

From an art history case to free software and free license archive

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This brief presentation will be based on 3 points, to be developed with concrete examples and practice.

First I would like to address the relevance of using free software in the realm of art and public institution, not only from the perspective of choosing the most efficient tool, but as part of the role a cultural institution can take in distribution and circulation of knowledge.

Secondly, I will sketch why the use or at least the interest in free license and distributed archiving is addressing the future from present time.

And finally, I will underline the importance of taking seriously that cultural productions is inscribed in social and obviously economical conditions, that have to be taken into account seriously, to be able to think about copyleft, in a complex ecosystem, in a fruitful long-term debate.

Then , firstly

1. The use of the free software.

This point will address the obvious relationship between the aims/mission of a contemporary art centre and the use of free software tools.

One of the fundamental goals of the Foundation Antoni Tàpies from her creation in 1987 is the promotion, diffusion and study of the contemporary art and thinking in its multiple forms of expression, putting the accent on the artistic productions that, like the work of Antoni Tàpies, are carriers of cognitive, ethical and aesthetic values. Under this premise, the Foundation envisages the electronic diffusion, the creative use of digital contents and the sharing of content from an ethical position.

An example:

Currently we are in the process of creating a virtual space that facilitates the re-appropriation,

the comment, the study and the active participation on our archive. In this context , the Foundation Antoni Tàpies plans to develop a web site platform in free software, since its ethics applies to the missions and guidelines of contemporary art centre and of a project created with a public funding (what is created with public money has to go back to the public realm and use). But also because free software is the best way to work in order to give support to a social, cultural and technical dynamics that is sustainable in the long term.

Investing in free software will allow other institutions or individual persons to benefit from the tool created ,and will allow better technological exchange therefore content exchange between institutions, I hope. Encouraging the use, contributions, feed back of fellow institutions will transform, improve , document the process and the tool we are creating and sharing. Furthermore, open source and free software by their license and the way they are developed demands and allows to create a tie connection between users and programmers, a dialog and a mutual understanding -when not of eliminating borders- between both, which has not until now been so often seen.

In the frame of this archive project, a network, based on an open process of work, is created. This network will be first dedicated on the research on the basics specificities this web platform should possess : defining categories, user and admin interfaces, defining the open standards and formats to be used, etc This network will count with universities like the Universitat Politecnica de Catalunya, the Universitat Politecnica de Valencia, free lance researchers , archivists from different local and regional institutions in cultural o citizenship domains... It will put together people from different techniques: computer science, archive norms, cultural studies and fellow institutions experience like the Picasso Museum in Barcelona.

In terms of technical developments, I would like to add that the Foundation Antoni Tàpies, as user, is already familiar with free software as the current web page of the Foundation uses of open standards and formats (Dublin Core and RSS) and free operating systems (SPIP - Système de Publication Pour l'Internet Participative - and Wordpress)

Now that the Foundation and its partners have received, a funding under the form of a long

term loan from the Spanish Ministry of Industry, in the framework of the called Plan Avanza, to implement and develop the web platform in free software; the Foundation can move from a user position to a more active contribution in the development of web based platform in free software. For this project we are working with UPCnet, the company of the UPC Group created by the Universitat de Catalunya (UPC).

2. In second, I will speak about the use of the free licenses.

It is an obvious fact , to say that art and cultural practices, were-are- will develop-ed thanks the circulation/traffic/ the sharing of images, sounds, texts.

It is another cliché to mention here, in front of such and audience that the use of free license guarantee the study, the use of the artwork that go further beyond the life of the first author, and assure a return to the public.

(A return that was supposedly assured by copyright providing the author a safe economical environment in order to create in a life time what will benefit to the whole society (quote Abel).)

And again what is created with public money should go back to the public realm, not be sequestrated by corporations or institutions, provided that the authors will be/were paid for the job and/ or for the production of the work. And, I would like to underline here that the use of free license gives the possibility to create filiation, genealogy based on relationship and not based on opposition¹.

Currently, the team of Foundation is conceiving, as mentioned earlier, a space of archive, documentation and also a working space that people will be able to visit at the Fundacio's

¹ The *General Public License* (GPL), copyright reinterpreted.

The GPL was created by Richard Stallman in 1983 and adopted by free software developers. This licence unambiguously guarantees the right to use a computer program free from any restriction (the program may be used for any purpose), the right to study (we can learn how the programme works), the right to copy, modify and distribute copies free of charge or commercially. Some have described the GPL as a "viral licence". To understand the meaning of the word "viral" in this context, we need to look at the mechanism governing *copyleft* within the framework of the GPL. *Copyleft* is not a negation of the author's rights; rather it is a reformulation of the way they are applied. It is a rerouting of the author's rights. Because I am the author of a work, I can convey greater liberties to my users under contract than the law awards them by default. As Florian Cramer points out, the word "licence" comes from the verb *licere* meaning to authorise. In order to authorise the additional uses of a production, one needs to be its owner. And in the field of intellectual property, this means being the author (or possessing rights equivalent to those of the author). These additional rights are attributed with one sole condition: that the same freedom is guaranteed with *copyleft* for any work deriving from it. One cannot place a work under *copyleft* if one does not own the rights (a work cannot be "laundered") and one cannot restrict the usage authorisations which have been awarded to a free work, either for that specific work or for the consequent works.

building as well as online. This project starts from the observation that most of the interesting cultural archives that have been developed over the last few years have taken advantage of those new facilities for instant publishing, but mostly in the form of websites that mirror regular information brochures, announcements and text-publishing. Often, they are conceived as "We" give information to "You". Within the project of this archive-documentation-working space virtual and real, we aim to set up multi-directional communication channels, and are interested in making information circulate back and forth. We would like to give material away and receive it transformed: enriched by different connections, contexts and contradictions, whenever the author's copyright allows it. (image active archives) Or better said whenever the author has the opportunity to indicate which kind of relationship he/she wants to maintain with her/his audience. If he/she has still the power, the will over that decision.

As we are working in network and open process on determining the different technical needs in terms of software and archiving norms, in the same way we are working in collaboration with lawyers, with the Free software Chair of the UPC, and with the questions of different local and international cultural institutions dealing with the desire to share and publish their archives in the constraints of the copyright laws. The copyright limits and free license possibilities will determine the different levels of access and of transformation of our archives by the public or by a restricted community.

As cultural institution, we can offer a "free license friendly" context, framework.

At the Foundation Antoni Tàpies, we have exhibited and published artists or groups of artists that are using free licenses. For example the project and the book *Archivo F. X. de Pedro G Romero*, the web page and the *Suturas y Fragmentos* publication of the Constant group, the project and the publication *Enthusiasm* de Neil Cummings and Marysia Lewandowska.

The use, the knowledge of free license by the artists and authors will not be, may not be a criteria of selection of works by an art centre dealing with modern and or contemporary art. The artists, authors have in their majority made certain choices to protect or to hand over their work to producers, broadcasters, collecting rights societies responding to economical and social imperatives. Free licenses cannot be applied as an after-thought when a work is already bound by contract or part of a distribution network over which the artist has not much power.

As we all know well here, the free license is a choice made by the author: you have to be the author of the work- and still have the power to decide it so- to publish your work under a free license.

When the proper conditions are in place, the use of free license may indeed prepare the future or the present. But our relationship to the past, to recent History remains very often governed by the law about the author's right. Even if things are changing, it is likely that Copyright Law will remain an important framework for cultural production. We need to be attentive to the way it evolves, is interpreted and even more to how the jurisprudence is developing.

And to end, it is really important to underline and to include in the future debates we are conducting in this context, to address the working conditions of the artist and its financial consequences.

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