

20th century copyright system meets 21st century artist

Henrik Ingo
Kohtaamispaiikka@Lasipalatsi
2006-04-03

Who am I?

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



Creative Commons is a nonprofit organization that offers flexible copyright licenses for creative works.

- Audio**
music, sounds, speeches...
- Images**
photos, illustrations, designs...
- Video**
movies, animations, footage...
- Text**
books, blogs, essays...
- Education**
lesson plans, course packets, textbooks...

Find
Music, photos, and more

Publish
Your stuff, safely and legally

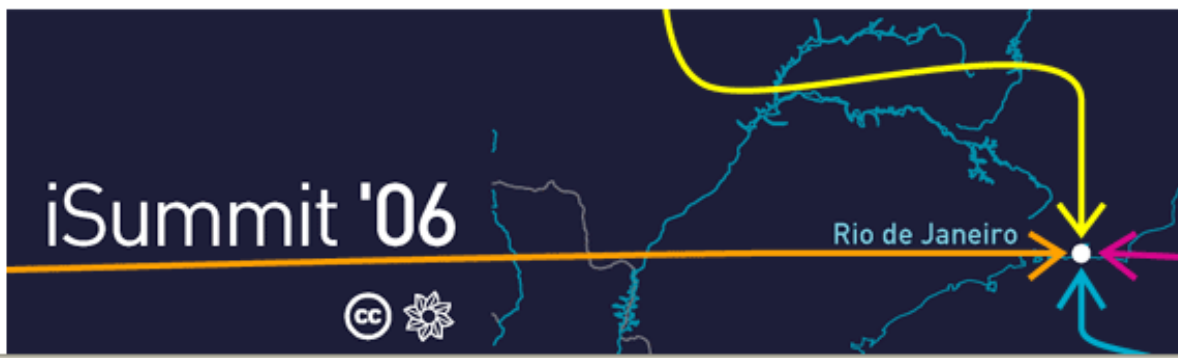
[Learn more...](#)

Creative Commons licenses provide [a flexible range of protections and freedoms](#) for authors, artists, and educators. We have built upon the "all rights reserved" concept of traditional copyright to offer a voluntary "some rights reserved" approach. We're a nonprofit organization. All of our tools are free.

Weblog

[Spanish Court Recognizes CC-Music](#)
Following on from the recent decision in a Dutch Court, Creative Commons licenses have also been implicated in a decision in Spain. The issue in this case was not whether the CC license was enforceable, ...

[weblog archives](#) | [RSS](#)



Kulttuurin digitalisoitumisen haasteita käsittelevä weblog, jossa sinäkin voit osallistua keskusteluun!

vapausaste

Uutiset

13.01.2006

Star Wreck tuo avaruusajan tunnelmaa televisiovastaanottimesi YLE:n kanavilla 28.1. ja 4.2.2006

28.06.2005

CC-lisenssin alainen uudelleenjulkaisu opastaa sähköpostin saloihin

07.06.2005

Uusi Creative Commons Suomen WWW-sivusto avattu

Creative Commons tarjoaa joustavaa tekijänoikeutta luoville ihmisille



HAE

musiikkia, valokuvia ja muuta



JULKAISE

materiaalisi turvallisesti ja laillisesti

Creative Commons lisenssit tarjoavat [laajan valikoiman suojaa ja vapautta](#) tekijänoikeuteen. Perinteinen kaikki oikeudet pidätetään on muutettu muotoon jottkut oikeudet pidätetään.

Creative Commons on ei-kaupallinen hanke. Kaikki Suomen ja kansainvälisen Creative Commonsin [www-sivuston](#) palvelut ovat ilmaisia.

Esittelyssä



Vapaata ilmaisua CC-lisenssien avulla

Jani Rutanen alias Mikaeli tekee Radio Neukkula Podcastia nyt viidettä kuukautta. Ensimmäinen

