

# **20th century copyright system meets 21st century artist**

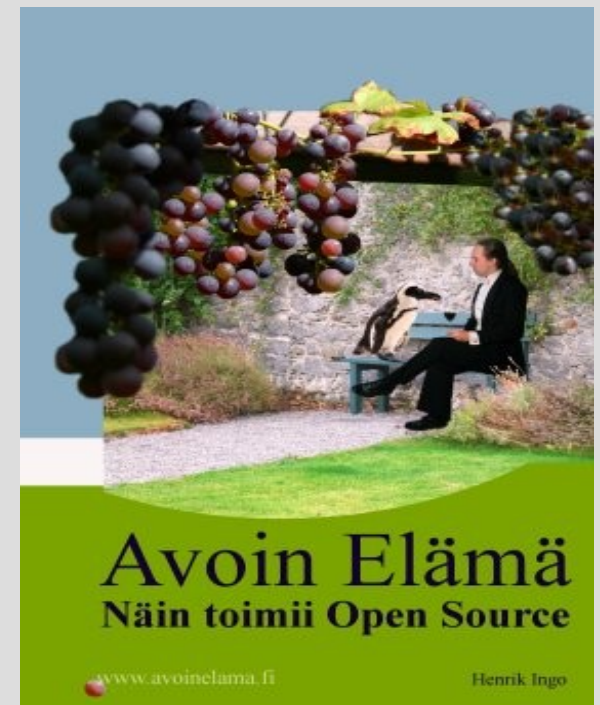
Henrik Ingo  
Arcada, 24th October 2005

# Who am I?

- © Happily married man, engineer, bit nerdy
- © Software Developer (Sesca Technologies)
- © Linux user
- © Author of 1 book ([www.avoinelama.fi](http://www.avoinelama.fi))
- © Video hobbyist: about 100 live webcasts of concerts etc. Some multicamera productions.
- © Author of 1 Open Source program (Walter 0.1)

# Case: Me, Myself and I

- © Avoin Elämä: Näin toimii Open Source
  - © English translation coming up
- © First? open source style (no nc-nd clause) CC book in Finland
  - © Download from:  
[www.avoinelema.fi](http://www.avoinelema.fi)
- © Published in April 2005
- © btw: Excellent intro to OSS or **CC business** models!



# Results

## © Downloaded

© 1300 times in 1 week

© 2400 times in 1 month

© 5100 times by now (600+ per month)

© 0.1% of Finnish population!

## © Sold almost 200 copies

© Financially now at break even

© Btw: Digital printing is great! (500€ / print)

# The best result

- © ...was, when
  - © my best friend read the whole book in one night
  - © "Toisaalta luin juuri tuon "Avoin elämä" PDF:n, ja voi olla että olen hiukan liikuttuneessa ja herkässä mielentilassa."
  - © "Mitäs me voisimme tehdä yhdessä - että tämä ajattelumalli leviäisi laajemmalle yhteiskuntaan?"
  - © many others...
  - © thousands of others...

# One more

- © Tulostin kirjasi jo paperiversiolla, mutta alku vaikutti niin mielenkiintoiselta, että on pakko tukea näin hieno kirjaa. En kyllä ostaisi, jos tätä ei saisi myös ilmaiseksi. Sama asia oli myös Star Wreck elokuvan kanssa, joka tuli juuri tilattua. En ole elämässäni lukenut ainuttakaan kirjaa alusta loppu. Peruskoulussa kirjoista tuli luettua suunnilleen joka toinen sivu. Nyt kun luin kirjasta ensimmäiset 60 sivua ajattelin, että luen vielä seuraavan kappaleen jos kello ei ole yli 4:00 (yöllä), mutta katsottuani kelloa se olikin jo 6:00, joten päätinkin vain tulla tilaamaan kirjan ja mennä nukkumaan. Kiitos loistavasta kirjasta ja hyvät jatkot.

