FREEING FOOTAGE FOR ALL

Creative Commons & Moving Images

'The "some rights reserved" approach to content management synonymous to the Creative Commons licensing suite offers new content to utilise on less complicated terms; it offers new ways of thinking about, managing, and capitalising on original creative content.'

Elliott Bledsoe, The 'You Can't Touch This' Effect, p 1

Noting the difficult terrain to be traversed by creators in the digital age, *New York Times* journalist Nancy Ramsey positions the current tension between the creator and copyright law:

'Today, anyone armed with a video camera and movie-editing software can make a documentary. But can everyone afford to make it legally?'
www.nytimes.com/2005/10/16/movies/16rams.html

This tension has been manifest for filmmakers including Jonathan Caouette of *Tarnation* fame, who originally shot his documentary for approximately $US218, but, was forced to pay copyright clearance costs close to $US230,000 when the film's distribution was subsequently approved.

Similar scenarios unfold in *Untold Stories: Creative Consequences of the Rights Clearance Culture for Documentary Filmmakers* (www. centerforsocialmedia.org/rock/backgrounddocs/ printable_rightsreport.pdf), a Creative Commons-licensed report by Patricia Aufderheide and Peter Jaszi of the Center for Social Media at

the American University. The multiple barriers to rights clearances processes for documentary filmmakers are recounted with the caveat that there is a clear chilling effect to creativity.

As Elliott Bledsoe from Creative Commons Australia observes,

http://wiki.creativecommons.org/casestudies

'There is a distinct need for a rights management system that is flexible enough to allow for quick and easy access to useable materials but which is legally sound to appease the wider sectors' copyright concerns. Creative Commons is one such licensing model.'

In this environment beset by long, costly and complicated clearances, Creative Commons presents a clear alternative in providing up-front permissions. As Robert Greenwald, director of *Outfoxed*, opines:

'In making Outfoxed *and* Uncovered, *I learned how cumbersome and expensive it can be to license footage from news organisations. Creative Commons licences allow me as a filmmaker to know immediately how I can use a piece of content in my films.'*

Robert Greenwald in Haughey, M (2004)

The operation of Creative Commons licences has been illustrated in the Mayer & Bettle animations created by Brisbane-based studio Black brow. With the first film describing the distribution

and use of creative works 'free and not illegally,' the sequel outlines the rights and responsibilities inherent in the creation of artistic works, including collaborative efforts. Released as an educational initiative for the 2008 Queensland University of Technology Smart Train journey around the State, the film is ready for remix, being licensed under the Creative Commons Attribution 2.5 Australia licence.

Australian filmmakers seeking access to Creative Commons-licensed stock are able to avail high-quality digital materials from the Australian Creative Resource Online (ACRO) database, which offers a range of repurposable Creative Commons and AEShareNet Free for Education-licensed footage, photographs and audio. Director of the New Zealand and United States documentary *Following Alexis West* Brian Boyko adheres to a similar philosophy of reuse, offering over 20 hours of digitised raw footage under the Creative Commons Attribution-NonCommercial-Share Alike 3.0 licence to the New Zealand film archive, the South Seas Film School, and the University of Texas School of Communication Radio-Television-Film program for educational purposes,

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Image: A still from *Big Buck Bunny* by Blender Institute. Film is CC BY 3.0 Unported, http://peach.blender.org/wp-content/uploads/bbb-splash.png

Big Buck Bunny *is the second film from the Blender Institute (*blender.org*), known for making films using free software. It was release online on 30 May 2008. By June it had had more than half a million views on Vimeo and YouTube and more than 400Kb of downloads.*

The film is available under a Creative Commons Attribution 3.0 Unported licence and comes in a variety of formats, quality levels and download points. The film score is also available for download as MP3 or Ogg files and is licensed under a Creative Commons Attribution-Noncommerical-No Derivative Works 3.0 Unported licence.

as well as providing an online release for further historical and other non-commercial projects.

> *'Open innovation models recognise that one person's trash is another person's treasure. There is an inbuilt asymmetry between the owners or custodians of information, and potential users in terms of the uses of information and the value of those uses.'*

Terry Cutler, 2007, Innovation and open access to public sector information*, p 7*

Brisbane-based animator Chris Denaro regularly re-uses Creative Commons-licensed images obtained from Flickr. His works re-examine the processes involved in commercial prototyping, with the integration of Creative Commons images critically bringing spontaneity and serendipity to his works.

Expressing the endless interactivity enabled by multimedia, Melbourne's Digital Fringe festival aims to foster avant-garde tech-cultural interactions and to embrace the ideological concept of open source and shared culture, knowledge and expertise. Also hosted at Melbourne's video lounge Horse Bazaar, VIDEO SLAM is a hands-on sound and video event employing Creative Commons materials for hybrid arts practitioners. Presented by Open Channel in association with Film Victoria, 3RRR, apc.au, Arts Access, and the Creative Commons Clinic as part of Arts Law Week, VIDEO SLAM unites Australian filmmakers, producers, artists and lawyers to create a sound and video work exploring appropriation, remixing and the use of public space in electronic arts.

Internationally, user creativity is harnessed by the distributed film process of *A Swarm of Angels*. Initiated by British director Matt Hanson as a

collaborative endeavour to pursue the production of a science fiction film, ASOA emphasises a 'ROE' – Return on Entertainment – for its investors, thanks to the possibility to download the movie freely and to re-use or remix part or whole of the project's output. Hanson believed it important for the production crew to receive 'proper salaries' indexed from market rates based on their involvement with the feature.

Embracing revenue-sharing business models, video-sharing platforms exemplified by Revver distribute advertising income to contributors. Japan's Sony eyeVio service seeks to emphasise the benefit for commercial enterprises by scrutinising the copyrights of each uploaded video, thereby assuring the legitimacy of uploaded content and minimising an organisation's exposure to risk: unlike a service such as YouTube which adopts a 'wait and see' approach, eyeVio takes proactive measures to ensure its position as a high-quality video platform.

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Australian Creative Resources Online

DESCRIPTION: Australian Creative Resources Online (ACRO) is an open resource repository of reusable digital multimedia materials.

WEBSITE: www.acro.edu.au

LICENCE USED: Creative Commons and AEShareNet Free for Education, http://www.aesharenet.com.au/FfE2

MEDIA: Audio, Images, Video

LOCATION: Australia

Overview

The Australian Creative Resource Online (ACRO) is an open resource repository archiving and storing digital and digitised multimedia materials—video clips, digitally drawn images, photographs, and audio segments—in editable formats intended for reuse. Emphasising an open framework, ACRO aims to create a distribution network of high-quality, low-cost materials which are either in the public domain or employ open content licences. By offering streamlined access to content, ACRO seeks to engage grass-roots creative producers and community media organisations, facilitating innovation and creative production without fear of litigation or lengthy rights-clearance processes. As materials are reused, it is hoped that creators and producers re-contribute their content to the archive.

'In short, by providing producers, broadcasters, students, teachers, researchers and the community with access to a range of production, research, and educational resources around an open resource repository, ACRO will stimulate long-term creative and cultural capital for creative industries.'

Rooney & Graham, 2004

ACRO commenced as an Australian Research Council (ARC)-funded infrastructure project in 2002, which was further supported by the University of Queensland in 2003.

