INTER
NET
<THE
CUBAN
WAY 2.0

# Fundación Karisma

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# FOREWORD

## THE CHALLENGES OF DISCUSSING INTERNET GOVERNANCE IN CUBA

The Internet is a reality in Cuba. Although going online in Cuba has its own unique characteristics, it can no longer be said that it is an unattainable reality for its inhabitants. Since mid 2015, with the opening of public access WIFI areas in some streets and parks of Cuba's main cities, connecting to the web stopped being a privilege of the few: namely tourists, and the small group of professions and institutions authorized to have workplace or home access (e.g. doctors, lawyers, journalists or senior officials). Slowly, everyday people have begun to enjoy its benefits.

It should be noted that the costs of going online are still prohibitive for most people, let alone the dream of being connected 24/7. However, WIFI areas have facilitated access to the point that it has become common to see streets and parks filled late into the evening with people on their laptops, cell phones and tablets, checking social media, sending emails, and even making video calls to family and friends.

This encouraging, albeit difficult outlook, forces Cuba to be more actively involved in discussions about Internet governance. And, as in the rest of the world, this needs to involve all stakeholders. Internet governance is not a matter for the State alone, even when the only operator that provides Internet service in Cuba is Etecsa, the state telecommunications company. The range of possible uses, the opportunities it brings, and even the chance for some people to enter the digital economy in Cuba have brought the attention of civil society and academia to this discussion. The arrival of service offers from companies such as Google, Netflix, Airbnb, as well as the growth of the national

private sector, allows us to think about the need to involve the private sector in the discussion as well.

In the spirit of enriching the discussion, for two years we have accompanied a small group of Cuban activists who are not linked to the Government, in their endeavor to take part in regional and international discussions about Internet governance. There have been more than a few challenges, but the process has nonetheless been highly rewarding. On the one hand, we have learned how people in Cuba are looking for ways to maximize the possibilities they see in digital technologies, and to organize alternative ways of creating, sharing, and distributing content, inventing new ways of joining the digital era to transcend their limitations. We have also seen their eagerness to share what they've been learning throughout the country, and to spark discussions and join the national, regional, and international debates on Internet governance.

Great obstacles of many kinds have met this journey: technical, knowledge-related, communications-related, or legal. The learning process has been arduous, but satisfying. Today we can say that this small group of people has a unique vantage point and is at the same level of knowledge as the digital rights community in the region. However, the very fact that they are part of the independent civil society that is not affiliated with the Government has entailed for them a great challenge in finding local opportunities to promote the discussion and to replicate their knowledge throughout Cuba.

The support we've been able to provide has also been hampered by other issues that are less technical in nature but almost more problematic. Traveling and participating in events related to Internet policy discussions is not an easy task for most people in Cuba. The immigration procedures requested for people residing in Cuba, along with the many obstacles imposed by Cuban State Security, have laid more than one obstacle along the way. Not to mention the legal problems faced by half of the group's activists for belonging to associations that are not to the Government's liking.

Despite these complications, we have continued to work, discovering and solving issues related to Internet governance, and finding ways of participating and influencing the discussion. Last year we launched the first issue of *Internet, the Cuban way* with a dual objective: (1) raising awareness among the Cuban population about Internet issues, including those dealing with public policies, human rights, and governance; and (2) sharing analyses and proposals from a Cuban perspective with regional and international audiences.

Today we are pleased to present the second issue of *Internet, the Cuban way*, showcasing articles with greater discursive maturity, and proposals that have no other purpose than to open the discussion; in addition, we continue with our series of comics that offer tips and good practices for the safe and responsible use of the web, while showing us the Cuban reality in relation to the Internet.

Regina Coyula analyzes the copyright-related challenges that Cuban society faces as Internet use expands and access to digital content on the island becomes easier. Karina Gálvez presents a possible curriculum for teaching internet-related topics in Cuba. Finally, Rosalía Viñas Lazo, in her comic *None the Wiser*, introduces some issues related to Internet security and the problems of monitoring digital communications.

Enjoy!

*Amalia Toledo & Pilar Sáenz*
Fundación Karisma

# INTELLECTUAL PROPERTY:
# REPRINT, REEDUCATE, REINSERT, AND RETHINK

### BY REGINA COYULA

According to the World Intellectual Property Organization (WIPO), the intellectual property is "any property which by mutual agreement is considered to be intellectual and deserving of protection, including scientific and technological inventions, literary or artistic productions, distinctive trademarks and signs, industrial designs and geographical indications".

The field of protection covers both more traditional works as well as those associated with

new technologies: multimedia productions, databases or computer programs. Copyright protection is intended to stimulate creativity and promote cultural and social development. Those who defend free culture oppose the absolute character of this assertion.

We will set aside trademarks, patents and any creation related to industrial property protection, and focus instead on artistic creations protected by copyright. In particular, we will look at how these creations are disseminated and/or shared, as it is a topical issue that has peculiar characteristics in Cuba.