# Case: Webcasting concerts

- © Christian youth cafe with volunteer workers
- © Live concerts are webcast live and also published for download
- © Recall Teosto wanted ~200€ a month
- © Many bands have their own music and **not** members of Teosto
  - © -> Those can be webcast and published for download

# Results

- © Turns out, for many bands it was a big thing to perform on a live webcast
  - © Many advertised it to fans and linked on their websites
  - © One band agreed to play explicitly on the condition that the concert is webcast live
  - © One band probably lied about not being members of Teosto (I chose to believe them)
    - © Note: This was a christian gospel band :-)



# The problem

Note: Apparently Teosto now permits small bands to publish their own music on their own website (only). This is a great step in the right direction!

- © When bands get a record deal, they become members of Teosto
  - © Otherwise no money from radioplay
  - © Radioplay is practically the only income
  - © Band get's <4% from CD sales (MTV3 Viihdeutiset)
  - © Teosto is a monopoly, no room to negotiate terms
  - © Also: By law your money is paid to Teosto whether you like it or not
  - © End of blooming Internet stardom
  - © Also cannot perform for charity, etcetc...

# Case: Mikseri.net

- © Download Finnish mp3 music since 2001
- © 8900 artists!
- © Many Mikseri.net members become famous and get record deals
  - © @junkmail, Uniklubi, Chorale, Steen Christenssen, Stella
  - © The irony: After the record deal, no more mp3 files!

# There are remedies

© Law also gives artist who is not member of Teosto the right to within 3 years ask for his money

© To my knowledge this has never happened

Sanna Marttila:  
Has happened  
at least 2 times

© Teosto did not answer my email

© **Business opportunity:** Create software that listens to all radio and TV stations, automatically recognises what music is playing and uses this info to squeeze non-members money out of Teosto

# There are remedies 2

- Ⓒ Teosto could also change and adapt, to better serve it's members.
  - Ⓒ Let a member get money from radioplay, but decide on his own what to do with the Internet.
- Ⓒ The law could be changed.
  - Ⓒ current monopoly setup is beneficial to traditional radio & TV (the system is very good, had the Internet not been invented)
  - Ⓒ Law could be changed to force Teosto to give more rights to artist