The founding objectives of ACRO have been:

- To develop and provide a robust and rapid infrastructure for national research and international collaboration across Australia's creative industries;
- To stimulate Australia's broadband content industry, nationally and internationally;
- To provide a rich public resource for creative industries research and content production;
- To develop a resource for productive international research collaborations;

- To develop innovative classification systems and associated database applications for new forms of archive materials;
- To develop new Intellectual Property initiatives and models; and
- To develop innovative technologies and techniques for the development, production, management, and delivery of Australia's cultural products.

www.tomw.net.au/2002/acra.html

A prominent output from ACRO has been the *Hot Buttered* collection (www.acro.edu.au/public/control.jsp?term=hot+buttered&action=search), offering a selection of Australian surfing videos and soundtracks. The spirit of reuse is at the heart of the *Hot Buttered* brand: the surfboard company takes it name from *Hot Buttered Soul*, Isaac Hayes' second studio album from 1969, which itself begins with a cover of the Burt Bacharach and Hal David classic tune *Walk on By.* The ACRO project digitised Hot Buttered's entire audiovisual catalogue which they agreed to make available under Creative Commons licences. Full bandwidth digital copies were created as an essential step of the digitisation. *Hot Buttered's* founder Terry Fitzgerald took the opportunity to repackage the digitised collection and release it as an anthology: *Hot Buttered Soul* (www.hotbuttered.com.au/soul/hb_soul.php), maintaining that 'surfing is art' (www.hotbuttered.com.au/history.php). The film chronicles the evolution of the single-fin surfboard over three-and-a-half decades, describing the 'free surfing dream.'

Licence Use

> *'ACRO seeks to create a legally safe framework for individuals and organisations to work with multi media resources in an open source environment.'*
>
> Rooney & Graham, 2004

Materials archived on ACRO are either believed to be in the public domain or have been cleared by the copyright owners for use under Creative Commons and AEShareNet Free for Education licences. The default licence used by ACRO is the Creative Commons Attribution-NonCommercial 2.0 licence, allowing the remix and reuse of works for non-commercial purposes. Commercial use must be negotiated with the rights holders.

For producers, their ability to access the archive to place resources in it is governed primarily by their willingness to place their materials under Creative Commons licence arrangements.

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Statistics

ACRO's usage reports show that on the 18 March 2008 the average data transferred per day was approximately 38MB. Below are some key metrics:

Successful requests	11 974 (6112)
Average successful requests/day	1027 (873)
Successful page requests	6002 (2666)
Average successful page requests/day	514 (380)
Failed requests	1203 (679)
Redirected requests	56 (2)
Distinct files requested	5360 (3664)
Distinct hosts served:	1344 (966)
Data transferred	440.07MB (235.83MB)
Average data transferred/day	37.75MB (33.69MB)

Source: www.acro.edu.au/reports/report.html

'The values of openness, novelty, and innovation are more likely to translate into economic value in new media than the values of predictability, highly regulated production, and closed IP regimes on which "mass" media models are based.'

David Rooney and Phil Graham, ACRO Co-Directors

ACRO also permits use of AEShareNet licences (http://www.aesharenet. com.au/), an Australian-based licensingframework that has been providing standard open content licences since 1998. The most popular of the AESharenet licences is the Free for Education licence (http://www. aesharenet.com.au/FfE2), which permits material to be freely used and copied for educational purposes.

Motivations

According to a 2004 research paper presented by ACRO Co-Directors David Rooney and Phil Graham, 'Creative Content and Sustainable Community Media Organisations: Australian Creative Resources Online' (http://www. acro.edu.au/acropubs.html), published in *Australian Studies in Journalism* (www. uq.edu.au/journ-comm/index.html?p age=5755&pid=5755&ntemplate=57 8), the main assumption underlying the establishment of the database has been that

> *'The values of openness, novelty, and innovation are more likely to translate into economic value in new media than the values of predictability, highly regulated production, and closed IP regimes on which "mass" media models are based.'*

The ACRO archives and associated online tools are based on an 'open resource' philosophy. The central organising logic of ACRO is that open access to high-quality content and content development tools will bring public and private benefits in the forms of increased cultural activity; increased levels of engagement in cultural production; increased intercultural awareness; and increased economic activity related to cultural production, distribution, and exchange.

> *'By providing a unique and diverse set of resources, and by encouraging derivative and open usage of those resources for the production of new creative works, ACRO will help lay the foundations for new digital rights management systems and alternative business practices suited to broadband environments.'*

Underpinning the archive is the ability to reuse and recycle 'waste' materials – the leftovers from traditional cultural production processes such as 'cutting-room floor' footage. The Creative Commons licensing framework facilitates the distribution and reapplication of this content for groups in the community, being valuable to film, television, and radio producers, musicians, historians, advertisers, documentary producers, the IT industries, and 'anybody wishing to study, understand, or capitalise upon

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A Swarm of Angels

DESCRIPTION: *A Swarm of Angels* is a groundbreaking project to create a £1 million film and give it away to over 1 million people using the Internet and a global community of members.

WEBSITE: http://aswarmofangels.com

LICENCE USED: Creative Commons BY-NC-SA 2.5 Generic, http://creativecommons.org/licenses/by-nc-sa/2.5

MEDIA: Video, Images, Text, Music, Multimedia

LOCATION: United Kingdom

Overview

A Swarm of Angels (ASOA) began in January 2006 as the initiative of Matt Hanson, a 36 year-old visionary director based in Brighton, UK. Hanson's idea was to gather people from around the world with the desire to take part in a movie-making process. Participation was intended to be 'creativity/passion/curiosity'-oriented, as opposed to being focused on profit and ownership. Distribution of the final film was agreed to be 'free' (in the open culture sense) because, in the words of Hanson:

> *'you can't control media these days. You need to go with it, rather than fight it. We're part of the remix generation, with the DIY digital tools to make our own digital media, whether that's film, music, or whatever.'*
>
> http://aswarmofangels.com/fund/faq

This means that the product is able to be used, not just consumed, and users can watch or remix it. 'If you look at the Greek epics,' says Hanson, 'the story-tellers that were recounting their tales always put their own spin on it.'

As analysed by Oxford Internet Institute researcher Irene Cassarino, the ASOA business model was designed to be 'a valid new alternative, maybe more enlightened' than the Hollywood entertainment world. Hanson objected to the possibility that ASOA would become a massively distributed investment opportunity. Instead, he aimed to attract a host of 'angels,' keen to give a reasonable amount of their money to sustain an altogether groundbreaking movie-making project in return for having an opportunity to become involved in the creative process.

ASOA is unique in following a crowd-funded subscription model. The minimum subscription fee to participate in the experience movie was set at £25. Contributors

Promotional poster for A Swarm of Angels

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gained exclusive rights to participate in the decision-making process through a web-based polling system, an online discussion forum and a wiki platform. Hanson adheres to the 'one head one vote' governance rule for this, uniquely paticipatory environment: 'After all, plenty of films have tried the "many producers/investors route," but none have tapped into the wisdom of crowds.'

Hanson was the first subscriber to ASOA on 16 January 2006; the second angel joined on 13 of March 2007. By the 7 July 2007, 1000 members had been reached – the second milestone for the project (http://aswarmofangels. com/fund/mission-milestones).

The first development phases have now been running for approximately two years. The main outcomes are two draft scripts (*The Unfold* and *The Ravages*), the trailer and poster for the project, and a poster for *The Unfold*, while other outputs are still in the pipeline.

The angels are the initial and primary source of funding, but Hanson does not rule out additional funds from media companies and distributors who might want to broadcast or use film assets for their own commercial endeavours.

Likewise, support may come from other opportunities which don't conflict with ASOA general principles, such as sponsorship and equipment partnership.

It is intended that production crew receive 'proper salaries' based on their involvement, and 'market rates' for a £1 million feature. Matt Hanson also draws a salary from the project, having decided a few months after the project was launched to concentrate on ASOA and cancel other work such as upcoming book projects, consultancy and other productions. Hanson regularly engages in promotional events around the world like in his recent appearance as a keynote speaker at the prestigious Berlin Film Festival (www.berlinale.de/ en). Nobody else in the community, regardless of the commitment, is directly paid.

Licence Usage

After a consultation process with the angels, it was decided that ASOA will release its end-products to the public under a Creative Commons Attribution-Noncommercial-ShareAlike 2.5 licence. The Share Alike element ensures that the material is available for reuse by other filmmakers, while the Noncommercial option enables the Swarm to generate revenue by offering a separate remunerated licence to commercially exploit the created movie, e.g. by screening it in a movie theatre or showing it on TV. This ensures word-of-mouth promotion is unrestricted, whilst providing a guarantee that no commercial entity can appropriate the benefits of the project without remunerating the creative community.

