands for the resignation of the Minister of Culture Cesar Molina.

Unsigned, signed, multi-signed, it doesn't matter. The information belongs to everybody and has to circulate in whatever way will make it reach people, and it has to be everywhere.

c) Constantly ask and appeal to politicians to listen to civil society.

We will send them this text, and all of us can make sure they don't forget.

### **STEP 2**

When they can no longer pretend they haven't heard, they will have to enter into dialogue with civil society and listen to our ideas of what we want from the digital age in this country that wants to be a world-leader, with communications technologies in step with the times and the ability to optimise rather than limit new tools, having learnt from its history and refusing to repeat an Inquisition in the 21st century.

As in the real estate crisis, we have to learn that the best partners aren't those with the most money, but those with a vision of the future.... when the aim is the common good, of course, not just blind, immediate profit.

Citizens already spoke out in relation to housing, and now they're saying it again. What will it take?

For this, we demand changes to the "Intellectual Property" Law based on the (now Ten) points that have been in circulation since 2008, outlined below.

To make ourselves heard, we demand that the Intersectorial Commission be made up of a majority of members who defend digital culture from the point of view of knowledge and the general interest.

And to save them the embarrassment of trying to find some such people among their friends and mentors, we suggest that they be bindingly required to seek the input of the following organisations and individuals, who are widely recognised for their competency (those of us writing don't belong to any of them) [here must be added the list in alphabetical order of these organizations, specific for each country].

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### STEP 3

Here are the Ten points towards a deep-rooted revision of the "Intellectual Property" Laws: (these points have been drafted by users, experts, lawyers and jurists):

1. That any restrictions placed on filesharing (P2P) networks be considered to be an act of obscurantism and an attack on the fundamental human rights guaranteed in our constitution and in countless international treaties that have been ratified by the Spanish state. Our rights to knowledge, learning, access to culture and freedom of expression would be seriously undermined if limits were to be placed on the tools that society currently has at its disposal. That Spain should incorporate in its IPA and defend in Europe "amendment 138", which has already been defended by other European governments (Austria, Denmark, Bulgaria, Hungary and Poland), and which provides that no restriction is to be imposed on fundamental freedoms and rights without a prior judicial ruling. In other words, it won't be possible to disconnect anybody without a court order.
2. From the conviction that artists can freely self-manage royalties, and given that royalty management organisations are private bodies just like a consultancy or cleaning service, and that it should therefore be possible for people to decide whether to use their services or not according to individual circumstances and life choices, we demand that royalty management associations become what they really are: private organisations that ONLY AND EXCLUSIVELY manage the "accounts" of their members, that is, the usage rights of a specific section of artists. That they allow free competition, like any private organisation, and that under no circumstances private entities be allowed to delve into the privacy and the pockets of citizens, and even less so to use public assets and real estate for their own private profit. That authors and editors not be represented by a single organisation like in the time of vertical unions, that all members be able to vote, obviously, and especially that royalty management organisations only manage registered works, thus allowing the use of free licenses. That private organisations should under no circumstances manage money that cannot be "individualised", like the digital levy (mandatory collective management, if it continues to exist), because it infringes their own company statutes. That public bodies reinvest these kinds of profits in infrastructures for the benefit of citizens, such as arts education or the digitalisation of teaching.
3. Given that royalties are ultimately a matter involving editors, producers and authors, that artists be paid equitably (15% of the general activity they are involved in) whether or not they are members of royalty management bodies. That artists, if they so wish, be paid mainly for their creations and not for the exploitation they generate.
4. The immediate abolition of the "digital canon", the strange tithe or levy that indiscriminately sanctions all citizens in the name of "payment for creation" and attempts to penalize a behaviour that is not criminal in any way. Specially given that the benefits of these takings fall into the hands of a few individuals, who are rarely artists, and even more rarely create anything related to the world of culture. To insinuate "crimes" where they don't exist and then collect money from the "suspects" is what dictatorships do. Abolition of the concept of paying for private copies, accepting full rights to private copies as intrinsic to human memory itself given the development of society since the invention of the Internet.
5. That works become part of the Public Domain within periods that are of benefit to creation and society. To allow more than one generation to live from somebody's work is a way of encouraging parasitism and creative stagnancy, deactivating reinvestment and more, considering that a measure supposedly designed to favour people mostly ends up benefiting large multinational companies that distort the original creativity. We ask that works become public domain within a reasonable period of time, according to the kind of work, with a maximum of 30 years.
6. There should be no need to seek an author's permission for the reproduction, transformation or diffusion of scientific or technical works that have already been presented publicly, where the purpose is educational, teaching or scientific research in the public sphere, as long as the author's name is included and all moral rights respected. The changes should include a "share alike" clause in order to prevent improper use.
7. Likewise, when the copyright for any kind of work is held by government institutions, such work should immediately become part of the public domain for any purpose whatsoever.
8. The "right to quote" should be defended in all cases in which that which is being quoted has previously been made public, as a vehicle for the democratic development of the information society.
9. The elimination of the concept of "redundant profit" from anything relating to cultural production.
10. The elimination of mandatory nature of payment for public communication and payment for private copy.

[It's unconstitutional.](#)

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**IN LIGHT OF ALL OF THIS, WE ANNOUNCE A GREAT, PEOPLE'S TWITTER COMPETITION: YOU HAVE 140 CHARACTERS WITH WHICH TO DEMAND THE RESIGNATION OF THE MINISTER CESAR MOLINA, WHO WANTS TO GIVE AWAY YOUR RIGHT TO ACCESS TO INFORMATION**

**MolinaPirate!**

**Participate in the 1st and last competition to create slogans demanding the resignation of the Minister of Culture and prevent them from taking away the best communication tool of all time, P2P!**

**<http://twitter.com/molinapirate>**

**Until March 19, Father's Day!  
Because the parents are the pirates**

**The best Slogans will be used to make a great Movie that will flood the Net**

**More details:  
<http://molinapirate.blogspot.com/>**

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[molinapirate@moviments.net](mailto:molinapirate@moviments.net)**