

# Creative Commons in the Music Industry

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## Executive Summary

Since its inception in 2001, Creative Commons has transformed the “all rights reserved” copyright into “some rights reserved.” Products protected under the Creative Commons tag can now be shared and manipulated legally, requiring only attribution to the original author. Even though this new solution provides protection for only some rights, it is still unlawful to reproduce the author’s work and call it one’s own.

A Creative Commons license has numerous advantages when compared to an all rights reserved copyright. The process of attaining a license is fast, easy, and free; in just minutes, one’s work is licensed. This poses an advantage over a characteristic copyright since it allows independent bands to quickly publish their music to the Internet, therefore allowing many consumers experience new sounds. Furthermore, Creative Commons is a main factor in uniting competing nations. With Creative Commons already established in Japan and Germany, individuals around the world are linked.

Finally, companies like Magnatune and Wired Magazine have utilized Creative Commons for both exposure and profit. Because of programs such as Kazaa or Morpheus, these companies are able to offer individuals a format to search for and modify Creative Commons-licensed media.

## Introduction

In 2001, professors at the Stanford University School of Law unveiled a new project they promised would revolutionize the notion of copyrights. With Creative Commons, artists could fully copyright their work while allowing others to freely improve upon their product. A stark difference from the original copyright of “all rights reserved,” Creative Commons offered a license with only some rights reserved. Because of Creative Commons, many individuals are able to modify and improve others’ work, but the original authors are still given proper credit.

While exploring the world of Creative Commons, we will discuss the impact Creative Commons has had on the music industry, the Creative Commons license itself, what Creative Commons allows artists to do, and the possibilities for the future of Creative Commons.

## The Change Creative Commons Brings

Creative Commons emerged when leading copyright experts noted that while it should be unlawful to duplicate an artist’s original work, there might be some merit in modification (“Bringing Creativity to the Commons”).

Until recently, “copyright” always meant “all rights reserved,” and then some. Over the past few years, this has caused a lot of controversy, especially in the music industry. Creative Commons is attempting to revolutionize copyright law by making a patent that would have “some rights reserved” instead of the standard “all rights reserved” (CC About). Like the free software and open source movements, Creative Commons is cooperative and community-minded (CC About). Creative Commons aims to offer artists a copyright that is “the best of

both worlds” while influencing people who encounter their products to make use of them. While the harsh restrictions of typical copyright laws push away creators and users, Creative Commons invites artists to share and share alike (CC About). With a Creative Commons license, users need not be afraid of finding themselves in court for using the material and creators of the product can be at ease knowing that others are seeing their material. Creative Commons gives artists easy access to the public and proper recognition for their creativity (CC About).

## Copyright & Licensing

### Standard Copyrighting

Sharing and altering are not the ideas that come to mind when one considers a valid copyright. Stringent copyrights, especially in the music industry, do not allow any sharing or altering of the original material, no matter what the purpose. In many instances, copyrights are provided to reserve all rights for the originator of the work. In these cases, any sharing or reproducing of this material is considered to be unlawful; the only way to legally own the work is to buy it, without gaining any rights to modify it.

In the United States, a copyright is a form of protection provided by the government to the authors of “original works of authorship, including literary, dramatic, musical, artistic, and certain other intellectual works.” This protection is available to both published and unpublished works, regardless of the nationality of the author. Copyright protection exists from the time the work is created in a fixed, tangible form of expression (Copyright). Furthermore, Congress continues to erect immense barriers to derivative works by extending both the length and the scope of copyright protection (Beyond).

### Creative Commons Licensing

Creative Commons offers a new system of deployment, allowing people to more freely distribute music of all sorts. However, to fully accomplish this task, specific licenses are needed, as well as a simple method to acquire these licenses. The official Creative Commons website contains helpful information on both of these subjects.

The process begins by understanding how a license works. A band starts by placing the “CC” logo (a specific Creative Commons marking) on their website to denote participation with a Creative Commons license. They then explore many licensing options to select a license that suits their song. However, exhibiting any music “under a Creative Commons license does not mean giving up... copyright. It means offering some... rights to any taker, and only on certain conditions” (CC About). The licensing system allows users to “mix and match” these conditions based on their own personal interests. Each license will retain copyright and also require others to get “permission to do any of the things [the artist chooses] to restrict” (Licenses Explained). For more information regarding the Creative Commons licensing options, visit the official Creative Commons website at <http://www.creativecommons.org>.

When a license selection is made, it becomes expressed in three ways. The first is a “Commons Deed.” This is a “simple, plain-language summary of the license, complete with the relevant icons” (CC About). The icons are pictorial representations of the options that have been selected for the license. The second piece, the “Legal Code,” is essentially the “fine print” that contains all of the legal information needed to enforce the license in a court of law. The last part, the digital code, is “a machine-readable translation” used by search engines and other digital mechanisms to identify the work by code embedded in the file (CC About).

## The Perks of Creative Commons

Creative Commons licensing has a number of benefits for an artist. The Creative Commons site gives anyone the ability to obtain a license and choose how others may use the music, while still maintaining the copyright; this provides an artist the opportunity to have their name, and their music, in the mainstream receiving

publicity, without having to go through costly and time-consuming legalities (Choosing).

