

# NEW WAYS OF DOING MUSIC BUSINESS



## Creative Commons & Sound

In May 2008, front man of the noir-rock band Nine Inch Nails (<http://nin.com>) Trent Reznor announced to the world that they were releasing a second album, *The Slip* (<http://theslip.nin.com>), under a Creative Commons licence, encouraging fans to download, distribute, and mashup their work. In doing so, NIN was making an indelible mark upon the music industry: take note, business models are on the move.

Offering a flexible framework with which to manage copyright, CC provides artists with the opportunity to engage creatively with content. As early adopters of the flexible CC licences, musicians demonstrate an increasing interest in entrepreneurial activities through online and offline community-based and collaborative initiatives. Presenting the incentive to 'Rip. Sample. Mash. Share,' in 2004 *Wired Magazine* released a CC remixable CD, featuring the Beastie Boys, David Byrne, Le Tigre and Gilberto Gil, amongst other artists of note (<http://creativecommons.org/wired>). This venture gave rise to the ccMixer.org online community, an award-winning project which is currently being converted into a business spin-off to explore the commercialisation of user-generated content.

More recently, as the music industry has turned towards new business models appropriate to the digital era, several 'survival strategies' have been posited by David Byrne ([www.wired.com/entertainment/music/magazine/16-01/ff\\_byrne](http://www.wired.com/entertainment/music/magazine/16-01/ff_byrne)) and the Open Rights Group in the United Kingdom ([www.openrightsgroup.org/](http://www.openrightsgroup.org/)

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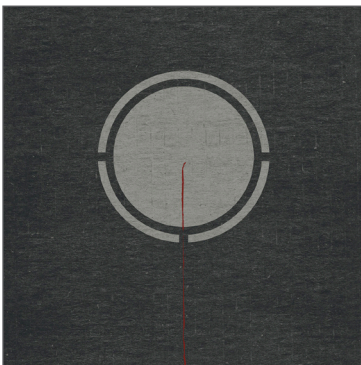
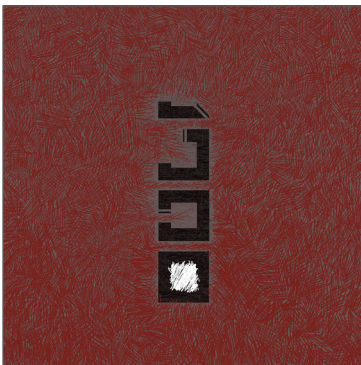
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# BUILDING AN AUSTRALASIAN COMMONS



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Images: CC BY-NC-SA 3.0 US, <http://theslip.nin.com>

*The downloadable package for The Slip available from the Nine Inch Nails website included the music files for the tracks accompanied by a PDF of album artwork. These are four images from the album artwork.*

[creativebusiness/index.php/Main\\_Page](http://creativebusiness/index.php/Main_Page)). In this environment, an increasing focus has been placed on CC's role in innovative practice. Pioneering music sites such as Magnatune (<http://magnatune.com>) represent a concerted effort to introduce innovation to the management of content, combining open access philosophies with revenue-raising mechanisms.

Building on this innovation, in December 2007, Creative Commons outlined its CC+ framework (<http://wiki.creativecommons.org/CCPlus>), which aims to encompass both the sharing and the commercial economies, offering artists the ability to relicense their work non-commercially whilst retaining the right for resale to commercial enterprises. Business strategies embracing CC are currently being considered and implemented by an ever-increasing series of sites, including Jamendo, Beatpick, Strayform, Youlicense, RightsAgent, Blip.tv, the Copyright Clearance Center, and Cloakx. These models provide salient illustrations of different engagements with commercial practices, which are continually being redefined in the effort to capture the imagination of online audiences.

The following case studies underscore the desire of

independent Australian artists and labels to connect with their community of fans through CC licences. Employing CC as a promotional tool, local musicians such as anime-inspired pop star Yunyu, experimental ensemble Topology and New Zealand synth-rock band Knives at Noon allow free downloads of their works for non-commercial purposes, and offer albums for sale on CD Baby and Jamendo. Such distribution, bypassing traditional publishers, has been embraced as a way of increasing the bands' prominence in both local and international markets. At an international level, the innovative business approach expressed by the independent and idiosyncratic Jonathan Coulton has been shown to work well in his favour. His experiment with new ways in which content can be distributed and disseminated as a result of the Internet has born significant fruit, with 45% of his income in 2007 being derived from paid digital downloads.

Whether engaging in distribution models as an emerging artist or a megastar, musicians are navigating a new dynamic which promises greater creative control. The Creative Commons licensing scheme signifies a departure from the traditional middle-man approach, and as such, represents a unique opportunity to capitalise on creativity whilst giving back to the community.

*'thank you for your continued and loyal support over the years - this one's on me.'*

Trent Reznor

<http://ninblogs.wordpress.com>

## Ancient Free Gardeners

- DESCRIPTION: Ancient Free Gardeners are an indie-rock band from Melbourne, Australia, using Creative Commons licences to distribute their music.
- WEBSITE: <http://ancientfreegardeners.com>
- LICENCE USED: CC BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au>
- MEDIA: Audio
- LOCATION: Melbourne, Australia



Image: By Bo Hui. CC BY-SA 2.5 AUS. [http://ancientfreegardeners.com/?page\\_id=13](http://ancientfreegardeners.com/?page_id=13)

*Ancient Free Gardeners (Left to Right) Callum Barter, James Milsom, Steve Morfesse and Gautam Raju*

### Overview

Ancient Free Gardeners are an indie-rock band in Melbourne, Australia. The band consists of James Milsom (vocals, guitar), Gautam Raju (bass guitar), Callum Barter (drums) and Steve Morfesse (keys, vocals). The band plays original music written by James Milsom at venues in Melbourne and (on occasion) tours interstate.

The band takes its name from the friendly society, Order of Free Gardeners, which dates back to around the 15th century. What is the actual link between the two? The tram into Melbourne CBD from the cemetery-side sharehouse in which the band was established rushes past the now-defunct headquarters of the Free Gardeners' Melbourne branch. An impulse caused two band members to make a visit on one occasion, and so bizarre was the experience that the adoption of the name was a foregone conclusion.

Ancient Free Gardeners earn income from playing live shows, CD sales and digital music sales via iTunes. However, the band is not yet self-sustaining, and is financially supported by the members. The band aims to reach wider audiences

internationally through the use of Creative Commons licences, having previously been signatory to distribution deals that have borne significantly less than what the band had aimed for. Their first album is currently being pieced together. The singles will be available under Creative Commons; perhaps the whole album.

### Licence Usage

For the self-titled release the Creative Commons Attribution-Noncommercial-ShareAlike 2.5 Australia licence was used. After almost completely selling out of the five-track EP without recouping expenses, the band tried another angle for the distribution of the same songs: to adopt Creative Commons.

The entire EP is available on their website for free download ([http://ancientfreegardeners.com/?page\\_id=49](http://ancientfreegardeners.com/?page_id=49)) or streaming. It is also available on the Creative Commons distribution platform Jamendo ([www.jamendo.com/en/album/22206](http://www.jamendo.com/en/album/22206)) and through commercial distribution points including Apple's iTunes music store.

Though no statistics are available for downloads, the band believe they

*James Milsom, Ancient Free Gardeners vocalist and guitarist, took part in the Creative Commons Clinic Intern Program in 2008. During his internship, James researched and wrote a paper exploring the need for new business models for the music sector and what these new models might look like.*

*'...once you understand that with CC licences you don't actually have to lose all of the rights to the music, there is nothing but benefit that you can derive. You have next to nothing, so you have nothing to "lose"'*

James Milsom, *Ancient Free Gardeners*

derived very little benefit from the release being on iTunes and other online music retailers. The move to open content licensing was a very recent one, so the band has not yet experienced any significant benefits from licensing its music under Creative Commons, but looks forward to the experiment. They recently expanded their experimentation with CC by releasing the single *Innards Out* on the website under the same licence as their previous release.

distributive and promotional effect they sought. But since making their music available free for non-commercial use they have gained from several significant promotional opportunities such as a feature on the Obscuresound music blog (<http://obscuresound.com>). Equally, they negotiated a synchronisation licence with LonelyGirl15 ([www.lg15.com/lonelygirl15/?p=452](http://www.lg15.com/lonelygirl15/?p=452)) for the use of the track 'I am not a shipwright' which would ultimately be viewed more than 60,000 time. Despite this increased exposure they still only saw a minor rise in iTunes sales.

The Creative Commons Attribution-Noncommercial-ShareAlike 2.5 Australia licence was chosen because the band wished to reserve their right to attribution. Further, having licensed work previously and experienced fairly severe difficulty in generating any profit through independent music, the band wished to reserve their right to commercially license their music should the opportunity arise. Said Milsom:

*"For the thousands of bands just like us, once you understand that with CC licences you don't actually have to lose all of the rights to the music, there is nothing but benefit that you can derive. You have next to nothing, so you have nothing to lose."*

## Motivations

James Milsom, front-person for the band, first heard about Creative Commons at a lecture on innovation made by John Wilbanks, the Executive Director and Vice President of Science Commons (<http://sciencecommons.org>). The band became aware of the distribution and publicity potential afforded by the Internet. First steps into the area using iTunes failed to have the

*Ancient Free Gardeners have been experimenting with the use of Creative Commons licences. Their first release, a self-titled EP, and their recent single Innards Out are both available on their website under a Creative Commons Attribution-Noncommercial-ShareAlike 2.5 Australia licence.*

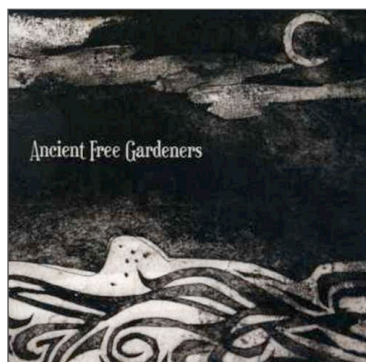


Image: self-titled EP artwork by

## Andrew Garton

**DESCRIPTION:** Andrew Garton is a prominent Australian-based writer, producer and digital media adviser who widely employs and advocates the use of Creative Commons licences.

**WEBSITE:** <http://agarton.wordpress.com>

**LICENCE USED:** Website/Blog: CC BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au> and Flickr: CC BY-NC-SA 2.0 Generic, <http://creativecommons.org/licenses/by-nc-sa/2.0>

**MEDIA:** Audio, Video, Text, Images

**LOCATION:** Australia

### Overview

Andrew Garton (<http://agarton.wordpress.com>) is a prominent Australian-based writer, producer and digital media adviser who sits at the forefront of new media practice and community cultural development. A passionate advocate for Creative Commons and open content licensing, Garton works across a number of projects which express the aims of inclusivity, sustainability, and respect for local context. As the current Managing Director of the online and community media group, the Association for Progressive Communications – Australia, ([apc.au](http://apc.org.au)) (<http://apc.org.au>), Garton places focus on building sustainable IT infrastructure and community-based media based initiatives in Australia, South East Asia, and the Pacific Islands. For example, [apc.au](http://apc.org.au) consults on delivery platforms to the Melbourne City Council – supported *Home Lands* project ([http://wiki.apc.org.au/index.php?title=Home\\_Lands](http://wiki.apc.org.au/index.php?title=Home_Lands)). *Home Lands* intends to assist young refugees to reconnect with their dispersed communities through an innovative Internet television programme. In addition, Andrew serves as Secretary of the Executive Board of the international Association for Progressive

Communications, is a member of the Arts Law Consortium of Victoria, and a founding member of Open Spectrum Australia (<http://openspectrum.org.au>).