Creative Commons, short version

© A "Logo" for Open Content

© Licenses

© Mix of: Attribution, ShareAlike,
NonCommercial, NoDerivatives

© Similar to Open Source and Shareware

© A homepage for

© licenses

© promoting

© announcing and helping to find published
content

Case: Me, Myself and I

© Avoin Elämä: Näin toimii Open Source

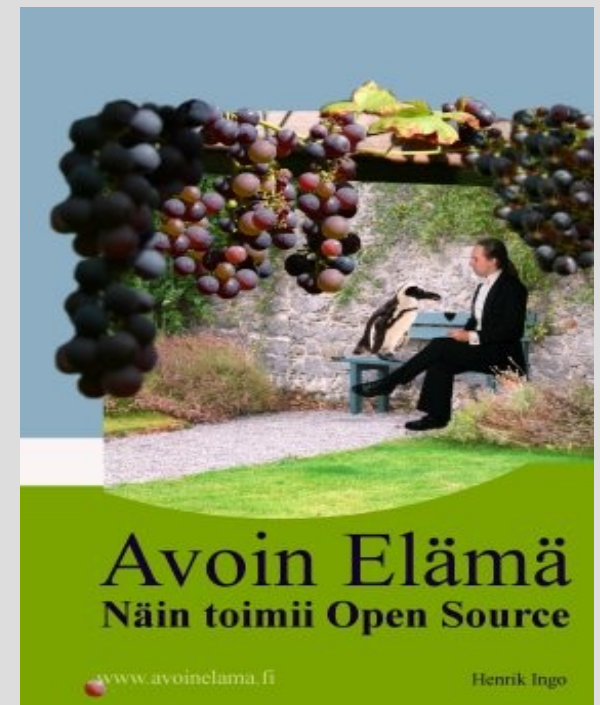
© English translation coming up

© First? open source style (no nc-nd clause) CC book in Finland

© Download from :

www.avoinelama.fi

© Published in April 2005



Results

Ⓒ Downloaded

Ⓒ 1 3 0 0 times in 1 week

Ⓒ 2 4 0 0 times in 1 month

Ⓒ ~1 0 0 0 0 times by now (600+ per month)

Ⓒ 0.2% of Finnish population!

Ⓒ Sold almost 300+ copies

Ⓒ Financially profitable

Ⓒ 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 kirja. 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 loppuun. 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.

STAR WRECK IN THE PIRKINNING

HOME FORUM STORE DOWNLOAD

- INTRODUCTION
- THE TRAILER
- THE CREW
- SPONSORS
- GALLERY
- CONTACT
- FAQ

BLOG (IN FINNISH)

★★★★★ - J.V. / PELIT ★★★★★ - K.M. / YLEX ★★★★★ - T.K. / AAMULEHTI VALO

DOWNLOAD THE MOVIE (CLICK HERE) **DVD NOW ONLY €9.90**

GET THE DVD & WEAR THE RAVEN!



09.3.2006

Energia Productions has become a Ltd. The website is open and we've halved the price of the DVD.

22.1.2006

Star Wreck will be shown on Yle TV2 on Saturday 28th of January at 22.05. Read more... >>

16.1.2006

Star Wreck will receive it's first festival screening at Tromsø International Film Festival this week... Read more >>

"An epic film about the emperor of the world in the far reaches of the galaxy."

The first Finnish full-length scifi parody is made from astounding special effects, action and loads of dark humour. It is the product of a core group of five Finns and many people who've helped us during the seven years it has been in the making. You can download the entire movie by clicking here. For free, of course.

If you wish to know more you may want to watch the trailer, or read more about the film.



Star Wreck In the Pirkinning

- © A couple of guys from Tampere spend 5 years making a full length Star Trek & Babylon 5 parody - AS A HOBBY!
- © About 300 people involved in filming, from tech students to real Finnish actors
- © State of the art special effects, nothing like this has ever been seen in Finland before
- © Released with Attribution - No Derivatives - Non Commercial license Aug 2005

Star Wreck Results

- Ⓒ During 5 years in production interest in the film has grown steadily
 - Ⓒ discussion on web forum is lively and
 - Ⓒ trailer is available for download
- Ⓒ P2P-technology helps spread the film around the world
- Ⓒ Nov 2005: 3,5 downloads
 - Ⓒ → All time record viewers for a Finnish film
 - Ⓒ Tuntematon sotilas 2,8 milj moviegoers
- Ⓒ No "Jussi" award, not even nomination

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

- Ⓒ 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 (radio & TV)
 - Ⓒ 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 (radio & TV)
 - © Little known but it is possible
 - © You just inform Teosto which songs/works are yours and they already know what they owe you
 - © Small handling fee of 100€ (per year?) is deducted
 - © You are free to license your music for Internet, concerts and everything else

There are remedies 2

- Ⓒ Teosto could also change and adapt
 - Ⓒ Let a member get money from radioplay, but decide on his own what to do with the Internet.
 - Ⓒ Not going to happen, though Teosto is run by it's members, so they can blame themselves
- Ⓒ 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

© **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 @ Popkomm)

Case: Bar in Extremadura (Spain)

- Ⓒ Bar plays CC-licensed music by local artist, not member of collecting society
- Ⓒ Spanish collecting society wants money
- Ⓒ Bar refuses to pay, ends up in court
- Ⓒ Court rules bar was right
- Ⓒ Who understands copyright law better
 - Ⓒ A DJ in some small bar?
 - Ⓒ All of the lawyers in "Teosto"?