Founder of A Swarm of Angles*, Director Matt Hanson*

CC Freeing Footage For All

Most contributors to ASOA publish their creations on their own websites or on a website provided by Hanson for the streaming of big files and publish the link in the ASOA forum. When contributing media content to ASOA the contributing member has to agree to a 'Media Release Statement' in which they grant a non-exclusive license (subject to attribution) for their contribution 'to be used as part of the A Swarm of Angels project.' Without such an open licence, it would become almost impossible to track rights related to the different contributions.

'I believe building a feature film from the ground up to be ready for remixing, easy to view, ready to share, and perfect for download is the way to go'

Matt Hanson,
http://aswarmofangels.com/fund/faq

should always come upfront from angels and should be directly related to a specific project 'so that interested people could fund artistic people to generate interesting work and all of our lives can be enriched by the result' (JoeK).

The core unresolved questions ASOA is facing are:

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- Which aspects of the production and financial model should differ from the traditional cinema 1.0 system?
- How to position ASOA with respect to other open business frameworks (eg those used in software production);
- Whether to allow any additional money from commercial exploitation of the original project to be injected into future projects.

Motivations

The ASOA slogan is 'Remixing Cinema': the project aims to empower not only creators actively engaged with the ASOA community, but to every creator within or beyond the bounds of the 'Swarm' in the present and in the future by releasing a movie which actively invites remixing. In order to govern and protect this vision, a particular set of Creative Commons licences has been chosen. CC is an integral part of the identity of the project. When surveyed via questionnaire, 70% of ASOA's top contributors agreed or strongly agreed that 'Creative Commons Licenses enable creativity.'

Nevertheless, the Creative Commons' Noncommercial licensing option has been controversial. While Matt Hanson did not want corporations to gain from ASOA without contributing remuneration, several angels objected that the generation of income (even for future productions) should not be part of the model, because it was potentially dangerous: they argued that money

For a deeper analysis of organisational and legal issues involved, please see Irene Cassarino and Wolf Richter's paper 'Swarm Creativity - The Legal and Organizational Challenger of Open Content Film Production' (www.dime-eu.org/wp14/conferences/creative-industries) by which was presented at the *Dynamics of Institutions and Markets in Europe (DIME)* conference on the Creative Industries and Intellectual Property on 22 May 2008 in London.

Black brow

DESCRIPTION: Black brow is a filmmaking duo based in Brisbane, Australia whose productions include the Creative Commons Australia animations that feature Mayer and Bettle.

WEBSITE: www.blackbrow.com

LICENCE USED: Black brow's films: Creative Commons BY-NC-SA 2.5 Australia, http://creativecommons.org/licenses/by-nc-nd/2.5/au, Mayer & Bettle: CC BY-SA 2.1 Australia, http://creativecommons.org/licenses/by-sa/2.1/au, Mayer & Bettle 2: CC BY 2.5 Australia, http://creativecommons.org/licenses/by/2.5/au

MEDIA: Moving Images

LOCATION: Brisbane, Australia

Overview

Black brow is a Brisbane-based collaborative filmmaking organisation established by Pete Foley and Chris Perren, specialists in video and audio production. Operating under the brand 'Black brow makes films,' Pete and Chris have completed four animations which are featured on their site. Their most recent, *3xSuper Robot Heartbreak* (www.blackbrow.com/movies/3xSRH.mov), features the 'FT Work 9000,' 'Ignoramatron' and 'Me!me!me!bot' robots who wreak havoc in a town. Three brave kids stand up to the mechanical threat, showing them the impact of their destruction, which ultimately helps the robots to amend their ways.

In 2005, Black brow was commissioned by Elliott Bledsoe from Creative Commons Australia to create a short animation explaining how CC licences operate. Actor Dash Kruck, voice of Mayer, and Elliott developed the script which was bought to life on screen by Pete and Chris.

The film was commissioned to be part of the Queensland University of Technology's Smart Train (www.train.qut.edu.au) which departed from Brisbane on 15 May 2005 on a five-week journey around 24 regional and rural centres in Queensland including Mt Isa, Bundaberg, Rockhampton, Maryborough and Mitchell. The result of two months of collaboration was *Mayer and Bettle* (www.creativecommons.org.au/animation_train), a wonderfully engaging explanation of how to download music 'for free and not illegally.' Screened at numerous CC events worldwide, including the inaugural CCau ccSalon (http://creativecommons.org.au/ccsalon) in November 2006 and CC's fifth birthday party celebrations in Berlin in December 2007, the film has been translated into French, German and Hebrew thanks to the CC licence permitting derivative works.

Bettle gets an education on how to use Creative Commons

Since its online debut on 13 May 2005, the film has been downloaded more than 5,000 times via the Creative Commons Australia website. During the inaugural international Creative Commons fundraising drive (http://support. creativecommons.org.au) Creative Commons Australia donated the film to the cause by uploading it to Revver (www.revver.com/video/94724/cc-mayer-and-bettle-animation) where it has been viewed almost 6,000 times. All revenue generated through Revver is contributed to the international Creative Commons initiative. The film is also available for viewing online at EngageMedia (www. engagemedia.org/Members/elliottb/ videos/ccau-medium.mov/view) and YouTube (www.youtube.com).

Given the global success of the first film, when the QUT Smart Train initiative started up again in early 2008, and the possibility of a sequel arose, Elliott returned to Pete and Chris to commission *Mayer and Bettle 2* (http://creativecommons.org.au/ mayerandbettle2), this time as a co-production by Black brow and Brisbane-boutique film production company InVision Media (www.invisionmedia. com.au). Elliott and Dash developed the initial script which was further refined by Jessica Coates and Rachel Cobcroft from Creative Commons Australia. The film engaged the same voice actors—Dash Kruck as the voice of Mayer and Mem Rynne as the voice of Bettle— to play the infamous characters, and Leisa Pratt to do the voice of the newest character, Flick, Bettle's 'fan and collaborator.'

Here is what Mayer had to say during production of the new film:

> *'"Much has changed since we shot the first film," Mayer said, "Which is why Bettle and I are getting back in front of the camera." Tightening of the licences, expanded metadata,*

a dedicated education division and exploration into complimentary licensing options are just some of the key developments.'

http://ccelliott.blogspot. com/2007/12/mayer-bettle-sequel.html

According to prominent Australian blogger and new media academic at the University of Western Australia, Tama Leaver, 'It's another fine effort from CCau, making CC licenses understandable and accessible to a general (non-lawyerish) audience!' (www. tamaleaver.net/2008/04/20/ mayer-and-bettle-are-back).

Like the original film, *Mayer and Bettle 2* is hosted on Revver (http:// revver.com/video/854735/ mayer-and-bettle-2) as part of the Creative Commons fundraising campagn (http://support. creativecommons.org/ videos). It is also available online at EngageMedia (www.engagemedia.org/ Members/elliottb/videos/ ccaumayerbettle.mov/view) and YouTube (www.youtube. com/watch?v=YevIezOe4hk).