# "The Industry" says

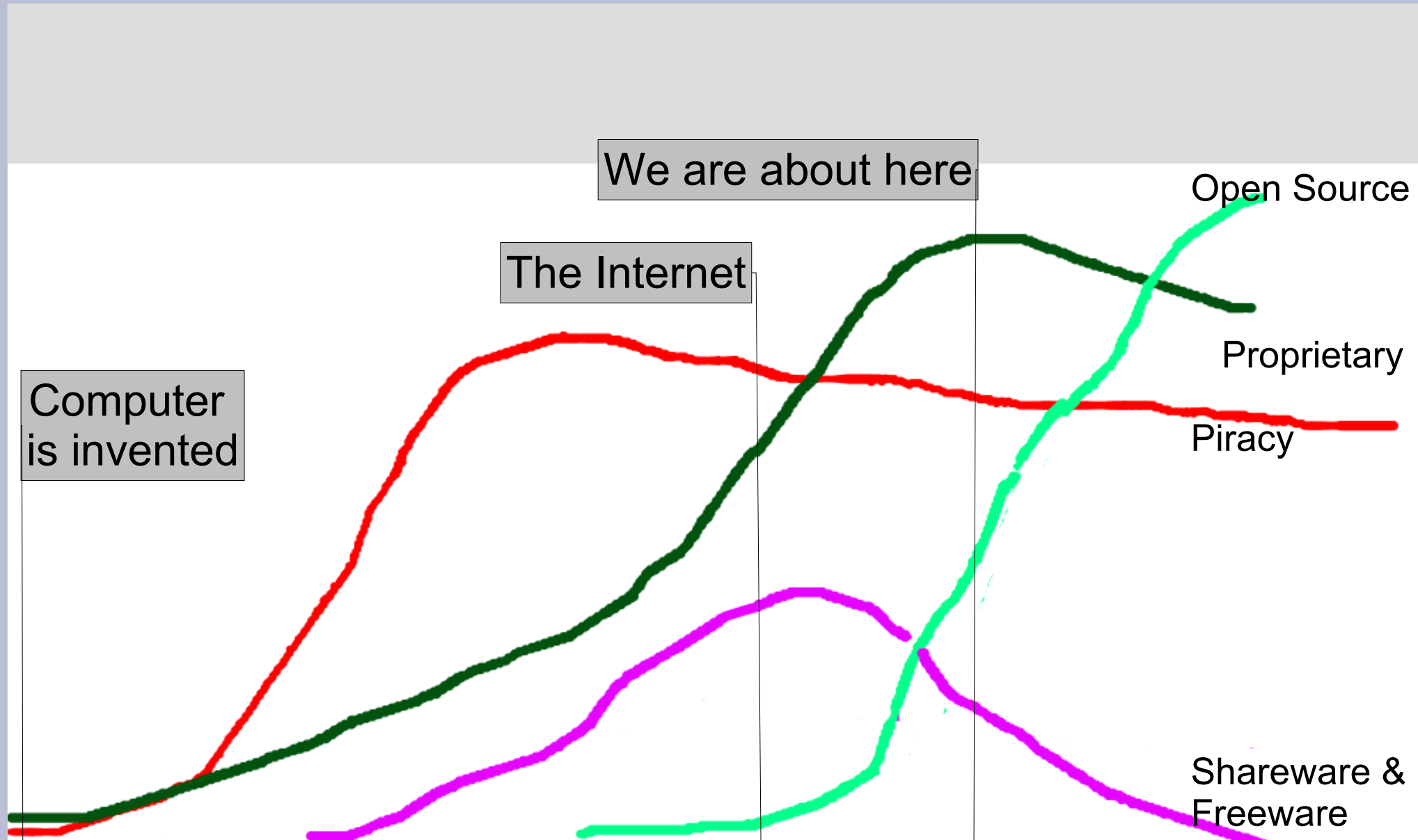
Note: Unclear how accurate the Schäfer quote is. The moral here is: some will be entrenched in their own lobbying spin, while others will see the business opportunity in CC

- © **ÄKT:n Tommi Kyyrän** mielestä taas ei pitäisi reagoida teknisiin murroksiin, jos niiden pohja ei ole liiketoimintahakuista ja jos viihdeteollisuus itse ei ole kehityksessä alusta asti mukana. (vapausaste.net IP Redesign 2)
  - © English translation: The Internet should be banned because ÄKT was not consulted when it was invented.
- © **Dr Martin Schäfer (former Bertelsmann)**: He said that Creative Commons was one of the most positive and exciting things that had happened in the area of copyright during the last years because it promoted a "This is what's permitted" approach instead of the rigid "All rights reserved" approach. (CC @ Ponkomm)