You should not attribute
to malice
that which can be explained
by incompetence?

While waiting for a solution

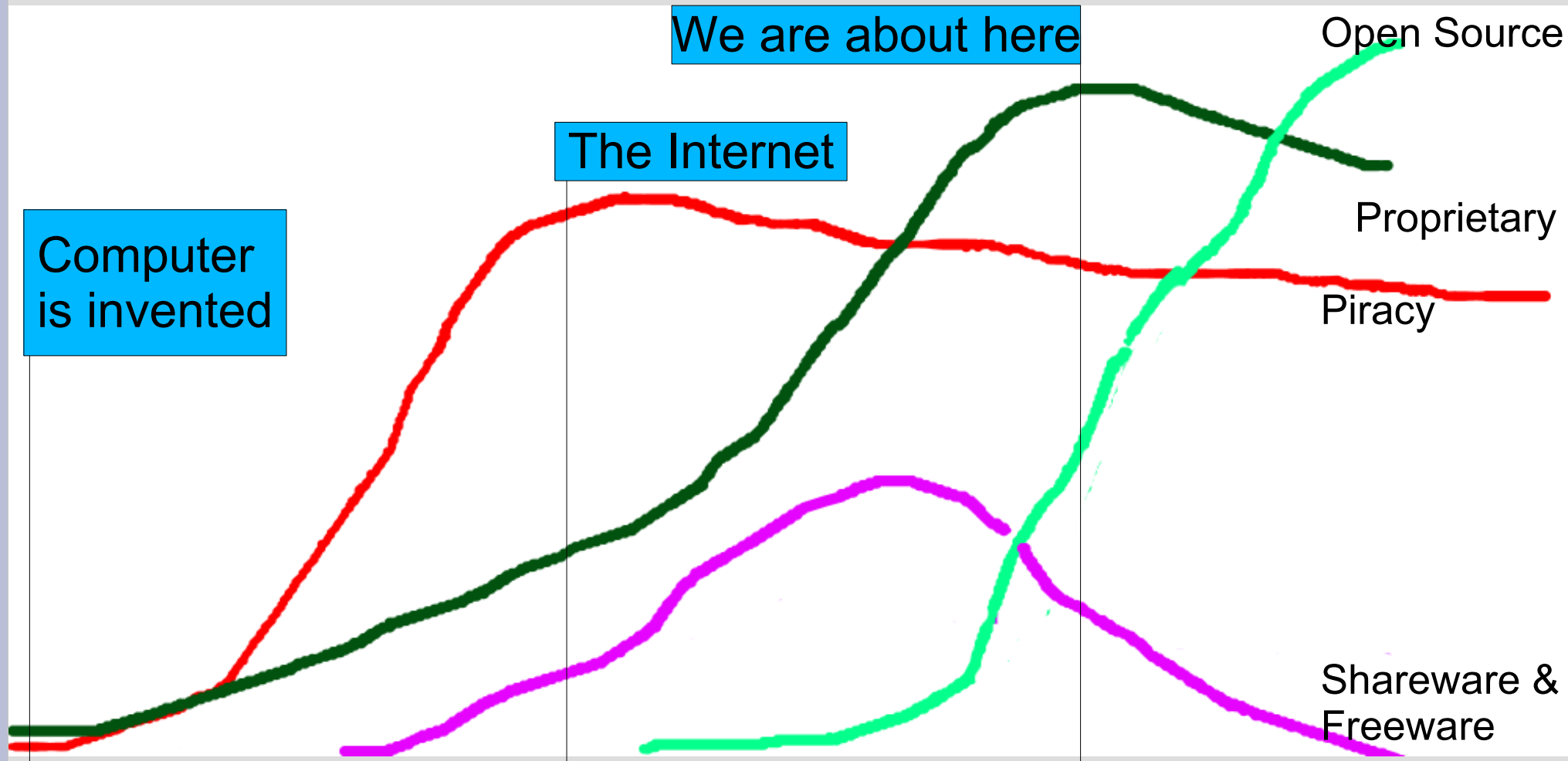
© The only way out right now ...