Cuba is a signatory of the <u>Berne Convention</u> amended in 1979. <u>Cuban copyright law</u> dates to 1977 with amendments through <u>decrees</u> dating to the first years of the past decade. Intellectual property and copyright issues are taught not only in Law School, but also at the Higher Institute of Art (ISA, in Spanish), the Higher Institute of International Affairs (ISRI, in Spanish) and the School of Journalism. Updating the law is crucial in order to adapt it to the changes brought by the digital era.

In practice, there is exemplary zeal for the protection of Cuban intellectual property in the international arena, which contrasts with the lack of respect for the intellectual property of others inside our borders.

The restrictions on access to quality information in the scientific-technical field led to publications such as *Scientific American*, *Science* or *Science & Vie* being reproduced without authorization in the 1960s in order to get them to the periodicals libraries of the documentation centers of various state agencies, and education and research centers. In the 1980s, with the boom of the long forgotten videos in *Betamax* format, *Omnivideo*, a company affiliated with the CIMEX Corporation, sold unauthorized film copies at foreign exchange stores. Further, Cuban television is in the habit

of reproducing materials hiding the digital on-screen graphic of the channel from which they were taken.

An attempt has been made to ethically justify these practices arguing they are "breaking the blockade", but they skirt a deeper discussion that reveals the illogical features of contrast already shown. Copyright is not only the protection of the rights of its holders. It is also the creation of a setting conducive for the circulation of art, knowledge, science and culture. The legal framework should reflect this balance, as only thus can a society exploit and profit from technological advances.

## THE RIGHTS OF HOLDERS AND THE FIGHT AGAINST PIRACY

There are many groups arguing that <u>piracy has been the instrument that has democratized knowledge, culture and science.</u> The argument put forward is that the US only became a copyright protector after it developed its own cultural industries, after having largely pirated British works. In recent decades, however, international treaties have reflected a protectionist regulatory trend that places pressure on countries to strengthen their legal protection mechanisms. As Cuba enters the logic of a market economy, record sellers, who fill their optical discs with all kinds of copyrighted material, will become cornered by the awareness of the fact that they are conducting an illegal activity.

It is important to acknowledge that, as in most underdeveloped economies, pirated discs and other digital media, regardless of legal distribution, remain the main form of access to recorded music and films. While legitimate Cuban music discs range in price from 15 to 25 convertible pesos, the same disc in the alternative market does not cost more than 3. In the Cuban case, a <u>prior paper</u> on how to share audiovisual content helps us understand the country's internal dynamics.

Few people can have a home Internet connection, and public connections are unreliable and expensive. This favors the coexistence of recorded discs, USB drives, and portable discs, given the high number of CD/DVD players still around in the country.

Everything indicates that this model needs to change. If trends continue in the reestablishment of diplomatic relations with the United States and/or the weakening of trade embargo laws against Cuba, the unrestricted use of protected material must be put into perspective.

Those who run the popular "Weekly Package" have been increasingly including commercial advertising by the island's private sector. This could allow them a relatively smooth transition when it becomes punishable to copy products protected by copyright, giving them the option of turning into advertising companies.

For those who sell records, the way forward will be different. The wish to legitimize will generate initiatives such as agreements with local artists to act as distributors of this material. Experiences like those of their peers in Ecuador or Bolivia, where many went from being dealers of pirated production to merchants who pay taxes and privilege domestic artists with payment for sales, all of this thanks to the joint efforts of the Government and other stakeholders. The costs of music CDs have dropped, and a domestic market and the legal status of media merchant, previously nonexistent, have been created in turn.

Cuba must begin to think about this transition. How can an internal market be fostered while maintaining the jobs and incomes that already exist and allowing the rights holders to receive income from the exploitation of their work? This is the commercial riddle.

However, as in the rest of the countries, no legislation could foresee the change, both positive and negative, that the Internet would

bring about with the popularization of information and knowledge. A paradigm shift is inevitable given the new way in which information travels, and it is shaping the right to access protected content in the popular consciousness.

## FREE CULTURE

The compounding of knowledge that takes advantage of digital technology where the cost of reproduction is close to zero, translates into a jump in the level of access to information and culture never before seen in a proportion never before imagined. It is inevitable to contaminate and become contaminated by the massive amounts of opinions and knowledge that are shared on social media and in 2.0 digital publications, where anyone can leave their comment.

The Internet, but especially the philosophy of open source software, has led to the emergence of categories such as copyleft (a play on words with copyright), or Creative Commons, both related to free culture. The popular *Wikipedia* is a collaborative creation par excellence.

This ability of the Internet and digital technology to widely distribute content clashes with the central premise of copyright, which is to request permission for every use. In the search for legal mechanisms that allow profiting from these features, the philosophy of open source software is revisited, based on copyleft licenses, and modifying the legal effects of the copyright model. In copyleft licenses, ownership is used to grant very broad permissions to other people in the use of the protected material with a single condition: if the material is modified into a derived version, the new material must be kept under the same license in order to perpetuate the broad reuse effect.

Inspired by these ideas, <u>Creative Commons *licenses*</u> emerged at the start of the 21st century, and are published as a set of 6 licenses; a sort of menu available for those who create to choose the degree of permission they wish to grant to those who reuse their works. These legal developments allowed the emergence of projects such as *Wikipedia*.

