

copyright, **remixed.**

A presentation about Creative Commons.

by John Buckman
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johnbuckman@creativecommons.org



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Who is John?

This presentation is
downloadable at:

<http://blogs.magnatune.com>

<http://slideshare.net/johnbuckman>

John Buckman

<john@magnatune.com>



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2003-

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Magnatune Records

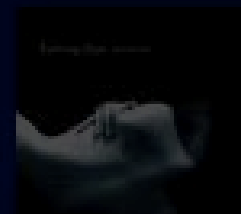
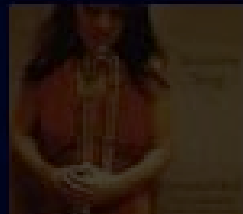
- Online Record Label

Featured artist:



Philharmonia

>> Top 10 this week:



2006-

BookMooch

- A community fo exchanging used books

A community for exchanging used books.

HOW IT WORKS

1.

Type in
books you want
to give away

2.

Receive requests
from others for your
books

3.

Mail your books
and receive points

4.

Ask for books
from others with
your points

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Board member

- **Creative Commons**
- **Electronic Frontier Foundation**
- **Open Rights Group**

What is Creative
Commons?

It's a social movement
taking "open source"
philosophy and applying
it to other media

Microsoft vs Linux

=

Big Media vs CC

also...

CC is a middle ground
between “all rights reserved”
and
“no rights reserved”
(public domain)

or...

how to do more
and pay lawyers less

CC assists creators in
assigning certain rights to the
public while they retain other
rights

CC makes well-written,
reusable legal documentation

and promotes those who use
those documents

Which rights are involved?

Always with CC:

- * you have to credit the artist (marketing)
- * copying is allowed (wide distribution)

Creator can choose to
restrict:

- * commercial use
- * reuse

Big Media is anti-technology,
risk averse and won't permit
experimentation

and they are in control

CC-licensed media is pre-
cleared and enables
experimentation
and creativity

You won't get sued

the public is angry at
Big Media

but loves
Creative Commons

With CC you get:

- * free press exposure
- * public love
- * word-of-mouth

CC's "Larry Lessig" is the
2nd "blog" result in google

Magnatune's experience

1.5 million google links
to Magnatune

and

massive exposure via
traditional press

Apple's iTunes might not be only answer to ending

Steve Jobs is pretty smug about iTunes, but maybe he's got it wrong.

It's at least worth exploring, because so far the tech industry has treated Apple Computer CEO Jobs and his creation of iTunes much the way the Hebrews treated Charlton Heston after he parted the sea of Jell-O in *The Ten Commandments*. Praise be Steve! He has saved us!



By Kevin Maney

Except now there's a daring young Web site called Magnatune that's asking some interesting questions about ways to finally create harmony between the Internet, music artists and consumers.

It suggests that iTunes and all the similar 99-cents-a-song sites from the likes of Dell and Musicmatch are just a waylay on a longer path. Eventually, that path has to lead to a business model that stops the ongoing insane war between the music industry and its customers — a war in which both sides continue to give each other plenty of reason to act stupid.

Magnatune was launched in May by John Buckman, who is otherwise CEO of e-mail software company Lyris. At its core, Magnatune is an effort to create the first real Internet-era record label. It's intriguing enough that Hank Barry, former CEO of Napster, took Buckman to lunch a couple of weeks

ago to learn about the company.

Magnatune doesn't have all the answers. But its model reveals how the Internet, CD burners and inexpensive digital recording technology are undermining the music industry's economics to a greater degree than most people realize.

The questions about current models start with pricing. Why, in this era of eBay, is all music priced the same? A new track from White

Stripes can't be worth the same 99 cents online as an old Bread recording of *Baby I'm-A Want You*. (No quips from the peanut gallery about which is worth more.)

The Internet makes dynamic pricing possible — prices that change depending on demand. eBay's auctions are one way to do it. Magnatune is trying something a little different, and it includes playing on a buyer's conscience.

When you go to Magnatune, you find a list of a few dozen artists the company has signed. They are not famous. (About one in 300 artists that send music to Magnatune get signed — the idea is to maintain a level of quality.)

Click on an artist such as Falik — who plays electro-Indian music and may or may not intend his name to be a homonym — and you can listen to his album for free by streaming it over the Internet. It works like an on-demand radio



Magnatune

New prices: John Buckman launched Magnatune, which lets consumers decide how much they want to pay for a record, starting at \$5.

station: You're not downloading the music onto your computer's hard drive, and you don't own it.

