

collecting_society - Konzept #399

Should derivatives be specified at all?

04/17/2017 06:53 PM - Alexander Blum

Status:	Erledigt	Start date:	
Priority:	Normal	Due date:	
Assignee:	Meik Michalke	% Done:	100%
Category:		Estimated time:	0.50 hour
Target version:	Repertoire 1) Testing phase I	Spent time:	0.00 hour
Description			
Does it make sense to specify derivatives of your creation?			
<ul style="list-style-type: none">• The web users should have all the information about originals, but don't need to know the derivatives.• Concerning later distributions this operation could be quite invasive.			
Wouldn't it be enough to urge the user to correctly specify originals?			
Maybe we want to add another revision step for the web users as soon as distributions get relevant. We then could inform the web users, that it is their obligation to specify originals correctly.			

History

#1 - 05/01/2017 04:05 PM - Meik Michalke

- Assignee changed from Meik Michalke to Alexander Blum

can you define what is meant by "derivative" here?

here's some real life cases that might be related:

- a re-released version of "boys don't cry" (the cure) was like the original, but with re-recorded vocals; if that was used in a remix, that could have implications for automatic detection
- EA80 re-released their completely re-recorded debut album "vorsicht schreie" with one song being played by a totally different band; authors remain the same, but the performance is all different
- prince wrote "nothing compares 2 you" for sinead o'connor, but there are also performances by himself; if you do a cover of the song, it's likely closer to the arrangement of o'connor (adding new rights)

#2 - 05/27/2017 08:24 PM - Alexander Blum

- Assignee changed from Alexander Blum to Meik Michalke

Well. Right now web users may define both derivative and original creations for their creations.

If Creation Y (Artist B) is derived from Creation X (Artist A):

- X is the original creation
- Y is the derivative creation

Wouldn't it be enough, if web users just provide the original creations? Together with the signature, that the provided information is correct and complete, this should be enough, right?

As I stated in [#324-11](#), in my opinion the information of a creation being a derivative belongs to the derivative artist B, not to the original artist A.

Is it now clear, what I mean?

#3 - 05/29/2017 10:54 AM - Meik Michalke

- Assignee changed from Meik Michalke to Alexander Blum

it would be illegal to publish derivatives without previously getting the approval of the original author. that is at least true for interpretations that go beyond a mere cover version, where the original work is reproduced exactly like the original.

in that sense, no, it's not enough to have just B introduce derivatives as he/she feels like. the work still belongs to A.

#4 - 05/29/2017 06:56 PM - Alexander Blum

- Assignee changed from Alexander Blum to Meik Michalke

Well, ok. I'll need to separate concerns first and try to generalize something here.

I thought, the main goal is to build a correct and at best complete collection of creations and their relationship to each other. In the current usecase we have correct but unlawful derivatives - which should be deniable by the original artist, if I understood it right.

Some questions:

- Thus, our main goal is to build only the lawful subset of the complete and correct collection of creations and relations?
- Should the original author really deny the possible fact, that some creation is a (possibly unlawful) derivative?
- If artists have the possibility to define derivatives, we can't possibly expect them to sign for their completeness, right? So this field would be optional anyways.
- Do we really need to consider copyright law within the mechanism to collect the metadata?
- Wouldn't it make more sense for the original artist to start a dispute over some creation being an unlawful derivative?
- How should the unlinking of some denied derivative be communicated to the derivative artist?
- How should the linking of some enforced derivative be communicated to the derivative artist?

This would be a usecase with an incentive for an original artist to unlink someone's derived creation: Your song was covered and instrumentalized by some fascist for a demonstration against immigration. You could not prevent it, as you transferred your utilization rights to a collecting society, which is not allowed to differentiate utilization requests. But you don't want any money from any utilization of this derivative.

#5 - 05/29/2017 06:59 PM - Alexander Blum

Last but not least: If the original author is able to define derivative, there's a lot of incentive to include a lot of derivatives to collect money.

#6 - 02/18/2018 12:31 AM - Alexander Blum

- Status changed from Feedback to Erledigt

- % Done changed from 0 to 100

Only originals (instead of originals **and** derivatives) are definable in the beginning. If this needs further consideration, it will probably emerge in the future anyways.

#7 - 10/08/2019 03:34 PM - Alexander Blum

- Target version changed from 1) Testing phase I to Repertoire 1) Testing phase I

#8 - 10/08/2019 03:51 PM - Alexander Blum

- Project changed from repertoire to collecting_society