# While waiting for a solution

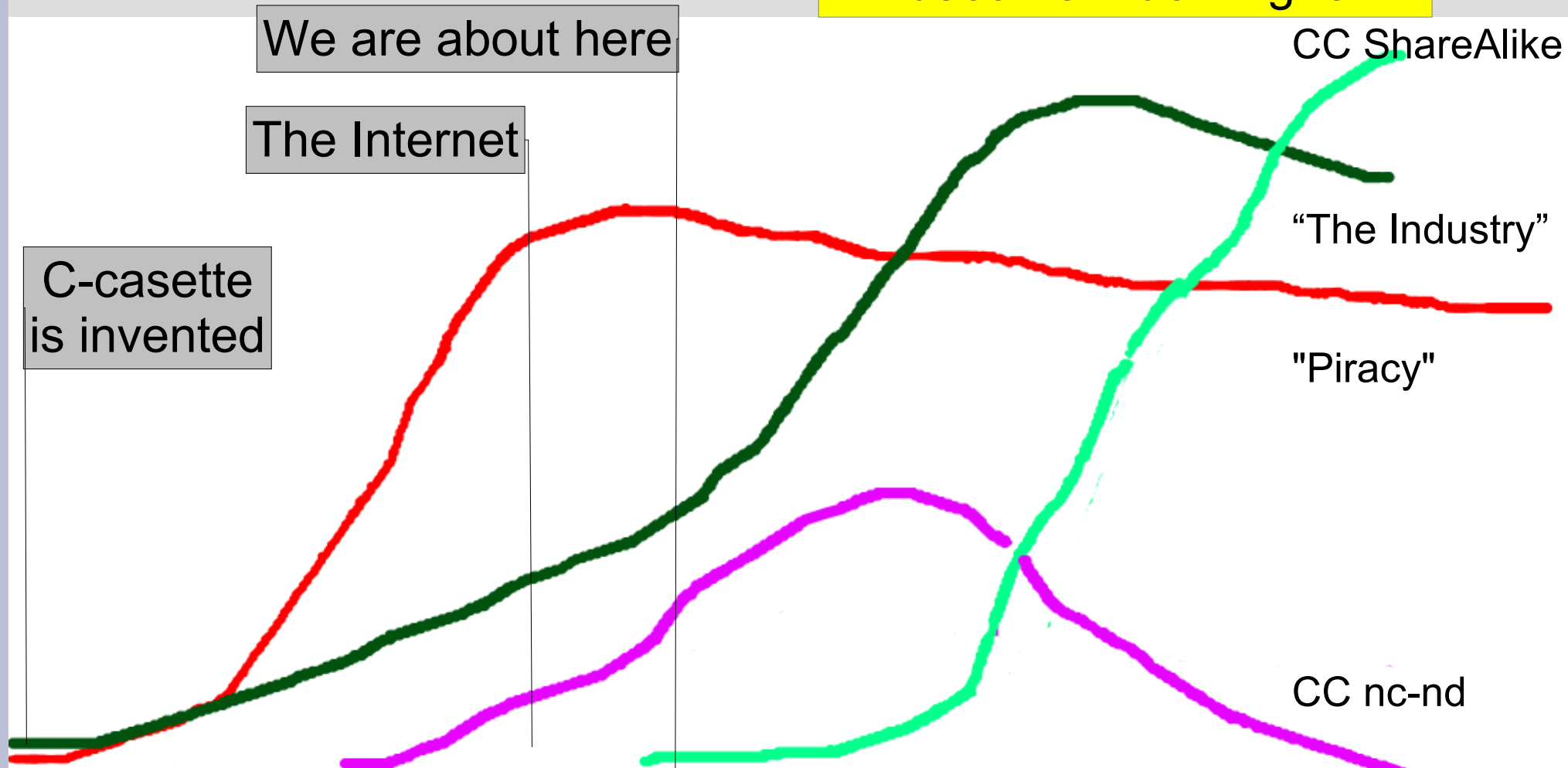
- © The only way out right now...
  - © ...seems to be to choose **either or**
  - © In a way this is positive for Creative Commons: When Teosto refuses to accept the Internet exists, more and more artists must look for other options
- © This development is not a surprise...

# Raise and fall of software models



# Now just switch labels...

Note: The joke here was to preserve the lines intact. Probably the CC nc-nd line will become much higher





# So that's my prediction

© In 10 years – if I'm proven correct – you can come back and worship me a little

# Points in favour of ShareAlike

- © NC and ND is fine for people who want to download music to their iPod.
- © Some have already seen the wisdom of the Sampling license. (Almost ShareAlike)
- © What if you need some graphics for your CD cover? (Or book cover?)
- © What if someone needs background music for their CC-licensed movie?
- © These are clearly derivatives. Also a movie probably can't be done NC.

# The Stallman strategy

- © Your promising OSS application is turned proprietary, when your boss finds out it might be useful
- © Guard: Try to base your new apps on other people's existing GPL code
- © Your mikseri.net files are taken off the net when you sign a record deal
- © Mix in CC ShareAlike music into your songs