

IMPERFECT COPIES

Dutch Authors Looking For Common Ground

European authors' organizations are keenly observing an unlikely collaboration between U.S.-based Creative Commons and one of its supposedly sworn enemies, Dutch collecting society Buma/Stemra.

The two are conducting a state-funded one-year Creative Commons pilot in the Netherlands. The experiment, which has attracted little publicity since its low-key launch Aug. 23 last year, is the first of its kind to involve a recognized collecting society.

The scheme invites interested Buma/Stemra members to sign works over to Creative Commons licenses for noncommercial use. In common with other European collecting societies, the exclusive contract that members sign with Buma/Stemra would normally prevent them from assigning registered works to Creative Commons.

The Dutch government is funding the experiment as part of a three-year research program, launched in 2005, into how Creative Commons licenses can affect the creative sector.

"The grant surprised us," Buma/Stemra senior policy adviser/public affairs manager Willem Wanrooij says. "But I am afraid [the government] might have no idea of what it is dealing with."

The Dutch government, Wanrooij says, sees Creative Commons "as a new kind of licensing mechanism, ignoring the fact that rights-holders might be giving away their rights for free and have no control over their use."

In a statement, the Dutch Ministry of Education, Culture and Science described the pilot as "in line with the growing need of creative people to distribute their own works through digital networks."

Paris-based CISAC, representing 219 authors' organizations worldwide, has long condemned Creative Commons for giving the anti-copyright movement ammunition. But it is monitoring the pilot's progress in case it finds harmony among local composers—especially emerging talent willing to offer works online in exchange for wider exposure.

"It's an emotional subject," CISAC director of legal affairs David Uwemedimo says. "We accept the free will of individuals to do what they wish with their intellectual properties. But [Creative Commons] has a seductive message; it is encouraging young creators to recede their global rights in perpetuity."

The trial's aim, Creative Commons' Netherlands project head Paul Keller says, is "to improve the situation of individual authors by investigating how far to combine collective licensing [as practiced by Buma/Stemra] and individual licensing as advocated by [Creative Commons]."

Wanrooij says that "usage excludes anywhere you—or the online service you use—receive financial compensation, directly or indirectly." Although declining to disclose the participants or exact numbers until the pilot ends, he adds that no more than 15 members are involved, with "between 30 and 40 songs taken out of



WANROOIJ

Buma/Stemra's administration and published under a temporary [Creative Commons] license."

Wanrooij admits that Buma/Stemra had misgivings about the scheme, but bowed to pressure from the ministry, which had expressed that collecting societies needed to be innovative about works licensed for digital uses.

Creative Commons previously lobbied the government to allow it to investigate how local rights owners could use its licensing. "We'd also had queries from our own members,"

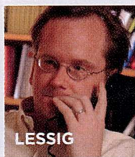
Wanrooij says. "A few wanted us to explore these new ways of licensing."

Amsterdam-based Keller predicts "other collaborations in Europe before the end of this year."

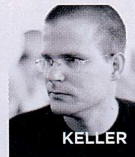
Interested observers of the Dutch trial include the United Kingdom's MCPS-PRS Alliance. "We recognize some individuals may want to license under a [Creative Commons] license and are considering if and how this option could be provided to our members in the future," a representative says.

Creative Commons co-founder Lawrence Lessig says that collecting societies' concerns about the impact of the experiment are unfounded, noting that Creative Commons "stipulates that if licensees violate even one of the rights agreed to, the whole agreement becomes void and the rights-holder can sue in the Dutch courts."

Long term, Lessig adds, conflict with collecting societies must end. "If that continues," he says, "the people who really are against copyright will win." ...



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GLOBAL NEWS

>>>MTV STRIKES VPL DEAL

MTV has struck a new Pan-European rights deal covering payment for the use of music videos from independent record labels. The multiplatform deal, replacing and expanding upon one made three years ago, has been struck with London-based Video Performance Ltd., sister company to rights collecting society Phonographic Performance Ltd. The deal now covers 50 MTV channels, an increase of 25 from the previous agreement, and also covers online and mobile use for the first time. Repertoire involved is licensed from VPL's indie members in the United Kingdom—numbering more than 1,500 companies—together with videos from members of 15 other European collecting societies.

—Tom Ferguson

>>>WARNER ADDS 679

Warner Music has acquired 679 Recordings, home to British urban acts the Streets and Kano and alt-rock band Mystery Jets, for an undisclosed sum. The label becomes a wholly owned division of Atlantic Records U.K. Founder Nick Worthington remains as managing director, reporting to Warner Music Europe president John Reid and Atlantic Records U.K. president Max Lousada. Staff will relocate to Atlantic's offices in Kensington, London. The label is also changing its name to Sixsevenine. Warner Music U.K. previously had a stake in the label, which launched in 2001.

—Andre Paine

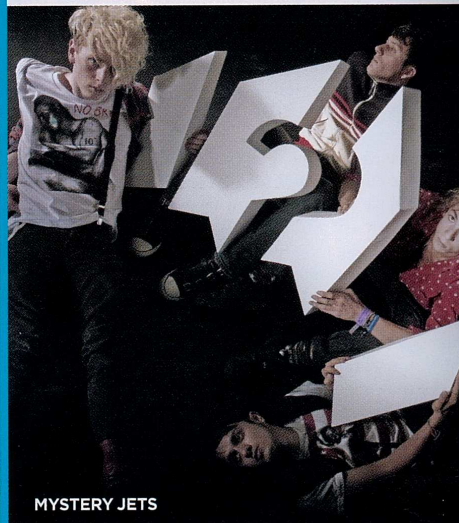
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MYSTERY JETS

>>>APPLE GAINS DRM-FREE PIAS TRACKS

Brussels-based Pan-European label group/distributor PIAS has struck a global deal with Apple's iTunes service that will see more than 44,000 tracks added to its digital rights management-free iTunes Plus offering. The tracks come from PIAS' own labels' rosters and from 200 independent labels it represents, which include Domino, Fat Cat, Independiente and Palm Pictures. PIAS Entertainment Group director of digital and business development

Frog's er Latvia ar Norway Frog has than in 1 through l quirky pc trio Powe the self-t Beer Gut

