

Status, Use and Trends of Open Content Models in the New Media Industry

by

Peter Troxler, Creative Commons Nederland

[peter@waag.org](mailto:peter@waag.org)

[http://creativecommons.org/  
licenses/by/3.0/nl/](http://creativecommons.org/licenses/by/3.0/nl/)

## OPENING

PETER

Welcome. I am Peter Troxler, and today I am reporting on the Status, Use and Trends of Open Content Models in the New Media Industry.

#

## PURPOSE

PETER

The discussion about what stimulates innovation in the creative industries quickly touches on the topic of intellectual property rights.

So far, it is commonly argued that the only solution to stimulate innovation is the legal protection of intellectual property through copyright, trade marks and similar mechanisms.

Their enforcement is believed to be vital for business.

„A lack of effective enforcement of copyright threatens [these] industries’, the Intellectual Property Committee in the US said.

However, there is a growing number of repositories of user-generated content: YouTube, Flickr Wikipedia.

They use open content models; and Creative Commons Licensing has become a popular extension to traditional copyright terms.

The Dutch Ministries of Economic Affairs and the of Education, Culture and Science jointly published a report on Culture and Economy.

They suggest to also use business models, common in the Open Source software world: programmers distribute a basic package for free and earn money through customisation of this basic software or other added services.

If it is true that “classic intellectual property rights are fading away”, as the Dutch iip/create initiative puts it, businesses might choose to build on open content background IP, and then release their own foreground IP under an open content model, too.

But what is the standing of open content models in the new media industry today? How widely are they used? And what are the developments the industry expects with regard to open content models?

#

PETER

Picnic is an annual new media conference and event in Amsterdam. Now in its third year, it attracts some eight and a half thousand people.

For the first time this year PicNic invited artists, new media start-up companies and researchers to present their view of the conference.

As part of this initiative, I've been commissioned to carry out some research on the Status, Use and Trends of

Open Content in the New Media Industries.

MX: SOLDIERS OF HAPPYNESS BY JAMISON  
YOUNG FROM THE ALBUM SHIFTING SANDS  
OF A BLUE CAR

During PicNic I had the chance to speak to a few people about these questions, people who are all active in New Media.

OVERVIEW

PETER

Using the example of Creative Commons Licensing, I discussed the potential of open content and its possible pitfalls.

Later we will meet people from the music business, from community video services and from museums and learn how they put open content into practice.

But first, lets explore what the standing is of open content models in the new media industries today.

#

CREATIVE COMMONS: SOME BASICS

#

PETER

First I spoke to Edward Shanken.

Edward writes and teaches about the entwinement of art,

science, and technology with a focus on interdisciplinary practices involving new media.

Edward holds Ph.D. in Art History from Duke University.

He was formerly Executive Director of the Information Science and Information Studies programme at Duke University and a Professor of Art History and Media Theory at Savannah College of Art and Design.

Edward is now Assistant Professor of New Media at the University of Amsterdam.

I asked Edward, where, in his opinion, this focus on Intellectual Property rights comes from:

FILE: EDWARD-1

#

PETER

Esa Blomberg is the founder and CEO of Blomberg Consulting in Helsinki. He explains the role Creative Commons Licenses have in this Intellectual Property game.

FILE: ESA-1

#

PETER

Esa is also the Programme Director of Forum Virium. The Forum Virium is a Think-Tank in the area of digital content and services that is sponsored by the City of Helsinki.

In this role Esa experienced an interesting change in the way society interacts with new media.

FILE: ESA-2

#

USE OF CREATIVE COMMONS

PETER

In this ecosystem, open content models play an important new role.

In the Netherlands alone, the number of works licensed under any of the Creative Commons licences has grown from about sixty thousand at the end of two thousand five to nearly two hundred and fifty thousand in mid 2007.

Individual creators, companies, public bodies, educational and cultural heritage institutions are using open content models on a daily basis.

#

PETER

I met Rachel O'Reilly at PicNic.