To download an album so you can play the songs any time or burn them to a CD, you have to buy it. When you click to buy, you see a "suggested" price of maybe \$8, but you can choose to pay as little as \$5, or as much as you want. Here's what's fascinating: "Everyone assumes we're just getting \$5," Buckman says. "The average is \$8.93."

Buckman is convinced his customers are willing to pay for — not steal — his artists' music, and even pay more than is necessary, be-

cause Magnatune pays artists half its revenue from selling music.

Which brings into play another layer of the Magnatune model. In decades past, it cost a lot to get recorded music to the public. Studios and equipment were expensive, so recording an album took a lot of upfront money. Then, manufacturing thousands of LPs or CDs and shipping them around the country cost a ton.

It all meant artists had to sign with a record label that would advance the money to launch an act. The price to artists has often been restrictive contracts that pay little

Read more columns online



Find links to more of Kevin Maney's Technology columns at money.usatoday.com

royalties.

But every part of that model is changing. PCs, digital gizmos and software can be assembled into a high-quality basement studio for a few thousand dollars. Former Byrds legend Roger McGuinn is recording his next album on his laptop while on the road. And with high-speed Internet, CD burners in most every PC, and blank CDs that cost 30 cents, it makes little sense to manufacture and ship pieces of plastic. It's like, in the 1940s, when the first refrigerator/freezers made home ice delivery irrelevant.

Bottom line for Magnatune: It can sign artists who have already recorded their albums, advance them nothing, then split all purchases 50-50. If you pay \$8, the artist gets \$4.

The 50-50 deal is spelled out on the Magnatune site. Consumers, Buckman says, want to support artists.

But they don't want to support the Recording Industry Association of America (RIAA) and the music industry, which they see as the enemy. People are willing to steal music from music companies but not from artists, Buckman says. Considering the outrage in 2003 over the RIAA suing a 12-year-old girl for downloading music, he's probably right.



Hear no evil

Digital media: Can an "open source" approach be applied to the music business? Magnatune, an innovative record label, thinks it can

IF, AS many people hope, the internet means that the major record labels will gradually become obsolete, what exactly is going to take their place? The answer is clearly a part of the future, but it is argu-

much is a matter of choice—Magnatune allows you to decide what the music is worth, and to pay as little as \$5 for an album or as much as \$18. Once paid for, the music is not locked up using "digital-rights management" software, so you are not prevented from making copies. Instead, Magnatune relies on its customers' loyalty to its artists not to pirate their music indiscriminately.

Mr Buckman likens this community-based, free-wheeling approach to that of Linux, the open-source operating system, although the analogy is inexact: Magnatune's customers do pay for music, you cannot remix and redistribute it, and the company does make a profit. What is more Linux-like is Magnatune's desire to unseat the industry incumbents and change the rules of the game by giving the artists a fairer, less restrictive deal.

Magnatune's slogan, "We are not evil", owes a debt to Google's slogan ("Don't be evil") and is a sideswipe at the major labels. Its contract is non-exclusive, so musicians can release their music elsewhere. And the label

early classical music, which has a strong presence on Magnatune. Around 10,000 people visit the site every day, and one in 42 visitors buys some music—a far better ratio than the average for e-commerce (where conversion rates are typically between 1 in 400 and 1 in 1,000), and not much worse than in bricks-and-mortar music stores, where it takes 20 customers to generate a sale.

Magnatune has exceeded Mr Buckman's expectations in music licensing, another side of the business that has played a big part in helping it reach profitability. For non-commercial use, such as a school project, the site allows music to be used under a "Creative Commons" licence, a concept devised by Lawrence Lessig, a law professor and crusader for internet freedom. For commercial use, Magnatune makes licences available quickly and cheaply online. This business is growing at 30%, as Magnatune has become popular with independent filmmakers looking for soundtracks.

Though plenty of commentators have seized upon Magnatune as the online music model of the future, Mr Buckman has relatively modest aims. "We're going to stick to second-tier genres and we're not going after the majors," he says. For now, that is probably realistic, since like other internet-music ventures, Magnatune's weakness is that it does not have the resources to propel its artists into the mainstream via radio and television. For that reason, says Mr Buckman, it tends not to get musicians in their 20s sending in music. "They have an unpleasant attitude and still think they'll get the limo and the drugs," he says.

