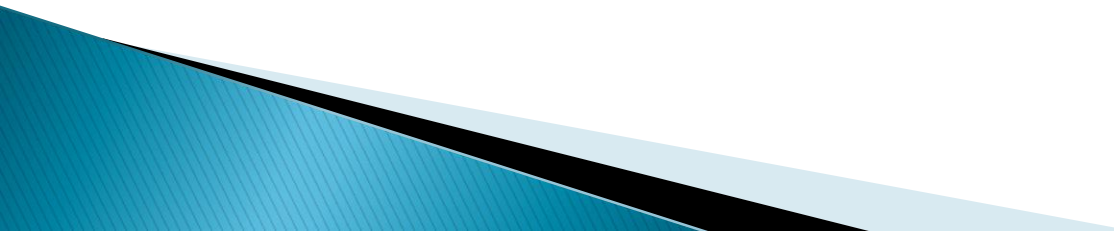


Music Piracy and Voluntary Collective Licensing

Cayla Lee



Overview

- ▶ Introduction
 - ▶ RIAAs views
 - ▶ EFFs views
 - ▶ EFFs alternative approach
 - ▶ Kantians view
 - ▶ Act Utilitarianism view
 - ▶ Conclusion
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Introduction

Definition: any form of unauthorized duplication and/or distribution of music including downloading, file sharing, and CD burning.

Easy access through internet makes it easy to download and 'steal' music.


Affects:

Music industry

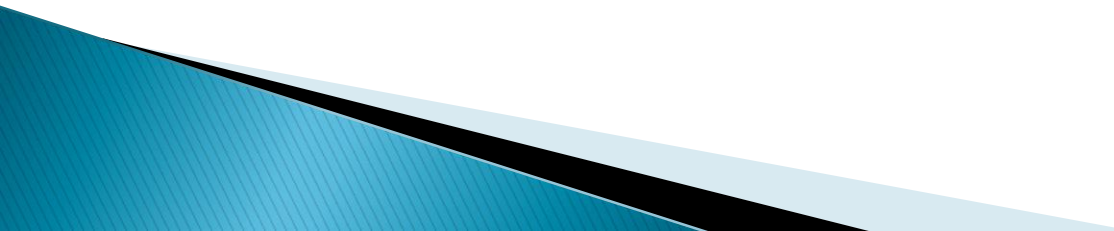
People stealing music

Opens computers to viruses, security breaches and even federal prosecution.


Recording Industry Association of America

- ▶ Creates, manufactures, and/or distributes approximately 85% of all legitimate sound recordings produced and sold in the US.
 - ▶ Opposes unauthorized sharing of its music
 - ▶ Loss per download are substantial
 - ▶ Since napsters emergence in 1999, music sales dropped by 40%, from 14.6 billion to 7.7 billion.
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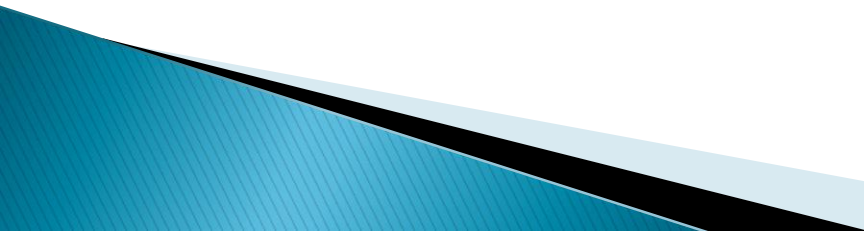
RIAA

- ▶ Takes on high profile lawsuits by singling people out by their IP addresses
 - ▶ Before lawsuits began only 35% of people knew file sharing was illegal
 - ▶ Now number has increased to more than 70%
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RIAA Penalties

- ▶ Fines up to 250,000 or 5 years in jail
 - ▶ People are usually offered to settle before individual lawsuit is filed
 - Payment to RIAA
 - Agreement not to engage in file sharing or music
 - ▶ Cases not settled this way are taken to court, seeking legal damages
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RIAA

- ▶ In 2009 a Minnesota jury awarded \$1.9 million in damages from Jammie Thomas Rasset
 - Downloading and sharing 24 songs on Kaza
 - ▶ RIAA spokeswoman Cara Duckworth said “We are pleased that the jury agreed with the evidence and found the defendant liable”
 - ▶ Hoping a verdict of almost \$2 million will show others there will be consequences
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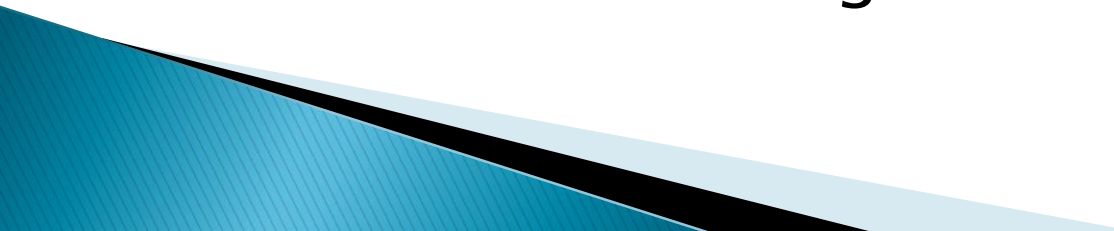
Electric Frontier Foundation

- ▶ Non profit digital rights advocacy and legal organization
 - Helps fight for individual freedoms
 - Provides funds for legal defense
 - Fights lawsuits they believe are misdirect legal threats
- ▶ The EFF oppose the ability of RIAA to “strip internet users of anonymity without allowing them to challenge in court.”