Garton commenced his career at age 14, participating in community and public access media and contributing to the experimental music scene(s) in Sydney, Australia. Performing and producing as synthesist, saxophonist, and spoken-word performer from the late 1970s, he played with punk/soul band Private Lives (1979-1983) and fusion/improvisation outfit Lingo Babel (1985-1987). In the late 1980s he formed the acoustic-based White Punks on Hope and the jazz/punk trio, Return from Nowhere. For ABC Classic Radio's *The Listening Room* (now off-air), Garton

Andrew Garton



Image: By Garton. CC BY-NC-SA 2.0 Generic. [www.flickr.com/](http://www.flickr.com/)

# BUILDING AN AUSTRALASIAN COMMONS

Image: By Garton, CC BY-NC-ND 2.0 Generic, www.flickr.com/photos/andrew-garton/2547023611



Andrew Garton introduces the Remix Forum for VIDEO SLAM 02

performed *Sensorium Connect* ([www.abc.net.au/arts/room/sensorium](http://www.abc.net.au/arts/room/sensorium)), the first generative sound piece for Australian radio and Internet in 1997, in collaboration with performance artist Stelarc ([www.stelarc.va.com.au](http://www.stelarc.va.com.au)). Composer of numerous documentary soundtracks, interactive installations (both online and offline), and publisher of articles on independent media, generative music and radio art, Garton's composition and performance has been characterised by employment of streaming technologies, generative sound works and collaborative, cross-disciplinary approaches, exploring broader interpretations of screen culture and the moving image. Andrew releases his various projects through the Secession (<http://secession-records.org>) label. Succession's website is licensed under a CC BY-NC-SA 2.0 Generic licence.

Under the auspices of Toy Satellite (<http://toysatellite.org>), Andrew has produced several of the earliest audiovisual streaming projects in Australia, contributing to internationally-acclaimed and award-winning sound works and generative compositions commissioned by both the Australian Broadcasting Corporation (ABC) and ORF/KunstRadio (Austria). In 2001 he produced *Undercurrents*, which launched the Taipei International Arts Festival. This piece was subsequently commissioned for performance at the first multimedia event to be hosted by the Melbourne International Film Festival

(MIFF) in 2001. It was further performed, in part, for the Fringe Fashion Awards (Melbourne), Multimedia Arts Asia Pacific (MAAP) (Brisbane), the Melbourne International Arts Festival and the Electrofringe (Newcastle, NSW). Furthermore, in 2003, Andrew was commissioned to produce a situationist-inspired interactive work, *D3*, for the Australian Centre for the Moving Image (ACMI), where he spent two years as interactive media consultant.

In 2005, Garton accepted the role as Open Channel's ([www.openchannel.org.au](http://www.openchannel.org.au)) inaugural Program Director, effectively relaunching the 35-year-old organisation. The new programme of activities included the Creative Commons-inspired VIDEO SLAM ([www.openchannel.org.au/blogs/videoslam](http://www.openchannel.org.au/blogs/videoslam)), the Certificate III in Screen course, *Producing for Community TV*, the *FRAMED* lunchtime seminar series and the community mobile movies initiative, *Talking Docklands: Video Quilt*.

## Licence Usage

Andrew is a strong supporter of Creative Commons. His initial website and blog were licensed under a CC BY-NC-SA 1.0 Generic licence, now CC BY-NC-SA 2.5 Australia licence, and his photographs on Flickr ([www.flickr.com/photos/andrew-garton](http://www.flickr.com/photos/andrew-garton)) are licensed under a CC BY-NC-SA 2.0.

For Melbourne Arts Law Week 2007 ([www.artslaw.com.au/events/PastEvents/VICArtsLawWeek2007.asp](http://www.artslaw.com.au/events/PastEvents/VICArtsLawWeek2007.asp)), Garton created the Open Channel VIDEO SLAM ([www.openchannel.org.au/blogs/videoslam](http://www.openchannel.org.au/blogs/videoslam)), 'a unique event in that it not only provides a forum for the open content philosophy, it's host to a hybrid form of production where people from across many arts disciplines can meet, network and make something... together!' As a collaboration with the Creative Commons Clinic and

EngageMedia, the Victorian Arts Law Consortium and Melbourne's Horse Bazaar, its focus rested on flexible licences for the creation of new works that are given back to the community from which the material came. The second VIDEO SLAM, 'Appropriate Original,' saw the creation of four unique shorts, two of which were produced with no copyright restrictions what so ever, all four being launched at the innovative *Remix Forum* (<http://agarton.wordpress.com/2008/05/25/vs02-remix-forum>), also conceived and produced by Andrew.

Andrew performed at the inaugural 2006 Creative Commons Australia Salon (<http://creativecommons.org.au/ccsalon>), incorporating content from across the Australian Creative Commons, such as images from the CCau Flickr pool ([www.flickr.com/groups/ccaustralia](http://www.flickr.com/groups/ccaustralia)) established for the event. Garton chronicled this event in his *Reprise* (<http://agarton.wordpress.com/2006/12/01/ccsalon-reprise>).

## Motivations

On 30 March 2007, Andrew addressed the Queensland University of Technology's Creative Commons Clinic (ccClinic) with a provocative presentation titled *Are We Insane?* (<http://agarton.wordpress.com/2007/04/05/are-we-insane>). In this, he expounded on humanity's tendency under the effects of globalisation to mass-produce items so they appear as mirror images, being 'manifestations of our liberal economies... which at the extreme... ensure a McDonald's in every capital city, the same clothing labels on every back, brands on every t-shirt and Big Brother haircuts in every pub across the country – what I'm talking about is homogeneity.'

In vociferous response, Andrew perceives flexible licensing as challenging such overarching concepts of ownership – by allowing copies of

their work to be made in perpetuity under OCL, an artist kicks at the core of globalisation's founding beliefs.

When asked why he chooses flexible licences such as Creative Commons, and how he is able to make money via the initiative, Andrew responds that:

*'Just as we have to think of different ways of living, so too do we need to think of different ways of earning an income. I do not think it is possible to earn the kind of money we have come to expect from creative industries by merely posting our content online. In addition, we can no longer afford to live as we have done so, as our forefathers have done... we just do not have the resources to support this. As such, I feel tools such as Creative Commons are part of the discussion we should be having about our lives, how we live, how and what we learn and the mechanisms required to support innovation and creativity, that which sustains life, gives it meaning and purpose - a lifetime of learning rather than a lifetime of uncertainty.'*

Ultimately, Andrew sees the CC movement as doing more than offering cool sampling licences: 'They are contributing to a revitalization of creativity and cultural development as a collective effort. It ensures diversity, sustains it and keeps our fans free of fines and some of them even out of jail.'

*Andrew Garton performing at the Australian ccSalon 2006*

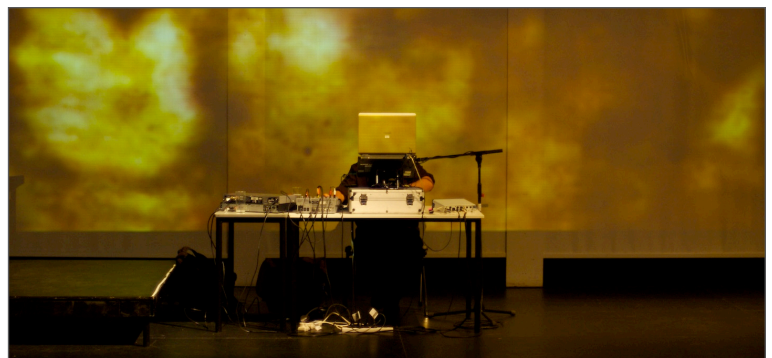


Image: DSC-8368-version 2 by yinyang. CC BY-NC-ND 2.0 Generic. [www.flickr.com/photos/albertyinyang/309524021](http://www.flickr.com/photos/albertyinyang/309524021)

## Audiophile

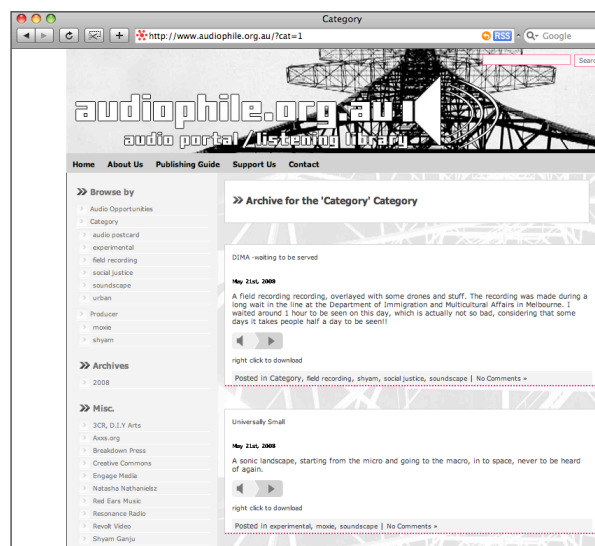
DESCRIPTION: Audiophile is an Australian online repository of interesting soundbites.

WEBSITE: [www.audiophile.org.au](http://www.audiophile.org.au)

LICENCE USED: CC BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au>

MEDIA: Audio

LOCATION: Australia



*Audiophile catalogue page, July 2008*

## Overview

Audiophile is an Australian not-for-profit which publishes audio works by young and emerging producers. Topics include social justice, the environment,

Indigenous issues, the arts, and popular culture. Audiophile showcases field recordings, cultural features, radio plays, social documentaries, audio postcards and experimental sound designs.

Audiophile provides publishing opportunities for emerging media producers and aims to pay professional rates for production through a limited number of commissions.

## Licence Usage

Contributions to Audiophile are published under the Creative Commons Attribution-Non-Commercial-Share Alike 2.5 Australia licence, and are available for free download unless otherwise specified.

## Motivations

Audiophile emphasises contributions which engage with their surroundings, collecting audio recordings which reflect creators' own experiences. The site offers a way to profile recordings which may not otherwise be heard, placing an emphasis on documentary format rather than music, and the exploration of social justice and environmental issues.

The founder of Audiophile, Shyam, told Rachel Cobcroft from CCau via email interview in January 2008 that he had first heard about Creative Commons through a friend who is a graphic designer and fellow artist about three years previously. Shyam emphasises the flexibility and control that CC gives to artists about the distribution and commercial use of their works.

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'Creative Commons offers an important option for people to distribute their work around the world without limiting their right to some control over their creative output'

*Shyam, Founder of Audiophile*



# Jonathan Coulton

- DESCRIPTION: Jonathan Coulton is an independent and unsigned singer-songwriter who utilises Creative Commons licences to help promote his music via free downloads.
- WEBSITE: [www.jonathancoulton.com](http://www.jonathancoulton.com)
- LICENCE USED: CC BY-NC 3.0 Generic, <http://creativecommons.org/licenses/by-nc/3.0>
- MEDIA: Audio
- LOCATION: United States of America

## Overview

Jonathan Coulton is a singer-songwriter based in America. Coulton refers to his music as an experiment in the new ways in which content will be distributed and disseminated as a result of the Internet. His rationale, in his own words, 'I give away music because I want to make music, and I can't make music unless I make money, and I won't make any money unless I get heard, and I won't get heard unless I give away music' ([www.jonathancoulton.com/faq#Who](http://www.jonathancoulton.com/faq#Who)). In 2005, Coulton began a project titled *Thing a Week*, where he wrote and released a new song on his website every week for a year ([www.jonathancoulton.com/primer/thing-a-week](http://www.jonathancoulton.com/primer/thing-a-week)). The project was aimed at getting publicity for Coulton's music, and several of the songs including 'Flickr' and 'Code Monkey' were big Internet hits. The *Thing a Week* project was released via a weekly podcast, with each song being available under a CC Attribution-Noncommercial licence.

Coulton has all of his music available to stream on his website, with many songs also available for free download. Customers can then buy songs in either MP3 or FLAC format for \$US1 and albums for between \$US5 - \$US10. Customers can also make donations via Pay Pal or Amazon, buy physical CDs through online distributor CD Baby, download songs as ringtones for free, or

buy t-shirts, books and games from the merchandise section. There are even karaoke versions available of some of the songs. Evidencing his enthusiasm for engaging fans, Coulton has also performed concerts in the virtual world, Second Life (<http://creativecommons.org/weblog/entry/6056>).

## Licence Usage

The licence adopted for all Coulton songs is Creative Commons Attribution-Noncommercial 3.0 licence. Coulton highlights the importance he places on allowing his fans to have the chance to use his work in whatever way they choose, including remixing and adding to his work ([www.jonathancoulton.com/faq#Use](http://www.jonathancoulton.com/faq#Use)).

Jonathan Coulton



Image: By Dale May. Used with permission.

