

# Memorandum of Cooperation

## regarding the formation of CC Europe

The members to this Memorandum of Cooperation (subs.: the Memorandum), which can be found listed in Annex I (subs.: the Members, or a Member);

### Objectives

**Desiring** to foster the exchange between European CC Jurisdiction Projects in any possible way;

**Desiring** to coordinate their efforts in communicating with **European-level**<sup>1</sup> Organisations, Institutions, Officials and Agencies **of the EU level**<sup>2</sup>;

**Desiring** to enable additional fundraising apart from their respective national campaigns;

### Relation to Creative Commons Inc.

**Recognising** the independence of each Member, within the scope of

- the Creative Commons Memorandum of Understanding (<http://wiki.creativecommons.org/images/d/d9/CCiMOU.pdf>)
- and/or the Affiliation Agreement ([http://wiki.creativecommons.org/images/1/1d/Public\\_Affiliate\\_Agreement.pdf](http://wiki.creativecommons.org/images/1/1d/Public_Affiliate_Agreement.pdf) [http://wiki.creativecommons.org/images/c/cb/Legal\\_Affiliate.pdf](http://wiki.creativecommons.org/images/c/cb/Legal_Affiliate.pdf))

in respect of proceedings and activities related to Creative Commons arising in the Member's home jurisdiction;

**Recognising** the need for maintaining direct communication between each Member and Creative Commons Inc. without any intermediate layer of mandatory consultation whatsoever;

### Activities

**Hereby agree to cooperate** under the terms of this Memorandum; **this may entail the formation of a legal entity named „CC Europe“**<sup>3</sup>. Together the Members will engage in the following activities, especially as far as they cannot reasonably be entered into by one or more Members themselves:

**Offer a platform to attract certain funding** that is available on a transnational scale only or otherwise not attractable by CC Jurisdiction Projects;<sup>4</sup>

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1 Wording proposed by John Weitzmann (11.4.2009), endorsed by Paul Keller (14.4.2009) and Maja Lubarda (18.4.2009).

2 Deletion proposed by Tomislav Medak (8.4.2009) and Florian Philipitsch (9.4.2009).

3 Pro striking this out completely: J-C de Martin (14.4.2009, I guess?), Maja Lubarda (18.4.2009), Melanie Dulong de Rosnay (16.4.2009); Con striking it out: Paul Keller (16.4.2009), John Weitzmann (20.4.2009; just for the record: CC-APC do mention incorporation in their Memorandum - which does, of course, not mean that we have to do the same).

4 Moved to last position under „Activities“ in view of suggestions by J-C de Martin (14.4.2009) and Paul Keller (16.4.2009).

**Support a constant coordination and collaboration** of European CC Jurisdiction Projects through organising events, meetings and other means of information exchange and initiating common activities, which may also result in CC Europe itself fulfilling certain tasks, such as conducting research, on behalf of the Members;

**Act as a European face of the community** of activists that **are supporting** Creative Commons **through participation in their respective CC Jurisdiction Projects<sup>5</sup> on a day to day basis<sup>6</sup>** (both as the concept it is as well as the organisation that is Creative Commons Inc.), especially by working towards the formation of common opinions and position papers of the Members on specific issues and questions arising on the European level, **f. e.<sup>7</sup>** in the course of consultations on European **Union<sup>8</sup>** legislation;

**Provide a central contact point** for any kind of communication concerning Creative Commons licensing, the ideas and organisational structures behind it and other related matters on the European level, f. e. by maintaining a suitable e-mail address, website and the like;

**Promote Creative Commons licensing** in any way appropriate on the European level by enhancing outreach in various ways, notwithstanding that engaging in active lobbying is not a primary task to this end; CC Europe seeks to take a proactive role in expanding and building the Creative Commons Communities in Europe and endeavour to help identify networks and potential cooperation partners particularly in countries where no recognised Creative Commons jurisdiction projects exist;

**Offer a platform to attract certain funding** that is available on a transnational scale only or otherwise not **sought after** by CC Jurisdiction Projects **individually or through cooperation<sup>9</sup>**.

## **Procedure**

**Decisions of the Members** such as agreements, elections and common opinions must be sought to result in a unanimous vote. Should the attempt to come to that level of agreement fail, a decision is reached in a second attempt if two thirds of the Members is affirmative<sup>10</sup>. Each member shall have one vote with a maximum of one vote per CC jurisdiction; In cases where there is more than one member from a cc-jurisdiction these members must coordinate their voting behavior accordingly.

**Representation of CC Europe** is done on the European level by one or two Representatives, as agreed upon by the Members, for the period of one year.

**Membership** to this Memorandum is equivalent to being a part of CC Europe. Additional persons, institutions or organisations can become Members, provided they have previously become a CC Affiliate by signing the Creative Commons Affiliate Agreement and thereby represent a CC Jurisdiction Project of a Country primarily within, but not limited to, the scope of the Council of Europe. Membership to this Memorandum ends if a Member declares to depart from the

5 Wording proposed by Gisle Hannemyr (13.4.2009).

6 Deletion proposed by Florian Philipitsch (9.4.2009), Gisle Hannemyr (13.4.2009) and Maja Lubarda (18.4.2009).

7 Rephrasing proposed by John Weitzmann (20.4.2009) in order to not have „e.g.“ and „f.e.“ both in the same text.

8 Addition proposed by Tomislav Medak (8.4.2009), partly endorsed by Paul Keller (14.4.2009), endorsed by John Weitzmann (20.4.2009; it is an example given and not meant as a limitation, and „legislation“ in the strict sense does indeed fit better with respect to the EU).

9 Addition proposed by John Weitzmann (20.4.2009; that should clearly enough indicate the subsidiarity of CC Europe answering any tenders; „should the opportunity arise“, see Paul Keller on 16.4.2009, can be omitted in this case, as fund-raising quite logically requires the opportunity to do so).

10 Comment by John Weitzmann (20.4.2009): I don't see any lack of quorum here, we have unanimity as the first stage, 2/3 as the second.

Memorandum or is no longer officially affiliated to Creative Commons Inc.

**Alterations and Amendments** can be made to this Memorandum if all Members have expressed their consent after being duly informed about the intended changes. The addition of a new member shall not be regarded as an alteration or amendment of the Memorandum.

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