

CMNS 253 - Week 12

Copyright, Commerce and the Creative Commons

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Overview

- History of Copyright Law
- Copyright in Canada
- The Information Economy
- DRM, Takedown, and Other Nonsense
- Authorship, Aesthetics and Collaborative Media
- Course Evaluations, A4 reminders



History of Copyright

- 18th century:
 - Scottish booksellers challenged the authority of London publishers
 - 1774: House of Lords (England) affirmed copyright's limited term (14 years)
 - 1790: US adopted the same

POLKA - STUDIO

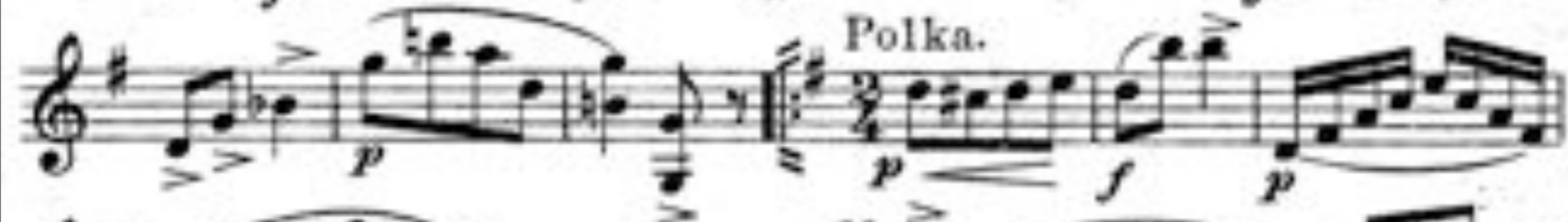
1^o Mandolino.

Giuseppe Silvestri

Riveduta e ridotta

da Flavio Pignoloni.

Introd.



Polka.





History of Copyright

- 19th Century:
 - Industrialization - intensification of patents
 - mass production of sheet music - emergence of music publishing profession
 - widespread adoption of musicmaking (upright pianos)
 - mechanical recording technologies (cameras, wax cylinder phonographs)



I want to see a Phonograph
in every American Home

Thomas A. Edison



The New Edison

Thomas A. Edison's

Final Achievement

History of Copyright

- Media Trends, 1900s-1950s
 - Radio and Television
 - Cinema/Hollywood studios
 - Popular music industry
 - “Read-only” media technologies (platter records, film)
 - raised costs to entry
 - intensification of advertising, syndication
 - professionalization
 - increasing commodification of arts

History of Copyright

- Copyright Trends, 1900s-1950s
 - Extended the term of copyright
 - Performance - where copyright resides
 - Emergence of licensing
 - Royalty system developed

History of Copyright

- Media Trends, 1950s-2000s
 - Reduced costs to entry
 - Read-write technologies (magnetic tape, video, CD-Rs, samplers, computers, internet)
 - Decline of traditional business models
 - Leveling of the playing field - stronger “independent” and “amateur” sectors
 - partial de-commodification of the arts
 - mass collaborative forms
 - remix/bootleg/mashup forms
 - mass piracy (Napster, torrents)



History of Copyright

- Copyright Trends, 1950s-2000s
 - Longer term of copyright
 - Shrinking public domain
 - 1976 (US) Copyright to reside in recordings (mechanical royalties)
 - Extended scope of protection (copyright presumed)
 - Extended reach of protection (covers noncommercial uses)
 - Diminished sphere of “fair use” due to legal “chill”
 - Laws inscribed in technical controls (DRM)
 - Globalization of Intellectual Property law (WIPO)



**HOME TAPING
IS KILLING MUSIC**

**HOME SEWING IS
KILLING FASHION**



Canadian Copyright

- Canadian copyright statute (the Copyright Act) is rooted in the same common law tradition as is the US law.
- One important difference: the concept of “fair dealing” substitutes for the U.S. “fair use” (fair use is more broadly construed)
- Copyright Act allows users to make single copies of portions of works for “research and private study”

Derivative Works

- Copyright Act of Canada [s 17(2)(b)]:
"an artist who does not retain the copyright in a work may use certain materials used to produce that work to produce a subsequent work, without infringing copyright in the earlier work, if the subsequent work taken as a whole does not repeat the main design of the previous work."

