Going Against the Grain:
Copyleft and the Argument For Open Source
Alternatives to Copyright

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Nothing is as powerful as an idea whose time has come” – Victor Hugo

Abstract

The digital age has brought about many changes regarding how various forms of art are created, distributed and enjoyed. With these changes have come new views on copyright, along with questions of whether copyright laws always have the artists’ best interests in mind. Many creative individuals are seeking alternatives to traditional licensing methods, or have chosen to forgo protecting their works with copyright altogether. These persons argue that there are alternatives which serve them better, and that current copyright law often does not live up to its primary purpose, which is “to promote the progress of science and the useful arts” (The Constitution).

My thesis seeks to identify the various reasons artists choose alternatives to traditional copyright law, and place them into identifiable categories. In my research I will review current literature on copyright issues and copyright alternatives. Individuals within Creative Commons, an organization that provides a number of open sources licenses, will be interviewed, as well as record labels and music communities which have opted for open source alternatives in place of traditional copyright. The end result will provide better understanding of the changing artist needs and perspectives at the root of the trend away from artistic copyright.

Introduction: Traditional Copyright

The United States Copyright Office defines copyright as “a form of protection provided by the laws of the United States to the authors of original works of authorship” (Copyright Basics). The purpose of these laws has always been “to promote the progress of science and
useful arts, by securing for limited times to authors and inventors the exclusive right to their writings and discoveries,“ (The Constitution). These laws were enacted with the idea that by providing artists and other individuals with a way to protect the rights to their works, they would be given the financial and creative incentive to continuing producing such works. The U.S. supreme court has gone on to expand their definition of copyright in a number of court cases, as well as providing greater insight into the public benefits of such a system. In Mazer v. Stein, the Supreme Court explains that the economics behind copyright is centered on the idea that the “encouragement of individual effort by personal gain is the best way to advance public welfare through the talents of authors and individuals…” (Mazer).

In many cases, copyright still succeeds in accomplishing the above mentioned goals. Songwriters who give their songs to other artists to perform are able to continue working in such a way because of the protection copyright provides them. These artists, who are often overshadowed by those individuals that perform their songs, are extremely grateful for copyright law, as it allows them to receive the money they rightfully earned, and therefore continue writing songs. A current event that highlights this type of situation comes from the death of singer Whitney Houston. One of Houston’s biggest hits “I Will Always Love You” was written not by Houston herself, but by country superstar Dolly Parton. Because Parton owns both the publishing and writers rights to this piece, she will rightfully benefit from the increased exposure this song will likely get following Houston’s death (Huffington). Situations such as this, as well as any others where the rightful creator of a work is recognized when they might otherwise be overlooked, provide an example of one of the primary purposes of copyright, and a purpose
which should be upheld regardless of the type of license which is used to protect the work in question.

While the definitions provided by the U.S. Copyright Office and numerous supreme court cases describe creative incentive and public benefits as the most important benefits of these laws, many individuals are now arguing that current copyright law is in fact diminishing both the benefit that is received from traditional copyright licenses, as well as the amount of incentive they give to continue creating new works (Nadel 785). This diminished incentive and benefit can occur in a number of different forms. Because those who sell the most are also those who benefit the most from traditional copyright law, this can crowd out any marginal works that may not have been as economically successful, but are just as important when it comes to promoting “the progress of science and useful arts” (794). Take into account the fact that the most popular works will also undoubtedly receive the most funding for promotion, and the amount of works which are made available become extremely restricted. Current copyright law also hinders creative output through its protection of derivative works. Individuals who may see an opportunity to expand upon an author’s original idea, or who may be able to more clearly express what the original author’s idea was, are prevented from doing so because of the threat of lawsuit which is likely to follow.

Another argument for the ineffectiveness of current copyright law is that it is no longer able to function properly in an age where a large number of creative works are being released in various digital formats. In her article ”Creative Commons Licenses, the Copyright Regime and the Online Community: Is There a Fatal Disconnect?” Susan Corbett points out that the internet “offers new opportunities for a more sharing, more democratic and inclusive nature,” and that
this new community of sharing is actually hindered by copyright, and should not bother with the “niceties” that the current law upholds (Corbett 505). While copyright is supposed to benefit both the author of a work and the public which will consume it, in an increasingly online-oriented environment it is corporations’ economic interests which are being favored, and not the public’s (505).