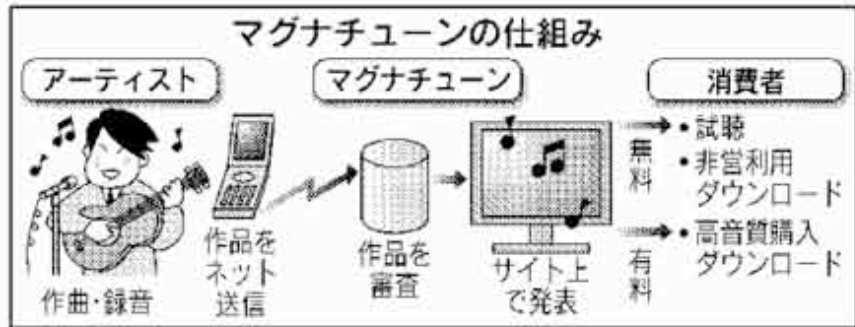
So artists considering the 50/50 split should remember that Magnatune is, for now at least, a fairly passive label. In contrast, says Brad from Brad Sucks, "the majors front all that money and take a lot of risk. They deserve to get some money back." Any artist on Magnatune

音楽ネット配信 著作権柔軟に

米マグナチューン 日本上陸へ

利用者が無料や自分で決めた価格で音楽を楽しめる新種の音楽ネット配信サービスの米マグナチューン（カリフォルニア州）が、年内に日本向けサービスを始める。全曲で著作権を柔軟に運用する「クリエイティブ・ commons（CC）」のルールを採用し、欧米で広がりを見せている。新しい音楽流通の試みとして日本でも注目を集めそうだ。

試聴無料、消費者が値決め



▼クリエイティブ・commons 米スタンフォード大のローレンス・レッシング教授が提唱した著作権運用ルール。音楽や映像の著作権は権利を放棄せずに、「著作者を表示すれば利用可」「表示不要、商業利用は不可」など、自由に流通ルールを定めて公開できる。ルールの制定と普及を担う非営利団体が約四十カ国で活動する。普及団体のホームページ上で条件を選ぶと、作品を収めた電子ファイルに「CC」マークと、各条件設定を表すマークをネット経由で付けられる仕組み。

マグナチューンはネットを通じて録音音楽を売る独立（インディーズ）系の「ネット・レコード会社」。日本向け事業はネット関連ビジネス支援のデジタルガレージとの共同事業になる見込み。現在のアーティスト数は

コストかけ

マグナチューンの仕組みは、利用者が無料や低価格で音楽を楽しめるだけでなく、アーティストにとっても著作権を放棄せずに幅広く音楽を配布することにつながる。コストをかけずに音楽を流通させることができるため、多額の宣伝費を使う

Massive quantity of content is CC licensed

2004: 4.7m

2005: 10m

2005 1/2: 45m

2006 1/2: 140m

2007: 300m

Flickr Photos with CC license

2005: 4m

2006: 10m

2007: 25m

Which rights are reserved?

* non-commercial (nc): 67%

* no reuse (nd): 24%

* viral license (sa): 45%

CC can be a business model for endangered cultural products

- * low marketing cost
- * massive distribution
- * find your niche audience

Some ways to make money with CC:

- * help consumers find the good stuff
 - * help creators find their audience
- * help people create through reuse
 - * sell additional rights
 - * try-before-you-buy

Questions?

Magnatune is a successful example of a
Creative Commons based business.

Setting the scene:

Piracy everywhere

vs

Permission Society

Authorize Computer



This computer is not authorized to play "Lyteo (Rank 1 Remix)". Would you like to authorize it?

To play this song you must authorize this computer to play songs purchased using the account "janford". You may authorize up to 5 computers for each account.



Apple ID:

Example: steve@mac.com



Password:

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September 29, 2005

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Latest Round Of Music Industry Lawsuits Targets Internet Theft At 17 College Campuses

WASHINGTON – On behalf of the major record companies, the Recording Industry Association of America (RIAA) today announced a new round of copyright infringement lawsuits against 757 individuals engaged in Internet theft, including computer network users at 17 different colleges.

These "John Doe" lawsuits cite individuals for illegally distributing copyrighted music on the Internet via unauthorized peer-to-peer services such as eDonkey, Grokster, Kazaa and LimeWire. In addition, lawsuits filed in this round against university network users target students using the file-sharing application i2hub to download and distribute music on the advanced network infrastructure of Internet2.

Today's litigation marks the third time the music industry has taken action to combat theft on Internet2's specialized, high-speed university computer

network. For a total of 300 lawsuits at 35 campuses this year.

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a third way?