*'Creative Commons is the most powerful idea that I've heard since they told me there was going to be a sequel to Star Wars.'*

Jonathan Coulton, [www.jonathancoulton.com/faq#CC](http://www.jonathancoulton.com/faq#CC)

Though unable to release any statistics, Jonathan says in an email interview with James Milsom on 5 April 2008, that some of his songs have been downloaded hundreds of thousands of times, and 45% of his income in 2007 was from paid digital downloads. Jonathan's content has been used in music videos made by fans and posted on YouTube, subsequently receiving (in some cases) over a million hits. Fans have also created cover versions of his songs, artwork, dances, plays, card games and even guitar instructional videos. Coulton says that this sort of outcome is very satisfying and validating, but more importantly from a business point of view, such enthusiasm from fans has meant that he has received a great amount of free publicity.

## Motivations

Jonathan Coulton heard about open content licensing through his previous work writing software. He heard Lawrence Lessig speak at the PopTech conference in 2003, and was sold on the Creative Commons rationale immediately.

When asked about the benefits of licensing his music under CC by Wagner James Au for *New World Notes* in September 2006, Jonathan responded:

*'It's gone very well for me. At first, even though I was all fired up about the possibilities*

*of CC, I still had that panicky lizard-brain fear about file sharing. I can understand why it's a hard thing for people in the industry to get over – I totally sympathise. But at least for someone in my position, it's the best thing I could have done. Every month I get more traffic, more donations/sales, and more fans. I'm quite certain that having a CC license on all the music has really helped that process. If someone who's never heard my music before gets a free mp3 (or twenty) and likes it, chances are they're going to pass it along to some friends, blog about it, maybe even make a video for it. Each one of those outcomes means more exposure, more fans, and more chances for people to pay me – something that wouldn't have happened as easily if the music was all locked up with DRM and the full battery of copyright restrictions.'*

[http://nwn.blogs.com/nwn/2006/09/the\\_second\\_life.html](http://nwn.blogs.com/nwn/2006/09/the_second_life.html)

Also, while understanding the significance of being able to give music away legally, Jonathan sees the importance of protecting some rights in the music; the noncommercial aspect of the licence he uses serves this purpose well. He sees it as important for musicians to reserve their right to commercially license their content if an opportunity to do so comes their way.

Jonathan uses the Creative Commons Attribution-Noncommercial 3.0 licence. Following trials using licences that incorporated the ShareAlike provision, Jonathan found that it was too difficult to monitor whether people were indeed 'sharing alike' and licensing derivative content in the same manner that he had licensed the original. For that reason, he abandoned use of the ShareAlike provision.

# Creative Commons Music Collaboration Project (CCMCP)

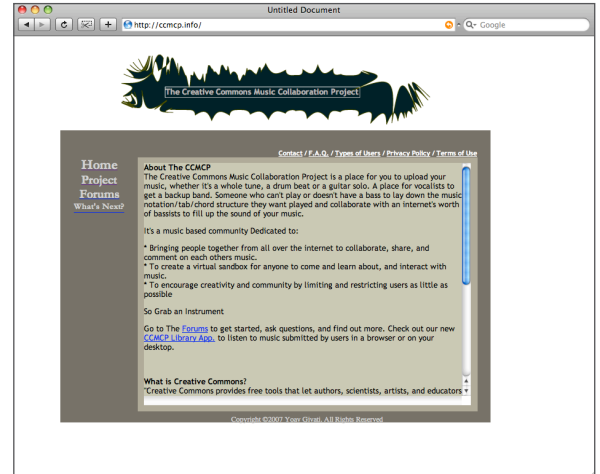
DESCRIPTION: CCMCP provides musicians with applications to contribute to collaborative audio projects.

WEBSITE: <http://ccmcp.info>

LICENCE USED: CC 3.0 Generic Suite, full copyright and Public Domain Dedication.

MEDIA: Audio

LOCATION: Global



CCMCP homepage, July 2008

## Overview

The Creative Commons Music Collaboration Project (CCMCP) was developed by Yoav Givati to create a community among musicians who share their songs, beats, and ideas with other artists who will tweak, mix, edit and expand upon their works in infinitely creative ways. Offering a collaborative platform of applications, tools, and discussion fora, the project emphasises a holistic music education through interaction between professional musicians and beginners, assisting users in the interpretation of music notation, playing technique, theory, and skill development such as writing lyrics, tablature, and understanding technical equipment and recording software such as Logic, SONAR, and Audacity.

The CCMCP Library application underpinning the site is a collaborative music engine which allows subscribed users to contribute to listed musical projects. Within CCMCP's Project area (<http://ccmcp.info/project>), artists are encouraged to outline how they wish others to interpret their works, which are streamed and available for download. Each project consists of a number of

files, which comprise an individual track, such as for lead guitar or drum, or a multi-track composition. If a musician is inspired by a particular project, they are encouraged to download it according to its specified copyright terms, and embellish it in their own way. Once the new track has been uploaded, the musician will be able to receive feedback via comments and ratings from other members. CCMCP's Forums (<http://ccmcp.info/forums>) facilitate discussions on the collaborations, enabling education through interaction.

The CCMCP project is currently in beta form. Since its commencement on 20 May 2007, CCMCP has reportedly taken on several different shapes. Wanting to remove the distance between musicians via the Internet – to recreate the experience of jamming live – the project has employed technologies such as skypecasts to content management systems, and custom-built applications for research and development. Currently, CCMCP developers are in the process of building a platform to replace the present implementation that will further embody the ideas of openness, community, and education. Founder Yoav Givati envisages creating a system for live gigs, podcasts, classifieds and show



*Content that is part of CCMCP is available through a downloadable desktop application that utilises Adobe Integrated Runtime (AIR) ([www.adobe.com/products/air](http://www.adobe.com/products/air)) to access the CCMCP catalogue.*

*Adobe AIR lets developers use proven web technologies to build rich Internet applications (RIA) that deploy to the desktop and run across operating systems.*

listings, and aspires towards releasing compilation albums of work created on the site. The project plans to go live in the next few months under the domain Ear-Drum.org.

In an email interview conducted with Rachel Cobcroft from Creative Commons Australia, CCMCP creator Yoav Givati explains that to date, the CCMCP has attracted attention from two main demographics: web developers interested in progressive web technology and musicians who are tired of the severe disconnect of online music ‘communities’ like MySpace ([www.myspace.com](http://www.myspace.com)) and Bandspace ([www.bandspace.com](http://www.bandspace.com)) (before it became a ‘waiting page’), where users are walled off from one another and where musicians are forced to market themselves, thereby creating a somewhat insincere, competitive environment.

## Statistics

Since CCMCP’s launch, the site has attracted more than 2000 unique visitors, of whom approximately 150 have registered to test and use the application. Ranging from Mumbai,

India to Johannesburg, South Africa, visitors to the site are diverse. Most come from the United States of America, then Canada, followed by the United Kingdom, Italy, and Brazil. A few enthusiastic testers have gone beyond the simple feature requests, and through discussions over Instant Messaging have provided the main development team with in-depth examinations of desired features and functionality of the site.

## Licence Usage

With the new implementation of the CCMCP site, Yoav Givati and his development team intend to allow users to select among the six main Creative Commons licences in addition to a Public Domain option and the standard © All Rights Reserved. The goal for this implementation is to give users the freedom to do whatever they want with their content and whatever is welcomed with each other’s.

The CCMCP’s current Terms of Use (<http://ccmcp.info/terms.html>) specify that user-submitted audio is subject to copyright or the CC licence the user who uploaded it assigns to it. By uploading copyrighted materials such as audio and images, the user grants the CCMCP the right to stream and display that copyrighted material on CCMCP for as long as the user keeps it on CCMCP. Users have the right to remove their content whenever they wish, and the CCMCP does not claim any ownership over such content.

As explained on the CCMCP Project site (<http://ccmcp.info/project>), the CCMCP Library is technically a Rich Internet Application (RIA) which allows the subscribed user to access the site’s music library, as well as contribute to

*‘I started developing with the intention of exposing people to music; the idea that everyone should have free, unfettered access to all kinds of music.’*

Yoav Givati, Founder, CCMCP  
[www.chalk-it-out.com/causes](http://www.chalk-it-out.com/causes)

that library through the addition of their own original or transformative tracks. The library is catalogued and viewable by projects, which carry descriptions specified at point of creation. Each project can have unlimited files added by an unlimited number of people. Each project file (in MP3 format) is assigned a Creative Commons licence or full copyright, which gives the musician control over how others use and manipulate their works. Artists can also specify uses through adding detail to the description box about how they wish their work to be used. The description as to how others can sample or create derivative works can be changed during the file's initial upload or at any time thereafter.

The RIA is accessible via the main website or can be downloaded onto a PC or Mac. The RIA is part of a new breed of Internet application that exists independently of web browsers. It requires the Adobe Integrated Runtime (AIR) environment to run.

## Motivations

CCMCP creator Yoav Givati first heard about Creative Commons after entering the world of web development in mid-2006, when he was introduced to the idea of flexible rights for creative content. Yoav immediately began reading up on open source, GPL, copyleft, and Creative Commons. Creative Commons appealed to him not only because the licences seemed to reach the widest spectrum of users, but he also found that in reading through the documentation and browsing through different implementations there was a distinct sense of openness that other alternatives lacked. In addition, Yoav found a sense of community where it seemed possible for the licences to

be applicable across the depths of the Internet regardless of region, nationality or legal system.

*'The idea that I – not some governing body – could decide how others can interact with my work and that declaring those rights didn't involving sending off for some customized patent or making some vague declaration of insertion into the public domain. ...Creative Commons was applicable to so much more than just computer code, and as a musician, artist, and naïve programmer, the wheels in my head just began spinning and aren't likely to stop soon.'*

Yoav Givati, in email conversation with Rachel Cobcroft from CCau, 12 April 2008

CCMCP's stated purpose is to create a music-rich community focused on education and musical experimentation, and to deliver this environment to anyone with Internet access. The concept underlying CCMCP is thus a simple one: to take the feeling of an intimate yet open community and provide access to knowledge, granting users the freedom to get knee-deep in each other's creative works for the sake of learning, sharing, and connecting. Yoav adds:

*'A big part of that freedom is allowing users to define their own boundaries for a given work, rather than forcing them to adopt someone else's view of the optimum rights for sharing. We believe the creator should define the purpose for their work and based on our feedback we can say that people believe the purpose of creating is to share, at the very root, for the sake and in the hopes of enriching someone else's experience.'*

## Jamendo

DESCRIPTION: Jamendo is a music platform offering artists the ability to promote, publish, and be paid for their music while still making it available for download under Open licences.

WEBSITE: [www.jamendo.com](http://www.jamendo.com)

LICENCE USED: Currently includes full CC 3.0 Suite (including international variations), CC 2.0 Suite (including international variations), CC Sampling Plus 1.0, <http://creativecommons.org/licenses/sampling+/1.0>, CC Noncommercial Sampling Plus 1.0: <http://creativecommons.org/licenses/nc-sampling+/1.0> and Free Art Licence: <http://artlibre.org/licence/lal/en>

MEDIA: Music

LOCATION: Global

### Overview

Jamendo is a unique music platform aiming to assist artists to 'promote, publish, and be paid for' their music. Found May 2004 in Luxembourg by free culture enthusiasts Sylvain Zimmer, Laurent Kratz and Pierre Gérard, Jamendo has established a dedicated international community. Utilising peer-to-peer distribution methods, such as BitTorrent ([www.bittorrent.com](http://www.bittorrent.com)) and eMule ([www.emule-project.net](http://www.emule-project.net)), coupled with Creative Commons and Free Art licensing, Jamendo emphasises the legal distribution of content. Its business model is based on the concept that the wide dissemination of content across

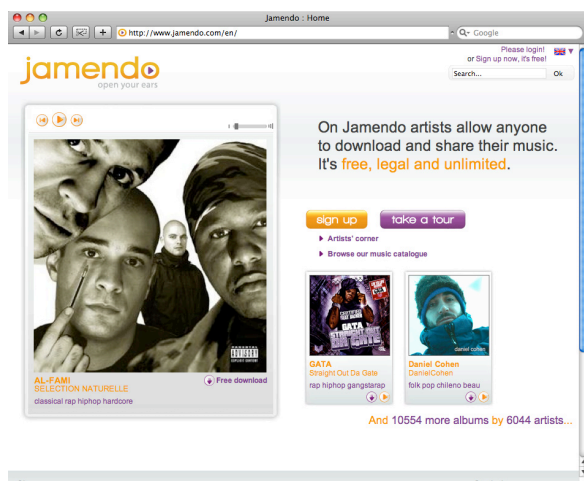
networks leads to popularity and prominence: 'Be known and recognized. Spread your music worldwide.'