It is because of situations like the ones mentioned above that an argument for alternatives to copyright exists in the first place. Because of the growing awareness of the current copyright law’s shortcomings, open source alternatives are becoming an increasingly attractive option to many individuals. Through the use of a system which retains the benefits of both the creator and the public as a whole, it is possible to foster a creative environment in which an author is able to reserve whichever rights he or she may consider essential, while at the same time allowing more flexibility concerning the use of their work, therefore increasing the number of products which are available. Considering the purpose of copyright has always been about promoting progress, an open source licensing system which encourages this more than the current method only makes sense. The current laws surrounding copyright were written with only the technology which existed at the time in mind. These issues have still not been addressed by U.S. copyright law, which has led many involved in the creative sector to begin seeking out alternatives to copyright.

Creative Commons and the Origin of the Open Source License

Open source licenses are a type of license which allows users of different types of content to take certain liberties with the content provided, as determined by the creator of the original work. This type of license first originated in the world of software, when Richard Stallman, a
programmer at MIT’s Artificial Intelligence Lab, created the GNU General Public License when his lab received a new printer. Stallman had modified the lab’s original paper’s source code, so that when a paper jam would occur, everyone in the lab would be notified (Tsai 549). When his lab received a new Xerox printer, Xerox refused to release the accompanying source code, and Stallman recognized the benefit that being able to modify the original printer’s source code had provided the lab.

Stallman believed that the idea of sharing information that could benefit many in his profession was not just a good idea, but ultimately a moral obligation (Tsai 549). Stallman created the license with the idea that by releasing the source code of a software program, and allowing users to modify it and make improvements as they saw fit, the community as a whole would be better off. The GNU General Public license was the first instance of the idea of “copyleft,” or simply a license which allows users of a product to make copies and derivative works, as long as modified versions of the original work remain free and is released under the same license. Looking back, it is easy to see how such a concept could potentially be applied to mediums other than software in the future.

Creative Commons, an organization which provides a variety of open-source licenses to individuals, has taken the general idea behind “copyleft” and created a number of free licenses which can be applied to a number of mediums, and not just software. Founded in 2001, Creative Commons “develops, supports and stewards legal and technical infrastructure that maximizes digital creativity, sharing, and innovation” (About). With the goal of taking content, whether it be creative, scientific, or education related, and making it “more compatible with the internet,” Creative Commons has recognized a need for change in traditional copyright law in the age
where almost everything is has been affected by technology and the rise of the internet culture, and many forms of media are released in one digital format or another. The organization recognizes and values the benefits which can come about from the use of technology, and helps to provide some structure for a number of online communities which share these same beliefs.

With an estimated 500 million Creative Commons licenses in use as of 2011, corporations and individuals alike are realizing more and more the benefits received by the public as a whole that are associated with a licensing system which is built with today’s technology in mind. Online art and photo communities such as Flickr and Deviant Art have incorporated Creative commons licenses into their websites, and have begun allowing their users to begin easily controlling how the content they submit can be used (Who Uses CC?). The music community, perhaps the creative sector which has been most deeply involved with copyright issues as of late, has embraced the vision of Creative Commons with open arms. Online music communities which allow their users to upload their original songs such as Bandcamp and SoundCloud, have recognized in the midst of various lawsuits regarding the illegal sharing of music, that a change is occurring in the music industry, and have begun to give their users the option of choosing between traditional copyright protection or one of the forms of licensing which Creative Commons provides (Creative Commons Music). Although these licenses are quite abundant in the creative sector as a whole, these are not the only areas where they are finding use. Even Google and Wikipedia, two online services which provide information on a daily basis to individuals all over the world, have incorporated these alternative licenses into their sites in various ways (Who Uses CC).
The licenses provided by Creative Commons work by allowing those who adopt them to allow others to “copy, distribute, and make some uses of their work,” all while retaining copyright and getting credit for their work (About The Licenses). All of Creative Commons’ licenses operate under a “three-layer design.” The first layer consists of the legal language which allows the license and its provisions to be considered legally binding. Because law is a difficult language to understand if one is not extremely familiar with it, the second layer, referred to as the “Commons Deed,” explains the terms of the license in laymen’s terms so that it can be understood by both the licensee and the licensors. The contents of the Deed itself are not considered part of the legal code which is contained in the first layer, but instead acts as a “user’s-guide” of sorts. The third and final layer contains language which can be recognized by computers. Because of Creative Common’s overall goal and mission, this layer is extremely important, as it ensures that when a work is licensed and distributed on various websites, that the terms agreed upon in the license is abided by (About The Licenses).