Licence Usage

The *Mayer and Bettle* animation was released under the CC Attribution-ShareAlike 2.1 Australia licence. Its script (http:// creativecommons.org.au/ materials/ccau-train-script.doc) (Microsoft Word format) and

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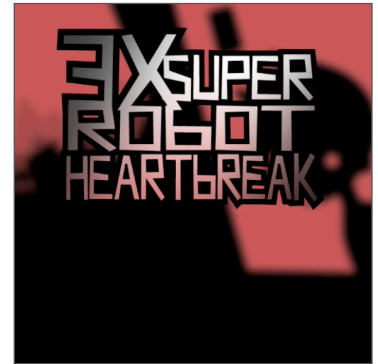
Screen shots from 3x Super Robot Heartbreak, *the latest animation released by Black brow, the filmmaking team who produced the two CC Australia animations.*
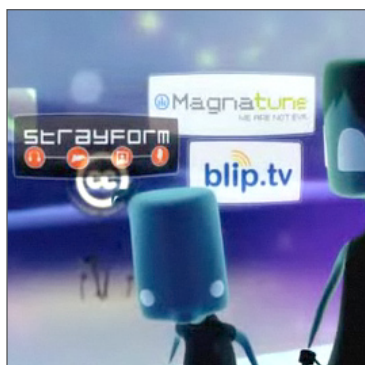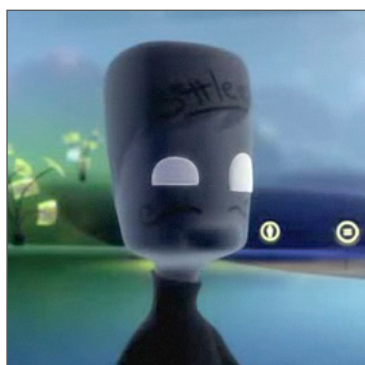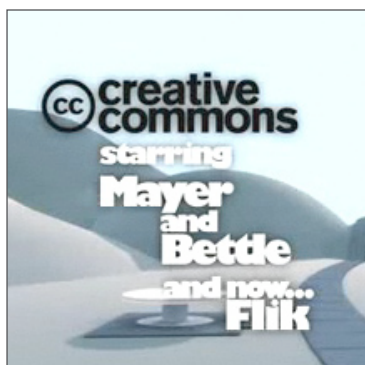
In Mayer and Bettle 2, *the kooky duo discuss the utility of Creative Commons as a creator and explore the licences as a tool for collaboration.*

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source files (http://creativecommons.org.au/materials/CC-AU_ANIM_SRC.zip) (100MB, Moho and AIFF format) are also available for reuse and modification.

The sequel, *Mayer and Bettle 2* is licensed under the Creative Commons Attribution 2.5 Australia licence. The full video can be downloaded in high-resolution Flash format ready for redistribution and remix from the Creative Commons Australia website (http://creativecommons.org.au/mayerandbettle2).

At the end of the film's credit roll, the Attribution Licence Badge is displayed, accompanied by the following notice:

'This animation film, the associated script, musical score and all other associated copyright is licensed under a Creative Commons Attribution 2.5 Australia licence. You are free to copy, communicate and adapt this work, so long as you attribute Creative Commons Australia. Where using individual elements, please attribute the relevant creators as well. For more details on terms of this licence, see http://creativecommons.org/licenses/by/2.5/au.'

'Creative Commons is like having 100,000 free publicity officers.'

Peter Foley, Animator, Black brow

The script (http://creativecommons.org.au/materials/ccau-mab2-script.doc) (Microsoft Word format) and source files (http://creativecommons.org.au/materials/CC-AU_ANIM_2_SRC.zip) are available on the Creative Commons Australia website.

Black brow host a number of other films on their website, all of which, with the exclusion of two films, *Water* and *Waste*, which were commissioned and are owned by the Logan City Council, are available under the site's blanket licence, Creative Commons Attribution-Noncommercial-No Derivative Works 2.5 Australia licence. Pete's blog, *Pete uses biro* (http://iusebiro.blogspot.com), features a series of his illustrations and animations. It is licensed under CC Attribution-Noncommercial-No Derivative Works 2.5 Generic licence.

Motivations

Black brow has gained international attention, as well as several job offers, from their involvement with Creative Commons. 'Creative Commons helped us reach markets we never considered were possible to reach for us at this early stage in our careers,' observes Chris Perren (www.anat.org.au/pages/forumspubs/FilterArchive/Filter61_WEB.pdf). Pete Foley adds, 'Creative Commons is like having 100,000 free publicity officers. You get heaps of people watching your film because no one is scared of being arrested because of it.'

Chris Denaro

DESCRIPTION: Chris Denaro is an Australian animator who examines industrial processes of prototyping, incorporating Creative Commons materials into his animations to bring spontaneity and serendipity to his works.

WEBSITE: www.chrisdenaro.com

LICENCE USED: Creative Commons BY-SA 2.0, http://creativecommons.org/licenses/by-sa/2.0

MEDIA: Moving Images

LOCATION: Brisbane, Australia

Overview

Chris Denaro is a Brisbane-based animator who creates multimedia artworks and installations incorporating and taking inspiration from Creative Commons-licensed material. In August – September 2007, Chris was the artist-in-residence at *The Vernacular Terrain* (www.artmuseum.qut.edu.au/exhibit/news-event.jsp?news-event-id=11583), an exhibition exploring environmental, political and cultural place through installations of interactive media, initiated by the International Digital Arts Project (iDAP) (http://www.idaprojects.org). Here, Chris developed a new work every 72 hours, reusing images found through Flickr's Creative Commons advanced search (http://flickr.com/search/advanced) in a spontaneous and reflexive process, creating new objects from found images, particularly of curvilinear consumer goods, termed 'Blobjects' by Bruce Sterling (www.boingboing.net/images/blobjects.htm). The reconstituted shapes, reminiscent of Japanese Chindogu 'a bizarre collection of gadgets and gizmos that… almost serve a useful purpose' (http://website.lineone.net/~sobriety),

were reconfigured in Photoshop and mobilised through loops within Flash, whereupon they were projected onto the exhibition space floor. The exposure the pieces gained was significant: iDAP's audience literally walked through the work to enter the exhibition.

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> '*The creative process incorporated the act of acquiring Creative Commons content from Flickr as a type of spontaneous and reflexive direction for the work to take.*'
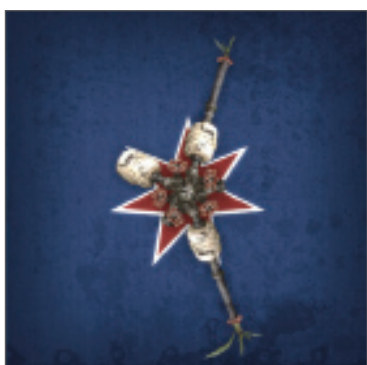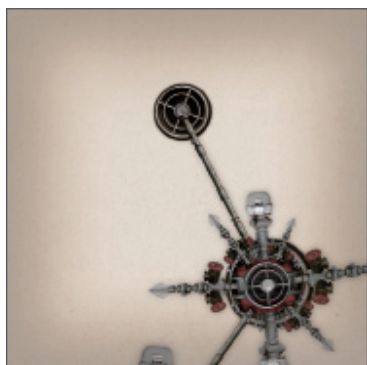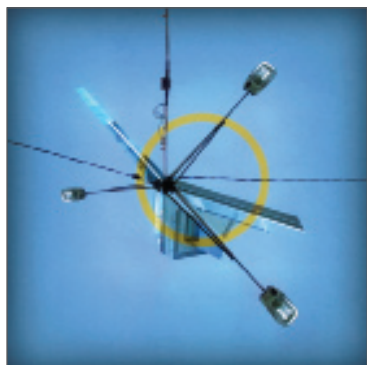>
> Chris Denaro

Chris recently completed a Master of Arts (Research) at the Creative Industries Faculty (www.creativeindustries.qut.edu.au), Qeensland University of Technology in which he
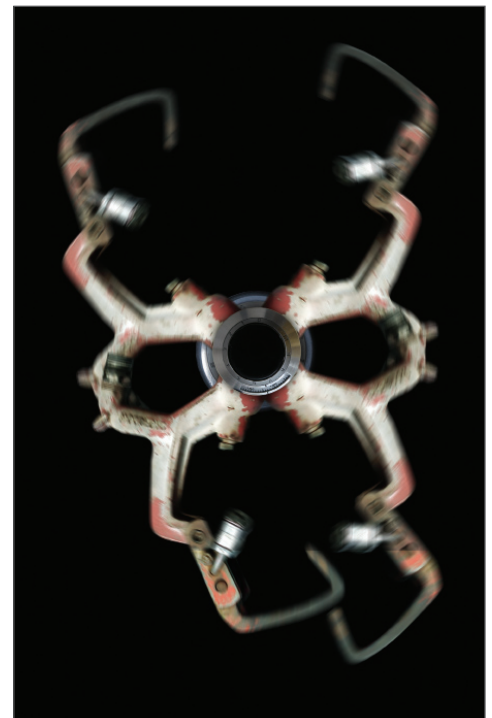
Prototype24 by Chris Denaro

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Images: (Top to Bottom) Stills from animations "Prototype5", "Prototype17", "Prototype16" & "Prototype11" by Chris Denaro.