The development and state promotion of these open licenses that are associated with the idea of free culture promotes a series of initiatives where the commercial aspect is displaced. In its place, the leading role is in taking advantage of technology to widely distribute content.

For example, <u>open educational resources</u>, an initiative by major educational institutions for sharing all of their teaching materials, endorsed by UNESCO, has been adopted by many academic institutions and promoted by governments such as <u>Poland</u> or <u>USA</u>.

On the other hand, in the economic and political peripheries, in this gap area, piracy has a very well established role as a development strategy that facilitates the circulation of knowledge goods. Piracy also has a clear political role as a counterweight to the centralized control of information, either by the State or by private interests.

## FLEXIBILITIES OF COPYRIGHT, SCIENCE AND CULTURE

Broader access to protected works cannot be left solely at people's discretion. Copyright, in its architecture, has checks and balances. As a balancing mechanism for the privileges of those who create works, copyright rules provide that, once the term of protection has expired, works go into the public domain and the author can no longer control their commercial exploitation

(moral rights are perpetual). Thus, anyone can reuse them without asking for permission.

In addition, during the term of protection (in Cuba it is 50 years), the law recognizes exceptional cases. Given conditions that are often very restrictive, people can reuse protected works without permission, because the knowledge and culture of society runs through them. That is why we can "quote, parody, or use works for academic purposes."

International treaties have effectively generalized the protection of rights holders, but have left it up to States to legislate on exceptions. This has led, especially in developing countries, to lists that are often limited and very restrictive. Contrasting, for example, with the United States, where, beyond closed lists, they have an open clause, which allows courts to analyze with broader criteria whether the use of a work without the owner's authorization can be considered fair, and, therefore, it would not violate copyrights.

As Cuba enters the international market, there will be pressure to comply with these protections. If this is not done in balance with the rights of people, there will be serious problems with access to knowledge, science, and culture, in addition to other rights. Cuban law has very little flexibility, and these do not even meet the needs of the pre-Internet era.

Let us see an example to demonstrate the problem. It is customary in copyright laws to contemplate exceptions for the use of current news without it being considered a copyright violation. Newspapers throughout the world reproduce, for example, the images of the latest terrorist attack without fear of being sued by the local news program that obtained them. This is not possible in Cuba and forces the news shows into illegality. Current information is exceptional and any law must recognize its use beyond copyrights.

In sum, discussions about the boundaries between knowledge sharing and intellectual property protection have only just begun. Discussing them, analyzing local effects and proposing a balanced legal framework are a crucial obligation for all stakeholders in Cuba.

**Regina Coyula**

Graduate in History. She works as editor and Webmaster; in addition, she has contributed to various online publications such as _Diario de Cuba_, _14 y medio_ and _BBC Mundo_. Her personal blog is _La mala letra_ and her Twitter is @lamalaletra.

# A CRITICAL DIGITAL LITERACY PROPOSAL FOR CUBA

**BY KARINA GÁLVEZ**

Internet use in Cuba is not yet widespread. Among the privileged people who can browse the web are those whose work allows it (university teachers, state officials, people working in the media, etc.) and those who have the funds to pay 1.5 CUC per hour of connection in public places with Wi-Fi. In fact, places with Wi-Fi or cable connections that can be accessed through payment have only existed since the year 2014.

Connectivity is not the only problem in Cuba. Buying smart devices and computers is very difficult for someone simply living on their salary.[1] Additionally, devices are not easy to find in the legal market.

Further, although informatics has a place in the curricula of the various educational levels, basic training on how to safely and responsibly browse through the Internet has not been part of the computer courses. Because of the same limitations in connectivity and availability of equipment, the Internet has not been a means of teaching or learning for Cuban students. At present, Cuba's citizenry, even people with high levels of schooling, have poor knowledge of the Internet, its advantages, its hazards, and its possibilities. This situation creates a gap placing us at a competitive disadvantage with other countries and creating greater risks.

It is true that in Cuba we have found how to access new technologies using "technological inventions" and without having to pay the official price. In Cuba, we also have top-notch information and communications technology (ICT) management specialists, but it is undeniable that education in technology and in the safe and empowering use of the Internet are a pressing need in today's Cuba and in the future.

The curricula of the various levels of education (primary, secondary, pre-university and university) should include updated content regarding the use of ICT. All people need to know how to use the Internet safely and responsibly, and we have the right to be prepared for that.

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1   In both the legal and informal markets, device prices are very high relative to the average wage, which does not exceed the equivalent of USD100 per month.

With political will (and resources) it is possible to install an educational program that benefits the citizens and allows us to match other geographies. Recognizing that technological and communications advances are occurring at an unprecedented rate, it is a serious problem that we in Cuba do not have options that allow us to effectively, safely and responsibly take ownership of ICTs for our own benefit and that of society. Given the options offered by growing Internet access on the island, it is crucial to start developing an educational program that offers elementary knowledge about the web of webs, that problematizes technology from a policy standpoint, and that allows us to bring the population up to date in order to become more competitive and secure at the national, regional and global levels in the digital age.

As a proposal, and with the aim of promoting an open discussion and citizen participation in the development of such an educational program, we present the following proposal, which can be adapted and implemented by the State or by anyone interested in addressing these issues in their community.