**Creative Commons: The Licenses**

Creative Commons provides six types of licenses to its users, all of which provide varying levels of freedom regarding the liberties which can be taken with the work in question. The Creative Commons website provides descriptions of each of the available licenses, as well as suggestions for the best uses of these licenses:

**The Attribution License:** “This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is
the most accommodating of licenses offered. Recommended for maximum dissemination and use of licensed materials” (About The Licenses).

**The Attribution-ShareAlike License:** “This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms. This license is often compared to “copyleft” free and open source software licenses. All new works based on yours will carry the same license, so any derivatives will also allow commercial use. This is the license used by Wikipedia, and is recommended for materials that would benefit from incorporating content from Wikipedia and similarly licensed projects” (About The Licenses).

**The Attribution-NoDerivs License:** “This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you” (About The Licenses).

**The Attribution-NonCommercial-ShareAlike License:** “This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms” (About The Licenses).

**The Attribution-NonCommercial License:** “This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don’t have to license their derivative works on the same terms” (About The Licenses).
The Attribution-NonCommercial-NoDerivs License: “This license is the most restrictive of our six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can’t change them in any way or use them commercially” (About The Licenses).

Each of these licenses has its benefits, and can be implemented in various ways depending on the goal of the licensor. The Attribution-NonCommercial-NoDerivs license could be implemented by a musical group who wishes to expose as many people as possible to their music, while at the same time ensuring that the artistic integrity of their work is upheld. The Attribution license on the other hand could be used by an artist who values the creative community as a whole over their own career, as it allows their work to be altered and even distributed commercially, therefore increasing the number of works that are available to the public as a whole. When compared to copyright, the licenses offered by Creative Commons provide a level of flexibility which has been unseen until now. This is primarily what makes these licenses so attractive. This is reflected by the number of alternative licenses which are currently in use, which have continued to grow exponentially since their introduction in 2001. The number of these licenses in circulation has grown from 400,000 in 2002, to an estimated 500,000,000 as of 2011 (See Appendix A). It is obvious that there is a growing demand for alternatives to copyright, and as will be explained later, the motivations behind this demand are just as important, if not more so, than the demand itself.

By providing a number of licenses with varying levels of flexibility concerning their use, Creative Commons provides something to their users that copyright does not: choice and
flexibility. Individuals who wish to protect their work are well aware of the changing times and the fact that the majority of the benefit, whether financial or otherwise, may not come from the purchasing of their work itself. By choosing a license which allows the work to be distributed freely, or perhaps one that allows derivative works to be made, artists and other individuals are recognizing that exposing the public to their work, regardless of whether they paid for it or not, can provide benefits for both themselves and the public. It is these benefits themselves that provide the strongest argument for the use of an alternative to copyright. By understanding why more and more people are turning to Creative Commons and other open-source alternatives, it is possible to gain a better understanding of what individuals look for when they choose how to protect their works.

**Why Individuals Opt for Open-Source Alternatives**

As mentioned earlier, the number of works being licensed through Creative Commons has managed to grow exponentially since its introduction in 2001. At the same time, the number of registrations being filed at the United States Copyright Office has failed to grow since the late 1980’s (Annual Report 82). It is easy to see that creators of all types of works are beginning to seek alternatives to copyright in the United States. What is more difficult to recognize though, is the reasoning behind the recent switch in preferred licensing methods. Through research previously conducted on current copyright law as well as its available alternatives, it is possible to recognize a pattern concerning many licensers’ grievances with the current state of affairs.