Canadian Music Copyright - Regulation

- Canadian Recording Industry Association (CRIA) = business assn like RIAA
- Canadian Mechanical Rights Reproduction Assn (CMRRA) collects mechanical royalties
- Society of Composers, Authors and Music Publishers of Canada (SOCAN) collects performance royalties
- These organizations support and defend the positions of the RIAA and MPAA in seeking strict control (via technical and legal means) of online copying/sharing
- Canada also has statutory levies on blank media (CDRs, tapes, other recordable media), which have also been proposed to extend to ISPs, MP3 players, hard disk drives, and so on.

International Treaties & Policy

- However, Canada has only a tenuous grasp on its cultural policies affecting music (such as Canadian Content regulations on broadcasters, as well as Copyright law)
- Why? International agreements (NAFTA, WIPO) provide the legal basis for penalties for countries enacting “protectionist” measures
- The Canadian government has refused to stand up to its trading partners (notably the U.S.) in exempting cultural industries from these trade agreements
- The consequence? A Federal government that is essentially neutered on cultural policy affecting music.

CMCC

- Group of Canadian artists (Canadian Music Creators Coalition) who oppose two main things:
 - The litigious tactics of the organizations that purport to represent them (RIAA, CRIA)
 - The use of DRM technologies
- A defection by artists and labels from the music industry's position in Canada
- This issue has cleaved the status quo alliance of many mainstream artists and (predominantly) foreign-controlled companies in Canada. it also cleaves artists and their foreign labels.
- The formation of the CMCC has reinvigorated longstanding demands for cultural policy reform, too

Copyright Alternatives

- Creative Commons licensing (author or artist explicitly says what uses are permitted - commercial, transformative, etc.) . Copyleft, Attribution only, non-commercial use only, etcetera.
- free-for-all: the GPL (General Public License) The author or artist makes their work free for all to use or transform, commercially or otherwise.

Copyright Alternatives - examples

- Linux operating system (GPL)
- Mozilla Firefox (GPL)
- Open Office.org (GPL)
- Wikipedia.org (open knowledge project)
- Flickr.com (users can set their own CC licensing preferences)

Alternative regimes of circulation

- Terry McBride (Nettwerk Records, originally a Vancouver company) decided to do something different with the Barenaked Ladies' newest record
- Their 2006 record was released so that fans could remix the band's songs
- Other artists who have attempted this: David Byrne/Brian Eno, Nine Inch Nails, others...
- Other interactive creative processes: neubauten.org (Einstürzende Neubauten)



From *Good Copy, Bad Copy* (Johnsen/Christensen/Moltke, 2007, DK)

~Break~

The Information Economy

- Both information & knowledge are by their nature self-replicating
- Vendors of knowledge do not lose knowledge when they sell it
- Sharing may be the defining transaction in information & knowledge economics
- If so, Intellectual Property (IP) laws and norms are needed to reward creators

Information Technology

- Computers replace administrative labour and control processes (e.g., online banking, IVR systems)
- They have the potential to replace most other forms of intellectual labour (human resources, library services), including mediating the sharing of knowledge
- Also displaces intellectual labourers into other vocations or sectors (or unemployment)
- In this scenario IP becomes increasingly important - but how do we address this state of affairs?

The Internet enables...

- mass copying (including non infringing copies)
- copy-and-pasting (including fair use)
- endless commentary & critique (again, fair use)
- mass piracy
- transformations of originals (derivatives)



LEONARDO PRODUCTION

jon heder

saving *Napoleon Dynamite*

jon gries efren ramirez aaron ruell

the mission is flippin' sweet

DEARBOND PICTURES PRESENTS A LEONARDO PRODUCTION A FILM BY JON HEDER SAVING PRIVATE RYAN CASTING BY JON HEDER COSTUME DESIGNER JON HEDER EXECUTIVE PRODUCERS JON HEDER JON GRIES EFREN RAMIREZ AARON RUELL MUSIC BY JON HEDER EDITOR JON HEDER PRODUCTION DESIGNER JON HEDER DIRECTOR OF PHOTOGRAPHY JON HEDER EXECUTIVE PRODUCERS JON HEDER JON GRIES EFREN RAMIREZ AARON RUELL PRODUCED BY JON HEDER WRITTEN BY JON HEDER DIRECTED BY JON HEDER
Worth 1000 2004 July 24 STEVEN SODERBERGH

LIQUIDS ON A PLANE

WHEN THE TERROR ALERT IS SEVERE

"WHO THE FUCK BROUGHT THIS
MOTHERFUCKING BEVERAGE
ON THIS MOTHERFUCKING PLANE?"