# SPECIAL CITIZEN EDUCATION PROGRAM ON THE SAFE AND RESPONSIBLE USE OF THE INTERNET

### A. *General objectives*

To provide the participants with basic knowledge needed to understand the Internet and make informed decisions when using this tool in a safe and responsible manner, in a way that best profits from its advantages.

To empower participants, so that they overcome knowledge gaps regarding the safe and responsible use of the Internet.

### B. Specific objectives

1. Explain Internet development: how it emerges, how it works, what is needed to make it work, etc.

2. Provide technical tools for the safe and responsible use of the Internet

3. Provide knowledge for the use of devices, programs, applications, etc.

4. Recognize the Internet as a space for exercising and respecting human rights.

5. Acknowledge the role of each of the various stakeholders in society in Internet governance ecosystem.

6. Stimulate the ethical engagement of citizens, the State, companies and civil society to respect and demand respect for human rights in digital environments.

### C. Methodology

It is best to combine various pedagogical styles depending on the topic and the means available. The vision must convey the need for digital literacy as part of the education of the citizenry, which not only encompasses the acquisition of instrumental skills for the use of technology, but is also posited as political training responding to the needs generated by an economic, cultural and social milieu dominated by ICTs, in the sense of <u>Paulo Freire's philosophy of education</u>.

### D. Recipients

In this course, especially in the first level, age, level of schooling, gender, intellectual ability or any other difference should not be an obstacle.

### E.  Content

The program should be divided into the following three levels:

**FIRST LEVEL**

Targeted at people who have never received computer classes and much less on Internet use.

The objective is to allow students to catch-up on basic technology issues, especially, safe and responsible Internet use.

> **MODULES**
> 1. What is Internet? Brief history
> 2. Internet governance, what's that all about?
> 3. Internet as a tool for the exercise of human rights
> 4. Other less common, but more profitable uses for the Internet: information, knowledge, exchange of ideas, products, services, etc.
> 5. Using the Internet, but in a safe and responsible manner

**SECOND LEVEL**

Especially targeted for people who have already traveled in the digital world, but who have not been able to access venues for debate that problematize technology and deal with the ethics of this environment.

The main objective of this level is to problematize information and communications technologies, and to deal with the subject from an ethical point of view with the intention of taking a critical look at the debates surrounding Internet policies.

**MODULES**

1. Internet governance: actors and participation forums; discussions (decisions?), and other ingredients of our stew

2. Internet of things, artificial intelligence, bitcoins... Jack of all trades, master of none.

3. Freedom of expression and the Internet: tensions and opportunities

4. Gender and technology issues

5. Cybersecurity

6. Economy and the Internet: what's new?

## THIRD LEVEL

Targeted at people who have completed any of the previous levels and are interested in being facilitators and replicators of the program.

**REQUIREMENTS**

- At this level, pedagogical topics need to be included, in addition to the previous topics, according to the level at which each one can contribute. People with technical knowledge can be paired-up with those with interest and willingness to learn.

- It is important that participants know that it is not enough to be willing and able to serve as facilitators, but that it is also necessary to have the necessary preparation and aptitude for each task. Therefore, this level involves extra effort and responsibility. People who are well disposed can serve in different ways, depending on what is more aligned with their abilities, such as:

a.  Developing new modules that deal with topical issues

b.  Updating program modules

c.  Developing and creating educational products for the program

d.  Teaching courses

e.  Promoting courses

f.  Collecting and systematizing statistical data

g.  Distributing teaching materials

## F.  *Course dossier proposal*

| COURSE LEVELS | THEORY HOURS | PRACTICAL HOURS | TOTAL HOURS | WEEKS* |
|---|---|---|---|---|
| FIRST LEVEL | 5 | 10 | 15 | 8 |
| SECOND LEVEL | 10 | 15 | 25 | 12 |
| THIRD LEVEL | 10 | 10 | 20 | 10 |
| TOTAL HOURS | 25 | 30 | 60 | |

*WEEKLY FREQUENCY TWO HOURS

## G.  *Frequency*

Two (2) hours per week is suggested in order to avoid conflict with other activities or engagements of participants. Fewer than two hours may not be practical or efficient, because from one session to another, participants may forget what they learned. Frequency, however, can be decided between the group and the facilitator.

## H. Evaluation

At the end of each level an evaluation exercise, preferably practical, needs to be carried out to stimulate study and consolidation of the knowledge acquired. At the same time, participants must assess the course and offer suggestions about it. This will allow gathering information to improve the course and/or work methods.

**Karina Gálvez**

Economist and co-founder of the *Centro de Estudios Convivencia* in Pinar del Río.