Jamendo is the first site to offer its contributors

50% of revenue gained from advertising. By registering for this optional programme ([www.jamendo.com/en/static/help\\_revenueshare](http://www.jamendo.com/en/static/help_revenueshare)), artists share in the site's profits according to their page views. In addition, Jamendo offers the ability for users to donate directly to their favourite artists through a PayPal 'tip jar' facility. Artists receive close to 100% of monies donated: a small administrative fee is deducted. This has been the first serious attempt of a file-sharing site to provide a direct way to compensate musicians for their work. Furthermore, by adopting Creative Commons, the site offers the possibility to distribute music freely, while preserving the basic rights of the artist.

As a portmanteau of 'jam' and 'crescendo,' the Jamendo platform unites:

- A legal framework to support artists, through Creative Commons and Free Art Licensing;
- An integrated rating and recommendation system adapted from iRATE (<http://irate.sourceforge.net>), a collaborative filtering system for music;



Jamendo homepage, July 2008

- Free, simple, and quick access to music through tag searches;
- Use of common peer-to-peer technologies, such as BitTorrent and eMule for album download and content streaming;
- music in MP3 and Ogg Vorbis file formats; and
- Mechanisms to make direct donations to the artists through PayPal.

Each artist is assigned a personal profile which includes links to their works, information about licensing, photos, event announcements and user-submitted reviews. As of 5 November, 2007, Jamendo hosted over 5000 albums and 336,000 artists. By 21 May 2008, Jamendo had significantly increased their offerings: featuring 9249 albums, 56904 album reviews, and 338131 active members.

Jamendo emphasises that it is:

- A nonexclusive platform: the artist remains the owner of their music, which they are free to distribute by any other means at their disposal. Jamendo maintains a strong commitment to complementing traditional music distribution methods, such as CD sales.
- A zero-cost platform: Jamendo provides hosting for free. Site costs are kept low by using P2P distribution. Minimal advertising is included on the site and included in audio streams to raise revenue.
- A free platform: Artists reserve the right to remove

## Statistics

*As of 5 November 2007, Jamendo hosted over 5000 albums and 336,000 artists, equivalent to:*

<i>Available hours of music</i>	4592
<i>Number of album tracks</i>	70 966
<i>Number of available artists</i>	336 914
<i>Number of registered artists</i>	196 851
<i>Number of known concert dates</i>	2905
<i>Total size of distributed files</i>	2.52 TB
<i>Number of distributed files</i>	289 418
<i>Finished BitTorrent downloads</i>	2 310 084
<i>Data transferred with BitTorrent</i>	106.74 TB
<i>Number of available languages</i>	26
<i>Number of reviews</i>	54 288

Source: [www.jamendo.com/en/?p=stats](http://www.jamendo.com/en/?p=stats)

their content from the site at any point, and are thus not prevented from signing exclusive contracts with record companies.

Artists are encouraged to increase their revenue by:

- embedding the Jamendo Player or Widget featuring their album into blogs and websites;
- advertising the link to Jamendo on flyers, artists' sites etc.;
- spreading the word about Jamendo: the more popular the site, the greater the hit count and thus the greater the revenue.

On 29 October 2007, economist Aaron Schiff from 26econ.com ([www.26econ.com/music-by-donation-some-data](http://www.26econ.com/music-by-donation-some-data)) wrote on the progress of voluntary donations on Jamendo, providing statistics as follows, in addition to the Excel file ([www.26econ.com/wp-content/uploads/2007/10/donationdata.xls](http://www.26econ.com/wp-content/uploads/2007/10/donationdata.xls)) of the data. This sits alongside Jamendo's donation statistics ([www.](http://www.)

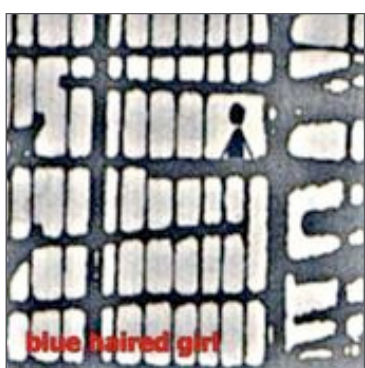
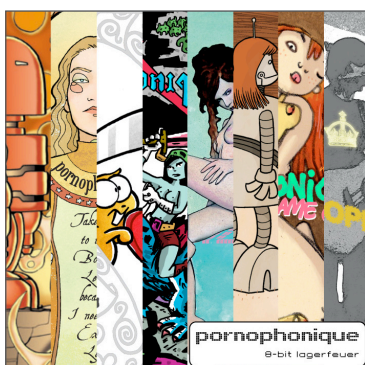
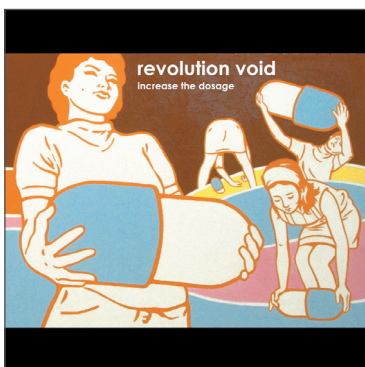
*On 6 June 2008, Jamendo announced a partnership with Archos, manufacturers of the Archos WiFi portable media player. Through a specially designed interface, Archos users are able to download anything in the Jamendo catalogue freely and legally.*



Image: "Archos AV500" by Michaël Boulenger, [www.flickr.com/photos/bmika/192500158/](http://www.flickr.com/photos/bmika/192500158/), CC BY 2.0 Generic

# BUILDING AN AUSTRALASIAN COMMONS

Images: (Top to Bottom): Cover for SaReGaMa's single Aquarius, CC BY-NC-ND 3.0 Unported; Revolution Void's Increase the Dosage, CC BY-NC-SA 3.0 Unported; Pornophonique's 8-bit Lagerfeuer, CC BY-NC-ND 2.0 German and self-titled EP of Blue Haired Girl, CC BY-NC-SA 2.0 France



Jamendo hosts a diverse range of music: from instrumental (like SaReGaMa's single *Aquarius*) to acid jazz (like Revolution Void's *Increase the Dosage*), from German electro (Pornophonique's *8-bit Lagerfeuer*) to French rock (*Blue Haired Girl*)

[jamendo.com/fr/get/donation/list/donation/data/plain/?dni=info\\_common&n=all](http://jamendo.com/fr/get/donation/list/donation/data/plain/?dni=info_common&n=all).

On analysis, Schiff found that total donations were small:

*Jamendo currently claims about 69,000 songs are available for download... Over the 22 months there were 1,454 donations made, for a total value of US\$21,150. So each artist is receiving very little money, if anything*

[www.26econ.com/wp-content/uploads/2007/10/count.png](http://www.26econ.com/wp-content/uploads/2007/10/count.png)

*Looking at the raw data, people generally make donations of round numbers, mostly multiples of \$5 or €5. There were a few odd donations though, like 5.99 or 6.49. The largest donation was about \$204. The smallest was \$5, which is the default minimum donation that the website suggests. Across all donations the average was \$14.55.*

[www.26econ.com/wp-content/uploads/2007/10/mean1.png](http://www.26econ.com/wp-content/uploads/2007/10/mean1.png)

*There's a slight trend upwards over time in the average monthly donation, but a linear trend is not statistically significant. As you might expect, the distribution of*

*donations (across all months) is skewed. Most donations cluster around relatively low values, but there are a number of higher donations. There were 12 donations of \$100 or more.*

[www.26econ.com/wp-content/uploads/2007/10/hist.png](http://www.26econ.com/wp-content/uploads/2007/10/hist.png)

Attracting Venture Capital funding in July 2007 from Luxembourg-based Mangrove Capital Partners, an early investor in Skype, Laurent Kratz, Jamendo's CEO and Co-Founder, stated:

*'With this funding, we plan to become the undisputed global player of free music. More than a music sharing platform we are economically supporting and promoting the long tail of music. We have a proven business model where music is not only proposed for free to end consumers but we are also closing an increasing number of partnership agreements and licensing deals.'*

<http://creativecommons.org/weblog/entry/7571>

The lessons able to be learned from the Jamendo site by other online publishers (particularly e-book entrepreneurs, in this instance) have been summarised by Robert Nagle ([www.teleread.org/blog/?p=6138](http://www.teleread.org/blog/?p=6138)) as follows:

- 1 There are many content creators willing to give their content away;
- 2 Tools for distributing, cataloguing, and rating this are constantly improving;
- 3 The openness permitted by Creative Commons offers a way for independents to compete against various mainstream media operations;



- 4 Audio books can easily go the 'way of Jamendo,' as has been demonstrated with [podiobooks.com](http://podiobooks.com); and
- 5 Although the site has yet to produce a lot of revenue, it does so without DRM. This may cause difficulties in verification.

Nagle concludes that 'Jamendo is an inspiration for people in the content creation field regardless of genre.'

## Use of Creative Commons

Jamendo's entire catalogue is available for free download, under various Creative Commons or (less commonly) the Free Art Licence, the English-language version of the *Licence Art Libre*, a French copyleft licence applying to works of art.

Jamendo's Creative Commons search interface ([www.jamendo.com/en/creativecommons](http://www.jamendo.com/en/creativecommons)) presents thumbnails of the albums which fall into the six Creative Commons licence categories, clearly showing which albums are available for remix or commercial use. Jamendo employs the 'Jamloader' tool ([www.jamendo.com/en/jamloader](http://www.jamendo.com/en/jamloader)) for uploads, a GPL-licensed, Python-

based open source software application inspired by ccPublisher (<http://wiki.creativecommons.org/CcPublisher>), as used by the Internet Archive (<http://archive.org>). As with ccPublisher, this tool allows users to select an appropriate Creative Commons licence and to tag audio and video files with metadata through an administrative panel ([www.jamendo.com/en/static/artists\\_how](http://www.jamendo.com/en/static/artists_how)).

In addition, each artist's profile clearly details their licence terms under the 'Your rights on this album' section, linking to the relevant Creative Commons deed. It also includes a CC logo on embedded widgets which pops up the relevant licence badge which links to the relevant deed.

## Motivations

Jamendo allows artists to distribute their work across peer-to-peer networks via legally-recognised means. The site harnesses the power of the Internet for rapid recognition of talent, and rewards the artist for their work through fair compensation mechanisms. In adopting Creative Commons, the site offers the possibility to distribute music freely, while preserving the basic rights of the artist.

*'By authorising the free distribution of your album on*

## Statistics

*As of 7 November 2007, the distribution of licences on Jamendo was:*

Attribution	98
Attribution-ShareAlike	498
Attribution-Noncommercial	45
Attribution-No Derivatives	87
Attribution-Noncommercial-ShareAlike	2694
Attribution-Noncommercial-No Derivatives	1365
Sampling +	0
Noncommercial Sampling +	419
Free Art Licence	229

*As of 21 May 2008, the distribution of licences on Jamendo was:*

Attribution	196
Attribution-ShareAlike	1163
Attribution-Noncommercial	70
Attribution-No Derivatives	167
Attribution-Noncommercial-ShareAlike	4902
Attribution-Noncommercial-No Derivatives	2121
Sampling +	129
Noncommercial Sampling +	262
Free Art Licence	222

## BUILDING AN AUSTRALASIAN COMMONS

*these networks, you are helping to make Peer-to-Peer tools legitimate. And, your work will receive additional recognition and publicity due to the current media attention on the subject.*

*You will be recognized as an artist with mature views on music distribution.'*

[www.jamendo.com/en/static/artists\\_why](http://www.jamendo.com/en/static/artists_why)

The site's Chief Technology Officer Sylvain Zimmer outlines the three reasons why Jamendo decided on Creative Commons as the site's licensing framework:

- 1 The flexibility of the licenses that let the artist choose 'how free' they want their music to be.
- 2 The clarity of the "human-readable" license page and the quality of the "machine-readable" and "lawyer-readable" license pages.
- 3 Creative Commons is an organization supported by great individuals, a vibrant community and a tremendous growth rate worldwide.