Rachel is a writer and researcher; she is currently working at the University of Amsterdam on the application of neuroscientific, psychoanalytic and contemporary affect theories to the moving image and new media.

Rachel is from Australia where she has been working for eight years as a curator of various institutional and artist-run media projects and festivals, notably for the Australian Cinematheque / Gallery of Modern Art and for the festival This Is Not Art.

I asked Rachel about the situation in Australia.

FILE: RACHEL-1

#

SPECIFIC SITUATIONS

#

FILE: RACHEL-1 (CONTINUED)

#

ACADEMIA

PETER

Since talking to academics, I was interested in the situation in academia as part of the New Media Cluster. Edward Shanken explains:

FILE: EDWARD-2

#

PETER

When asked about negative experiences with open content, Edward, to the contrary, explained the very practical, positive implications using open content had for himself



PETER

This is certainly inline with what many of the industry opinion leaders are saying and believing; and we've seen all of this particularly in the music business. So I put the question to Gerd Leonhard, who is an author and writer and appeared at PicNic in his role as a Futurist in the Media, Technology and Communication Industries:

FILE: GERD-1

MUSIC INTERMEZZO: PEACE ON EARTH  
(SAME PLACE) BY TRYAD FROM THE ALBUM  
PUBLIC DOMAIN

PETER

How do you make money, when copy is out of control?  
What are examples from new media industries?

I met people from community video services and museums and they told me how they put open content into practice. But first, let's have a look again at the music business.

#

MUSIC INDUSTRY

#

PETER

Gerd Leonhard explains:

FILE: GERD-2

#

PETER

So now I wanted to know how this works in the real world.

I met Hessel van Oorschot who is ,Chief of Noise‘ at a company called ,Tribe of Noise‘.

Tribe of Noise is a music community that connects artists, fans and professionals.

The music is uploaded by independent artists under a Creative Commons license.

At Tribe of Noise, all music may be freely and lawfully shared, even for commercial purposes.

Hessel explains:

FILE: HESSEL-1

FILE: HESSEL-2

#

COMMUNITY VIDEO

PETER

As it looks like the music industry has overcome the barriers of including open content in their business models, or at least some of them such as Tribe of Noise and of course other ventures like Magnatune and Jamendo, I wanted to see what's happening in the broadcasting business.

As the gentleman earlier pointed out to me, open content wouldn't work with current broadcasting models — or would it?

Is there some common ground between the many broadcast-yourself sites, such as YouTube or Blip.tv, and the main broadcasters?

Maybe a place to look for a solution is community video and user generated content.

#

PETER

I met Gijs van de Heuvel of Dutch public broadcaster NCRV. Gijs is responsible for the interactive media projects. One of them is „Nederland P“.

FILE: GIJS-1

#

PETER

Right after Gijs I spoke to another gentlemen who just had presented a project from Austria that is based on user generated TV content to foster social cohesion in a rural-turned-suburban area:

FILE: MARC-1

#

MUSEUM

PETER

Finally, I was interested in how open content models could possibly be used in museums — those institutions

that might be seen as the most conservative ones in the media industry.

#

PETER

I met Seb Chan, head of digital research at the Powerhouse Museum in Sidney. Seb is one of the pioneers of the flickr commons project, a flickr stream that presents collections of photographs to a wider audience.

FILE: SEB-1

MUSIC: WORK OUT FINE BY BRAD SUCKS  
FROM THE ALBUM I DON'T KNOW WHAT I'M  
DOING

#

CREDITS

PETER

This podcast is published under a creative commons attribution three point oh Netherlands license.

It makes use of music shared under creative commons licences. In order of appearance this was:

Soldiers of Happiness by Jamison Young from the album Shifting Sands of a Blue Car, licensed under a creative commons two point five Australia license

Peace on Earth (Same Place) by Tryad from the Album Public Domain, licensed under a creative commons

share alike two point five license

Work out Fine by Brad Sucks from the Album I Don't Know What I'm Doing, licensed under a creative commons non commercial share alike two point five license