While there are a handful of arguments to be made about why current copyright law is not doing its’ job properly in the eyes of many creators, all of these arguments can be traced back to a single need: the need for a community which revolves around the sharing of works of all
types. Copyright law, as it stands now, is quite restrictive in the way it allows people to
distribute and share their works. And in an age where the internet has made works of all types
easily available to the public, whether done intentionally or through piracy, more and more
people are realizing that by harnessing the power of a creative community where works are more
openly shared than they have been in the past, both creators and the public as a whole can benefit
more than with the protection which is currently provided by copyright. This proposed “Creative
Community” addresses many of the problems which are found in literature written on the subject
of copyright. The arguments for adopting an open-source alternative to copyright are as follows:

- Open-source licenses better address the constantly changing marketplace which
  has been brought about by the widespread adoption of the internet
- A community of sharing which relies on open-source licenses to protect creative
  works can increase creative output, therefore increasing the benefit of both the
  creator and the public
- The current generation of consumers expects to be able to easily acquire,
  distribute, and share digital media, and open-source licenses has been able to
  address and support these views in a way traditional copyright has not

**The Changing Marketplace**

Of all the creative industries which have felt the effects of the internet in relation to their
businesses, the music industry has perhaps been dealt the biggest blow. Because this industry
has been so closely associated with the current problems with copyright, I will be using the
music industry as an example of how growths in technology have essentially changed and/or
broken the current market structure. Through the numerous lawsuits against file-sharing
software companies such as Napster and Grokster, the problems associated with the creative sectors’ relationship with the internet were quickly brought into the public eye (Welsh 1517). These lawsuits did little to curb the rampant piracy that was taking place, seeing as how when one file-sharing company was shut down, another would seemingly appear overnight. Because of their reliance on lawsuits as a method of fixing the problem, many have seen the music industry as slow to adjust to the changing conditions which have resulted from the public’s growing use of the internet. Suing individuals over copyright infringement seemed to be the norm, and no one in the industry thought to question why millions of music fans were choosing to outright ignore copyright laws in the first place. Large corporations in the music industry have been “too inflexible and conservative in regards to technology,” and by choosing to rely upon traditional licensing agreements based on copyright, they have also failed to “exploit technology to its full commercial potential nor allow it to develop according to market needs” (1521).

While this may be true to an extent, there are also many cases of the artists themselves recognizing the benefits to be had from taking a more lenient approach regarding how strongly their work is protected. Nine Inch Nails, an American rock group, has had great success with the Creative Commons licenses. In 2008 the group released the album *Ghosts I-IV* under an Attribution-NonCommercial-Sharealike license, which allowed their fans to create remixes and other derivative works, as well as allowing them to redistribute these creations (Nine Inch Nails). Nine Inch Nails also released various pressings and formats of the album, which ranged in prices from free, to $300 for an “ultra-deluxe limited edition” of the album. The 2,500 copies of the limited edition record, as well as sales from the other various formats, allowed the group to earn
close to $1.6 million in one week, a number that could take hundreds of thousands of record sales to achieve using a traditional music business model (Nine Inch Nails). By allowing others to create derivative works, as well as giving away some of their products for free, Nine Inch Nails has essentially used the less restrictive licenses of Creative Commons to turn their music not only into a product, but also into a marketing tool which allows them to receive income through less traditional methods. By giving their fans the ability to modify and interact with the music in a way which was not before possible, the group has created a connection with fans which in turn created incentive to buy other forms of their product as well. Nine Inch Nails has recognized the drastic changes which are taking place in the creative market place, and by giving the public greater freedom concerning how the groups work can be used and distributed, has managed to be just as successful, if not more so, than if their latest project had been protected under copyright.

Independent record labels have also begun to recognize the benefits of open-source licenses and Creative Commons. Musicians from all over the world sign with labels like these, recognizing their potential to distribute the musician’s music in a way which creates a word-of-mouth marketing campaign at no cost to the artist, as opposed to the multi-million dollar marketing campaigns preferred by the major labels. Examples of such record labels include Rock Proper which is based out of Chicago, Illinois, and Vostros in Los Angeles, California, as well as other labels from around the world including Resting Bell in Germany, and Records on Ribs in Nottingham, UK, which even provides an open-source tool to its artists which helps them set up their own records labels (Record Labels).