As to users' individual motivations to license under CC, Dailymotion ([www.dailymotion.com](http://www.dailymotion.com)), a Paris-based video-sharing site, recently called upon Jamendo's artists and users to provide testimonials and anecdotes of their experience with the site.

## Knives at Noon

**DESCRIPTION:** Knives at Noon are an indie-electric-rock band based in Dunedin, New Zealand, utilise Creative Commons to encourage remixing of their music.

**WEBSITE:** [www.myspace.com/knivesatnoon](http://www.myspace.com/knivesatnoon)

**LICENCE USED:** Creative Commons BY-NC-SA 3.0 New Zealand, <http://creativecommons.org/licenses/by-nc-sa/3.0/nz>

**MEDIA:** Audio

**LOCATION:** New Zealand

*'The music market is so saturated and Creative Commons is another way we can reach more people with our music.'*

*Oli Wilson, synth and vocals for Knives at Noon*

### Overview

Knives at Noon are a progressive New Zealand band formed in late 2007 by vocalist and guitar player, Andrew Ketels, synth and bass player, Oli Wilson and drummer, Tim Couch. Having just been placed in the top 32 bands for MTV Australia's Kickstart Competition and completing a national tour (finishing up with a session at the Red Bull Live to Air Studio in May), the group have been prolific despite such a short time together.

The band attribute their success to their reliance on modern technology and music-sharing practices including Creative Commons, enabling them to create a unique sound as well as to build their fan base. At one point, the band members were spread between Dunedin, Auckland and Papua New Guinea, which led to working via the Internet and traditional post to construct tracks. As recounted to Jane Hornibrook from Creative Commons Aotearoa New Zealand, Oli Wilson explains:

*'Andy would send me songs, I would add in a synth line or add in a line, send it back to him. It would go to and fro, then we'd send it to Tim, he'd write some rhythm stuff for it, and then when we'd get back together in Dunedin, we pretty much rehearse and take it on the road.'*

Their creative processes have resulted in a debut EP of richly detailed tracks stamped with each member's sound. Drummer Tim Couch says that finished songs end up consisting of about twenty parts of separate recordings.

*Knives at Noon – (From Left to Right) Tim Couch, Oli Wilson and Andy Ketels*



Creative Commons has led Knives at Noon even further towards open collaboration, enabling producers and DJs around the world to sample and remix their work. Since releasing their tracks, the band have engaged interested parties in the UK, America, Australia and New Zealand who download and make derivatives of the original tracks to form new material. Knives at Noon welcome others to use their work, providing producers with the Pro-Tools recording files to sample at will.

By embracing the potential of Internet file-sharing enabled by Creative Commons and hosting site MySpace (<http://www.myspace.com>), the band have attracted listeners from all over the world in a way that would not have been possible ten years ago. To hear Knives at Noon online, visit their MySpace page (<http://www.myspace.com/knivesatnoon>).

## Licence Usage

Knives at Noon use a CC BY-NC-SA 3.0 New Zealand licence for their six-track EP release. They choose Creative Commons to allow other musicians to remix their tracks. Already, artists such as Future One (Auckland), Darkist (UK), Dean Lawz Brisbane, (Australia), Benny Electric Brisbane, (Australia), Woosh (Dunedin), MC Beau (Dunedin), Undertow (Dunedin), Module (Wellington) and Michael Schraa (Dunedin) are remixing tracks. While these parties cannot make commercial use of the original or remixed work without permission from the band, Knives at Noon are planning to release a limited edition 'remix' tape later in the year.

Since releasing their 6-track, self-titled EP under a Creative Commons licence, Knives at Noon have seen their tracks remixed by international and local artists including Darkist from the United Kingdom. In Australia, Brisbane's Benny Electric's remix of the track 'Get Outta My Head' won the Voter's Choice for June 2008 on the social network MySongCast (<http://mysongcast.com>). You can hear his mix on his MySpace page ([www.myspace.com/benneyelectric](http://www.myspace.com/benneyelectric)).



*Benny Electric's remix single cover and Knives at Noon EP cover*

## Motivations

Bass and synth player Oli Wilson first heard about Creative Commons when he met Elliott Bledsoe from Creative Commons Australia while visiting friends in Brisbane. After picking up the *Asia and the Commons Case Studies 2008* handbook and *Unlocking the Potential through Creative Commons* Oli was convinced that Creative Commons would be invaluable for Knives at Noon. The group decision to take on an Attribution-Noncommercial-ShareAlike licence reflects the band members' preference for open sharing. Knives at Noon feel that even though they allow sharing and remixing of their work, the noncommercial terms of their Creative Commons licence will help them strive for commercial viability through tours and royalty payments. In fact, vocalist Andy Ketels believes that giving fans the freedom to share is the best way to reach their goals as established musicians because 'more people are using our music.' Oli adds that:

*'The music market is so saturated and Creative Commons is another way we can reach more people with our music. I like it how our ideas aren't entombed.'*

The band knows that 'the Internet has changed everything.' Knives at Noon have used advances in digital collaboration, music sharing and the Internet as a social medium to their full advantage and are leading the way to online creative success.

# Magnatune

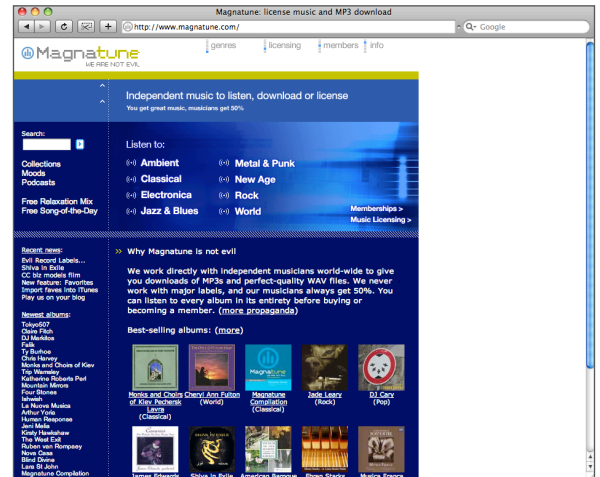
**DESCRIPTION:** Magnatune is a pioneering online record label that uses Creative Commons licences to promote its catalogue with free samples of songs, alongside a variable pricing model.

**WEBSITE:** [www.magnatune.com](http://www.magnatune.com)

**LICENCE USED:** Creative Commons BY-NC-SA 1.0 Generic, <http://creativecommons.org/licenses/by-nc-sa/1.0>

**MEDIA:** Audio

**LOCATION:** Global



Magnatune homepage, July 2008

## Overview

Magnatune is an online record label based in Berkeley, California that was founded in 2003 by John Buckman. Underpinned by the philosophy that ‘Musicians need to be in control and enjoy the process of having their music released’ ([www.magnatune.com/info/ethos](http://www.magnatune.com/info/ethos)), Magnatune aims to attract wider exposure for its artists than they would have achieved employing traditional music distribution models, which in turn enables the creation of a fan base and gaining of income. The site supports musicians by offering 50/50 revenue deals within a variable pricing model, made famous by Radiohead’s 2007 *In Rainbows* release. Buyers can purchase either MP3 copies of albums at a price the buyer determines to be fair, ranging between \$US5 and \$US18, or physical CDs for a fixed price. Magnatune offers streaming audio of its artists’ music for free as a promotional ‘try before you buy’ strategy.

Allowing Creative Commons downloads of music tracks realises John’s dream of ‘open music’ ([www.magnatune.com/info/openmusic](http://www.magnatune.com/info/openmusic)), countering the musician’s biggest hurdle of obscurity.

*‘Open Music is music that is shareable, available in “source code” form, allows derivative works and is free of cost for non-commercial use. It is the concept of “open source” computer software applied to music.’*

Magnatune has been a leader in the implementation of the CC+ protocol, promoting artists’ sustained commercial success alongside this sharing model ([www.magnatune.com/info/model](http://www.magnatune.com/info/model)). CC+ allows a significant proportion of an artist’s income to accrue from business deals, with licences automatically generated using forms on the website. Licences generated are royalty free (meaning the initial licensing fee is on a one-off basis) and cost between \$US150 and \$US5000. From both music sales and sub-licensing, artists receive 50% of the sale price. As at 12 January 2006, artists received, on average, somewhere between \$US1500 and \$US4000 per year from Magnatune (*Linux User Magazine*, [www.magnatune.com/info/press/coverage/img/lud.pdf](http://www.magnatune.com/info/press/coverage/img/lud.pdf)). John’s vision is to provide an income of \$US10,000 p.a. to a third of the artists signed to the label.



*In March 2005, Magnatune began experimenting with music distribution by releasing ‘Tuneplug’: a USB portable flash drive pre-loaded with complete MP3 albums from 10 Magnatune artists.*

## Licence Usage

The licence used for all Magnatune content is the Creative Commons Attribution-Noncommercial-ShareAlike

to artists using CC licences, thus preventing any artist from the country from being able to work with Magnatune (or similar platforms). A major benefit of using Creative Commons licensing in Magnatune's experience has been

the ease with which other distribution platforms such as radio station Last.fm, and non-commercial podcasts, can use Magnatune content.

*'This is very exciting news about Magnatune. This is precisely the kind of innovation that will solve the current crisis within music.'*

Lawrence Lessig, founder, Creative Commons  
[www.magnatune.com/info/openmusic](http://www.magnatune.com/info/openmusic)

1.0 Generic licence. This licence provides the basis of Magnatune's 'open music,' allowing works to be shared, made available in 'source code' form, remixed, and free of cost for non-commercial use.

Music compressed to 128 kbit/s quality is either downloadable (when chosen as a 'song of the day') or streamed for users to hear music in order to attract them to the options of either buying MP3 files or licensing music for commercial use. Users are invited to pass tracks to three friends, and are permitted to sample and remix these for non-commercial purposes. Ten percent of the catalogue is also available as 'source' materials, as scores, MIDI files, samples, and track-by-track audio files (<http://www.magnatune.com/info/openmusic>).

Magnatune is a pioneer for Open Content Licensing in independent music, with the company's website providing anecdotal evidence of success with the use of Creative Commons licences. However, the organisation does flag as an issue the fact of some countries' collecting societies acting as a barrier

## Statistics

Magnatune has (at 11 March 2008, [www.magnatune.com/info/stats](http://www.magnatune.com/info/stats)): 269 artists, 593 albums

and 8696 songs available. The highest average payment made for an album has been \$US10.43. As at 11 March 2007 (1 year before writing), 70 licences were being sold per month. Classical music still dominates paid downloads, contributing 30% of revenue.

## Motivations

*'If I retain all rights to everything, then I'm not necessarily going to further my own goals, whatever they might be, so I'm going to open up and let some of my rights be available for free under certain conditions because I find it furthers my goals overall.'*

John Buckman, CEO, Magnatune  
[www.openrightsgroup.org/creativebusiness/index.php/John\\_Buckman:\\_Magnatune](http://www.openrightsgroup.org/creativebusiness/index.php/John_Buckman:_Magnatune)

Magnatune licenses under Creative Commons primarily for promotional reasons. Unrestricted access to content logically allows for easier dissemination of that content. Where other platforms and labels online offer small samples of songs or songs at dramatically

lower quality than CDs, Magnatune uses Creative Commons licences to enable it to allow potential customers to listen to full, near-CD quality versions of the songs with fewer restrictions. Restrictions being placed on mainstream commercial content to attempt to combat copyright infringement are referred to as Digital Rights Management (DRM). Where these technologies are designed to limit the use and transfer of copyrighted content, Magnatune hoped to provide 'clean' song files, meaning that they could be freely transferred and used. Reflecting this, Magnatune allows its customers to send purchased song files to three friends ([www.magnatune.com/info/give](http://www.magnatune.com/info/give)). The argument is that if potential customers can hear a whole song without any restrictions in high quality, they are more likely to pay for the song.