GEORGE BUSH
DICK CHENEY
ANNE HATHAWAY
MICHELLE WILLIAMS

THEY'VE GOTTEN WHAT THEY DESERVE
AND THEY'VE GOT TO LIVE WITH IT

BLOWBACK MOUNTAIN

When a former White House aide is accused of a crime, the investigation uncovers a web of lies and corruption that reaches the highest levels of power. A former White House aide is accused of a crime, the investigation uncovers a web of lies and corruption that reaches the highest levels of power.

BLowback Mountain is a production of Topples Bush.

ARROGANCE IS A FORCE
WITH DIRE CONSEQUENCES

Digital Rights Management (DRM)

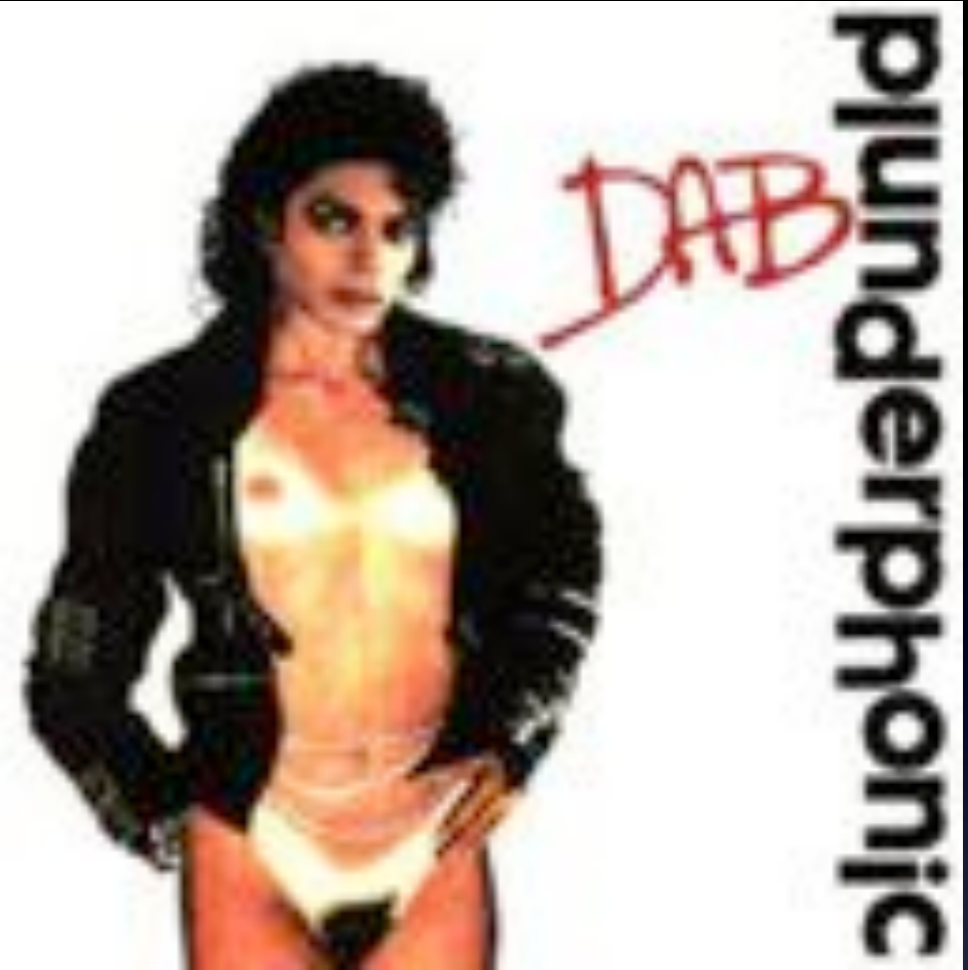
- technologies (hardware and software) used to restrict users' ability to copy, share, sample, or remix media
- attempt to force existing copyright law on users with a technology (like turnstiles in subways)
- site of great contention (consumer rights groups, free culture advocates, free speech advocates)