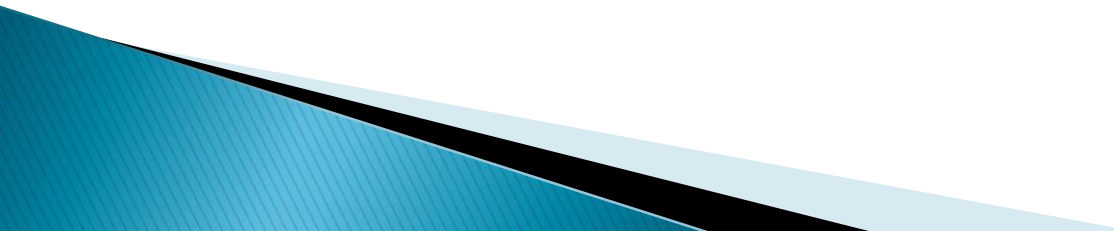
Internet Service Providers

- ▶ When ISP have the ability to unmask anonymous subscribers it decreases the protection of freedom or expression on the internet.
 - ▶ ISP have been began informing subscribers about subpoenas hoping to give them time to object.
 - ▶ RIAA has began filing lawsuits against clients of the same ISP to save court costs.
 - ▶ RIAA is causing internet users to fight for their freedom of anonymity.
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EFF alternative approach

- ▶ The EFF has set up petitions asking congress to support ways for artists to get paid without fans getting sued
 - ▶ Fans being forced to pay, not a penny is being distributed to artists
 - ▶ With all the controversy the EFF has come up with alternative approach called Voluntary Collective Licensing.
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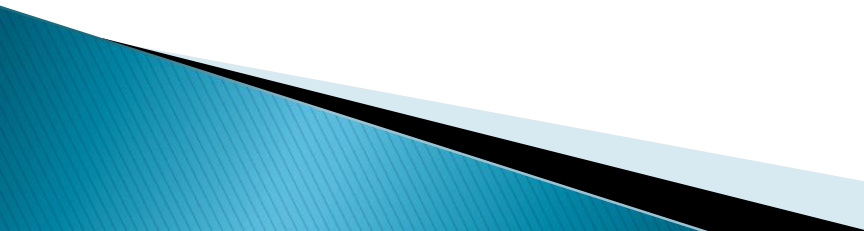
Voluntary Collective Licensing

- ▶ Helps get artists and copyright holders fairly compensated
 - ▶ Concept: to form collective societies where fans can legally download music while paying a monthly fee.
 - ▶ Monthly fee is distributed among artists based on the popularity of their work.
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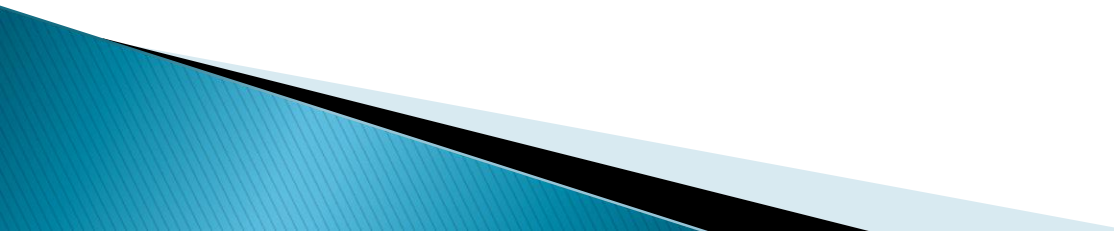
Voluntary Collective Licensing

- ▶ Music fans can download whatever they like, using whatever software works best for them
- ▶ EFF stated that with 60 million Americans who have been file-sharing software, a few dollars would net over \$3 billion in new revenue
- ▶ Leads to:
 - More competition
 - More rapid innovation
 - Improvement between file sharing companies

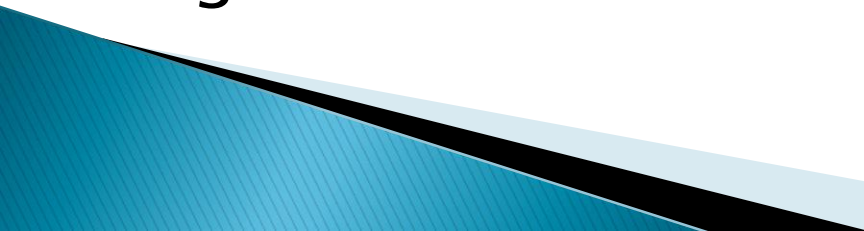
How do we know Collective societies work?