© ...seems to be to choose **either or**

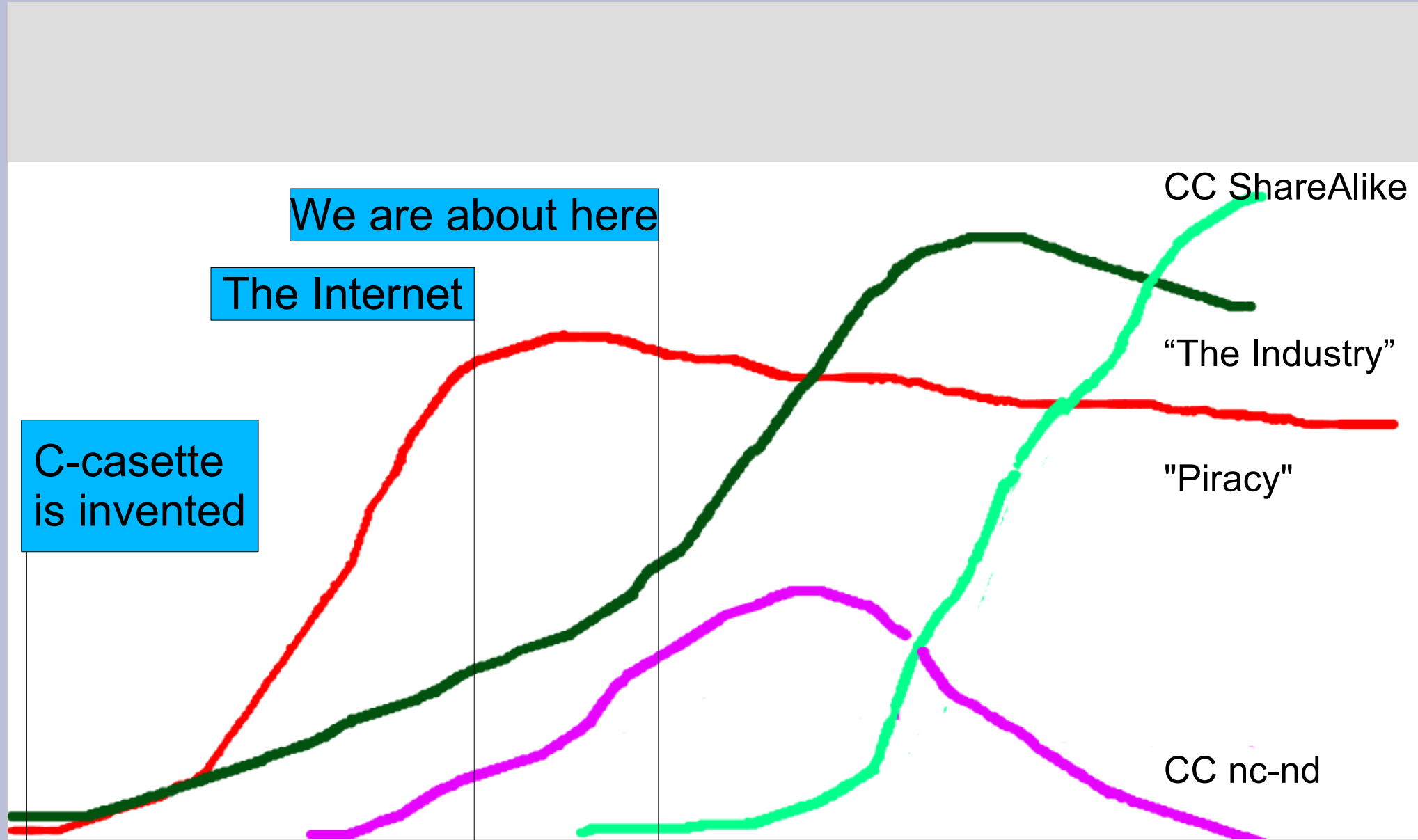
© In a way this is positive for Creative Commons: When Teosto refuses to accept the Internet exists, more and more artists must look for other options

© This development is not a surprise...

Raise and fall of software models



Now just switch labels...



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 mixseri.net files are taken off the net when you sign a record deal
- © Mix in CC ShareAlike music into your songs

In summary

- © Current copyright system is very unflexible
- © Harms many artists instead of serving
- © Internet is a great opportunity both for artists and their audience
 - © Increasingly you are both: audience and artist
 - © Lot's of middlemen however are (rightfully) worried and creating problems
- © "Professionals" are mind-boggingly clueless
- © Creative Commons NC-ND licenses will rise first, but BY-SA & BY will follow

More things to talk about

© Flickr CC licensed pictures

© Cover of my book <http://avoinelama.fi/>

© World map <http://www.flickrmapping.com/>

© Color picker <http://krazydad.com/colpickr/>

© Wikipedia <http://wikipedia.org>

© Democracy TV <http://www.getdemocracy.com/>