Another motivation in the creation of Magnatune has been the need to be selective of content. From around 400 submissions each month, Magnatune releases about 10 albums based on their quality (<http://creativecommons.org/weblog/entry/7002>). While the nature of many distribution platforms, especially the social networking ones such as MySpace, is to be specifically non-selective, Magnatune bucks this trend and aspires to become a 'label' with a reputation of quality, respecting both artists and fans alike.

An in-detail study of Magnatune has been published by the Open Rights Group at [www.openrightsgroup.org/creativebusiness/index.php/John\\_Buckman:\\_Magnatune](http://www.openrightsgroup.org/creativebusiness/index.php/John_Buckman:_Magnatune)

## Nine Inch Nails

- DESCRIPTION: American band Nine Inch Nails (NIN) rocked the music establishment by releasing its last two albums under a Creative Commons licence.
- WEBSITE: <http://nin.com>
- LICENCE USED: Creative Commons BY-NC-SA 3.0 USA, <http://creativecommons.org/licenses/by-nc-sa/3.0/us>
- MEDIA: Audio
- LOCATION: United States of America

### Overview

On 2 March 2008, prominent and polemic American noir rock band Nine Inch Nails (NIN) (<http://nin.com>) departed from previous music industry management practices by releasing *Ghosts I-IV* (<http://ghosts.nin.com>) under a Creative Commons licence. Giving fans the ability to remix and redistribute the tracks from a multitude of different formats, *Ghosts I-IV* (also known as *Halo 26*) encapsulates the free spirit of the age to rip, mix, and share, creating a community of ardent followers. The thirty-six track album is divided into four parts, with the first nine unnamed tracks offered for free download, and the entire album available for \$US5 as well as in a variety of pressings and packages at different prices. This move has been widely regarded as a master stroke for the band: by selling an accompanying \$US300 'ultra-deluxe limited edition' version of the album on vinyl, NIN netted \$1.6 million overnight. Expanding the album into the 'visual world' a week after release, front-man Trent Reznor announced the launch of the *Ghosts Film Festival* project on YouTube ([www.youtube.com/group/ninghosts](http://www.youtube.com/group/ninghosts)), calling for users' film and audio submissions to 'be as creative as you like.'



Trent Reznor

Image: "Trent Reznor, February, 2008 (Press Photo)" by Nine Inch Nails Official, www.flickr.com/photos/nineinchnails/2348368204, CC BY-SA 2.0 Generic

Reznor explains their philosophy of free release:

*'The end result is a wildly varied body of music that we're able to present to the world in ways the confines of a major record label would never have allowed – from a 100% DRM-free, high-quality download, to the most luxurious physical package we've ever created.'*

[http://ghosts.nin.com/main/more\\_info](http://ghosts.nin.com/main/more_info)

The artistic team behind the project included Trent Reznor, Atticus Ross, and Alan Moulder, with instrumental contributions from Alessandro Cortini, Adrian Belew, and Brian Viglione. Collaborating with Artist in Residence (A+R, [www.ainr.com](http://www.ainr.com)), Rob Sheridan moulded the album's accompanying visual and physical aesthetic.

Two months after the release of *Ghosts I-IV*, Nine Inch Nails (<http://nin.com>) licensed a second album, *The Slip* (<http://theslip.nin.com>) under Creative Commons. Pitched as 'one hundred percent free' by Reznor, *The Slip* (also

*The first 9 tracks of Ghosts (titled "1 Ghosts I" through "9 Ghosts I") are available as a free download from the Nine Inch Nails website.*

*All 36 tracks on the album were released under a Creative Commons Attribution-Noncommercial-Share Alike 3.0 United States licence, meaning people who had purchased the full album were free to distribute the album under the terms of the CC licence.*



known as *Halo 27*) has been proclaimed as a further challenge to the music industry, defining an alternative path for musicians interested in the self-promotion of works. Available for digital download in an array of formats – MP3, lossless FLAC, MP4 (M4A), and the impressive higher-than-CD quality 24-bit, 96kHz WAV files via torrents – the ten tracks are readily remixable via their multi-track audio source files available on the Nine Inch Nails Remix site (<http://remix.nin.com>). The release also includes a PDF with artwork and credits.

Pre-empting the album release, the single *Discipline* was distributed freely via the official NIN site in April 2008, and a second, *Echoplex*, was released for free from iLike ([www.ilike.com](http://www.ilike.com)). To cater for the substantial fan base interested in acquiring sought-after merchandise, NIN released the album on vinyl and CD under a variable pricing model over the American summer period. The site states '*The Slip* will remain free for download indefinitely' (<http://theslip.nin.com/physical>).

## Licence Usage

NIN actively encourages its fan base to engage with its music, through redistribution, remixing (<http://remix.nin.com>) and user-generated film festivals ([www.youtube.com/group/ninghosts](http://www.youtube.com/group/ninghosts)). As with *Ghosts I-IV*, *The Slip* is licensed under a Creative Commons Attribution-Noncommercial-ShareAlike 3.0 United States licence. NIN's intention with this release is clear, as per the site (<http://dl.nin.com/theslip/signup>):

*'we encourage you to remix it  
share it with your friends,  
post it on your blog,  
play it on your podcast,  
give it to strangers,  
etc.'*

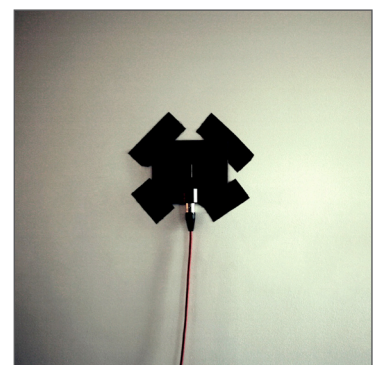
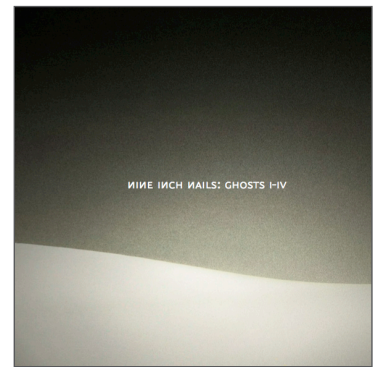
In contrast to services which prevent re-distribution of tracks, all files are 100% DRM-free.

## Motivations

Utilising Creative Commons has been a successful strategy for NIN: the manoeuvre has accrued substantial profit and prominence in the world-wide press. As widely reported on 4 March 2008 ([www.techdirt.com/articles/20080304/162842435.shtml](http://www.techdirt.com/articles/20080304/162842435.shtml)), the \$300 ultra deluxe edition of *Ghosts I-IV*, limited to 2500 copies, sold out in a matter of days. With fans still keen to seek 'personalisation, authenticity, embodiment' in the hard copy, Kevin Kelly notes that considerable incentives remain surrounding items released for 'free' ([www.kk.org/thetechnium/archives/2008/01/better\\_than\\_fre.php](http://www.kk.org/thetechnium/archives/2008/01/better_than_fre.php)). In relation to the release of the deluxe editions and associated products, Mike Linksvayer observes:

*'If an artist typically makes \$1.60 on a \$15.99 CD sale, profit from sales of the limited edition already matches profit from a CD selling hundreds of thousands of copies.'*

<http://gondwanaland.com/blog/2008/03/04/nin-ghosts>



*Included in the downloadable package for Ghosts I-IV is a PDF of album artwork. These are four of the images included in that document.*

# BUILDING AN AUSTRALASIAN COMMONS

Celebrating their North American tour with a free EP sampler *Lights In the Sky* (<http://dl.nin.com/lightsinthesky/signup>) Trent Reznor adds:

*'If you like what you hear, be sure to show up early to the show (and please remember to support them by purchasing their music, if so inclined).'*

<http://ninblogs.wordpress.com/2008/06/05/new-band-new-tour-sampler>

Evident throughout entries such as *Wired Magazine's Listening Post* (<http://blog.wired.com/music/2008/05/nine-inch-nails.html>) announcing the release on 5 May 2008, reactions from the fans continue to be strongly positive:

*'Reznor is the man!!!! I swear I am going to buy his next (for sale) studio album just b/c he is so f#\$%ng cool'*  
Glenn

*'And it's another epic victory for Reznor. Three albums in practically a year, and all of them absolutely stellar. The man knows music, plain and simple. I'll be picking up a vinyl copy come July.'*  
McTool

In response to these statements of fan fealty, 'the constant skeptic' notes:

*'@glenn that is exactly what Reznor is hoping he will do, convince his fans that he is the man so that the next time something is for sale they will buy it up. It is called selling free, and it works every time, especially in the online arena. Still, it is a masterful move and shows that he knows how to manage his brand better than anyone else out there right now, besides maybe radiohead.'*

Emphasising the importance of tour promotion and the smartness of this strategy in ensuring ongoing revenue streams, RandomCake responds:

*'@the constant skeptic, Well, I'm not sure Trent really cares about every day record sales these days, these free downloads really help with tour sales, and tours are a lot more profitable than CD sales, then there are the limited edition items such as vinyl and numbered CDs which really help to rake it in (Ghosts had an 'Ultra Limited Edition Package' at \$300, and there were 2,500 of them so that's \$750,000 made there!) Then there are other options, so without selling huge quantities there is large profit, and by giving away large quantities he gains mass appeal! Win win all round!'*

In the week following this release, NIN led Amazon.com's MP3 chart, with Radiohead coming in at number 5 (<http://blog.wired.com/music/2008/03/nine-inch-nai-1.html>). As *Wired's* Eliot Van Buskirk muses: 'There's a lesson for the labels in there somewhere.'

This album is licensed under a Creative Commons Attribution-Noncommercial Share Alike license.  
More information: [www.creativecommons.org](http://www.creativecommons.org)



halo twenty six

©2008 NIN  
[www.nin.com](http://www.nin.com)

## Pocketclock Records

**DESCRIPTION:** Pocketclock Records are an independent music label based in Melbourne, Australia, focusing on experimental pop.

**WEBSITE:** [www.pocketclock.org](http://www.pocketclock.org)

**LICENCE USED:** Creative Commons BY-SA 2.1 Australia, <http://creativecommons.org/licenses/by-sa/2.1/au>

**MEDIA:** Music

**LOCATION:** Melbourne, Australia

### Overview

Pocketclock Music is a small, independent record label based in Melbourne, Australia. Established in 2003 to represent the 'sound of young Melbourne,' Pocketclock's focus is distinctly experimental pop. Each featured musician offers free downloads on the site under the Creative Commons Attribution-Share Alike 2.1 Australia licence, alongside the occasional promotional video. Pocketclock also provides artists with a mobile recording facility to 'convert your sound to golden impulses' (<http://pocketclock.org/studio.html>), and has supported several local mastering/editing and production projects.

Talkshow Boy (TSB, also known as Adrian K-Sahara) is a 22 year-old musician who hails from Melbourne. In his own words, 'He plays intense and complicated electronic new pop songs about love, being tuff, and how people act towards one another' (<http://pocketclock.org/artists.html>). In November 2007, TSB released a new record *TESTOSTERONE* (<http://pocketclock.org/releases/cl007.html>). Over 19 tracks, TSB 'pushes the romantic, aesthetic and political agendas to the sounds of cute majorchordal

breakbeats, tiny melodic cut-ups and anemic blastbeats.'

Poland ([www.myspace.com/lazyholland](http://www.myspace.com/lazyholland)) plays primitive DSP pop music with 'loops as long as your arm' (<http://pocketclock.org/artists.html>). Informed by the folk and pop traditions, Poland takes her influences from outsider music, house, abstract jazz, video games, and storytelling, amongst other places. Poland's self-titled EP (<http://pocketclock.org/releases/cl005.html>) consists of four tracks, culminating in 'Random Pop,' which featured on Brothersister's ([www.brothersisterrecords.org](http://www.brothersisterrecords.org)) international experimental pop compilation titled *A fifty gallon drum of savage customs fresh flesh and random pop* ([www.brothersisterrecords.org/brothersisterrecords/comp.html](http://www.brothersisterrecords.org/brothersisterrecords/comp.html)). Also featuring on the Brothersister release with the title track 'Fifty gallon drum,' Pompey ([www.myspace.com/pompeycasamilus](http://www.myspace.com/pompeycasamilus)) pitches himself as a 'young man making noisy, polyrhythmic pop and sounds, steeped in arch sentimentality and linked in ways to environmental sounds, girl groups, primitive music, studio - as-instrument, etc.'