These stills are from Dialogues with the Protoype, *a series of animation films using elements from Creative Commons licensed Flickr images reassembled to present new perspectives on the original subject matter.*

described the creation of these process-driven animations, contrasting traditional industrial design methodologies. His exegesis 'traces a path through the production of an animated work, and discusses the evolution of an individual production workflow that reconfigures the industrial animation process of prototyping.'

During this time Chris developed *KIB105: Animation and Motion Graphics*, a QUT Creative Industries unitdelivered to 100 undergraduates and nine postgraduates which required students to make 1 - 2 minute animations for their final assessment. Source material used by the students had to be available under a Creative Commons licence. Equally, students' final work had to also be licensed under CC. In reflecting on the running of the unit, Chris observed that a better outcome would have been to present students' final assessment online under the students' choosen licence, giving the material a life beyond the classroom.

Chris is currently artist-in-residence at Metro Arts (www.metroarts.com.au) in Brisbane's CBD. He has previously been artist-in-residence at Brisbane Grammar School, where over three weeks he

directed the art classes for Year 10 students, requiring them to create their own interpretations of Blobjects and consumer items using the process he had previously demonstrated and described.

Licence Usage

Through his practice-led research, Chris developed a 'reflexive process that included mise en place, Creative Commons and environmental influences as ingredients.' Chris explains in his exegesis:

> *'The source materials I gather are licensed under Creative Commons, which is a new type of copyright contract, designed for sharing and modifying creative content. The author of a work can allow others the right to create derivative works based on their content. Rather than "all rights reserved," the Creative Commons mantra is "some rights reserved".'*

Using Flickr's Creative Commons material (www.flickr.com/creativecommons), discovered through the advanced search mechanism, allowed Chris to source the images he required for his innovative, spontaneous prototyping processes. Chris was careful to select images which were licensed to allow derivative works, given his practice of disassembly and reassembly of objects.

Motivations

Creative Commons licensing enabled Chris to incorporate spontaneity into his animation workflow, utilising the advanced Flickr CC filtering tool to gather source materials and take

inspiration from the images thereby discovered. Additionally, Chris followed Flickr's folksonomy (www. flickr.com/photos/tags), generating ideas through clicking on related tags:

> 'There were untagged images, and mis-tagged, and probably the most important for me was the links to further tags. I would search for pipes and plumbing, and find some images to use as source, but then the author could have other more obscure tags to use as a further search, or else they had other images which were related. Out of interest, say, pipes and plumbing, mixed with car yards, mixed with holidays in Spain at the waterfront. All of these images had photos of pipes which I could use, but there was no way of finding a connection between these unless by chance and long hard searching and browsing.'

After spending many sessions online browsing materials and downloading images, whereupon he would take his ideas as a group to be incorporated into the creative process, Chris observed in relation to Creative Commons:

> 'This adds spontaneity and serendipity to the work, as the source material is unpretentious, fresh and unpredictable.'

Proclaiming the importance of re-examining the creative process through conscious, structured reflection and analysis, Chris quotes John Howkins, author of *The Creative Economy*:

'The process of starting from chaos, with an array of Creative Commons images as my ingredients, and allowing the form to emerge, excited and challenged me.'

Chris Denaro

> 'The individuals who succeed in the creative economy speak a different language. They value novelty above repetition. They are more often intuitive than rational, more subjective than objective. They regard mistakes as a useful learning process, necessary for success.'

> Howkins in Macken 2007: p97

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Digital Fringe

DESCRIPTION: Part of the Melbourne Fringe Festival, Digital Fringe is dedicated to showcasing the use of digital screen-based technology in the arts.

WEBSITE: http://digitalfringe.com.au

LICENCE USED: Copyright, PD and Various Creative Commons 2.5 Australia and 3.0 Unported licences

MEDIA: Interactive Media, Animation, Audio, Video, Images, Text

LOCATION: Australia

Overview

Broadcast across the city of Melbourne using screens, projections and the web, Digital Fringe (DF) showcases digital art and 'interactive media shenanigans from a gaggle of local media artists' (http://digitalfringe.com.au/?q=node/17) and international artists as part of the annual Melbourne Fringe Festival (www.melbournefringe.com.au).

The festival aims to foster avant-garde tech-cultural interactions and embraces the ideological concept of open source and shared culture, knowledge and expertise.

Managed by digital arts bar Horse Bazaar (renowned for its unique immersive video projection environment), DF exhibits its works during the festival in three ways: the General Stream, Interact, and the Mobile Projection Unit (MPU).

The general stream is a continual playlist of digital art projected across screens and surfaces in galleries, public spaces (such as the Federation Square plaza screen), entertainment and hospitality venues, cyberspace and city iHubs. The Interact exhibit utilises mobile phones and Internet technologies to create an interactive creative platform for digital artists. As part of the general call for submissions, artists can present interactive digital art projects for inclusion in an 'amorphous mobile phone interactive piece' (http://digitalfringe.com.au/?q=node/23). Interact links data sent from mobile phones directly into artworks displayed through participating screens across Melbourne and the DF website.

'The flexibility and accessibility that Creative Commons provides really opens the options for artists about how they want their creations to continue their cultural life'

Simeon Moran, Digital Fringe co-producer

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The Mobile Protection Unit (MPU) is a van travelling through the streets on the evenings of the festival. Guest artist programmers interact with the architectural nuances of the city by projecting their playlist onto nearby buildings. GPS positioning and projections from the van are monitored in real time alongside video hook-ups with the programmers. Internet users can also use text via SMS to interact with the MPU.

Part of multi-disciplinary design team ENESS immersive project Arctic Sanctuary *in QV Square, Melbourne*

Licence Usage

Artists uploading content to the DF website can select from the full range of licences - from traditional 'all rights reserved' to a public domain dedication. However, in order to maximise the interactive and remix elements of the festival while retaining their copyright, participants are encouraged to select a 'some rights reserved' Creative Commons licence. As an extra condition the artist must agree to their works being screened during the festival and for the promotion of Digital Fringe; however, copyright in each work remains with the artist in entirety.

At present the uptake of Creative Commons licences by artists on the DF website demonstrates an enthusiasm for the licences matched by the Digital Fringe organisers.

> *"We think CC is great – there seems to have been a really good uptake from artists submitting works to DF so it obviously is attractive to artists as well"*
>
> Simeon Moran, Digital Fringe co-producer

It is estimated that around 75% of works have been published under Creative Commons (with 10% selecting all rights reserved copyright and 15% no rights reserved public domain). The positive response has encouraged the DF team to develop future exhibitions to include remix activities, and take advantage of the creative potential facilitated by the CC licences.

Motivations

When it came to licensing this project, the DF team believed Creative Commons licences were the most appropriate and flexible option, considering the ethos behind DF and its innovative use of digital technology and art. From an ideological standpoint, they were keen to push the concept of open source and shared culture, knowledge and expertise, but also understood the need for culture creators to reserve some of their rights in certain situations. For this reason artists were encouraged to license their works with any form of CC licensing that suited their particular needs. Creative Commons licences could then both facilitate the exhibition and help keep DF content open for alternate creative uses.

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Following Alexis West

DESCRIPTION: *Following Alexis West* is a documentary film which examines the effect of New Zealand's switch to a proportional representation system has had on its politics and culture since 1996.

