

February, 2011

**This is an open letter to President Dilma Rousseff signed by international organizations, academics and activists in support of the work of the Brazilian society and government for the cultural commons**

We are hopeful that the Brazilian Ministry of Culture, MinC, will continue its leadership for inclusive public policies for culture for the 21st century. Because Brazil has been so pioneering in this regard, let us mention just a few elements that contributed to the worldwide attention paid to your country in terms of Cultural Policies:

- the open dialogue between government and society, which sets forth a vision of democracy we all share;
- the Points of Culture, the Digital Culture Forum, the Forum of Free Media and other projects that demonstrated new and innovative types of cultural networks adaptive to the 21<sup>st</sup> century;
- the support for and development of free software and its adoption by public institutions, which in turn has stimulated a new approach for the management of shared resources. Brazil's embrace of free software transcends the cultural sphere and is of major relevance, since it is one of the few worldwide initiatives promoting digital commons as a governance strategy;
- the adoption of open licensing models – such as Creative Commons licenses – by governmental institutions and publicly funded cultural organizations;
- Brazil's leadership in the attempts to enlist other countries to help implement the Development Agenda of WIPO (World Intellectual Property Organization). This initiative is helping to balance the international system of intellectual property in accordance with different stages of development and with new forms of cultural production, ensuring access to knowledge;
- Brazil's promotion of a broader international debate on limitations and exceptions for the blind within WIPO together with other countries and international civil society;
- Brazil's openness towards new paradigms for the production and dissemination of knowledge. This leadership has been crucial because open digital paradigms will be highly influential in shaping culture and business in the 21<sup>st</sup> century;
- the construction of a Brazilian Bill of Rights for the Internet and the rejection of the Anti Counterfeiting Trade Agreement, ACTA;

The most urgent contemporary issue pioneered by Brazil, however, is copyright reform legislation, which aims to help creators and artists to express and distribute their creativity in a less restrictive legal environment, and to ensure that the society has balanced rights to access knowledge.

According to Consumers International's IP Watchlist, the current Brazilian copyright law is one of the strictest laws in the world when it comes to provisions on access to knowledge. It lacks many of the exceptions that most countries provide in their laws, and it forbids many ordinary, noncommercial behaviors (including exhibiting movies for academic purposes, copying a book that is already out of print, and music shifting the contents of a legitimately purchased CD to an mp3 player). Brazil's copyright laws are much more restrictive, in fact, than international treaties. Also, ECAD, the Brazilian collecting society, lacks transparency and effective public oversight, unlike what happens in most countries around the world. We are convinced, that the proposed changes to the current copyright law would benefit both authors and citizens.

The policy deliberations that Brazil has chosen -- public debate across the country complemented by a public consultation officially held by the government on the internet -- can serve as a showcase of democracy. But this is true only if the results are actually taken into account, as promised at the beginning of such process. This is what citizens legitimately expect from democratic governments. We agree with our Brazilian colleagues, that the results of an open democratic process cannot simply be swept aside by the opinions of jurists or “commissions of notables.”

As Brazilian academics, jurists, non-profit and civil society organizations, artists and others said in their open letter to President Rousseff and Minister of Culture Ana Buarque de Holanda on December 28, 2010:

“Much progress has been made in recent years. And much remains to be done. A change of direction by the Ministry of Culture means losing all the work achieved, as well as losing a historic opportunity for Brazil to lead, as it has been doing, this discussion on the global level, showing solutions and rational and innovative alternatives, without being afraid of taking new paths and without sticking to the models preached by the culture industry of the United States or Europe.”

It is important to note, that there was an underlying narrative to all those new paths in Brazil’s recent public policy on culture: they were inspired by the mind-opening and pioneering recognition that culture is made everywhere by everyone, and that culture and education are basic and constitutional rights. The most important treasure is Brazil’s enormous cultural diversity. A contingent of millions of new creators is now part of the fabric of Brazilian culture. That is what we call emancipation.

For years, in countless essays, analyses and blogposts, we have pointed to Brazil as an international leader and as an example of a country engaged in supporting access to knowledge and expanding democratic norms. The Ministry of Culture’s adoption of a Creative Commons license in 2003 was actually one of the most powerful, admired examples of such leadership.

We – the international community – are therefore troubled by the recent, significant changes in Brazil’s cultural policy as seen in a variety of specific decisions, among them the removal of the Creative Commons license from MinC’s website. Nevertheless we hope, that the process to ensure access to knowledge through law will continue to be guaranteed and that the dialogue to foster an open Internet, an open and collaborative digital culture, the expansion of open educational resources, and the reform of copyright law, will continue in your administration.

We come through this open letter to ask President Rousseff to ensure that the progressive stance of Brazil’s cultural policy will be continued and expanded, so that the the voice of Brazilian civil society will be heard and continue to be a beacon to the rest of the world!

It is our deepest hope that we will be able to continue citing Brazil’s Culture Policy as the most progressive in the world!

The undersigned

Commons Strategies Group