

Who Owns Content on the Web? Singer, Billy Bragg, Drives a Big Change at Rupert Murdoch's MySpace.com

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Ok, so you don't know who Billy Bragg is? England-based, he is a singer known for his left-wing politics. David Lange was a great fan and went to several of his concerts (we had to throw in this irrelevant Wikipedia fact).

Selling his music on the web, Billy joined that great success story, MySpace, now owned by Rupert Murdoch's News Corporation.

When you sign up for MySpace, you click-accept terms, just like many similar sites. Billy saw that, in practical terms, those terms gave nearly all rights that musicians and others have to their content. MySpace got a virtually unlimited licence (we've never seen one that goes as far as this to belt-and-brace rights).¹

Content more and more is becoming king on the Internet ahead of the underlying Internet transport layer. And the large corporates increasingly play marbles in this sandpit. Who owns what content on the Net is becoming increasingly important.

We have already had an example of problems in this area with one of New Zealand's ISPs several years back (it was quickly fixed after a public outcry).

To its credit, MySpace, within days of Billy Bragg complaining in a music industry

magazine, changed the rules. New MySpace rights are much more limited and workable.²

While a service provider such as MySpace might say that it would only use the content for what it sees as legitimate purposes on their own site (and their commercial intentions limit the legal effect of the wide licence), this is the thin end of the wedge. It is important that these issues are sorted out not only on MySpace.com but on other websites as well.

This is a great example of the new internet dynamics in play:

- A new-ish big-time entrant on the web, News Corporation, runs a hugely successful website (MySpace) which is used by millions of people.
- Musicians and other content providers now have alternative channels to market (and the fans benefit too).
- There's a tension between content hosts and content creators;
- A "David" (Billy Bragg) is able to bring about change with a "Goliath" (News Corporation/MySpace).

As the internet becomes increasingly content rather than technology-centric, exciting and challenging times are ahead.

¹ The terms said that a user "hereby grant[s] to MySpace.com a non-exclusive, fully paid and royalty-free, worldwide licence (with the right to sublicense through unlimited levels of sublicensees) to use, copy, modify, adapt, translate, publicly perform, publicly display, store, reproduce, transmit and distribute such Content on and through the Services."

² The new terms say: "MySpace.com does not claim any ownership rights in the text, files, images, photos, video, sounds, musical works, works of authorship, or any other materials (collectively, "Content") that you post to the MySpace services. After posting your Content to the MySpace Services you continue to retain all ownership rights in such Content and you continue to have the right to use your Content in any way you choose."

We welcome your feedback on this article and any enquiries in relation to its contents. This article is intended to provide a summary of the material covered and does not constitute legal advice. We can provide specialist legal advice on the full range of matters contained in this article.

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