

Banning file sharing sites



Banning File Sharing Sites In an article found in Just do IP (Issue 42, August 25, 2000) Talal Shamoan states, " People are copying music because they feel somewhat disenfranchised with the options they have at their disposal in the digital space. It's up to the content industry to create value in the digital arena and they've made phenomenal steps in that direction." District Judge Marilyn Hall Patel ruled in favor of the Recording Industry Association of America (<http://www.riaa.com/>) (RIAA) regarding the Napster copyright case, based on the size of the violation that was taking place. Judge Patel directed Napster to stop its song-swap activities. An online survey reported that sixteen percent of the people surveyed supported the claim that Napster was in violation of regulations and should be shut down. Fifty seven percent believed it was unrealistic to try to control the free exchange of music. Sixty percent of Napster users said that they would not be stop downloading music even if it were determined to be illegal. Eighty tree percent claimed that using Napster helped them in music buying and liked the ability afforded by Napster to test songs before purchasing CDs or cassettes. The real question is does the Napster ruling make file sharing illegal? Judge Patel's ruling is based on his view that a clear violation of copyright infringement law occurred through the provision of a system that enabled piracy. The ruling may make all Internet file swapping an illegal act. One observer claims that Napster has started a revolutionary inspiration for the recording industry and suggests that the RIAA should purchase Napster as a way of reclaiming the online music sharing industry. Who would have thought that a nineteen year old could make a computer program so simple that would change the music industry forever? Sean Fanning who is behind the whole operation called his music online service Napster after his own <https://assignbuster.com/banning-file-sharing-sites/>

childhood nickname. The Napster software (<http://WWW.napster.com>), launched early in 1999, allows Internet users to share and download MP3 files directly from any computer connected to the Napster network for free. To use the software a user downloads a program from the Napster site and then connects to the network through this software, which allows sharing (uploading and downloading) of MP3 files between all users connected to the network. Napster only limits users to uploading and downloading of MP3 files only. Many recording artists and record labels feel they have not received the money that is rightfully theirs. The three main ethical problems Napster presented are, do they cheat recording artists, do they break copyright infringement laws and how can we solve the dilemma between music file sharing. There has been a varied reaction from recording industry and the majority is anti Napster. Two main recording artists Metallica and Dr. Dre have taken actions against Napster. They accused over three hundred thousand people on Napster for music piracy, which means they are stealing songs. There is a huge difference between sharing and stealing. All Napster did was to allow people share songs from one another. At some time somebody had to have bought that recording artists C. D., or it would not have ended up on the Napster network. People who have C. D. burners take it into their own hands to burn them. Burning songs from Napster onto your own C. D. is a copyright infringement, but Napster did not provide C. D. burners in their software the computers people own do. On Napster's web page, there is a warning about the copyright infringement laws. Recording artists feel they are being cheated, but record sales went up 2% since last year. " Many people expressed gratitude to Napster for introducing them to new music and also claimed that they bought more C. D.'s because of

Napster"(Sager 2). Napster has helped struggling recording artists, or artists who were waiting to be heard. Using Napster to spread music is a great approach to grab the attention of many. When a recording artist had an MP3 on Napster, it is just a click away before several thousand users enjoyed the music of some undiscovered talent. The main reason why the music industry is making a big deal is, Napster challenged the original distribution of music and recording artists and companies felt threatened. Record labels should see this new form of technology not as a threat but a new way to encourage people to buy their music. Banning Napster does not solve the problem, but the music industry learning to cooperate with this new technology will.

