

Executive Summary:

In the writing of this paper the most tedious task was organizing the research data. Their was so much to chose from in terms of Creative Common Licensing in the music industry. One aspect we chose to start with was the definition and the ideas behind Creative Commons. This new revolutionary idea is a non-for-profit company that is using creative ways of copyrighting works of art and then enabling others to download it. Creative Commons promotes the creative re-use of intellectual and artistic works, whether owned or in the public domain by empowering authors and audiences. The main benefit of Creative Commons is that artists can get there music to a broader audience. The next direction we emphasized was the history of the illegal acquisition of music mp3 files. This section emphases such websites as Kazza, Napster, and Morphius, along with the legislation currently being passed involving the illegal sharing of music. In the next section we exclusively address Creative Commons and articulate the minor legal procedures involved in sharing music. Furthermore we emphasized the impact of Creative Commons as well as the world wide expansion process.

The problems we had while writing this paper included being as unbiased as possible. This has proven to be a difficult task, but we managed to sound as professional as possible. Due to the fact that this is a rough draft the citing of sources is not at the level of acceptability. We will continue to work on these aspects in order to make this paper become a complete white paper to its full potential.

Creative Common Licensing in the Music Industry

A new kind of licensing has taken the world by storm because it is changing the way we view the copyright laws of articles, music, and other pieces of work. The new concept which begun in 2001, Creative Common Licensing (<http://creativecommons.org>), is

The executive summary is a summary of the paper, not a discussion of the process of writing it.

trying to change the way that the individual puts restraints on their work. Creative Commons Licensing is about taking work that people have completed and being able to share them over the internet. By doing this the individual or company can get feedback about the product. They hope to provide tools that will solve the problems of copyright infringement.

Creative Commons is a non-for-profit company that is using creative ways of copyrighting works of art and then enabling others to download it. Creative Commons promotes the creative re-use of intellectual and artistic works, whether owned or in the public domain by empowering authors and audiences. The main benefit of Creative Commons is that artists can get their music to a broader audience. It allows some musical groups to get coverage that they couldn't afford or achieve which then will eventually give them recognition. It was developed by a group of individuals that wanted to challenge the ideas and laws of copyrights. They believe in making all ideas public so that they can be modified and perfected, but they still believe that it is the creator's choice on how they want to handle their works of art. The creators are [James Boyle](#), [Michael Carroll](#), and [Lawrence Lessig](#), MIT computer science professor [Hal Abelson](#), lawyer-turned-documentary filmmaker-turned-cyberlaw expert [Eric Saltzman](#), and public domain Web publisher [Eric Eldred](#).

This statement doesn't seem accurate to me in that Creative Commons licensing does a lot of things. But then again, in reference to the focus of your topic, this is correct. And that leads to my next suggestion. It's hard to get a clear idea in this first page or so what the paper is about. Strive for stating a clear thesis and explaining it right up front.

A new thing that Creative Commons has just touched on has been in the music industry with file sharing. This has been a debatable and hot topic over the past five years with Napster, Kazaa, and Bearshare undergoing investigations for copyright infringement. Creative Commons is offering software free of charge for users to download music. The site allows them to share their music while still being protected. The site allows musicians the chance to place digitally encoded tags in their music so they can be monitored and allow for search engines to pick them up quickly. Creative Commons has incorporated web blog use in with their file sharing. The main use of this is for the listener and artist to be able to give feedback on the works of art.

The music sharing license that Creative Commons uses a three-layer interface to incorporate the legal bindings of the music. The first layer that they use is Common Deed, it's a plain english summary of the key legal terms that describe copyright laws. Next, they use the Legal Code, which describes the whole legal system in full detail. The last layer of interface is Creative Commons' Media which is software that enables the user to search through the databases and find the media they are looking for. The content and full license agreement can be found at (<http://creativecommons.org/license/music>).

Creative commons has also been incorporating blogs in with there sites so that there can be comments and suggestions the listener can give to the artist. These blogs allow listeners to post comments and information on the music or artist itself. By posting web blogs on the music, it allows the feedback to help the artist and also stir up some exposure for the artist. Most of the use of web blogs is individuals trying to promote their music and receive comments.

Another website, Soundclick (<http://www.soundclick.com>), is starting to offer creative commons licenses. Soundclick is one of the largest community websites on music and gets around 70,000 uploads per month. A list of their liscened tracks can be found at (http://soundclick.com/genres/cc_license.cfm). Under their agreement they allow fans to download the music files and also to copy and share them amongst each other. The artists that allow this can put some restrictions on their music but can also allow the user to rerecord it or make it into a remix. Matt Haughey says "The license allows artists to harness the power of the Net for maximum promotion while retaining certain rights to their work—while signaling clearly to fans what they can and can't do."

