

DIGITIZABLE ART - I call upon you all

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One system

_ I call upon all the greats of this world, all sovereigns and governments, all the people in power and influence, all national and international bodies, to create, promote and defend a simple legislation, transparent and universal, designed to make any enterprise deemed bound to make commercial benefit, one way or another, from the direct or indirect digital exploitation that it allows for or incite to, of the works of the mind that it is storing or allows to store, hosting or allows to host, putting online or allows to put online, streaming or allows to stream, broadcasting or allows to broadcast, pay substantial percentage of net profit before tax, determined by the type of enterprise and the nature of profit, to the benefit of creation, through transparent, harmonized and reliable collecting societies, on national and supranational level, existing and yet to be created, in fully acknowledged public interest.

Diluted frontiers

_ I call upon us all to finally realise that, in the free world, the digital age knows no frontier between storing, hosting and broadcasting, three words which hardly bear any kind of similarity with their analog counterparts, three activities that don't just stop at their initial boundaries, in a physical manner. Even though digital storing, hosting and putting online can't amount to broadcasting, individually and literally said, they do much more as a whole since, put together, they allow for (or amount to) public exposure and offer, potentially unlimited in space and time, identical to the 'original' and rather instantaneous, easily automatable at both ends of the line, equal if not superior to any conventional broadcast, quantitatively and qualitatively. An end must be put to the legal vacuum the so-called non-broadcasting status has created, in regard to the massive profits those lucrative activities clearly generated, for having directly or indirectly promoted or made the creations lay free in public consumption all these years, which should therefore subject them all to proper return towards the creators, just as would any conventional broadcasting activity do.

Digital 'legal' offer

_ I call upon you all to understand that, as respectful of today's law as it may look, the so-called digital 'legal offer' - as it is structured today - is just a lure in the long term. Competition in domination, multiplicity, complexity in nested deals 'offered' as package-deals, opacity in the fare policies as well as in the conditions been imposed to the producers and the artists, they just aim at adding to the general confusion, just to enrich the richest and reinforce their diktat upon us all, all the while leaving the creators with a dismal royalty. One must face the facts: there can be no future in a system that pretends to sell what can be acquired for free, one way or another, legally or illegally. Digital 'legal offer' as it exists today, for a given quality standard, is alas a dead-end in the long run.

Free havens

_ I call upon you all to make the ISPs do much better than act as auxiliary police, wasting their resources in endless anti-piracy chase. This new legislation must, in the contrary, require them to create a 'free uploading, downloading, hosting and streaming' haven within, allowing all digital activity present and future to be freely and legally engaged in, upon all works of the mind, past, present and future, regardless of the genre, freely and legally posted as expressly agreed by the beneficiaries, in return of the said substantial royalty, by way of adjusting their subscription rates accordingly. The benefits would be multifold:

> We would get precise and unobtrusive counting of user-end activity upon the works, in lieu of vague polling.

> We would get effective peer-to-peer marginalization rather than criminalization, so that it can eventually get reduced to what it was precisely designed for: a godsend tool for professionals and specialists to freely exchange data, whatever the domain.

> We would re-channel all existing digital 'legal offer' systems in transparent and accountable structures.

_ I call upon all beneficiaries, artists, producers and publishers, to fully understand that this won't work unless they upload or allow anybody to upload the whole of their catalog to those ISP 'free havens'. I call upon all those digital 'legal offer' entrepreneurs, who really seek to defend the arts, to work within the frames of the ISP 'free havens', by offering them their licensed catalogs and their know-how, in exchange of a negotiated slice of the ISPs profits. This would make them 'real contributors to the arts', an award equal to the green label most entrepreneurs are running after in our eco-conscious times.

Transparency

_ I call upon all of you, national and supranational institutions included, to stop advocating for competition between established collecting societies but, in the contrary, to seek for transparency and harmony between them, so they can work within the frames of that global legislation and beat the confusion that the exploding number of offers, channels, formats and standards the digital revolution is just starting to foster, condemning countless talented creators and creations to oblivion for not having been smart in their trying to adapt. I call upon us all to put an end to the plethora of uni/bi/tri-lateral deals and package deals between phone companies and major labels, collecting societies and streaming web-radios and the likes, which leave the creators with virtually nothing on the base that "little is better than nothing"; to put an end to the deregulation dogma, that wants us to seek digital freedom through digital chaos, which neither the artist, nor the end-user, nor even a single person will benefit from, in the long run.

Universality

_ I call upon us all to make this legislation a universal rule to be applied to each and any digitized form of art, from photography to cinema, from software to literature, even though at start, their slice of generated revenue would be of symbolic importance, compared to this of the recorded music: they haven't gone through the catastrophe the music industry has suffered yet. The new legislation should provide for periodic re-evaluation of sharing ratios between domains of creation present and future. It is mandatory that they all benefit from the system nevertheless, one way or another, from the start of its implementation, for the following reasons:

> We will need each and everyone's support in this effort, if it is to ever succeed. No '*digitizable art*' creator should be left aside.

> By having everybody in, we add to the universality of our quest: we are talking about digitizable art, whatever and wherever it was, it is today, and is bound to be in foreseeable future.

Wally Badarou - Excerpts from the "Digitizable Art" manifesto 18.06.2009

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