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Low fidelity online lets music fans call the tune



When Jill Peterson, Kevin Heinz and their wedding guests danced down a Minnesota aisle to Chris Brown's *Forever*, not only did they attract 32 million viewers on YouTube, they heralded a new era of entertainment in which the consumer, not just the content, is king.

The newlyweds may not have realised the copyright of *Forever* required them to seek permission before using it. They probably didn't know that uploading the video without such permission would also breach YouTube's terms of use. But rather than take it down, YouTube and the record company are sharing the revenue from advertising on the JK wedding webpage. Everyone is happy.

Before the internet, we bought music, played it and displayed it. Music companies pulled the strings – promoting and marketing the artists who made an income primarily from record sales and concerts. We did not legally “own” our collections, but bought a right to do certain things with them, like play them for ourselves. We could not legally play them in public or make copies.

The arrival of the internet caught most of the music industry off guard. Even the language changed – suddenly it was all about downloads, consumers, content, playlists, monetising, iPod, Zune, subscription, streaming, MP3, MP4, ISP, blog, rip, burn and torrent. Apple's iTunes emerged from nowhere as the dominant force.

The first battles were fought against piracy. File sharers and companies like Napster were cast as threats to legitimate music sales and industry associations sued individuals for copyright infringement, trying to

protect their investments while keeping inside with consumers.

To tackle online piracy, many nations are exploring “three strikes” laws, where internet access is switched off or narrowed for repeat file-sharing. In France some argue that internet access is a “human right”; in Britain, some say such laws would be unjust and unworkable, as apparent file sharers would be presumed guilty rather than innocent.

In Australia, the debate is before the courts. The Australian Federation Against Copyright Theft, which represents a range of entertainment companies, is suing the internet service provider iiNet.

The federation regularly sent iiNet notices detailing the IP addresses it alleged were used to infringe its members' copyright, and argued that as iiNet did not warn or disconnect those customers, it was liable for authorising infringements, iiNet argued it was under no such duty, and relied on privacy laws and “safe harbour” provisions of the Copyright Act. If the federation succeeds, ISPs may have to act as copyright police, which may affect how customers access the internet and increase costs.

Artists are getting more vocal through such groups as the Featured Artists Coalition in Britain. Singer Lily Allen spoke in favour of the British Government's proposals, saying file sharing was a “disaster” that denied new artists the ability to emerge and make a living. She then received tirades of abuse on her website and removed the blog. But the coalition came to her aid, saying it supported narrowing the internet bandwidth of infringers as a final sanction.

These days artists and consumers debate intellectual property rights and access to content. And the consumers are not the passive fans of the '80s and '90s. The industry knows this. While governments attempt to legislate their way out of the problem, it is innovating, launching a slew of new and legal online services. Many of the offerings are predicated not on ownership but on access.

The website Spotify, for instance, offers a “freemium” of free unlimited music streaming to members overseas. The free service contains advertising; a paid service does not. Expect to see Spotify in Australia soon, along with more subscription services offering packages of music and other content.

In the meantime, music fans are becoming a part of the industry. The Australian website Posse, for instance, encourages fans to promote music and gigs to their friends in return for a payment.

While new online content services are being provided, and as governments come to grips with the legal challenges posed by the web, online consumers have increasing power in their demands for constant and unrestricted access to content.

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