

Legend of Tom Dula (Dooley)

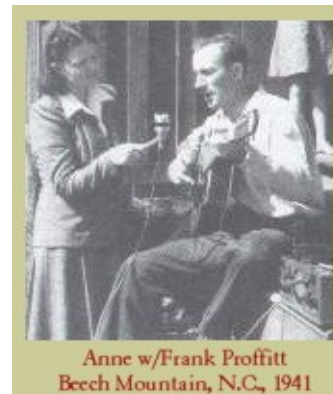


The Song

- I met her on the mountain, there I took her life
Met her on the mountain, stabbed her with my
knife
- Hang down your head, Tom Dooley
Hang down your head and cry
Hang down your head, Tom Dooley
Poor boy, you're bound to die



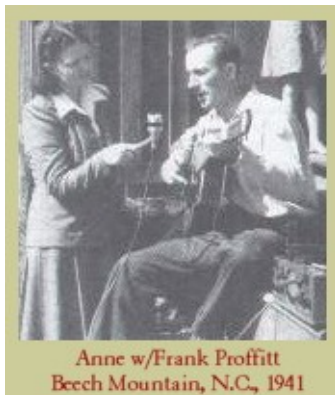
- The Folk Song
- *“Music originating among the common people of a nation or region and spread about or passed down orally, often with considerable variation.”*
- Folk Music Collectors



Music and Technology



Tom Dooley the song, its collection and recording



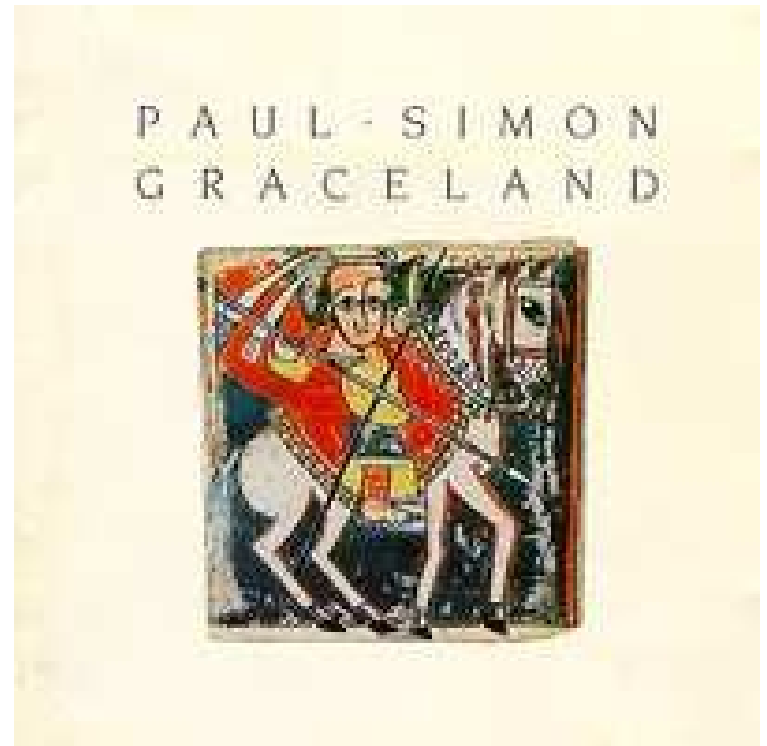
Alan Lomax



Frank Warner



Kingston Trio





“...the attraction of commons/public domain licensing depend very much on who one is and where one stands, and in which communities... there are far more complex socially embedded ownership relations that must be considered than a communal/private ownership binary allows...”

Kathy Bowrey Law and Internet Cultures



- *"To suggest that Creative Commons is the 'solution' to copyright in the digital age is to miss the point entirely, the Creative Commons makes it easier for creators to give their work to others for free. It does nothing at all to address the much more difficult challenge that the creators and the industries that invest in them are wrestling with, which is 'how will we be paid in the digital age?'"*
 - *Unbounded Freedom: A Guide to Creative Commons Thinking for Cultural Organisations (2006) British Council*



and Folk Music

folk music tradition are derivative rather than original it may not be obvious who, if anyone, owns the original work.

any intellectual property based system has the potential to remove what it has given,

any arrangement of the open source material, having the necessary elements of originality would itself be copyrightable and so therefore enable the holder to control future use over not only the arrangement but also possibly the original source.



and Folk Music

“...the folk song is, by definition, and as far as we can tell, by reality, entirely a product of plagiarism” The Incomplete Folksinger Pete Seeger,

“... creative and tradition, individual and community, together produce vital variability...” Creativity and Tradition in Folklore: New Directions S.J. Bronner,



and Folk Music

“The reluctance of traditional composers to copyright their tunes... stems from a complex web of social relationships and a recognition of a tradition that incorporates past, present, and future generations. Eroneous copyrighting of these tune and songs means that ... amateur traditional musicians may eventually be deprived of the free use of the music.” Traditional Music and Copyright – The Issues.
McCann, A.,

Survey

- The software which has been used to gather data is Bristol Online Surveys (BOS), this is an integrated database that allows real-time analysis of survey results. For more information see: <http://www.survey.bris.ac.uk/> to view our survey see:
<http://www.survey.ljmu.ac.uk/ipmusic>

Survey Results

- *“... creativity seems to be the relationship between inspiration and community in nature or otherwise, with individuals making sense of it in the wee hours of the morning, licence that? We don't need more red tape...”*

Survey Results

- *“We and our artists don't really trust the Creative Commons licence as a robust tool. Look at the rip off of artists by Radioactive Records who are bootlegging the industry at present, only strong legal enforcement will do. The Creative Commons is really a 'gentlemen's agreement' which is fine until a mass commercial exploitation happens. We have proper contracts and terms with our artists and explain them fully prior to working together”*

Woven Wheat Whisperers

- 51.4% of respondents agree that IP restricts the folk process
- 80% of folk musicians who responded had never heard of the CC

Suggestions

- Protecting traditional music through intellectual property? Creative commons licence?
- Making a database to register and protect traditional music?
- Protecting traditional knowledge as a whole under a human rights provision?
- Traditional music to form part of cultural heritage?
- Sui generis system?
- Protection of traditional music can't be standardised, each country/community is unique and therefore a sui generis system is most appropriate, as this would allow each community/country to focus on what's important to them