Talkshow Boy

Image:

# BUILDING AN AUSTRALASIAN COMMONS

*Pocketclock currently represents three artists: Talkshow Boy (TBS) ([www.pocketclock.org/talkshowboy](http://www.pocketclock.org/talkshowboy)), Poland ([www.myspace.com/lazyholland](http://www.myspace.com/lazyholland)) and Pompey ([www.pocketclock.org/pompey](http://www.pocketclock.org/pompey)). The label has had previous associations with Lakes, Oh! Belgium ([www.myspace.com/ohbelgium](http://www.myspace.com/ohbelgium)) and Cine-milky/Sienmilki.*

## Licence Usage

Pocketclock releases are available for download under the Creative Commons Attribution-ShareAlike 2.0 Generic licence. Site visitors are able to obtain individual MP3 tracks or a ZIP file of the entire record for free. Direct donations to the artists are encouraged through PayPal.

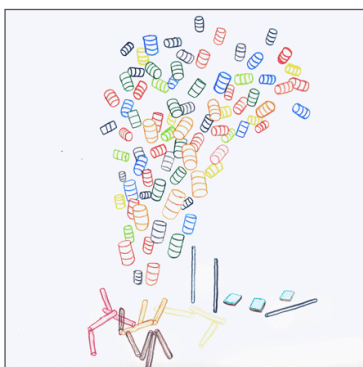
Choosing to offer Pocketclock releases under a ShareAlike licence, founder Rowan Mcnaught was inspired by the creation of a 'sort of paper trail,' as he explained in an email interview with Rachel Cobcroft from Creative Commons Australia in November 2007:

*'When I find music I like, I tend to track backwards into its progenitors to find more of it or work out what it is or what I means a bit more. I'd hope that asking anyone who used any of the music to attribute it would have a similar effect.'*

Rowan reflects that whilst he is unsure of outside sampling of Pocketclock music, he is aware that the players on the label actually take bits and pieces from each other's music to remix and reuse.



*'The ShareAlike component is really just because I think CC licenses are such a friendly alternative to the way things usually seem to go.'*



*It's a bit too big and weird, huge sample clearance fees, hazy infringement rules (what is it, three notes? Two seconds? I don't understand). So it makes sense to keep up the license if someone uses it. I'm just quite grateful for the alternative.'*

## Motivations

Pocketclock founder Rowan Mcnaught first found Creative Commons when he became unhappy with pretending to be a traditional-style label.

*'It was thoroughly unrewarding trying to sell records just to be able to keep putting new ones out, and it seemed I'd be happier just sharing everything online: by not spending up I could just keep putting out music I liked and a few people could find it.'*

Whilst he admits to not being very cluey in relation to traditional legal code, Rowan reflects that he was really impressed with the Creative Commons licensing scheme:

*'We are inevitably for small fry, limited appeal type music, and of course the Internet caters for, and even nourishes, that. When I found Creative Commons, it reinforced that idea and allowed us to stop working in the traditional way: In some ways I think by licensing the music under CC, for me, serves more to say "It's actually OK to give this to your friends than anything else; I'm not so worried about anyone misusing the music."*

*The covers of three Pocketclock releases: (Top to bottom, left to right) Poland's self titled EP, Pompey's Fifty Gallon Drum and Talkshow Boy - Testosterone covers.*

## Postmoderncore

- DESCRIPTION: Postmoderncore is a netlabel concerned with releasing underground New Zealand music and other music of interest under local Creative Commons licences.
- WEBSITE: <http://postmoderncore.com>
- LICENCE USED: Creative Commons BY-NC 3.0 New Zealand, <http://creativecommons.org/licenses/by-nc/3.0/nz>, Creative Commons BY-NC-ND 3.0 New Zealand, <http://creativecommons.org/licenses/by-nc-nd/3.0/nz>
- MEDIA: Music and cover art
- LOCATION: New Zealand

### Overview

Postmoderncore is Wellington-based netlabel that, in the words of founder Sam Stephens, ‘cares about music, not commerce.’ Established as a protest against the commoditisation of music and the idea that a musician needs to be motivated by profit, Postmoderncore believes in giving an audience to music that deserves it, and ensuring that the potential audience of a release is not limited by money or production constraints.

According to its web site (<http://postmoderncore.com/about.html>), Postmoderncore’s philosophy has been greatly influenced by the Negativland ([www.negativland.com](http://www.negativland.com)) fan collective Snuggles ([www.sensoryresearch.net/thoughtconduit/news?grid=7](http://www.sensoryresearch.net/thoughtconduit/news?grid=7)). Founding the label five years ago, Sam Stephens expresses his underlying beliefs:

*‘I came to the conclusion that copyright was a tool used by corporations to make profits, and control artists and their music. ...Postmoderncore is the flip side of my protest against copyright and the idea*

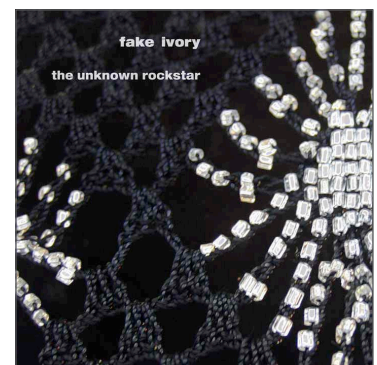
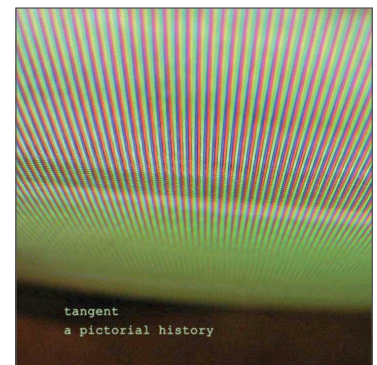
*of music as a commodity. I decided that the best method for sharing the music and accompanying art with its audience was to offer free downloads over the Internet. I also wanted to reach a wide and international audience.’*

Operating as a self-funded initiative, Postmoderncore sells CDs of the music available online, so that the label’s artists and fans can have physical CDs if they wish to. This is not a money-making exercise, and is intended more for promotional purposes.

### Licence Usage

Artists on Postmoderncore are offered the ability to license under the Creative Commons Attribution-

*The covers of three Postmoderncore releases: (Top to bottom) Tangent’s A Pictorial History and The Unknown Rockstar’s Fake Ivory and Deep Earplug Music.*



‘Creative Commons licenses allow your music to spread furthest.’

Sam Stephens, Postmoderncore

Noncommercial-No Derivatives 3.0 New Zealand or the Attribution-Noncommercial 3.0 New Zealand licence. Being happy with the licences so far, Postmoderncore will continue to release under Creative Commons.

The Creative Commons licences selected depend upon the wishes of the artists. According to founder Sam Stephens, some

of the label’s musicians are happy to have derived works produced from their music, and some are not, so they end up using the according licence. Sam intentionally uses the New Zealand licenses to express Postmoderncore’s ties to New Zealand, and to support the CC Aotearoa New Zealand (CCANZ) initiative.

After reading of the commercial use of CC-licensed images on billboards by Virgin Australia (such as [www.asiancanadian.net/2007/10/photo-of-teenager-appears-on-australian.html](http://www.asiancanadian.net/2007/10/photo-of-teenager-appears-on-australian.html)), Sam explicitly chooses non-commercial licences, so that further use of Postmoderncore material can be vetted by the artist(s) involved. In Sam’s understanding, ‘This doesn’t stop commercial use of the music; it simply requires explicit permission to be granted. I think it’s good to maintain this level of control.’

## Motivations

As founder of this netlabel, Sam Stephens first heard about Open Content Licensing through the open source software movement.

‘When I learned about the

*Creative Commons bringing these principles to music and the arts, I was very excited as I already was releasing on the Internet, and thought these licenses had great potential, and expressed ideas I already had about creativity as a gift, rather than something to be owned and hoarded.’*

According to Sam, Creative Commons licences provide the advantage of allowing for distribution of music by fans, removing centralised distribution and associated costs and annoyances: ‘They express the freedom and sharing I want from creativity.’

As someone who is encouraging others to release under Creative Commons licences, Sam is careful to ensure that artists releasing on Postmoderncore understand the full implications of doing so. In particular, Sam emphasises that artists need to understand that they can never revoke the CC licence, and once they’ve released the album, it’ll always be available for free, even if suddenly they get commercial interest.

*‘It means that my artists need to not be particularly profit-motivated, and/or that they need to have the confidence to know that if they get commercial interest, they can create a new work that is as strong as the one they just released. My feeling is that for an undiscovered artist who does dream of “making it” one day, the best thing they can look for in the meantime isn’t profit, but exposure. Creative Commons licenses allow your music to spread furthest.’*

Postmoderncore hosts a number of websites for other independent arts projects in New Zealand including an online store called Dadashopping (<http://dadashopping.net>) which sells releases from the netlabel as well as a number of other independent musicians from around the country.

## Topology

- DESCRIPTION: Topology is an internationally acclaimed Brisbane-based new music ensemble.
- WEBSITE: [www.topologymusic.com](http://www.topologymusic.com)
- LICENCE USED: Creative Commons BY-NC-SA 2.5 Australia, <http://creativecommons.org/licenses/by-nc-sa/2.5/au>
- MEDIA: Music
- LOCATION: Brisbane, Australia

### Overview

Established in 1997, Brisbane's avant-garde music ensemble Topology has gained an international reputation as artists devoted to the experimental form. Self-described as 'nothing if not flexible,' Topology performs in a multitude of venues from art galleries through to opera houses, accompanying silent films and playing pop concerts in 10,000-seat stadia. Regularly recording for the Australian Broadcasting Corporation (ABC), these contemporary musicians collaborate with new music's leading lights, such as Terry Riley, John Adams, Phillip Glass, Michael Nyman, and Steve Reich, as well as popular musicians including Tyrone Noonan (from the award-winning band 'george') and Kate Miller-Heidke (widely

recognised as Australia's popera diva). Topology's performances include the opening concert of the Sydney Spring Festival, where they received the Best Ensemble Award in 1999, an experimental Fluxus festival at the Queensland Art Gallery, Neil Armfield's vision of *The Marriage of Figaro* at the Sydney Olympics Art Festival, and the Surabaya Arts Festival in 2007 (see [www.topologymusic.com/index.php/category/concerts](http://www.topologymusic.com/index.php/category/concerts)). Billed by Australian Music Online ([www.amo.org.au](http://www.amo.org.au)) as 'neo-classic contemporary music explorers,'

*Topology – (From Left to Right) Kylie Davidson, Bernard Hoey, Christa Powell, Robert Davidson, John Babbage*



Topology is Robert Davidson on double bass, Bernard Hoey on viola, Christa Powell on violin, Kylie Davidson on piano, and John Babbage on saxophone.

Compositions by Robert Davidson include *Convex and Concave*, a 'contrapuntal miniature' inspired by the drawings of M.C. Escher, the *Karak concerto*, a percussive piece

available on their site. The composers also distribute free sheet music ([www.topologymusic.com/index.php/category/scores](http://www.topologymusic.com/index.php/category/scores)).

## Motivations

Robert Davidson discussed his motivations to provide a selection of his scores and recordings to the public with Rachel Cobcroft in February 2008.