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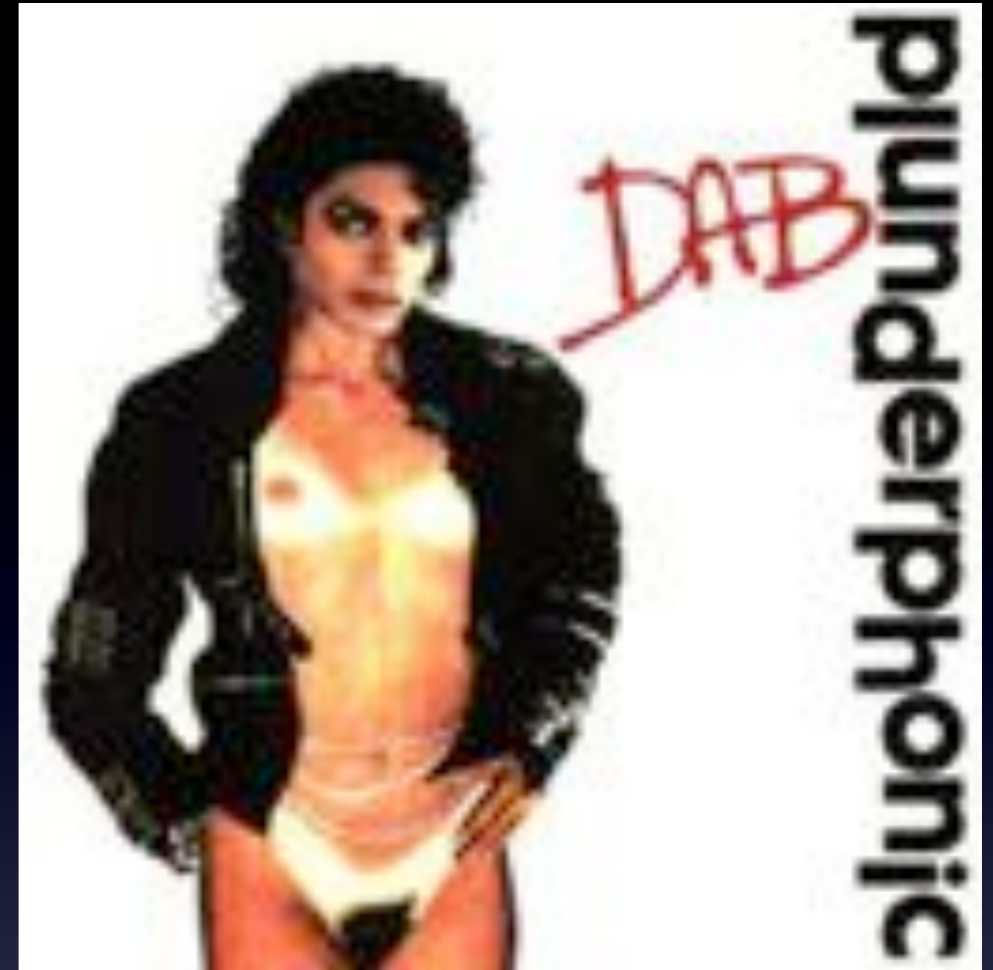
- DRM is contrary to the open structure of the Internet (Lessig, 2002, 2004)
- DRM goes far to reducing consumer rights (your audio files will only play back on some machines - what happens when you upgrade?)
- DRM writes legal code into machine code (reducing individual choice about breaking the law)
- DRM kills competition from amateurs (stop that pesky sampling!)
- ...& DRM doesn't WORK.

Takedown

- Where a company (e.g., Sony) or organization (e.g., RIAA) ALLEGE infringement by a user-driven site (e.g., Youtube) or ISP (e.g., Verizon), and the site, fearful of litigation, CENSORS the impugned material.
- happens in the US almost daily
- Not possible in Canada legally (ISPs not responsible for the content of sites they convey)
- affront to civil liberties (is Copyright superlative to free speech?)