# NONE THE WISER II
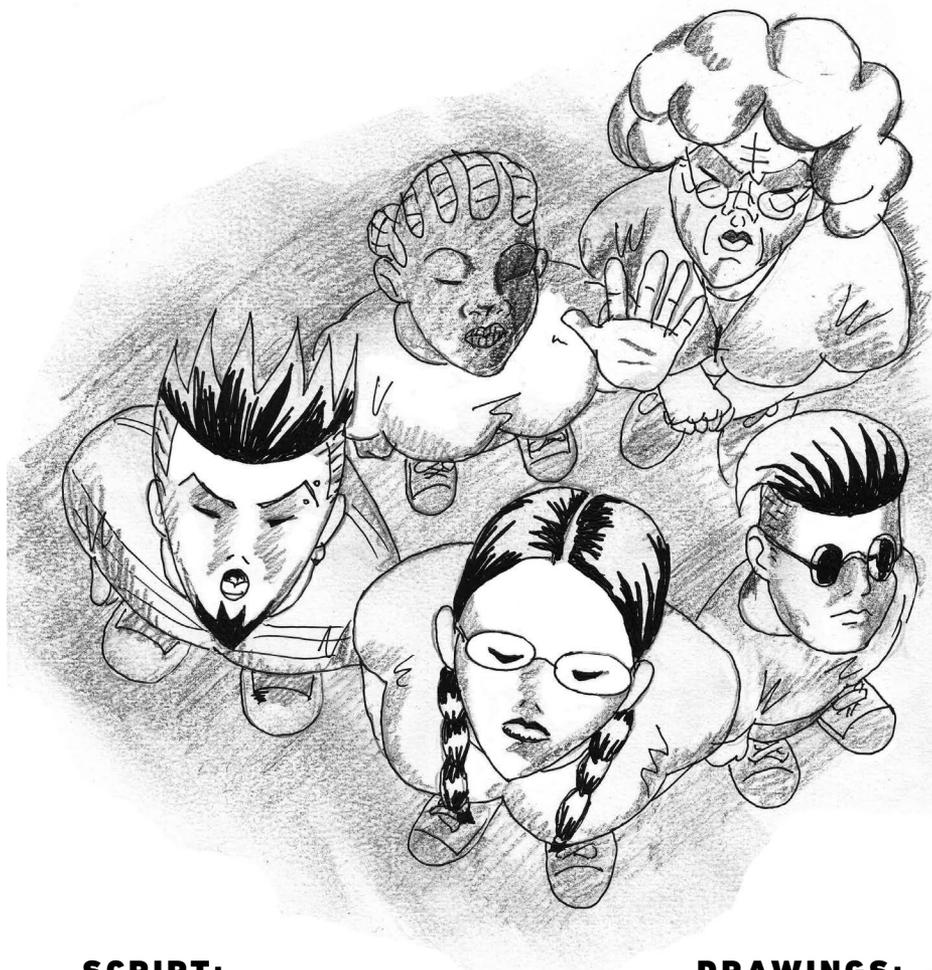


**SCRIPT:**
**ROSALIA VIÑAS LAZO**

**DRAWINGS:**
**PAIN 17**
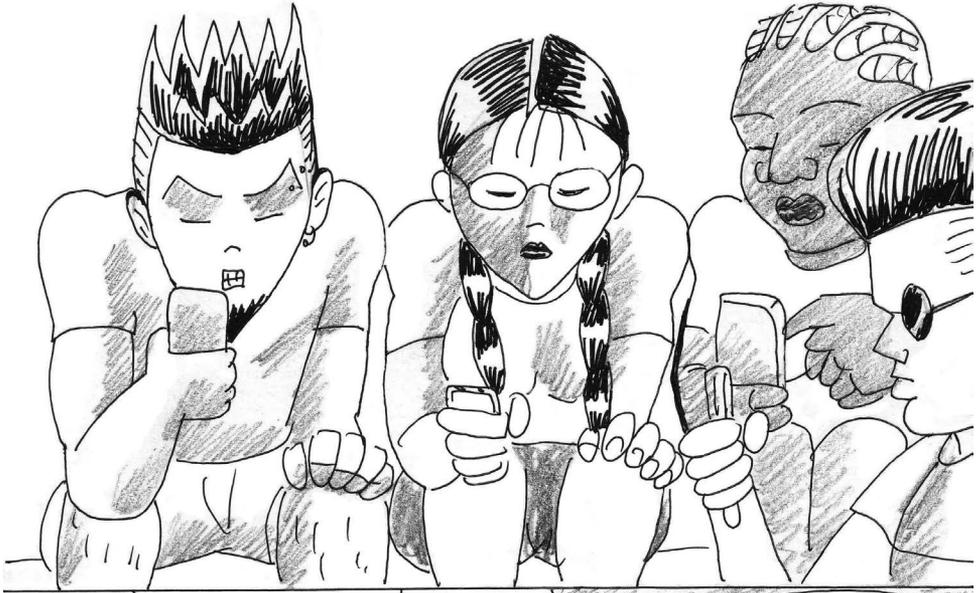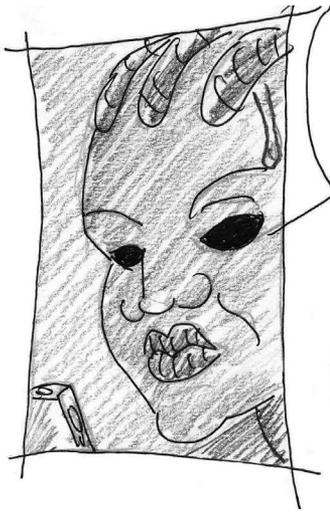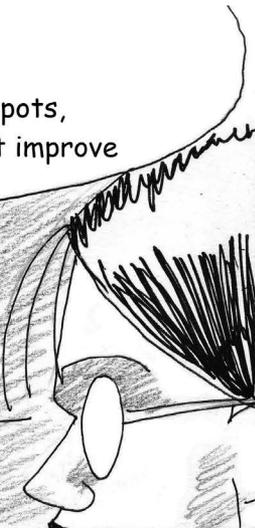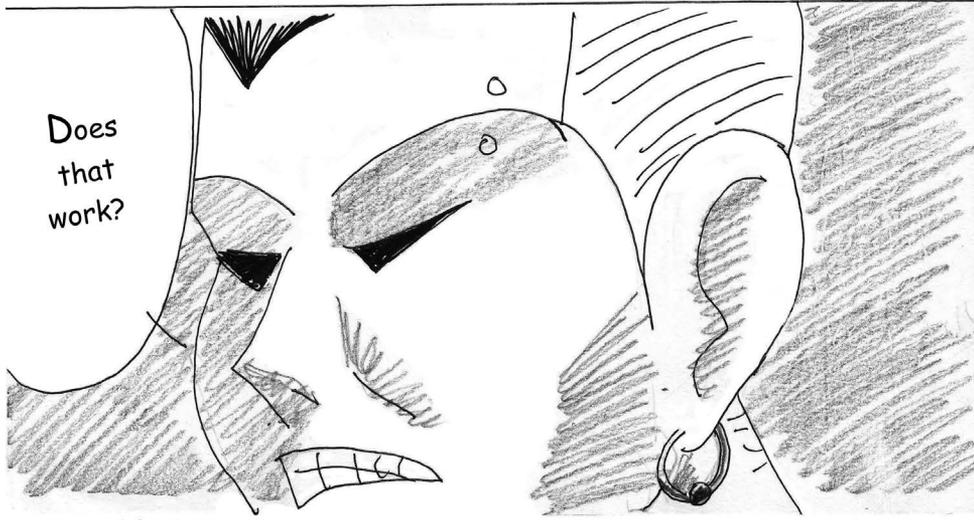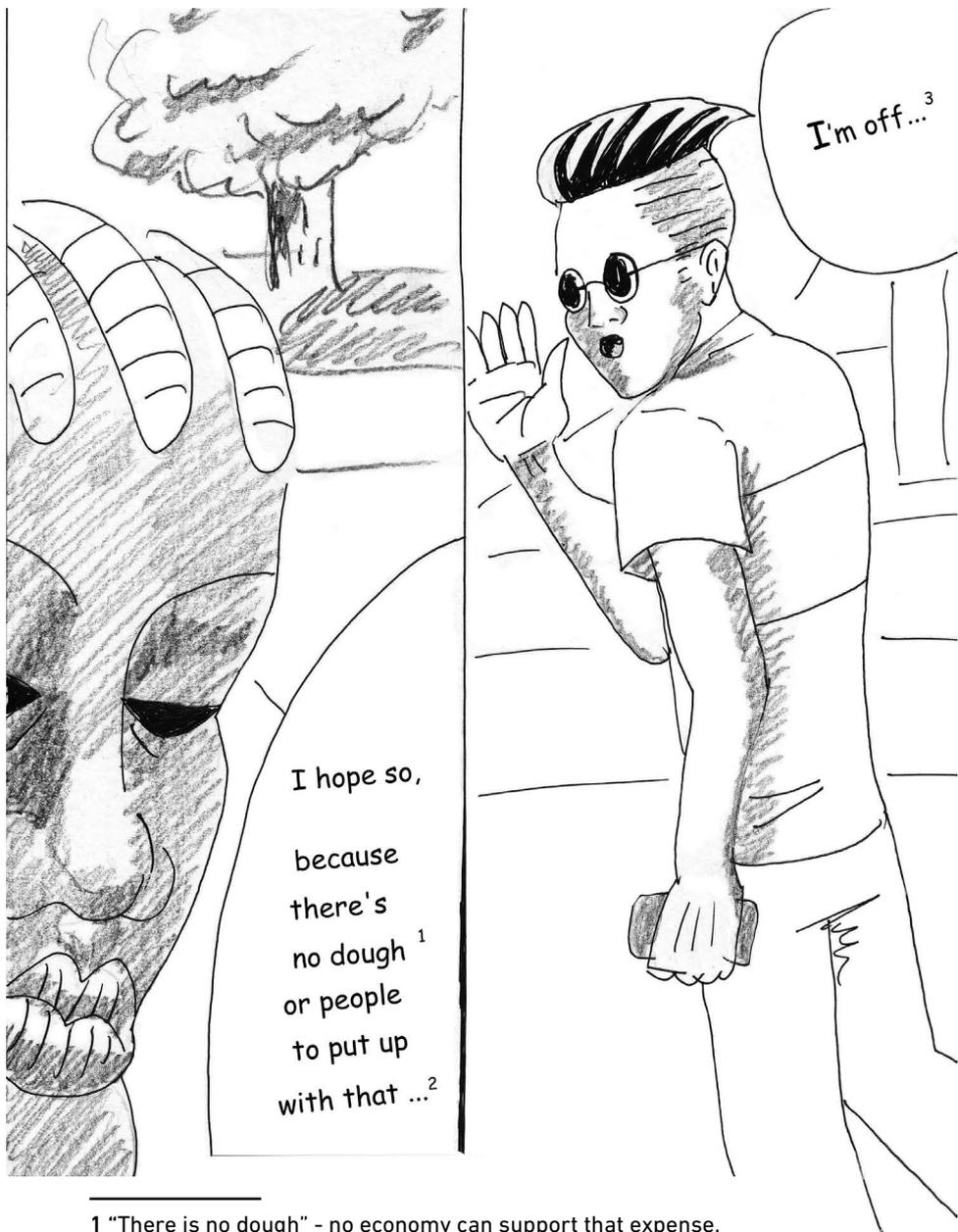
1 "There is no dough" - no economy can support that expense.