**Increasing Creative Output**
As stated earlier, one of copyright’s primary purposes is to provide incentive to the artist so that he or she will continue to produce work. But contrary to popular belief, there are arguments which state that the current form of copyright law may actually hinder creative output for a number of reasons. The first of these reasons centers on the marketing of creative content. In his paper “How Current Copyright Law Discourages Creative Output,” Mark Nadel argues that contrary to the traditional belief that current copyright law creates incentive for the artist to create more, copyright actually “disproportionately inflates the revenues of the most popular creations,” therefore crowding out works that may not have earned as much financially, but are just as important (Nadel 786). Copyright brings forth this problem by creating a cycle in which only the most popular creations receive the money necessary to create additional work. If an artist creates a work which is financially successful, they will then have the money to pay someone to promote their next creation. If that work is also successful, then it is more than likely that the company which is promoting the work will take the revenues earned through copyright and re-invest it in that same artist, or artists who create similar work. Artists who cannot afford such large marketing campaigns are left out in the cold, forced to fight an uphill battle against artists who are backed by multi-million dollar marketing campaigns. This cycle makes it difficult for creators of marginal works to find a publisher who is willing to take a chance on promoting their work. This leads to a market which is saturated with products that are very similar and lack any kind of variety, as well as decreasing the amount of works which are available to the public in general.

Creative output is also hindered by copyright through its restrictions regarding the creation of derivative works, or works which are based off of or use part of a previous work.
Current copyright law allows only the owner of the copyrighted work to create derivative works. In an age where remixes, fan fiction, and other types of derivative works can easily be created using various forms of technology, this greatly reduces the number of creative works available to the public, simply because the creators of these derivative works cannot afford to pay the original copyright owner for the rights to use their material. The fear of a lawsuit is often the reason for a lack of derivative works in a market. Publishers themselves are often reluctant to fund a project which contains a derivative work simply because of the potential costs that can arise if a lawsuit is brought forth (Nadel 806). Even if the derivative work in question is found to fall under fair use or parody, there can still be substantial court costs. Such was the case with *The Wind Done Gone*, and parody of *Gone With the Wind*. The Eleventh Circuit Court allowed the book to be published, but the litigation costs alone amounted to an estimated $150,000 (806). Because of the risks associated with attempting to create and publish similar derivative works, Nadel believes court cases such as these send a clear message: “if you publish it, they will come…to get you” (806).

While current copyright law may hinder the amount of creative works which are put in circulation, open-source licenses can be used to increase creative output. The six licenses which are provided by Creative Commons are capable of being used in various ways that increase the amount of work which is available to the public. The first issue which can be tackled is that of the crowding-out effect marketing can have on creative output. Since many publishers choose to only fund works by artists that have established themselves as successful, marginal artists must find ways to promote their works without a multi-million dollar marketing campaign. The easiest way to accomplish this is to license their work in a way which allows others to create and
distribute copies as they see fit. Open-source licensing essentially allows artists to harness the power of word-of-mouth marketing, and distribute their work in a way that is not costly and encourages sharing. Because the public itself will be marketing the creative work for the artist, and the costs that are associated with hiring someone to promote an artist’s work can be avoided. The issue of marginal works being crowded out by more heavily funded pieces is also addressed, as the ability to legally make and distribute copies of creative works allows these marginal works to penetrate the market with greater ease, as well as increasing the number of these works in circulation.

*The Power of Open*, a collection of stories published by Creative Commons regarding successful use of open-source licenses, provides a number of examples of how this type of licensing can increase creative output and make numerous works of different mediums available to the public. One of these examples is the music collaboration website Indaba Music. Founded in 2007 by Dan Zaccagnino, Indaba Music allows users to upload their own original content under an open-source license with the purpose of allowing other users “to create remixes or collaborate on projects” (*The Power of Open*). The Indaba community features over 500,000 musicians, ranging from those who simply enjoy music, to established award winning artists. Indaba also hosts a number of contests, where users are challenged to remix the music of a number of famous artists, including Snoop Dogg, Weezer, and Peter Gabriel (*The Power of Open*). One of the most successful instances of this was when the rock band Marcy’s Playground released their most recent album, *Leaving Wonderland...In a Fit of Rage* under a Creative Commons license. Indaba users were then able to create enough derivative works to allow the second group to release an entire album of remixes called *Indaba Remixes from*
Wonderland. Users who had contributed to the project are even able to share the album’s royalties along with the band (The Power of Open).

