

Free Music Downloading: Wave of the Future or Demise of the Industry?

by

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Ten years ago, a college student sat at his computer, amongst pizza boxes and empty Coke cans, creating a program that would change the music world forever.

Since Shawn Fanning's creation in 2000 of Napster, a computer program that allows users to electronically swap music files at no cost, the music industry has been waging war against the music downloading phenomenon. Despite the legal ramifications, taking advantage of music swapping programs has become commonplace among music fans of all ages. Music execs argue that recording artists have seen a devastating slump in their record sales since the creation of Napster because people illegally download rather buy albums. But despite the music industry threatening to track down and sue people downloading music files free off the internet, users continue to obtain their music via illegal means, rather than purchasing CDs.

Before discussing how music piracy has impacted the music industry and the war being waged against Napster-like programs, we must explore why people download music for free rather than pay for it.

Since its creation, Napster and copycat programs have become extremely popular and, to the chargin and dismay of the music industry, downloading music for free is a practice that won't be going away anytime soon. In the last five years, the number of websites and programs that allow users to download music have increased by leaps and bounds. In fact, in 2003 "about half of the Internet users in the United States, some 60 million people, copy music . . . from each other for free through online networks . . ." (Healey and Leeds 175). Even with the threat of legal action, music downloaders show no sign of discontinuing their use.

Considering the consequences of music piracy, it is difficult to understand why people continue to download music off the internet. One explanation is simply that most people don't consider downloading music off the internet a "bad" or illegal activity. Actually, most consumers see it as the opposite of "bad", and instead say it's a convenient and cheap way to build their music collections. Most kids have grown up retrieving music from free websites such as Kazaa and Morpheus, knock-offs of the pioneer Napster, so they don't associate the same kind of value to songs downloaded from the net as they do a CD that they see on display at Target (Jones and Benzuly 169). Because many teenagers and young adults grew up with millions of free songs at their finger tips, they have developed the practice of downloading instead of buying because they only want one or two songs, or because they aren't willing to purchase an album without knowing they like the majority of the songs on it. Another reason users cited for downloading files is that the music they're looking for is so obscure they can't find it in their local record stores (Wicknick). According to "Tone Deaf to a Moral Dilemma", "It's a common refrain from downloaders – CDs are too expensive, new releases often contain only one or two good songs, and there's no other way to satisfy their curiosity about unfamiliar bands" (Healey and Leeds 176). In fact, cost has become a major factor in the decision to download rather than buy music – a study conducted by Forbes.com found that the typical profile of Internet music downloaders is an 18 to 29 year old music lover who can't afford to pay for the music they desire (Vives). So instead, those who are short on cash take advantage of resources that can provide them with the music they're seeking without having to pay for it. In addition to cost and selection, teenagers have developed a warped perception of music downloading because of the availability of free music and the acceptability of it among their peers. Deborah Rode, a law professor at Stanford University, notes teenagers have a view that no one's really harmed by

music file sharing – they don't see the connection between their downloading and the impact it has on the artist, or music industry as a whole (qtd. in Healey and Leeds 175).

Of course, there are users who recognize that the free music file sharing they're doing is illegal. But although the Recording Industry Association of America (RIAA) has begun cracking down on music piracy and threatening law suits, many consumers of downloaded music don't take the threat very seriously. On a website advocating and giving tips for free music swapping, the writer declared, "The fact that mp3 pirating is illegal doesn't really tend to stop anyone. The chances of you getting caught are so small that it's worth the risk" (Article Insider). A survey in 2003 confirms that people just don't think the odds of being caught are very good: "In a recent survey by Forrester Research of 1,170 12- to 22-year-olds, nearly 70% said they would stop downloading music if there was a 'serious risk' of being fined or jailed" (Healey and Leeds 178). That same year, it was estimated by the RIAA that every month more than 2.6 billion song files were being illegally downloaded (Teather 173), proving the RIAA's threat isn't impacting downloaders in the way they had hoped.

The real matter at hand is how much does music piracy REALLY affect musicians and recording companies? Critics of music pirating claim album sales have taken quite a hit due to fans downloading rather than buying music. However, some argue that the ability to obtain music for free could actually boost musicians sales success and their popularity. The RIAA guesses "about 5 million users are online offering an estimated 800 million files for copying through various peer-to-peer networks at any one time"; in 2001, the top selling albums in the US sold a total of 60 million copies, and the music industry blames illegal downloads for the drop from 60 million copies to 40 million in 2001 and 34 million in 2003 (Teather 173). The drop in sales could impact artists and recording companies in several ways, and there is no

denying that sales have declined in recent years – in 2002, music sales dropped 6.7%, to \$5.53 billion and the music industry fell from \$14.6 billion in 1999 to \$12.6 billion in 2003 (Green 165). Decline in sales can be devastating to recording artists because sales of an artists current album projects sales for the next album; thus, if one album doesn't do well, the odds of the artist making another in the future is slim. Sagging record sales can also mean fewer new musicians will be signed by record labels (Wicknick), and although it can't be conclusively pegged on music piracy, the internet is blamed for most of the drop in sales (Teather 173) and the negative impact that has on musicians.

Although critics are calling for an end to the phenomenon of free music sharing, some people argue that the availability of free music over the internet is actually boosting the music industry. Some kids say that they pay for CDs or attend concerts because of songs they downloaded off the internet; in fact, many say they wouldn't have attended concerts or purchased merchandise had they not had the opportunity to preview the artists work beforehand: "Philips and others argue that their downloading actually can benefit labels and artists. The free songs stoked her interest in pop music . . . and prompted her to buy more CDs than she ever had before" (Healey and Leeds 176).

Regardless of whether its good or bad, the RIAA has taken a strong stance against music file sharing, making it clear that piracy of any kind will no longer be tolerated. In 2002, record companies started "pushing legislation in Congress that would limit their liability when using software to flood peer-to-peer networks with dummy files, search public files on consumers' computers for illegally copied music . . ." (Bockhorn 163). Since the RIAA sees free downloading as the cause for low music sales, the music industry as a whole seems desperate to put an end to it, attending congressional hearings and requesting leniency in tracking down and

attacking internet users illegally downloading music. The RIAA even asked Congress to take a stronger stance on the issue and pass legislation that would limit the practice of free file swapping, and it also made several public pleas to American consumers to purchase, rather than download, the music they wish to listen to.

And they have made some progress - to the disappointment of downloaders, the RIAA has been granted permission to scan public directories for the downloading of copyrighted files, and will be issuing subpoenas against internet service providers to obtain the name and address of individual's who they catch illegally downloading. The president of RIAA, Cary Sherman, has taken a strong stance against music piracy, saying, "The law is clear and the message to those who are distributing substantial quantities of music online should be equally clear - this activity is illegal, you are not anonymous when you do it, and engaging in it can have real consequences" (qtd. in Teather 173).

In an attempt to curb free downloading while still providing online sources for obtaining music, the RIAA and the music industry are promoting new programs that boast a variety of music available online for as little as 99 cents a song. Apple's creation of iTunes, a program that acts as a music store and a storage bin, allows users to preview and purchase both individual songs and entire albums. Since iTunes hit the net, several other programs offering similar services have emerged - dozens of former free download sites, including Napster itself, have been revamped to offer unlimited downloads for \$9.95 a month, or allow users to pay per song or album (Wicknick). This, the RIAA hopes, will decrease the level of music swapping taking place and increase music sales.

So will the RIAA and the music industry ever stamp out free downloading completely? They've won the battle over Napster, but the war has just begun.

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