



Billy Bragg at his home in England.



MySpace or Yours?

The site's fine print has Billy Bragg wondering who the music really belongs to



Bragg performing in London, 1988.

MYSPACE.COM, THE hugely popular social networking site, has been a boon for musicians and other artists who promote themselves by allowing MP3s and photos of their work to be accessed on a MySpace page. But recent changes to the terms of service that all MySpace users agree to upon

creating an account have left some wondering if they're giving away more than they intended. The revised user agreement, which quietly went into effect in May, stated at press time that MySpace has a "nonexclusive, fully paid, and royalty-free worldwide license...to use, copy, modify, adapt, translate, publicly display, store, reproduce, transmit, and distribute" any content uploaded to the site.

All those verbs mean that if you put your material on the site, it can now be used by Rupert Murdoch's News Corp., the company that owns MySpace. With such open-ended phrasing, MySpace could argue that it has the power to license music and art for, say, movies or MySpace advertisements without paying you.

Among the first to notice and object to the new agreement was British

"There's no way I would give a record company a license like that."

folk-punk Billy Bragg. Bragg responded by pulling all of his songs from his MySpace page, posting a message explaining why he made the change, and asking others to spread the information. "The real important words to note are 'royalty-free worldwide,'" he says. "That's what set our alarm bells ringing. There's no fucking way I would give a record company a license like that."

Jane Ginsburg, a Columbia University law professor who specializes in intellectual property issues, suggests that Bragg's concerns may be justified. "I can understand why an author would be reluctant to sign on to this," she says. "I think the interpretation that [MySpace] could use [content] in any way they want without getting permission, and without compensating the owner, is correct."



A scene from the video for OK Go's "A Million Ways," whose posting on MySpace helped raise awareness of the band.

MySpace insists this is not its intention. "This is the problem when lawyers get involved," Jeff Berman, senior VP for public affairs and communications, said in a statement. "MySpace is not seeking a license to do anything with an artist's work other than allow it to be shared in the manner the artist intends." Though plans may be in the works for tweaking the fine print, the wording had not been changed by press time.

Of course, MySpace could be erring on the side of caution. The agreement might be necessary because the formatting that is automatically applied to everything posted on the site could be legally construed as altering the work, leaving MySpace open to lawsuits.

"MySpace is in a bit of a difficult position, assuming they're acting in good faith," Ginsburg says. "They want to make sure that they have the requisite permission from the author

PROFILE OF A USER



Katie Viau, 22

Occupation: Artist and fashion designer

Number of MySpace friends: 250

Listens to: "Rock, indie, hip-hop, show tunes—you name it."

Thoughts on the MySpace controversy: "I'd be pissed if they mass-produced my work, but it's a free way to get my name out there."

to enable other people to use the materials for the intent for which they were posted in the first place. So if they're going to be cautious by having the author say, "When I put my stuff on your webpage, I understand the consequences are as follows..." that's one thing. But that shouldn't mean that if you put stuff on MySpace, you should be assumed to then let it loose into a free-for-all."

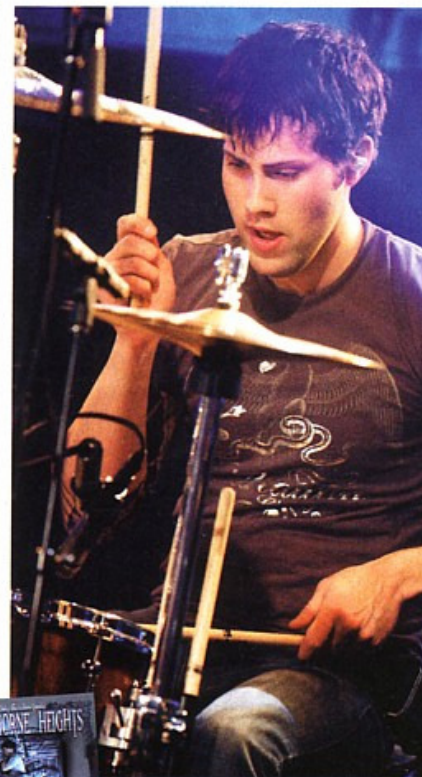
The new rules have inspired varied reactions within the MySpace community, with opinions often based on how much prestige a user already has, and how much he or she has to lose. "I don't think anyone should be pissed about it," says Katie Viau, a 22-year-old artist and fashion designer who routinely posts her work (see sidebar, left). "It's free promotion. If MySpace took one of my pictures and put it in a TV commercial, I'd be stoked."

But Eron Bucciarelli, drummer for Hawthorne Heights, whose independently released album, *If Only You Were Lonely*, entered the *Billboard* 200 at No. 3 due in part to the band's success on MySpace, has mixed feelings. "It's pretty scary," he says. "I don't know if we should have our songs up there, but in a way we're not worrying about it, because we get 1,000 to 2,000 people

MySpace's new rules have inspired varied reactions.

adding us as friends every day, and that's when we're not on tour."

Damian Kulash, frontman of the Chicago power poppers OK Go, who built buzz by screening their no-budget video for "A Million Ways" on MySpace, notes that, whatever the agreement may be, MySpace is already profiting off bands' music. "Since a method for getting music for free already exists, people are going to have to find a way



Eron Bucciarelli of MySpace favorites Hawthorne Heights.

to make money off music in other domains," he says. "MySpace basically distributes music for free, but it makes money off of its advertisers. The question is, how does any of that money get back to the musicians?"

Bragg, who credits MySpace with introducing him to a new audience, hopes the issue gets resolved so he can put his music back up on the site. "When I play Billy Bragg gigs, I play to a Billy Bragg audience," he says. "When I play a festival, there will be some Billy Bragg fans, and there will be new people who will be turned on by my music. My [personal] website is a Billy Bragg gig. MySpace is a festival, and a very big festival at that." *GREG MILNER*

Greatest Hits

They rack up page views without even leaving you a testimonial. Meet three stars who have the MySpace touch.



ARCTIC MONKEYS: Sold 363,735 copies of their first record the week of its release.



CASSIE: Built buzz on MP3 blogs before even releasing her R&B debut.



FALL OUT BOY: Snagged a major-label deal and sold over two million copies of their second album.

*AS OF JUNE 12, 2006