Sal Randolph of Opsound, an online record label utilizing Creative Commons licensing (which they refer to as a “copyleft”), sums up how Creative Commons’ licenses differ from copyrights in an interview with Creative Commons:

“Many artists download music but don't want to give up any protection on their own stuff. They see copyright as something that is primarily there to protect them. They are afraid that giving away some of that protection will diminish the value of their work, but it is my experience that allowing your work to be used and shared more freely actually increases its value -- certainly its social value, and under the right circumstances, its financial value. A lot of the Opsound effort will be to educate artists about copyright and how sharing can help them.” (Opsound)

There are a number of ways for artists with a Creative Commons license to distribute their music to the public. One common way is to use peer-to-peer sharing programs like Kazaa or Morpheus. Creative Commons even offers a program entitled CC Publisher that allows an artist to embed licensing information on the audio file so that the Morpheus program recognizes it as Creative Commons licensed media, allowing users to search specifically for such licensed material (CC Publisher). Another way is through communities such as GarageBand.com, which offer artists lifetime MP3 hosting. All an artist has to do is sign up and submit their Creative Commons Share-Alike licensed music as an MP3 and enter information about the song. Then, anyone can go to the community and select their favorite of the forty-seven available genres and listen to independent musicians’ works for free. The rating system integrated into GarageBand.com’s player program allows listeners to rate songs on a scale of five stars; the highest rated songs tend to be listed first and receive the most exposure (About). Geoff Byrd, an artist who started out at this community, is so highly rated, with four songs in the top ten, that GarageBand.com’s partners, MSN and Live365, are both promoting him; he has released his first CD with Sundholm Records (Geoff). Byrd is just one example of how Creative Commons licensing can help an artist become popular enough to get the attention of a record label and start making a lot of money.

One company, Magnatune, works with Creative Commons to offer a try-before-you-buy approach to music. Customers can use Magnatune in three different ways. First, visitors can listen legally to all of the site's music for free, which helps them decide if they want to purchase the songs in CD-quality. Second, noncommercial projects like student films use Magnatune's music for free, providing the artists with a large-scale distribution. Third, commercial projects in pre-production may put Magnatune's music into project mockups to show the clients their ideas. If the client accepts, the agency purchases a commercial use license to the music, and Magnatune's music is used for promotional videos, websites, and films (Magnatune).

CCMixer.org is a Creative Commons-run web community designed specifically to share works under the sampling license for use by the other members of the community. The songs on the Wired Magazine’s CD were the first ones offered on this site, and each track has been sampled a number of times (CCMixer).

Creative Commons is especially useful when an artist does not have everything he or she needs to make a hit track. When a band is missing something—say, a bass guitarist—the band not only allows, but invites, any artist to take the original work and add in the missing element. Then, they may offer the new version for download. Creative Commons has given artists the new ability to create a song without ever meeting face to face. Any member of a band can be digitally replaced or added without anyone having to meet for recording. This represents a new revolution in the recording industry (Reticulum).

## Past Creative Commons Projects

Wired Magazine is one of the leading companies publicizing Creative Commons. Their November 2004 issue came complete with a CD of tracks licensed by Creative Commons from some well-known artists such as the Beastie Boys. Because the tracks are licensed by Creative Commons, listeners can do more than just listen—the

music becomes interactive. If a listener wants to sample a certain guitar riff from one of the songs and put it in his own song, he can, without fear of lawsuits. If one wants to add himself into the song, maybe as a backup singer, he can. Creative Commons has made the music industry interactive in its ability to legally share and publish music that has been improved upon.

## Conclusion: The Future of Creative Commons

Creative Commons makes it easy for musicians to interact and feed off of each others' ideas. Because Creative Commons encourages improving upon the music of others, the system brings more people into the music industry. People who otherwise would not spend the time or energy recruiting a whole band can add their own touches to a project they feel is worthwhile. Furthermore, Creative Commons' licenses are already available in other countries, such as Japan and Germany—Creative Commons is connecting the whole world by fostering the exchange of, and improvement upon, other's music. Creative Commons makes collaborative projects like second nature—now artists can work together, and the music industry seem less like a competition—it has suddenly become infinitely more friendly.

By making it easier for talented individuals to produce the music and by giving other artists permission to modify songs, Creative Commons has the potential to greatly expand the music industry. Local bands and national bands alike all have an opportunity to share their music with the world. Without the help of Creative Commons, these small garage bands would receive no publicity. Furthermore, those individuals looking for exciting new music that may start a new trend, are now encouraged to download and share this type of music. Some experts feel that the downfall of the music industry is at hand; when asked how he felt about the future of the industry, Roger McGuinn, of the rock band the Byrds, said the following:

“I see it as a decaying, ancient business model. It's obsolete, and it's only a matter of time before it crumbles and artists take over independently.” He continued, “I think it's a great time for artists, with the advent of computer recording, [audio production software] and such. I use a \$300 [software] program, in place of 128-track recording technology that would have cost a few hundred thousand dollars only ten years ago.” (DJ Spooky and Roger McGuinn Interviews)

Creative Commons has started a revolution when it comes to the exposure of music, which may bring an end to the way the business is currently done.

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