WEBSITE: www.blogphilo.com/main/?page_id=9

LICENCE USED: Creative Commons BY-NC-SA 3.0
http://creativecommons.org/licenses/by-nc-sa/3.0

MEDIA: Film, Moving Images

LOCATION: New Zealand, United States of America

Overview

The documentary film *Following Alexis West* chronicles the effects that New Zealand's switch to a proportional representation voting system has had on its culture and politics since 1996. Mirroring the journey taken by French political theorist and lawyer Alexis de Tocqueville to America to examine the workings of democracy in the early nineteenth century, which culminated in the writing of *De la démocratie en Amérique* (*Democracy in America*), the film's producer Brian Boyko travels to New Zealand from the United States to document the country's political and cultural achievements. The documentary examines the way in which New Zealand's reconfigured voting structure may serve to prevent 'gerrymandering, negative campaigning, civic disengagement, and undue influence of powerful lobbies, as well as taking a look at problems with democracy in New Zealand that [are believed not to exist] in America, like restrictions on satire and film classification' (www.blogphilo. com/main/?page_id=9). Interviews are conducted with prominent New

Zealand politicians, political scientists, media figures, bloggers, and 'just plain old folks in the pub,' with a view to gaining insights into the success of the proportional representation voting structure, and ultimately what the relationship is between NZ's parliamentary system and its people. On the eve of the 2008 US Presidential elections, Boyko seeks to derive invaluable lessons for his homeland,

Promotional poster for Following Alexis West

asking 'Where in the world do you find Democracy?' Specifically, Boyko is seeking answers to whether the proportional representation system provides a fair compromise between conflicting interest groups, and whether governments formed in New Zealand are stable and able to govern effectively. To date, 28 hours of footage have been shot in Auckland and Wellington, New Zealand, and are in the process of being digitised and uploaded. Secondary shooting in Austin, Texas, is to follow, with post-production to be complete by March 2008. This will allow the documentary to be submitted to North American and European film festivals from April 2008.

Licence Usage

Following Alexis West is being produced independently, and will seek distributors for the film's commercial release. The documentary project involves the production of three separate end-formats: a 90-minute feature, released to American and European film festivals; a 56-minute New Zealand-only separate edit 'By Popular Demand'; and over 20 hours of raw footage. According to Boyko, the digitised raw footage will most likely be released under the Creative Commons Attribution-NonCommercial-Share Alike 3.0 licence, whereby it will be offered to the New Zealand film archive, the South Seas Film School, and the University of Texas School of Communication Radio-Television-Film program for educational purposes, as well as released online for further historical and other non-commercial projects. In addition, Boyko hopes to utilise the new CC+ licence for commercial use for non-share-alike projects.

Motivations

Following Alexis West producer Brian Boyko says that he accepts Creative Commons as a normal, ordinary part of the day-to-day functioning of the web. Inspired by the release of Cory Doctorow's writing under Creative Commons, and the Flickr licence integration, Boyko believes his work should be open to anyone who is willing to use it fairly.

> *'If a kid wants to remix Sir Geoffrey Palmer into a rap battle with Eminem, best of luck to him. Creative Commons is great because I don't have to say up front who -can- use the material. Anyone can use the material with the guidelines provided; if you want to step outside the guidelines, well, it's possible, but we need to talk about that.'*

Email interview with Brian Boyko by Rachel Cobcroft, 28 December 2007

On the issue of the implementation of Creative Commons licences, Boyko believes that their structure is simple and straightforward. If problems arise, he believes, it is due to education:

> *'People often labour under the delusion that everything is "all rights reserved" or anyone can take it and use it, and that there's no middle ground.'*

Importantly, Boyko believes that Creative Commons greatly increases the utility of a creator's works:

> *'There's a chance* Following Alexis West *might rot in my attic, unloved and unsold. But even if the main work is a failure (and it's my first movie, so it might well be!) if there is a derivative utility to which my work can be used, I want people to be able to do so.'*

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Revver

DESCRIPTION: Revver self-describes as being 'a powerful platform and suite of tools for serving and sharing media' whilst forming a community of video lovers and artists who share in the site's profits through its advertising structure.

WEBSITE: www.revver.com

LICENCE USED: Creative Commons BY-NC-ND 2.5 Generic, http://creativecommons.org/licenses/by-nc-nd/2.5

MEDIA: Video

LOCATION: Global

Overview

Revver is a video-sharing platform deploying an innovative business model with hyperdistribution as its core. Differentiating itself from competitor YouTube by offering per-view revenue, the platform takes advantage of peer-to-peer distribution mechanisms for sharing its hosted videos. When a user uploads a video to Revver, customised software inserts a brief, unobtrusive advertisement at the end of the video stream. At this point, the 'Revverised' video can be downloaded

and distributed via any method – website, email, P2P – without losing the advertisement. Revver software reports back to the main website every time the embedded ad is clicked irrespective of location, prompting the advertiser to be charged a micropayment. The platform shares the associated revenue with the owner of the video on a 50/50 basis. Revver's users are able to track their video's performance, monitoring how many times the video has been viewed, and the amount of revenue accruing. Sharers are able to earn 20% of ad revenue for forwarding the videos. Revver is therefore founded on the 'free and unlimited sharing of content online in an environment where the creator is rewarded for his/her work.'

Revver homepage
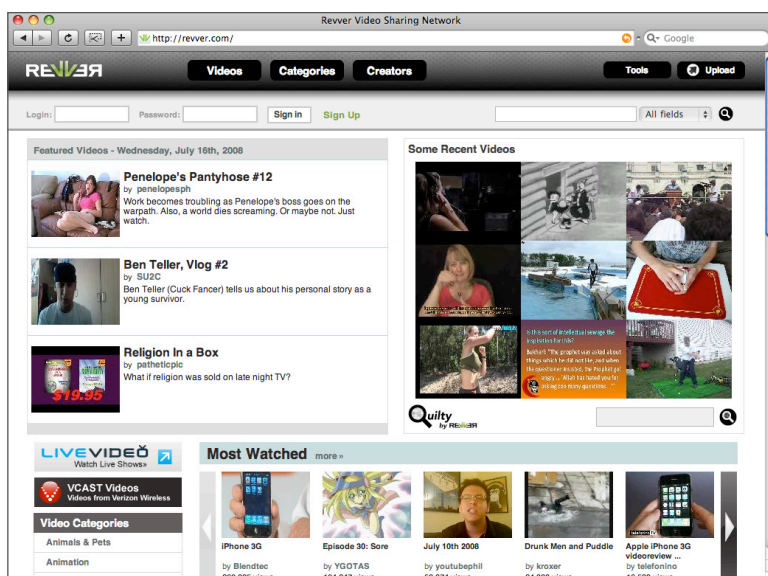
Licence Usage

> 'Copyright is complicated stuff. Our position on it is pretty simple.'

www.revver.com/go/copyright

Revver's business model is particularly noteworthy as it aims to take the wide-spread sharing of copyright material that occurs online and turn it into an asset, rather than a reason

for litigation. The site uses Creative Commons BY-NE-ND licences to permit users to distribute their content (with embedded advertising) verbatim for non-commercial purposes. The only additional requirement is that the creator of the video is attributed alongside Revver as host. This revenue-raising strategy not only permits widespread distribution; it relies on it – the more people who see the video, the more money both the site and the creator earn. Adherence to copyright law is an important issue for Revver. All uploaded videos are reviewed by a human before being made available online. Reviewers look for copyright violations, fraudulent tagging, and any inappropriate content which would violate the site's member agreement (www.revver.com/go/tou), such as content deemed obscene or hateful. If the site's reviewers detect possible copyright violations, the uploader is emailed, and asked to document their ownership of the item in question, be it the video footage, background music or other content. Revver's copyright statement (www.revver.com/go/copyright) declares:

> *'At Revver, we staunchly support copyright laws. Our mission and business is firmly rooted in the idea that artists deserve to control and be rewarded from their intellectual property. We also believe strongly in the protections provided by the doctrine of Fair Use, which is part of US copyright law, and to comparable protections provided under the copyright laws in other jurisdictions. While it is impossible to draw a hard and fast line between what is Fair Use and what is not, we understand that we are living in a remix culture and we support an open media environment that allows creators to lawfully build on the work of earlier creators.'*

Motivations

Recognised as an early adopter of next-generation business models, Revver is underpinned by the belief that 'a free and open, democratized media environment is good for everyone. Our goal is to empower video makers and sharers to do what they do best' (www.revver.com/go/faq).