The Current Generation of Consumers

There is no denying that the internet has changed the way that various forms of media are both created and distributed. Anyone with access to a computer with internet access can quickly and easily find and share thousands of files. After the explosion of peer-to-peer file sharing programs in the early 2000’s, consumers have essentially become spoiled in the fact that they know that with a few keystrokes, it is possible to find almost any type of media they desire, and quite often for free. Advances in technology now allow “individuals with very little capital or experience to create and distribute a product rivaling the quality of that created by the existing industry” (Welsh 1497). While consumers have had no problem adapting to the changes that the internet and advances in technology have brought about, copyright on the other hand, as well as the industries that almost exclusively rely on it, have not. Copyright lawyer Jared S. Welsh suggests that instead of fighting against a creative community which believes in reusing, remixing, and recycling each other’s works, copyright law should adapt to reflect the changing ideals and values of the current generation (1497). Some of the creative industries themselves are guilty of trying to hinder the sharing of creative works, as well as attempting to control how the content itself is used. One of the best examples of this practice is the music industry’s use of digital rights management software (DRM). By packaging DRM software within CD’s and MP3’s, the copying and sharing of these files can be prevented if it does not meet the predetermined conditions found within the software. This attempt to control how media content is used was unsuccessful though, as many users were easily able to bypass the software, as well
as were quite upset that “many of the costs of copyright enforcement [fell] on the end user” (1520).

One of the biggest flaws of copyright in its current state, is that instead of fulfilling its original purpose providing creators with an incentive to create, as well as promoting progress in the arts and sciences, it is instead being used to protect “…the embedded capital of an elaborate, sophisticated, and arguably bloated system of intermediation that was designed to deal with old technologies” (Welsh 1520). As mentioned before, advances in technology now allow creators to do a number of jobs which in the past they would have paid intermediary channels to handle, such as marketing or distribution. Sasha Frere-Jones, a music critic for the New Yorker made note of the threat presented to these intermediaries in the music industry in 2006 in an article which covered rock band Radiohead’s split from their record label, EMI. Jones recognized that a group with an already established following such as Radiohead’s could most likely continue to be successful without the support of a major label and their intermediaries. When speaking on major labels crusade against the illegal sharing and distribution of copyrighted works, Jones stated “What they should be worried about more is bands like Radiohead, which could make labels a relic of the twentieth century” (1497). Radiohead went on to self-release their seventh studio album In Rainbows in 2007, giving fans the option to obtain a digital copy for however much they were willing to pay. When Radiohead released a physical copy of the album later that year, it quickly shot to #1 on the Billboard charts, essentially proving that the do-it-yourself method for releasing creative works was not an amateur-only method (Billboard). The group even went on to release the visual data used to create a video to one of the albums singles under a
Creative Commons license, which lead to a number of interesting derivative works, including a sculpture of the lead singer Thom Yorke’s head (The Power of Open).

Copyright/Alternatives Survey

The ability to bypass yet another intermediary channel may be one of the most appealing things to creators about open-source alternatives to copyright such as Creative Commons, as it allows them to protect their work and decide how it is distributed and used in a simple manner that cannot be done with copyright. This do-it-yourself attitude, coupled with the pro-sharing, pro-remix nature of the licenses, make them much more appealing and relevant in an age where consumers are accustomed to being able to freely and quickly share works of all types of mediums.

This is reflected in the survey which was conducted by Gizele Rubeiz, a fellow School of Public and Environmental Affairs student, and myself, on the subject of copyright and it’s alternatives in relation to creativity (See Appendix B). The survey received 120 responses, and consisted of nine multiple choice questions, as well as one open-ended comment box. The survey was distributed to a number of local arts organizations in Bloomington, Indiana, including the Bloomington Entertainment and Arts District, Jazz From Bloomington, Bloomington Area Music, the Business Careers in Entertainment Club, and WIUX student radio. The majority of respondents fell between the ages of 18-22, the ages of many of the college students which reside in Bloomington. Of the respondents who had used Creative Common’s open-source licenses at one point or another, 37% said they did so because of its ease, while 32% said it better suited the digital formats they were creating their work in. This reflects the current generation’s idea that
being able to easily distribute and share their creative works is a very important factor when it comes to choosing how to license their works.

As stated earlier, the number of Creative Commons licenses in use has managed to grow exponentially since their inception in 2001 (See Appendix A). This is in no small part due to the fact that Creative Commons has recognized the changing values of the current “digital generation” from the very start. The organization even states that their “vision is nothing less than realizing the full potential of the internet…full participation in culture…to drive a new era of development, growth, and productivity” (About). This recognition of the changing times, coupled with the willingness to adapt to them, is one of the largest reasons for the success of the open-source movement. With copyright registrations remaining at a standstill, and the number of Creative Commons licenses in use growing by more and more each year, it is difficult to deny that something about these types of licenses is ringing true in the ears of this generations creators and consumers.