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- Mediva
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- Yongen
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(Rock)



[Lara St John](#)
(Classical)



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(New Age)



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(Rock)



[Jeff Wahl](#)
(New Age)



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Briddes Roune: 13th century medieval English songs

our artists



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Asteria: *late-medieval vocal and instrumental music*

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"...meltingly beautiful." - *The New York Times*

In October 2004, Asteria burst onto the national early music scene, winning Early Music America's first Unicorn Prize for Medieval and Renaissance Music with a performance heralded by the New York Times as "intimate and deeply communicative...meltingly

beautiful." This engaging duo brings out the passion and emotional impact of late medieval vocal and instrumental music with timeless love songs of wide appeal, transporting their listeners back to the age of chivalry.

Eric Redlinger's sweet tenor and skill on the lute are

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Choose how to buy "Le Souvenir de Vous me Tue" by "Asteria"

Album Download

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Shipping is free. And when you buy a CD, we also let you download the album right away so you can enjoy the music while you're waiting for your CD to arrive.

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buy music

Buy a Downloadable Album of "Le Souvenir de Vous me Tue" by "Asteria".

How much do you want to pay?

\$8 (typical)

50% goes directly to the artist, so please be generous!

Your VISA/Mastercard Number: (or use [Paypal](#))

Use [Paypal](#) for American Express, Discover or Paypal.

Expiration date:

Your 3 digit credit card security code: ([help](#))

Your Name:

Your Email Address:

If you prefer, you can omit your email. If you provide it, the artist will be notified and may contact you.

Save purchase details for next time? ([explain](#))

yes no

Receive occasional 'new artists at Magnatune' announcements: ([sample](#))

yes no

buy music

Buy a Downloadable Album of "Le Souvenir de Vous me Tue" by "Asteria"

\$5

\$6

\$7

✓ \$8 (typical)

\$9

\$10 (better than average)

\$11

\$12 (generous)

\$13

\$14

\$15 (VERY generous!)

\$16

\$17

\$18 (We love you!)

European Euros

4 €

5 €

6 € (recommended)

7 €

8 €

9 €

10 €

11 €

12 €

13 €

14 €

British Pounds

£3

to pay?

so please be generous!

number: (or use [Paypal](#))

ss, Discover or Paypal.

ecurity code: ([help](#))

email. If you provide it, the artist will be notified

me? ([explain](#))

t Magnatune' announcements: ([sample](#))

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- films that are being shown in places where no admission fee is charged
- GNU/Berkeley/OSI licensed games or software that are given away for free (or included incidentally inside a larger distribution, even in a pay-distribution)

Free Download for Non-Commercial Use

Artist: Zilla

Album: Egg

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- [\[mp3\]](#) 01-Wind Barber (4:09)
- [\[mp3\]](#) 02-Wicker Pilots (6:27)
- [\[mp3\]](#) 03-Velvet Periscope (5:56)
- [\[mp3\]](#) 04-A Great Many Maps (5:13)
- [\[mp3\]](#) 05-Favorite Sleeve (4:04)
- [\[mp3\]](#) 06-Exalted Earthworm (2:54)
- [\[mp3\]](#) 07-Rufus (6:56)
- [\[mp3\]](#) 08-Sun of Many Maps (7:26)

What kind of music license?

1. [Film](#): sync license
2. [Single units](#): wedding video, small quantity for-profit
3. [Video](#): CDROM, VHS, DVD, and for-sale production.
4. [Slide show](#) or Powerpoint.
5. [TV ad](#) or [radio ad](#) (or radio production)
6. [Audio](#) projects
7. [Internet](#) web site, Flash
8. [Podcasts](#) & vblogs
9. [Non-Commercial](#): schools and Creative Commons
10. [TV show](#): sync license
11. [Video game](#) and software
12. [Sampling](#): remixes, covers & derivative works
13. [Music compilation](#): CD, DVD and computer audio
14. [Public Space](#): restaurants, trade shows & retail spaces
15. [Telephone](#) music on hold
16. [Custom bid](#): other projects and special situations

License Music for a Movie Production

This license is for any video or film project which will be shown in theaters. If your project will not appear in theaters, a "video" or "single units" license is what you need.

Will entire film also be viewable on the web ?

No
Yes

Music used in out-of-context trailers:

Not used
Yes, used in out-of-context trailers

Budget of the entire film production: (including salaries and all expenses)

Less than \$100 (or no budget)
Less than \$1,000
Less than \$10,000
Less than \$100K
Less than \$250K
Less than \$500K
Less than \$5M
Less than \$15M
Less than \$40M
Unlimited

Territory:

Festivals and Art Houses
Pre-distribution (test and presentation screenings)
Worldwide
Entire USA (National)
USA national + Canada

Renault Nouvelle Megane

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NOUVELLE MEGANE

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Less likely to believe

Good Night (On the Good Night)

Fine

Blue Light

Happy

In the Silence

Permanent

Favorite Tears

Making Me Nervous

This is beautiful world

See Me

+Playlist

Écoutez la sélection musicale Nouvelle Megane proposée par les artistes du label Magnifique. Écoutez et réalisez votre propre compilation Nouvelle Megane en téléchargeant l'ensemble de la sélection. Profitez-en tout de suite sur la radio CD-R à 10€ avec le bon mg07 de votre Nouvelle Megane !