Support for the balance in copyright law, and alternative options including Creative Commons is further evidenced in Revver's support for open-source communities. Revver acknowledges that they have built their products with a number of open-source software projects including Python, Twisted, mySQL, PostgreSQL, Xen, Java, PHP, Apache, Lighttpd, and Django (www.revver.com/go/faq/#api1). In return, Revver has made the 'ActiveRevver' and 'Sparkline' pieces of software available for usage, modification, and distribution under the MIT licence. Developed by the Massachussetts Institute of Technology, the MIT licence is a permissive licence which means that the software can be used as a basis for further development without any real restrictions. (This goes further than CC BY because the licence does not require explicit attribution.) Revver's Developer Centre (http://developer.revver.com) provides access to the Application Programming Interface (API), involving software developers in the enhancement of the platform.

Given the sharing and fundraising capabilities offered by Revver, Creative Commons used the platform during its initial fall fundraising campaign in 2006 (http://creativecommons.org/weblog/entry/6125) with the video *Wanna Work Together* (http://support.creativecommons.org/videos#wwt). Subsequently they have uploaded a number of films on Revver, including both *Mayer and Bettle* films.

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Sony eyeVio

DESCRIPTION: Sony's eyeVio is an Internet and mobile service in Japan that provides a high-quality video-sharing platform for people to share videos with family and friends.

WEBSITE: http://eyevio.jp

LICENCE USED: Various Creative Commons licences

MEDIA: Video

LOCATION: Japan

Overview

Sony eyeVio is an Internet and mobile service in Japan that offers high-quality videos for friends and families to upload and share. Described by Sony CEO Sir Howard Stringer as a primary element in the company's 'quiet software revolution' (www.dtg.org.uk/news/news.php?id=2402), eyeVio strategically complements existing Sony Group assets and businesses. Launched on 29 April 2007 as a Japanese-language video-sharing platform, the eyeVio site makes use of DHTML, AJAX, and a selection of web 2.0 techniques, with content divided into recommended videos and channels. A key feature of eyeVio is the ability to connect directly with Sony hardware devices, such as mobile phones, the PSP and Sony video Walkmen. Highlighting interoperability, users are able to upload files in a wide variety of formats, and are able to specify who can view their content, and how long a video will remain available on the service.

Unlike most video-sharing sites such as YouTube, which relies on a policy of 'wait-and-see,' eyeVio's staff monitor and review every upload to the site and delete any material they consider to be in breach of copyright laws. This is a significant selling point for businesses in assuring the legitimacy of the content, thereby minimising their exposure to risk.

Licence Usage

The eyeVio licence selector gives the uploader the ability to choose between all six of the Creative Commons licences, as well as standard all rights reserved copyright. eyeVio's approach to let users directly apply the six Creative Commons licences to their videos makes transferring videos between multiple devices a worry-free experience.

The site's software also uses the licence choice to determine the appropriate functionality for each video, so that only those videos under a Creative Commons licence can be downloaded. This avoids the legal uncertainty that surrounds so much of the downloadable material available online, and ensures that both creators and downloaders are clear on how the material may be used.

Motivations

Integrating Creative Commons into eyeVio has helped solve the copyright management issue faced by many user-generated content services. Creative Commons provides eyeVio with a tool to give media consumers the freedom to take content across devices while maintaining the rights for media producers to keep control of their creations. As Sir Howard Stringer puts it: 'It's an opportunity to transmit user-generated video anywhere you want to, anytime to anybody, in a protected environment' (http://www.dtg.org.uk/news/news.php?id=2402). This gives eyeVio an advantage over other similar sites, which only allow limited functionality (such as embedding in blogs) or 'lock' downloads to particular devices.

This enables eyeVio to embrace the web 2.0 values of portability and flexibility. This increases the appeal of the site to, for example, advertisers, who wish to ensure that their content is viewed by the maximum number people. It also increases the utility of the site for video creators, who can use its flexible copyright options to manage the distribution of their content to take better advantage of new business models based on the building of reputation and audience through recommendations and word-of-mouth.

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Images: (Top to Bottom) Stills from Episode 2 of the short film series あしたのモモ, http://eyevio.jp/movie/120188

VIDEO SLAM: *5 Smiles*

DESCRIPTION: VIDEO SLAM was an experiment in time-limited, collaborative, open-licensing film production.

WEBSITE: http://openchannel.org.au/blogs/videoslam

LICENCE USED: Final film: Creative Commons BY-NC-SA 2.5 Australia, http://creativecommons. org/licenses/by-nc-sa/2.5/au; incorporated elements: BY, BY-NC and BY-NC-SA material

MEDIA: Video

LOCATION: Melbourne, Australia

Overview

Inspired by Open Channel's *Free Screen Culture* forum at Arts Law Week Victoria 2006 (http://creativecommons.org/ weblog/entry/5897) and the international iSummit 2006 (http://icommons.org/ isummit06) held in Rio de Janeiro, VIDEO SLAM was a key event during Arts Law Week Victoria 2007 which attempted to discover, first-hand, how practical Creative Commons really is for creative collaboration. Through observing filmmakers engaged in sampling works within a production, the team could see how CC licences could be 'utilised within a cross-arts production environment. Not one, but many samples with a particular

emphasis on the moving image' (www. pdf.anat.org.au/Filters/Filter65_This is not Open Source.pdf).

Held over a period of 48 hours from 10am Sunday May 13 to 8pm Monday May 14, 2007 at digital arts bar Horse Bazaar (www.horsebazaar.com.au) in Melbourne, the inaugural VIDEO SLAM incorporated the artistic efforts of 22 filmmakers, writers, programmers, sound artists and videographers. Working in five groups, the creators 'slammed out' a 10-minute digital short largely from content under Creative Commons found online. Rights management was not the only restriction; however, the teams also had to respond to the themes of tolerance, inclusion, diversity, freedom, and access. The result of this effort was a film titled *5 Smiles* (www.engagemedia. org/Members/openchannel/videos/ oc_5smiles_transcoded.avi/view), which incorporated over 110 Creative Commons-licensed works including photographs, video footage, sound effects and music tracks.

With observations of the event blogged live by VIDEO SLAM producer Andrew Garton, in the journal entry 'Slam goes on…' (http://openchannel.org.au/blogs/

videoslam/?p=23) on Monday 14 May 2007 he writes:

> *'It's incredible how we managed to find just about everything we needed, right down to obscure cables and adaptors, tripods, extra cameras and mice, computers and torches… we borrowed, shared… shared! Everyone was so totally cool, supportive, encouraging, calm and inventive!'*

Licence Usage

> *'Because some CC material has restrictions on how it can be licensed once it has been remixed, the licence chosen for the final product would determine what content can be used in the film. Reliable sources of CC material had to be located, to make sure their material was compatible with this licence.'*

Elliott Bledsoe and Jessica Coates,
Filter 65: This is not Open Source

On advice from Elliott Bledsoe and Jessica Coates of the Creative Commons Clinic, it was decided that the VIDEO SLAM production would be released under CC's most popular licence, the Attribution-Noncommercial-ShareAlike 2.5 Australia licence his meant that video slammers were able to use any material released under CC Attribution, Attribution-Noncommercial and Attribution-Noncommercial-Share Alike licences. Although this excluded material from some popular sites, it would give the filmmakers access to the largest possible pool of contents. The film also incorporated material shot by the filmmakers in and around Melbourne for the event.

Motivations

Andrew Garton, who was interested in the useability of open content material, initiated the VIDEO SLAM event to test Creative Commons practical application. Importantly, he envisaged a new work which would be shared according to the same licences from which the content was sourced, thus giving back to the community from which the material came and creating a vibrant cultural domain for Australian artists. Importantly, the artists needed to understand the licensing system:

> *'Despite, or perhaps because of, the steep learning curve the VIDEO SLAM proved to be an extremely valuable experience for all involved. All the filmmakers involved went away with a much better understanding of their licensing and content options in the digital age.'*

Elliott Bledsoe and Jessica Coates,
Filter 65: This is not Open Source

As observed by Andrew Garton in the wrap-up to the event (http://openchannel.org.au/blogs/videoslam/?cat=7):

> *'This project would not have been possible had it not been for the participation of the Creative Commons Clinic team who teamed up with OPEN CHANNEL and worked with us and our team of artists to ensure all content was accurately attributed.'*

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VIDEO SLAM 02: *Appropriate Original*

DESCRIPTION: VIDEO SLAM 02: *Appropriate Original* was an experiment in time-limited, collaborative, open-licensing film production in response to the first VIDEO SLAM event.