**Conclusion**

Over the past two decades, the growth of the internet and it’s increased availability, as well as a number of technological advances, have completely changed the way individuals use, consume, and most importantly, value various forms of media. The role of the consumer is no longer simply that of consumer. These individuals have also taken on the role of re-creators. Harvard University law professor Lawrence Lessig describes this as moving from a “read-only” culture, to a “read/write” culture (Lessig). In the previous “read only” culture, a small group of professionals were the once that created all culture goods, and the public would then pick whichever they liked best and consumer it. But in today’s “read/write” culture, consumers now
have the ability to change and modify a work easily when inspiration strikes. This leads to a larger number of derivative works being created, and more creative content being available to the public as a whole. Artists can now feed off of one another creativity, and create new works in a way which was never before possible. The current generation of consumers and creators do not view this as an act of copyright infringement, but as the creation of an entirely new work.

Creativity from both the perspective of the consumer and the producer is changing. These individuals recognize the value of being able to openly share their work with each other, as it allows the public access to a greater number of creative works, as well as how it can inspire creativity in other artists in the form of derivative works. Copyright law as it stands now fails to reflect these changes in attitudes and behaviors. To help the future generation of (re)creators avoid the problems associated with copyright when creating works of their own, a growing number of artists are now licensing their works with open-source licenses. As stated earlier, the research for this paper was conducted in an attempt to discover why more individuals are opting for open-source alternatives to copyright every year, not to try and say that one method of licensing a creative work is right or wrong. What has been discovered though is that the attitudes and behaviors of many producers and consumers has changed drastically over the years due to advances in technology and the way creative content is now created, consumed and shared, and that any future revisions in copyright law must take these developments in account.
Appendices

A. Number of Creative Commons Licenses In Use

Data provided by Creative Commons.
B. Survey

1. Which category below includes your age?
   - 17 or younger
   - 18-22
   - 23-29
   - 30-39
   - 40-49
   - 50-59
   - 60 or older

2. Which of the following most accurately describes you? (Check all that apply)
   - Author/Writer
   - Musician
   - Composer
   - Visual Artist (painter, sculptor, photographer, etc.)
   - Other (please specify)

3. Have you registered your work for copyright with the United States Copyright Office?
   - Yes
   - No

4. If "yes", what reason(s) most accurately describe your reasons for registering your work with the United States Copyright Office? (Check all that apply.)
   - To protect the artistic value of my work
   - To profit from my work
   - To protect my work from possible copyright infringement
   - It sounded official
   - Somebody told me to (agent, fellow artist, outside party)
   - Other (please specify)

   Other (please specify)
5. If "no", what reason(s) most accurately describe your reasons for NOT registering your work with the United States Copyright Office? (Check all that apply.)

- Unaware that registration with the United States Copyright Office is an option
- Have no desire to register my work
- Don't know how to register
- Too expensive
- Fundamentally opposed to copyright
- Tried to, but it was too difficult/confusing
- Other (please specify) [ ]

6. Are you aware that alternative forms of copyright (example: Creative Commons) exist?

- Yes [ ]
- No [ ]

7. Have you registered your work for copyright through an alternative copyright source (example: Creative Commons)?

- Yes [ ]
- No [ ]

8. If "yes", what reason(s) most accurately describe your reasons to register your work through an alternative form of copyright? (Check all that apply.)

- Chance of being more profitable [ ]
- Ease of use [ ]
- Increases output in creative community [ ]
- Better suited for work in a digital format [ ]
- Other (please specify) [ ]

9. If "no", what reasons most accurately describe your reasons for NOT registering your work through an alternative form of copyright? (Check all that apply.)

- Unaware there were alternative forms of copyright [ ]
- Prefer traditional copyright registration through United States Copyright Office [ ]
- Not suited for my medium of work [ ]
- Harder to receive profits from my work [ ]
- Other (please specify) [ ]

10. What are your thoughts on copyright?
Works Cited


Mazer v. Stein. U.S. Supreme Court. 8 Mar. 1954. Print


“The Constitution of the United States.” Article 1, Section 8