Copyright infringement has happened, but not because of Napster. People who chose to download the songs and then copy them on to blank C. D.'s were violating the copyright laws. There are many ways to prevent this from happening. Although, the music industry limited knowledge of this type of technology is the reason for the struggle. The practical alternative is that Napster will pay a fee to artists when their songs are downloaded. The artist would get paid and the people would have access to the music. Napster could develop a system where a person pays as they download a song. The down side is that the music would not be free and the quality is not as good. Furthermore, the cost of developing and maintaining the software could bankrupt a struggling company. Another solution is that Napster could work entirely with the music industry and charge an amount a year that gives the user an unlimited amount of downloads for one price. In turn, Napster will agree to pay the recording industry a percentage of the money collected. With this option, Napster would pay percentages to artists whose songs are downloaded. This would be a positive move because it would mean that

artists receive a fair rate for their work while the public could still sample the music before buying. Still yet the best alternative would be the opportunity for Napster and the Recording Industry Association of America (RIAA) come together to strike a deal and make Napster legal. This will stop all conflicts with the RIAA. Then Napster and the music industry would work as one and everyone would win. The music industry would have access to the new technology the internet has brought on. The public would have access to the music they love and the artist would get the royalties they deserve. The Napster creator would have the backing he deserves for this innovative program. The Supreme Court leaving the decision to Congress allowed Napster to loose the lawsuit. Congress had no business deciding the fate of Napster. Did Napster infringe on copyrights owned by the recording industry and could Congress understand today's technological way of music files sharing? Congress should be rethinking copyright laws in ways that recognize the digital revolution. The fact that Napster is free and more convenient than visiting a record store has created a way for consumers to bootleg has scared the RIAA. But most producers realize the artists are the ones who produce the goods, and their efforts are rewarded with monetary compensation that allows them to maintain their posh lifestyles. The music industry's response to Napster is similar to the response to the introduction of cassette tapes and VCRs. Both new technologies allowed people to record and duplicate copyrighted information and at the time, these were seen as threats to the respective industries, but time has proven that tape recordings are no substitute for professional, commercial recordings. The same can be said for Napster; while the songs can be downloaded, they are not quality music and complete albums are very difficult to come by on Napster. Once

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an MP3 is downloaded, it can only be listened to on a computer. CDs, on the other hand, are more portable - they can be easily listened to anywhere, on a computer, stereo, Walkman, in a car, friends' stereos etc. Although MP3s can be written to CDs, the level of expertise and the software required means that for most people it is easier to buy a commercial CD. Just as people still purchase and rent videos even though they can record movies from TV and borrow tapes from friends, people will continue to buy CDs, and will be encouraged even more so if prices are reduced and extras given away with the music. Napster is a valuable program and a hint of things to come in the future. While Napster does allow music sharing to an extent that could theoretically destroy the retail music industry, stopping Napster will not stop all the music industries problems. Record labels need to see this new technology not as a threat, but as a challenge. Finding new alternatives and ideas to encourage people to buy CDs will only help the music industry. Perhaps if they offered better services to their signed artists, fewer artists would want to release their music themselves. Napster challenges the music industry's monopoly on music distribution. People can now download music for free in their own homes and artists can release their own music themselves. In theory, this could mean the end of record labels and other associated companies, and that is why groups like the RIAA are so worried. I believe that Napster is a valuable program and an hint of things to come. While Napster does allow music sharing to an extent that could theoretically destroy the retail music industry, stopping Napster will not stop all their problems. Record labels need to see this new technology not as a threat, but as a challenge. They need to come up with ideas to encourage people to buy CDs. Perhaps if they offered better services to their signed artists, fewer

artists would want to release their music themselves. Napster challenges the music industry's monopoly on distribution. People can now download music for free in their own homes and artists can release their music themselves. In theory, this could mean the end of record labels and other associated companies, and that is why groups like the RIAA are so worried. I would suggest that Napster develops some system of paying royalties to artists whose songs are downloaded over their software. This is really the only way that Napster can continue and even though it will cost the company a lot to create this system, it will mean that Napster will be safe from litigation by the music industry. It will mean that Napster users will no longer have to worry that they are breaking the law, and will encourage artists to embrace online distribution. Works Sited Cohen, Hal. Napster not the problem, RIAA not the enemy. King, Brad. Napster's File-Trading No More. Shmoon, Talal. Just Do IP. December 12, 2004 ZDNN Staff. Judge: Napster violated copyrights. PC Data Staff. Consumers Buy More Music Products After Testing