2 "Or people to put up with that" - there is no possible way to understand or accept something.
3 "Im off "- bye.
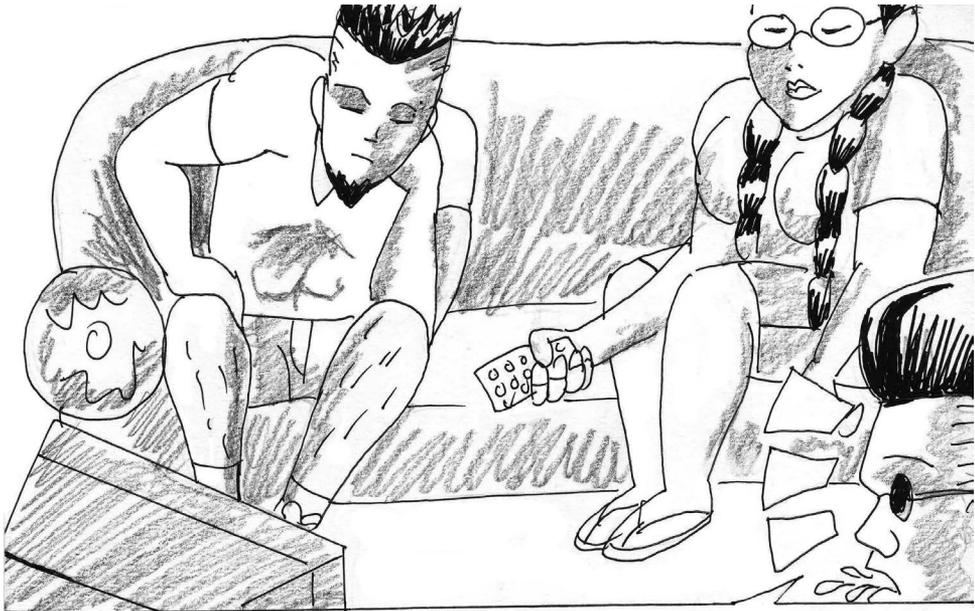
Aunt Lauri, I saw Snowden's film, the guy who worked for the Yankee government and he threw them under the bus [4] with spying on the Internet. Is it true they're watching us?