The main project that Creative Commons is starting with is introducing their technology for music sharing. They offer different types of copyrights for your works like Attribution, Noncommercial, Derivative Works, and Share Alike. All of these are different forms of copyrights that allow the artist to pick what kind of protection they wish to use.

I think it will help both your group and those of us responding to it if you go ahead and figure out a structure for your white paper for the next version, and provide headings and subheadings. As it is right now, it's kind of hard to follow where you are going.

In looking at the dark end of file sharing many assumptions can be made. In the news a negative spin has been added to the illegal downloading of music in the form of mp3's. This idea of file sharing has been around for quite some time. The need for the first computer network was inspired by the idea of many computers being able to share files. This idea was taken to a new level by a college freshman named Shawn Fanning.

In 1999 Shawn Fanning created Napster. It was an over night success. Millions of people across the nation had signed up with Napster within a year, but what exactly did they sign up for?

Napster is an online community in which users can log on and share mp3 music files with millions of other users. They would take CDs and copy the songs onto their computer, then convert the song to mp3 format, and let any other user of Napster download it from their computer for free.

Eventually, the music industry sued Napster for copyright infringement. This led to Napster having to shut down its operations. This did not, however, put an end to file sharing on the internet.

Other peer to peer networks emerged, such as: Gift, Open FT, Gnutella, Morpheus, and Kazaa, and the recently abandoned Napster users joined these new communities.

The ruling in the lawsuit that shut down Napster could not shut down Kazaa. Napster was shut down by a United States court because it operated within the United States. Kazaa operates from many different sites throughout the world, so it does not have to abide by the laws of the United States.

The open source software Morpheus, on the other hand, is operated within the United States, but has been ruled legal. It is supposed to be used as a peer to peer network without sharing audio files. The users who do decide to share audio files do so at the risk of being caught. This software searches many of the main peer to peer networks such as: Kazaa, Gnutella, G2, Overnet, and iMesh. The main reason users decide to use Morpheus instead of Kazaa is its lack of spyware, which is software added into the program that can affect the performance of the user's computer.

The popularity of these programs means only one thing to the music industry, and that is the fact that people are still illegally sharing their music. This has led to a new wave of lawsuits. These lawsuits are not aimed at the companies allowing this illegal sharing to happen, rather, they are aimed at the people who are sharing these files.

On September 8, 2003 the Recording Industry Association of America (RIAA) filed 261 lawsuits against Americans who had been illegally sharing files on the internet. They have been filing numerous suits since that date, and if you go to this site: <http://www.eff.org/IP/P2P/riaa-v-thepeople.php>, you will see a number of lawsuits that the RIAA have filed. There is even a website set up to help you search the RIAA's subpoenas to see if they are after you (<http://www.eff.org/IP/P2P/riaasubpoenas/>).

The Electronic Frontier Foundation was founded in order to protect the rights of peer to peer network users, and all internet users in general. Congress has given subpoena powers to copyright holders which make it completely legal for them to gain access to your personal information if they feel that you might be infringing on their copyrights. That means that even people who don't use file sharing networks could be targeted. This foundation wants to put an end to this and find a way to compensate artists for the files being shared on the internet.

There was one incredible quote from this site that should be considered when talking about file sharing. "There are over 60 million people in the United States who use file sharing - more than the number of people who voted for our current President. If we all band together and stand up for our rights, we can change the law." (*EFF*)

The open content document license is the new revolution in music today. Many artists these days do not want people to redistribute their music if they will not receive any credit for it, nor do they want fans to share their recordings if no money will be made. However, thanks to creative commons licenses are now available for artists who fear their music will be tapered with. The license, which is available on the Creative Commons website is free of charge.

A license can be thought of as a legal document which grants certain rights in creative works to another party. By offering your work under a creative commons license this does not mean that you will be giving up any right, or copyrights to your music.

Creative commons allows artists to offer some of their music, but only under the conditions the artists want to follow. According to the creative commons website they will let you mix and match the different conditions that you want to have applied to your music. The first condition is attribution, and by using attribution you allow others to copy, distribute, display, and perform your copyrighted work, but only if you give the artist credit.