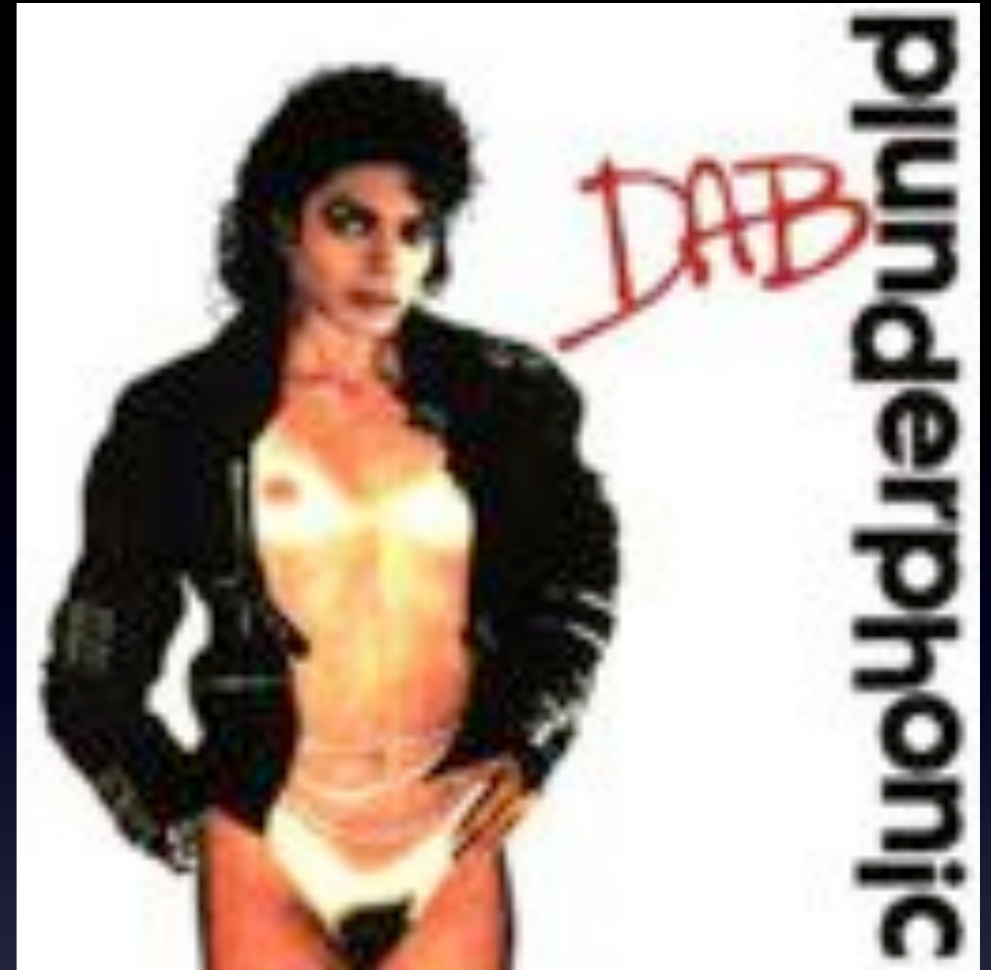


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released a 4 song EP
noncommercially