WEBSITE: www.openchannel.org.au/artslaw

LICENCE USED: Final CC Films: Creative Commons BY-NC-SA 2.5 Australia, http://creativecommons.org/licenses/by-nc-sa/2.5/au; incorporated elements: BY, BY-NC and BY-NC-SA

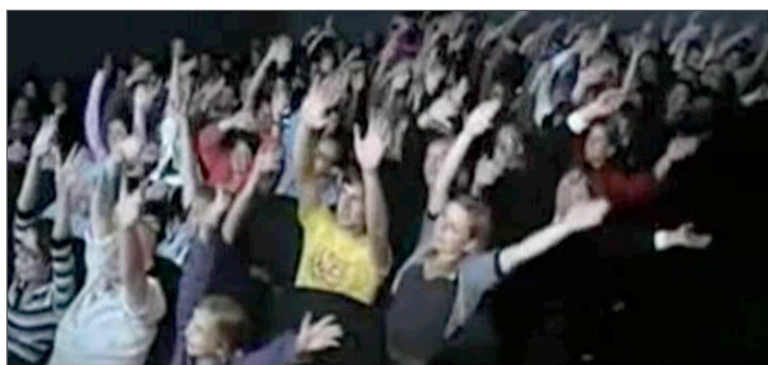MEDIA: Video, Audio

LOCATION: Australia

Overview

Following the success of VIDEO SLAM's 2007 debut, OPEN CHANNEL presented the second collaborative film project as part of Arts Law Week Victoria 2008: VIDEO SLAM 02: *Appropriate Original* (http://wiki.apc.org.au/index.php?title=VIDEO_SLAM). Spanning two days of workshops and culminating in a screening, forums and live remix event, VIDEO SLAM brought together filmmakers and lawyers to create a sound and video work exploring appropriation, remixing and the use of public space in electronic arts. The project draws purely from Creative Commons-licensed content, where participants are guided through the processes of designing and creating a short film over a 48-hour workshop held at Horse Bazaar, Melbourne's digital arts bar. The results were screened at the VIDEO SLAM Forum, where they were also re-appropriated into the VIDEO SLAM live remix event. There a panel of hybrid arts practitioners including filmmakers, lawyers, audio-visual artists, producers and curators combined to generate two-and-a-half hours of digital sound and video remixing madness. Following this a panel of new media practitioners assembled to discuss appropriated hybrid artworks and the legal frameworks they reside in.

With the production process informed by Elliott Bledsoe from Creative Commons Australia and the outcome judged by Shaun Miller from Marshalls and Dent, key concepts addressed at VIDEO SLAM 2 *Appropriate Original* include:

- Appropriation in the arts and how it contributes to the work of an artist;
- Appropriation and culture in the digital age;
- Legal frameworks protecting artists and the works they consume;

Still shots from Team 1's John So Arbitary *which included copyright breaches*

Image: A still from *John So Arbitary,* www.engagemedia.org/Members/openchannel/videos/VS02_TEAM-01.ogg/view

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The stills above are from Team 3's film My Bro *and the stills right are from* The John S(h)o(w) *by Team 4. Both teams could use only original content and compatible Creative Commons-licensed material.*

■ Creative Commons licences and other tools and delivery platforms assisting artists to remix and reappropriate cultural content (such as ccMixter, Freesound and EngageMedia).

Operating as both a rights management and production workshop, VIDEO SLAM poses the question of whether artists can make films using legitimate samples, and whether there is enough content out there that's appropriately licensed to assist creators in this endeavour. VIDEO SLAM's Remix Forum, held on 22 May 2008, examined both legitimate and illegitimate uses of appropriation in the arts, inviting video artist Emile Zile (www.emilezile.com) to talk about the dynamics of disregarding copyright, and Shiralee Saul (www.a-website.org/memory) who spoke on curatorial responsibilities of traditional vs new media.

Sixteen participants located in four VIDEO SLAM teams produced two-minute videos over a 20-hour period using both legitimate content (two teams) or 'whatever they liked from wherever they liked' (two teams). The subject matter of the film was Melbourne Lord Mayor, John So. Teams 1 and 2 created the free-reign videos *john so arbitrary* (www.engagemedia. org/Members/openchannel/videos/ VS02_TEAM-01.ogg/view) and *So Hard* (www.engagemedia.org/

Members/openchannel/ videos/VS02_TEAM-02. ogg/view). Teams 3 and 4 worked on *My Bro* (www. engagemedia.org/Members/ openchannel/videos/ VS02_TEAM-03_Final.ogg/ view) and *The John S(h) o(w)* (www.engagemedia. org/Members/openchannel/ videos/VS02_TEAM-04. ogg/view), ensuring their videos were entirely compliant with copyright law which entailed logging every sound, photo and video they used in a Google spreadsheet. Each sample was then individually checked to ensure there were no copyright breaches and that the correct Creative Commons licensing was applied. Strong acclaim for both teams was felt by throughout the 80-member audience, with Andrew Garton concluding:

> *'As an Arts Law Week Project, I believe it was another outstanding success with a fair complement of lessons learnt and tangible outcomes.'*

These deliverables are documented within Andrew Garton's report on the event for OPEN CHANNEL, available on the VIDEO SLAM 02 wiki (http:// wiki.apc.org.au/index.php?title=VIDEO_ SLAM_02).

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Licence Usage

Content sourced for VIDEO SLAM 02 was licensed under any of the following Creative Commons licences: BY, BY-NC or BY-NC-SA. All materials created for VIDEO SLAM 02, including briefing papers and the OPEN CHANNEL report prepared by Andrew Garton are licensed under a Creative Commons Attribution-Noncommercial-Share Alike 2.5 Australia licence, as encouraged by OPEN CHANNEL. All photos taken during the event by Andrew Garton (www.flickr.com/photos/andrew-garton/sets/72157605168747340) are hosted on Flickr under the Creative Commons Attribution-Noncommercial-Share Alike 2.0 Generic licence.

Motivations

As a production initiative solely devoted to Creative Commons licences, VIDEO SLAM is one of Australia's most innovative open source creative collaboration events. Andrew Garton discusses the genesis of the VIDEO SLAM project in the blog dedicated to the initiative:

'The idea for VIDEO SLAM grew from the 2006 forum we held at Arts Law Week, Free Screen Culture. We discussed the pros

and cons of flexible licensing within the context of filmmaking, in particular the increasingly popular Creative Commons suite of licenses.'

http://openchannel.org.au/blogs/videoslam/?p=5#more-5

Andrew observes that despite the concerns raised by Australia's collection societies in relation to CC licences, interest in them has not declined in the least:
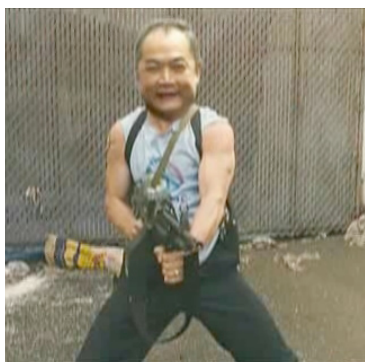
'As such, it was considered that during the next Arts Law Week we would, rather than talk, we would "make something"! And we would do so with content (video, sound / music, photos and text) available under "some rights reserved" provisions of flexible licenses such as Creative Commons for re-use.'

Image: A still from *So Hard*, www.engagemedia.org/Members/openchannel/videos/VS02_TEAM-02.ogg/view

Still shots from Team 2's So Hard *which included copyright breaches*