The second condition is noncommercial. Noncommercial allows you to let others copy, distribute, display, and perform your works, but this is only if you use it for noncommercial purposes only. Another condition is no derivative works. This condition allows the artist to let others copy, distribute, display, and perform, but only if the copies of the artists work is for verbatim.

The fourth thing is share alike which allows others to distribute derivative works only under a license identical to the license that governs your work as well. On most creative commons websites it will list the different icons next to the song artist so you know which conditions the artist oblige by.

Once you have made your choices, you will get the appropriate license expressed to you in three different ways. The first way your license is expressed is by commons deed. Which is a simple, plain-language summary of the license, and it is complete with icons. By doing this the artists fans will understand what you want to allow and prohibit with your music. The second is the legal code. The legal code is the fine print that the artist needs to be sure that the license will hold it own in court. The legal codes are a legal document that defines the terms in which fans can re-use or distribute the music. All the legal documents have been done by lawyers that work for creative commons. The third way the license will be expressed is in digital code. This is when a machine can read the translation of the license, so that search engines and others can identify it.

When talking about licensing and copyrighting a lot of legal issues come into play. The first legal issue is understanding what a copyright is and knowing so that you don't abuse your rights. A copyright can be explained as the unauthorization of copying work of someone else. That's why when you creative commons to authorize your music it is important to put the creative commons logo so that everyone knows the terms, and they will not be violated.

(License Agreement to Be Placed Here)

The Future Expansion of Creative Common Licensing in the Music Industry and Beyond

In the above sections the creative common licensing procedures were discussed, the present state of creative commons, what makes creative commons so exclusive, as well as the past concepts of the past that went beyond the legality of the law. Also included in the research were hands on websites that are helping revolutionize the creative common industry called iCommons. In this section the global effects of creative commons in the music industry will be discussed in much detail as well as how the world wide spread of creative commons is taking shape.

At the beginning creative commons was just a small idea that has grown into a vast about of options to the everyday user. Today Creative Common Licensing can be practiced in thirteen different countries not including the United States. Those countries are Jordan, Australia, Brazil, Catalonia, China, Croatia, Finland, France, Ireland, Japan, Spain, Taiwan, and the United Kingdom.

Of these countries listed all of them have started within the past two years and many far more recent then that. Japan for instance launched its Creative Common program on Wednesday, March 3rd of this year. “The official Japanese iCommons license is copyrighted under GLOCOM the countries first adaptation of the open content system.” (<http://creativecommons.org/press-releases/entry/4031>). Top Japanese official Motoohiro Tsuchiya said, “we are pleased to be among the first international commons (iCommons) participants.” He went on to say, “This launch is a joint effort of many “commoners” here in Japan. It has always been part of our age-old culture to share creative works such as drawings, poetry, and music.”

One of the biggest feats in incorporating Creative Commons Licenses into other countries is the ability to translate the license choice process. This has not seemed to be a problem in the integration of the iCommons licensing procedure.

More recently on Thursday, June 10th Creative Commons introduced its highly innovative licensing procedure in Germany. Germany proved to be the first country in the European Union to practice the iCommons procedure. The chairman of Creative Commons and professor at Stanford University Law School had this to say about the integration of iCommons into Germany, “The launch of the German licenses is a momentous step towards creating a new and truly global layer of reasonable copyright law.”(<http://creativecommons.org/press-releases/entry/4249>) Germany has put together their own language of the licensing agreement including the phrase “some rights reserved” instead of “all rights reserved.”

Professor Lawrence Lessig, who has stirred a major impact in this project has been busy marketing the ideas of iCommons. He has been traveling around the world with a recent stop in Linz, Austria. It has been reported that Lessig will participate in a symposium on “Commons and Communities – Social Life in The Digital Age” Austria is also a country who has joined the Creative Commons Community.

The idea behind Creative Commons is not just limited to rich nations with the highest speeds of internet. The mission of Creative Commons is to expand around the globe and make this idea work in a way that revolutionizes the way people listen to music. Music is in essence is a part of everyone’s culture. That means every nation should have the opportunity to indulge in the music of their choice. Recently on September 13th Creative Commons launched a new stand alone license which they are calling Developing Nations. The article sums everything up in the license nomenclature. It states simply: It’s an attribution-only license that applies within developing nations.” It is important to note that developing nations include “any nation that is not classified as a high income economy.” This is important in a number of ways. One of which is the spread of western ideas through music to further develop in these developing nations. A famous band headed by Yue-hsin Chu has developed a Christian rock band, and their first gospel album is called Jesus Rocks. “Jesus Rocks is the first Asian album using a Creative Commons license. (Attribution-Noncommercial-ShareAlike Taiwan)” The

composer further explained himself saying, "Jesus Rocks represents the spirit of reciprocal sharing, it also conveys the charity of Jesus Christ in English and Mandarin dialects. Yue-hsin Chu also said the music is suitable for different generations to listen to the music. The album brings in rocknroll, folk, blues, and funk so everyone can enjoy it.