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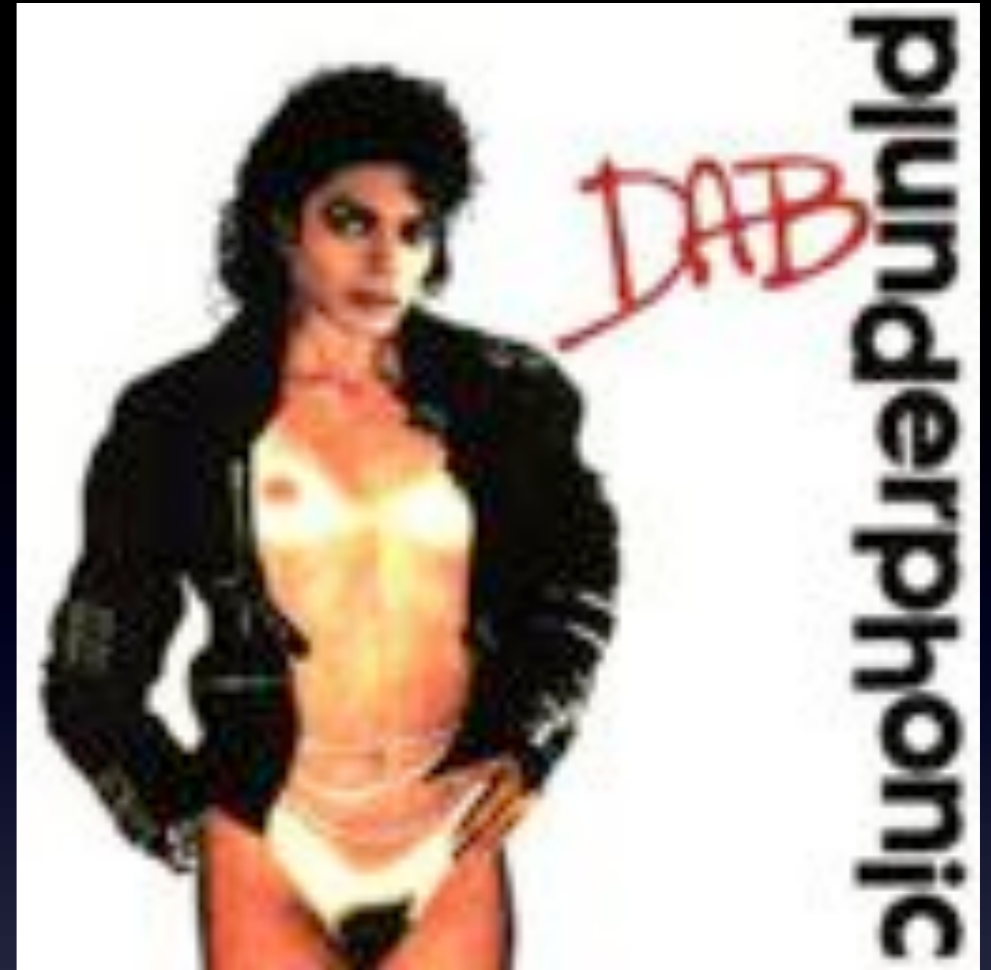
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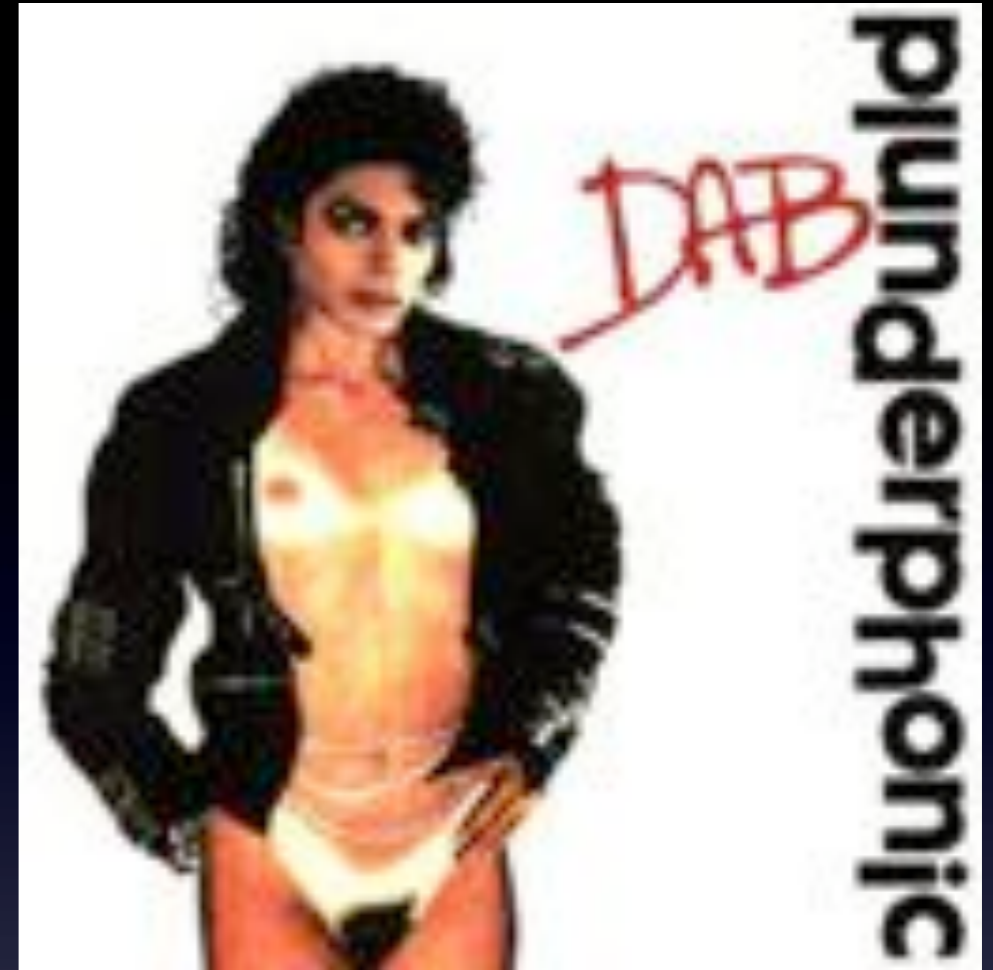