*'I can't see that we can move forward in creative work with copyright staying as it is.'*

Robert Davidson, *Topology*

*'The open framework suits Topology as the sales of albums is not as valuable to us as the promotion of our profile. There does seem to have been a causal link between using open approaches (to MP3s and sheet music PDFs on the web) and our profile being raised, though it's hard to be certain about this. In my own case, there has definitely been an increase in my revenue from international performances of my music as I have bypassed publishers and given away free scores.'*

Inspired by contact with the members of Negativland ([www.negativland.com](http://www.negativland.com)) in San Francisco, and subsequently by reading the writings of Lawrence Lessig, there has been a philosophical attraction to free culture for Davidson also.

using bowed vibraphone, and *Big Decisions*, a documentary opera which contemplates the dismissal of Gough Whitlam in 1975. Saxophonist John Babbage was inspired to compose one of his many pieces *Chop Chop* whilst in Santiago, Chile, exploring the harmony and syncopation of Gerard Brophy and Olivier Messiaen (for program notes for these compositions see [www.topologymusic.com/index.php/category/compositions](http://www.topologymusic.com/index.php/category/compositions)).

## Licence Usage

Topology has placed their album *Perpetual Motion Machine* on Jamendo ([www.jamendo.com/en/album/4148](http://www.jamendo.com/en/album/4148)) under the genre 'contemporary classical' and the Creative Commons BY-NC-SA 2.5 licence. Individual tracks ([www.topologymusic.com/index.php/downloads](http://www.topologymusic.com/index.php/downloads)) and excerpts ([www.topologymusic.com/loudblog](http://www.topologymusic.com/loudblog)) are

*'I can't see that we can move forward in creative work with copyright staying as it is. I want to make music using all sorts of quotes and allusions, but find it prohibitive to be always needing to pay \$20-\$120 per second of footage (I signed a contract today to pay those amounts to use excerpts). There have to be other ways.'*



# Yunyu

- DESCRIPTION: Yunyu is a successful, unsigned singer/songwriter in Sydney, Australia, who uses Creative Commons licences for promotional purposes.
- WEBSITE: [www.yunyu.com.au](http://www.yunyu.com.au)
- LICENCE USED: Creative Commons BY-NC-SA 2.0,  
<http://creativecommons.org/licenses/by-nc-sa/2.0>
- MEDIA: Audio
- LOCATION: Sydney, Australia

## Overview

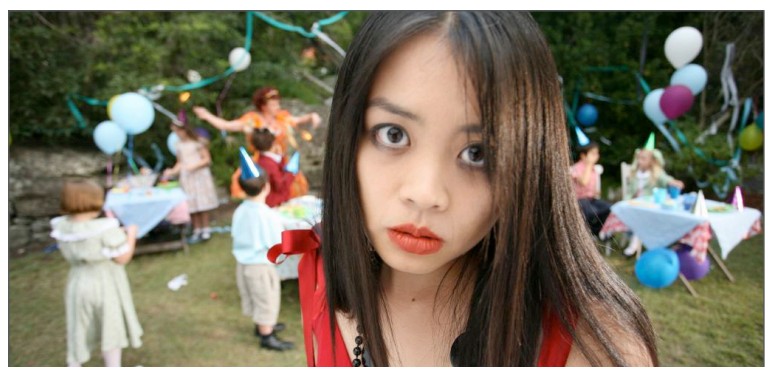
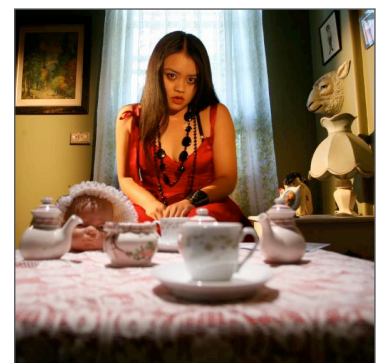
Yunyu ([www.yunyu.com.au](http://www.yunyu.com.au)) is an understated, self-proclaimed member of the emerging (and in many cases emerged) generation of bedroom-based artists who may not, without the Internet, have ever seen the cold light of day. She is a classically-trained musician, though she admits to having been bored by the restrictions of that genre. Yunyu first saw success before ever having played a live gig ([www.yunyu.com.au/home/bio](http://www.yunyu.com.au/home/bio)), via the new talent competition *Unearthed* ([www.triplejunearthed.com](http://www.triplejunearthed.com)), operated by Triple J Radio ([www.abc.net.au/triplej](http://www.abc.net.au/triplej)). Following her 'unearthing' Yunyu received radio airplay all over the globe, including some chart domination on Canadian college radio.

Yunyu uses the services of several online businesses to sell and share her music. For both physical and digital distribution, Yunyu's business model utilises a number of different music platforms. She has CDs and MP3s available for purchase from US independent distributor, CD Baby ([www.cdbaby.com](http://www.cdbaby.com)). CDs are also available from the Australian independent store Earshot Music ([www.earshotmusic.com.au](http://www.earshotmusic.com.au)), while paid digital downloads are available from iTunes ([www.itunes.com/store](http://www.itunes.com/store)). Yunyu also offers fans the option of buying CDs directly from her.

As with a number of independent bands, Yunyu uses the services of a company called Usync ([www.usync.net](http://www.usync.net)). The service provides a 'backstage pass' to paying fans, who can then get access to exclusive content in the 'backstage' area of the Usync website. The service essentially brings ticket sales, music sales, news announcements and other components of a music business model into the one location or interface.

Popular online radio station Last.fm ([www.last.fm](http://www.last.fm)), relying on automated peer-recommendation, also assists in the proliferation of Yunyu's music, together with social networking platforms like MySpace ([www.myspace.com](http://www.myspace.com)) and Facebook ([www.facebook.com](http://www.facebook.com)).

Yunyu



## Licence Usage

Yunyu uses a Creative Commons Attribution-Noncommercial-Share Alike 2.0 licence for promotional purposes. Two of her songs, *A Prayer* and *Lenore's Song*, are available under this licence as streaming music videos ([www.yunyu.com.au/home/music#videos](http://www.yunyu.com.au/home/music#videos)). Whilst her site does not include any downloadable tracks, Yunyu specifies on her webpage that, though only two of her songs are actually officially under Creative Commons licences, she is happy for any of her work to be used in certain circumstances without payment but with attribution ([www.yunyu.com.au/home/creative-commons](http://www.yunyu.com.au/home/creative-commons)). She acknowledges social projects and amateur productions as acceptable forms of use, and adds that if someone has paid for a copy of her work, what they then do with the work (including file-sharing using services such as P2P) is up to them.

Though unable to provide any accurate statistics on the effects Creative Commons licensing has had on her success, Yunyu cites the availability of *Lenore's Song* as having been a big help in increasing her profile. The song is licensed under Creative Commons, as discussed above, and its accompanying music video has seen over 85,000 hits on YouTube ([www.youtube.com/watch?v=EzSstcvLmYM](http://www.youtube.com/watch?v=EzSstcvLmYM)). James Milsom from Creative Commons Australia interviewed Yunyu on 20 April 2008, where she stated that:

*'The ease that I have allowed the use of my music for podcasters, bloggers and the like could only have helped me make my living as a musician.'*

Yunyu has been pleased with the benefits of Open Content Licensing generally, saying that, 'It allows podcasters/ indie movie makers/ poor film students/ poor artists etc. to use and share my music easily and without hassle.' This ease of (re)use has proven extremely beneficial for Yunyu, with her

work featuring in six different student films, including productions from as far as Belgium and The Netherlands, in addition to multiple placements in podcasts, such as that of the 'Coolshite Crew' ([www.coolshite.net](http://www.coolshite.net)) and her lyrics being used to teach English to Japanese people. A fan-made video to her song *Dance so Slowly* is the icing on the cake ([www.youtube.com/watch?v=jC-XkHfSIBc](http://www.youtube.com/watch?v=jC-XkHfSIBc)).

## Motivations

Yunyu's experience using the Internet as a distribution and promotional platform makes her use of Creative Commons licences a logical step. While the benefits of Creative Commons licences are obvious from the above discussion, Yunyu cites difficulties with Creative Commons licensing as far as other artists or content producers understanding the licences:

*'There is, when I speak to some creators, a certain misconception that Creative Commons equals public domain which is not true. So there is a general perception that they have lost some income due to putting their work under Creative Commons licenses but I beg to differ because I think I have benefited from the spread of my work through this channel.'*

When interviewed in April 2008, Yunyu was in the middle of an international tour, and though in some way this sort of success can be attributed to Creative Commons licences, (as with all CC artists) she sees the real effects of CC as being difficult to determine. In advising others in the use of Open Content Licensing, she provides a couple of caveats: 'I think the deal is to choose very carefully what licences suit you because there are limitations to changes and Creative Commons is generally irrevocable.'

# OpenVoice Free PBX

DESCRIPTION:	OpenVoice Free is a free-for-download voice-prompting service specialising in supplying Australian voice prompts for the Asterisk open-source PBX telephone system and other compatible IVR systems.
WEBSITE:	<a href="http://www.openvoice.com.au/free">www.openvoice.com.au/free</a>
LICENCE USED:	Creative Commons BY-SA 2.1 Australia, <a href="http://creativecommons.org/licenses/by-sa/2.1/au">http://creativecommons.org/licenses/by-sa/2.1/au</a>
MEDIA:	Software, Audio
LOCATION:	Australia

## Overview

OpenVoice ([www.openvoice.com.au](http://www.openvoice.com.au)) is a small business based in Australia, specialising in providing voice prompting services for the Asterisk Open Source PBX system ([www.asterisk.org](http://www.asterisk.org)) and other compatible telephone voice-prompt systems. Such applications are commonly used by businesses and organisations to manage telephone switchboards and improve business communications. As part of its services offered for commercial sale, OpenVoice has created OpenVoice Free, a set of Australian voice prompts which are available free of charge under a Creative Commons Attribution-ShareAlike 2.0 Australia licence.

OpenVoice Free is a comprehensive set of voice files that businesses and organisations can download for use and distribute free of charge in both commercial and non-commercial environments. The voice files feature an Australian voiceover artist, providing an Australian and sometimes humorous touch to what are often American-voiced IVR systems. The package contains a complete set of Australian voicemail prompts, wake-up calls and prompts for base Asterisk IVR functionality.

This gives the user a functioning basic system containing the most common announcements. OpenVoice Free is not restricted to the Asterisk platform and can also be used for other IVR applications. For more demanding IVR systems and customised prompt packages, OpenVoice have a range of services available for purchase.

By using Creative Commons licences, OpenVoice have made a non-commercial contribution to the Asterisk community and has secured a method for legally distributing a demo of their services that promotes their more extensive selection of commercially-licensed media.

## Licence Usage

OpenVoice Free is licensed under a Creative Commons BY-SA 2.1 Australia licence. This permits commercial uses of the media, ensures OpenVoice is attributed and that any derivative works are licensed in the same way. Initially OpenVoice considered GFDL licensing for OpenVoice Free, but found that Creative Commons licences were a more user-friendly alternative due to their plain English deed and minimal

*'The licences are also simple to understand, and don't require a lawyer to decode.'*

Ben Buxton, OpenVoice

accompanying licence documentation. Also, unlike GFDL, Creative Commons licences are not format specific. This accorded with OpenVoice's goal of making OpenVoice Free available with maximum ease and exposure.

OpenVoice report that their CC-licensed media is downloaded at a rate of 50x that of the commercial versions on offer, and have found that customers who used OpenVoice Free were impressed enough with the service to go on to purchase OpenVoice's commercially available media.

## Motivations

As a fan of free software and media licences, OpenVoice's Ben Buxton was impressed with the range of licences offered by Creative Commons. In an email interview with Emma Carroll from Creative Commons Australia in April 2008, Ben offered the following rationale for adopting CC:

*'We use CC licences because they provide a range of licensing options that suit most copyright holders who would like to allow relatively free distribution of their media. The licences are also simple to understand, and don't require a lawyer to decode.'*

OpenVoice chose the Creative Commons Attribution-ShareAlike licence because:

- 'The licence permits commercial use of the media. This is important as our media is intended for a primarily commercial application and we would like [to give] businesses the ability to use our free versions of the media.'
- Attribution is required, as part of the reason for offering the media is as a demo for our more extensive commercially licensed media. We'd like those who spread the media around to give a pointer back to us.'
- ShareAlike so that derivatives of the media retain the commercial use guideline, and the attribution back to us.'

OpenVoice Free is a good example of how a company can license their media with Creative Commons to generate business and commercial gain, while offering a free version for those without the budget for commercial applications. According to Ben's philosophy, 'We'd rather people access a free version than not at all, as it benefits them, and we are proud to offer an Australian option to a primarily American software package.'