* de série ou en option selon version

Téléchargez
gratuitement et en intégralité
l'album Nouvelle Megane

loading "http://megane.renault.fr/", completed 1 of 4 items.

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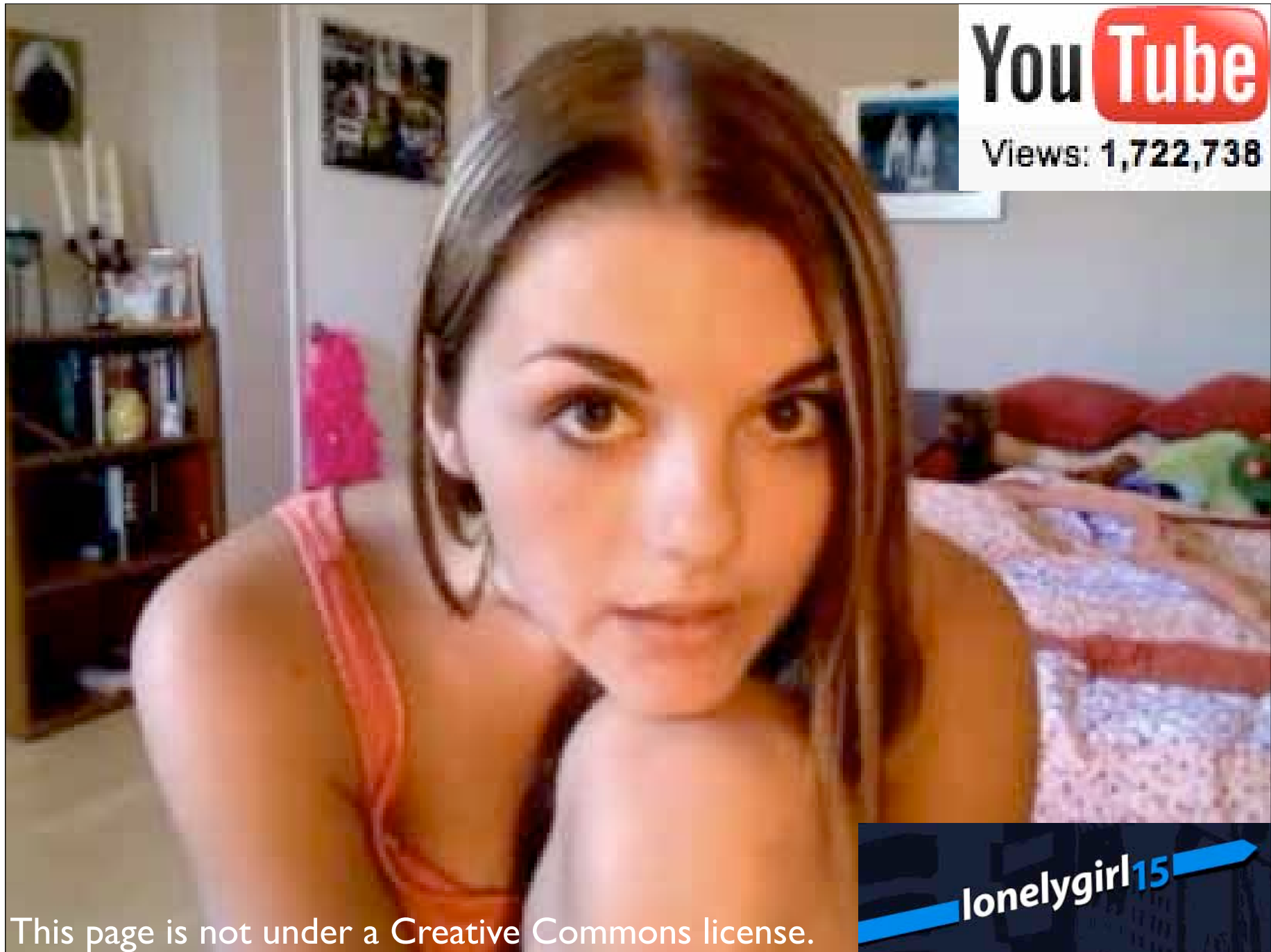
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