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CDN court ordered broadcasters not to play it
-to destroy the records



Authorship and Aesthetics

- Milton: piracy or plagiarism of a work occur "if it is not bettered by the borrower"
- Stravinsky: "a good composer does not imitate; he (sic) steals."
- Oswald: "artistic endeavours would benefit ... from a state of music without fences, but where, as in scholarship, acknowledgment is insisted upon"
- Doctorow: "we're going to have a set of rules that govern what people do among themselves and we're going to have another set of rules that govern what companies do amongst themselves."

Collaborative Media

- multiple authors not necessarily known personally to each other
- depends on open platforms
- depends on copylefted samples and tracks
- sometimes incorporated into mainstream media (*Snakes on a Plane, Lost ... fan fiction model*)



ccMixer

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Welcome to ccMixer

“ Make no mistake, ccMixer is the complete package. No other remix site commands the same level of respect amongst musicians, producers and content creators.”

Dave's Imaginary Sound Spaces



This is a community music site featuring remixes licensed under **Creative Commons**, where you can listen to, sample, mash-up, or interact with music in whatever way you want.

Remixers If you're into sampling, remixing and mash-ups grab the **sample packs** and a **cappellas** for download and you can upload your version back into ccMixer, for others to enjoy and re-sample. All legal.

Podcasters, directors and music lovers If you're into music, browse this site to hear some of the **great remixes** people have built from sampling music on this site, all licensed for use under Creative Commons license.

CREATIVE COMMONS & MAGNATUNE PRESENT:

Salman Ahmad Remix Contest



Creative Commons, International superstar Salman Ahmad and Magnatune are pleased to present a remix contest where the winners will be signed to a record deal with Magnatune (the "We Are Not Evil") label. The audio source files for the contest are now online under a

Creative Commons Attribution-NonCommercial license, so that producers worldwide can use the sounds in remixes and new compositions.

[More information about the contest...](#)

Previous contests...

[DJ Vadim](#)
[Vieux Farka Toure](#)
[\[Durve\]™](#)
[Christopher Willits](#)
[Fort Minor](#)
[Crammed Discs Cibelle, DJ Dolores, Apollo Nine](#)
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About...

The Freesound Project is a collaborative database of **Creative Commons** licensed sounds. Freesound focusses only on sound, not songs. This is what freesound apart from other splendid libraries like **ccMixter**. New to this site? Read the **What is Freesound** page to learn more!

Jul 8, 2007 :: Trouble on the server, please hold

hey everyone, there's some problems on the server... trying to fix ASAP. Might be that all uploads from the last 4 days won't be passed through to the moderation so they will need re-describing. More news later.

Jun 26, 2007 :: Big trouble in the server room...

Hey everyone. Last night 4 power supply units, including those of Freesound and the Freesound database servers burnt to a crisp. This is why Freesound has been down all this time. MTG's administrator Jordi has replaced the broken PSU's and hey, here we are again. Sorry for the downtime!

May 3, 2007 :: MIT Survey: words that describe timbre

Mihir Sarkar from MIT Media Lab writes:

Do you listen to music? Do you play music? Whatever your musical style, we would love to hear what you have to say on the sounds of music! We are looking for English-speaking individuals who are willing to describe sounds using everyday words.

Support us! Get your Freesound T-Shirt!



Europe: <http://freesound.spreadshirt.net>
 US/Canada/Asia/...: <http://freesound.spreadshirt.com>

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Random Sound of the Day by **sandizzy**

[View]

<http://www.jamglue.com/>



that's all, folks.