The spread of Creative Common licensing in the music industry is spreading faster than the programs can be made. Everyone can come together through music and this idea is going to help revolutionize the digital age.

Creative Common Licensing in Use:

One group of musicians that have really taken a liking to creative commons would be the garage bands. In addition to assuming ownership of nearly the whole MP3.com catalog, GarageBand.com now offer musicians an easy way to license their music through the creative commons. Garagebands.com is a site that both hosts independent music and uses a peer-review process to identify hot bands is now offering the Creative Commons Music Sharing License to artists who want to distribute their tunes for free. The site has focused its efforts on building a community of musicians and has also uses the internet to find talented new groups.

<http://www.garageband.com>

Peer to peer networking over the internet is one of the most powerful ideas that the world has seen since the internet itself. As Shawn Fanning said, "how much faster and more efficient the Internet would be; instead of always connecting you to a central server every time you click onto a website, your computer could find the source that housed that information nearest to you. If a kid down the hall had it (a needed file) on their machine, why travel halfway around the world to retrieve it?" (*P2P history*)

"Legal" music sharing sites have now been showing up on the internet. This may be the future of audio file sharing, but first we would need to see how these programs are different from their predecessors, and why, hopefully, they are better.

I think your group could better research music and Creative Commons licensing. I've been following Creative Commons for a while, and it seems like there are probably many more items that could be covered here. I suggest going through all of the CC website archives very carefully:

<http://creativecommons.org/weblog/archive/2004/09/>

(see the column on the left).

Also, you should read through the rest of the CC main website carefully. sampling licenses are conspicuously absent from your discussions.

These suggestions would seem to be the biggest things which could help your paper at this point. And be careful. Don't get hung up on giving us the history and future of P2P. More insight into CC and music would be more valuable for your topic.

Website: <http://www.eff.org/share/>

Analysis of my article

Rolling Stone Magazine

Issue 958

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Editor and Publisher: Jann S. Wenner

Not clear to
me what this
is doing
here?

“Music Blog Boom”

By: Bill Werde

The article that I read and thought was interesting was on the Boom of the music blog industry and can be found at [RollingStone.com](http://www.rollingstone.com) or at this link provided (http://www.rollingstone.com/news/story/_/id/6478068?rnd=1094689083271&pageid=rs.Home&has-player=false&pageregion=single1&). The article is about a DJ and freelance writer named Oliver Wang who has been transferring music from vinyl records to MP3's and posting them on the internet. Most of the blogs that are meant for music are used for more of a critiquing then file sharing. Independent labels will put there music out on these sites because it provides them exposure that they wouldn't be able to get.

Although there have been many record labels that have gone after individuals in the past for pirating music on the internet, they don't seem too interested in stopping music blogs as of now. The RIAA (Recording Industry Association of America) has told reporters from Reuters there stance is “an issue they are monitoring” but has yet to make any indictments on the matter.

Some of the sites that are offering this type of unique sharing are Soul Sides (<http://www.o-dub.com/soulsides/index.html>), Music for Robots (<http://www.music.for-robots.com>), Fluxblog (<http://newflux.blogspot.com/>), and Royal Music (<http://royalmusic.blogspot.com/>). Although there are many more sites than these provided, we are going to focus on these ones.

The site of Soul Sides is setup by Oliver Wang, a.k.a. DJ O-Dub; it provides different genres of music. It offers music from West Coast R&B to Soul. He also likes to add some of his own touches to the music that he provides via his site. Music for Robots is run by a team of ten contributors that are scattered across the country. They offer more commentary and focus on songs from every genre. Fluxblog is the one of the oldest web blogs. It offers a few songs a day and then will provide commentary about them to for users. It focuses more on European style or music. Finally, Royal Music focuses on all types of genres and also offers more than just commentary on their site.

For the most part, these sites are not just trying to provide songs for the public to get for free, they are providing a link for musicians to get feedback and become noticed. Most of the sites talk about how they deal with the copyrights or if a situation will arise, how they will handle it.