That's not my problem; I'm not hiding anything...

Robe, it should interest you. All governments spy.

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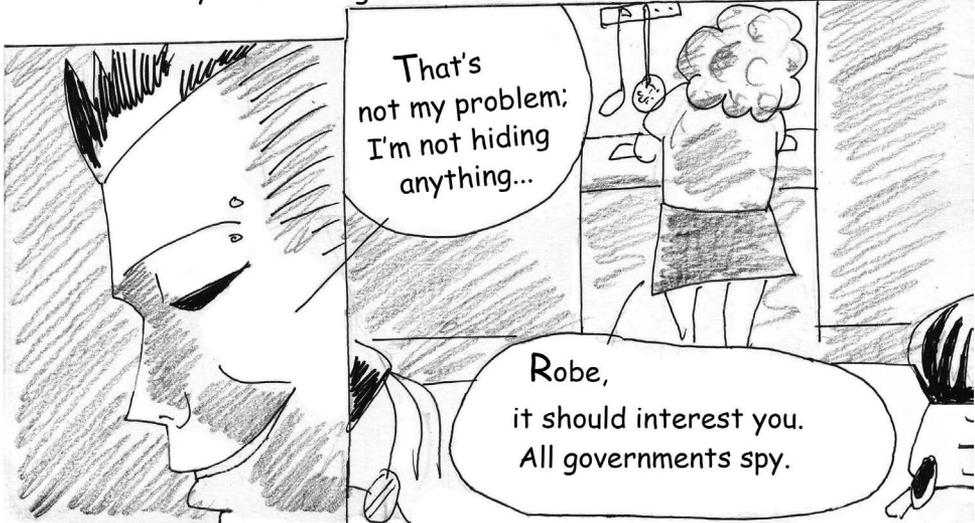
**4** "Throw under the bus" - to unmask or reveal .

You don't miss a beat, granny.

And now with the Internet, so much more...
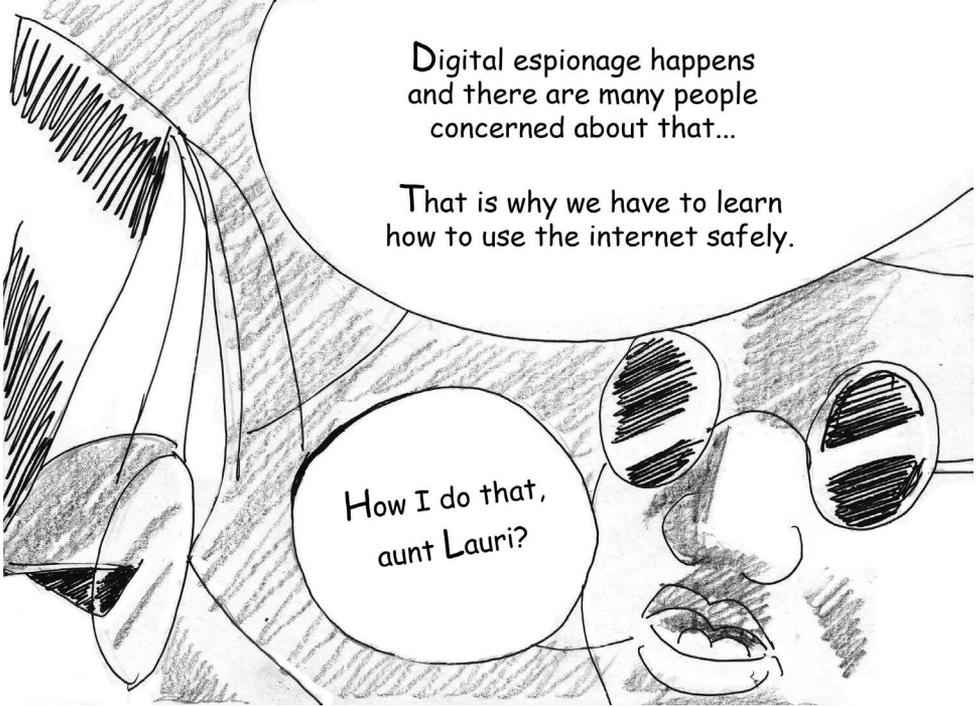
Digital espionage happens and there are many people concerned about that...

That is why we have to learn how to use the internet safely.

How I do that, aunt Lauri?

You've gone incognito.

Use incognito/private browsing
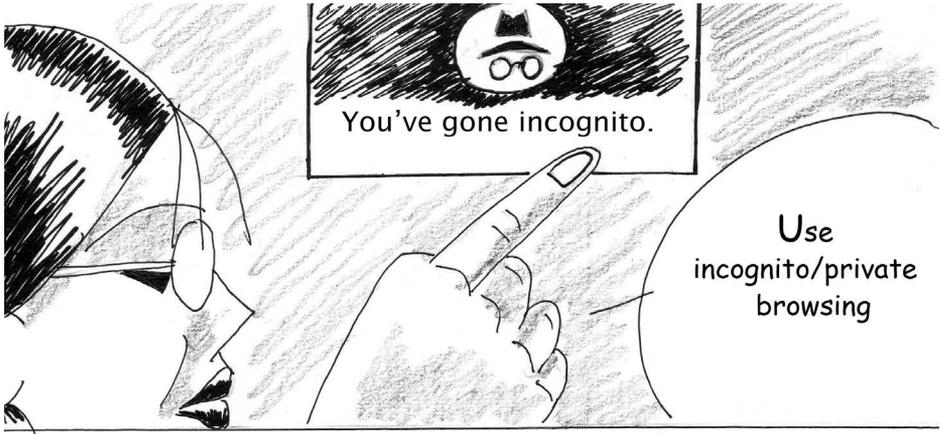
It is also a good practice to:

Update applications, and

Use common sense.
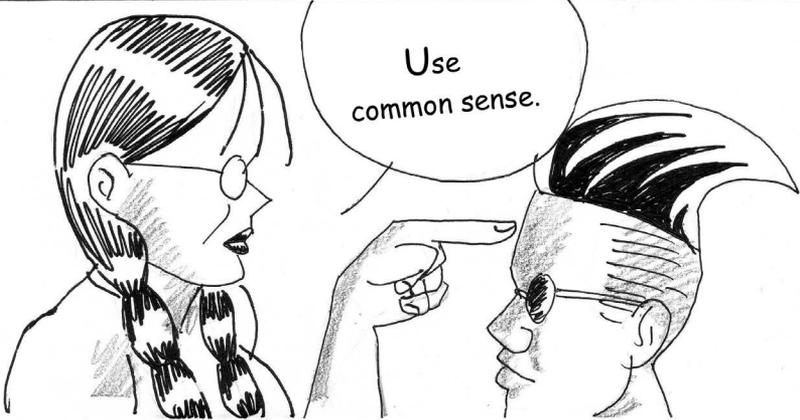
**Rosalía Viñas**

Works as a designer for the *Centro de Estudios Convivencia*
in Pinar del Rio. She is also studying telecommunications engineering.