- ▶ Done before when artists viewed radio exactly the same as industries now view file sharing today.
 - ▶ Created the American Society of Composers, Authors, and Publishers (ASCAP) to grant licenses to radio stations
 - ▶ Radio stations pay fees in return to play whatever music they like.
 - ▶ Collect and pay out millions of dollars to artists.
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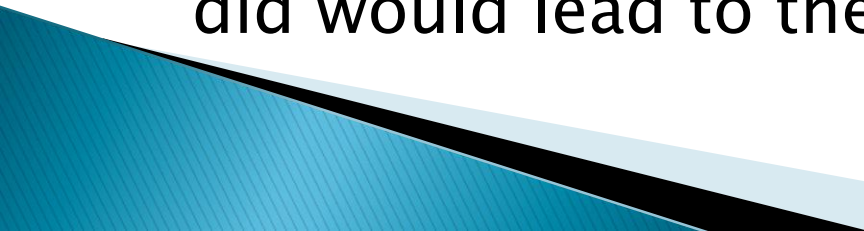
Ethics

- ▶ Music Piracy is very controversial.
 - ▶ Perspective of user you are saving hundreds
 - ▶ Perspective of companies products are losing money because people aren't paying
 - ▶ According to ethical theories is music piracy right or wrong?
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Kantianism

- ▶ Ethical theory of Immanuel Kant
 - ▶ Scenario: I wish to listen to a CD that just came out however I don't have the money to buy the CD. So I download the CD from my P2P service of choice so I can listen to it on my computer.
 - ▶ Were my intentions of downloading the CD good?
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Kantianism

- ▶ Evaluation:
 - ▶ Looking for entertainment for myself without having to pay the price of the CD.
 - ▶ First categorical Imperative: “Act only from moral rules that you can at the same time will to be universal moral laws.”
 - ▶ Effect of everyone downloading a CD just like I did would lead to there being no need for CDs.
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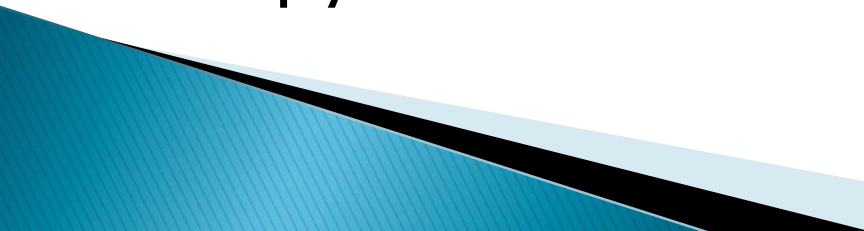
Kantianism

- ▶ Music industry would lose tons of money
- ▶ Result in production of CDs to be stopped
- ▶ Music industry would have no reason to create new music

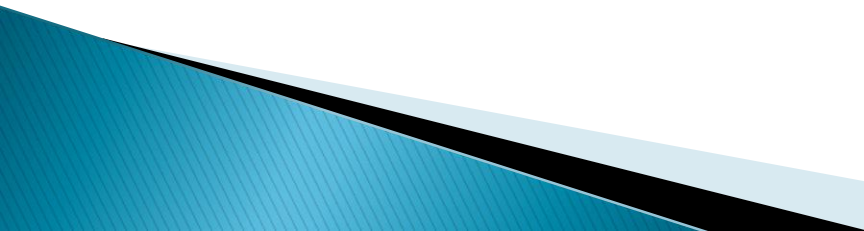
Music Piracy is wrong.



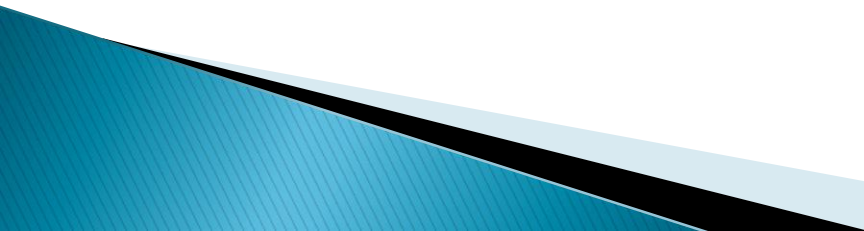
Act Utilitarianism

- ▶ Jeremy Bentham & John Stuart Mill
 - ▶ The Principle states that “An action is right (or wrong) to an extent that it increases (or decreases) the total happiness of the affected parties.”
 - ▶ Scenario: Copying a CD from the school Library and loan it to friends in the class to copy.
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Act Utilitarianism

- ▶ Happy getting an A in the class
 - ▶ Unhappiness from students who chose not to buy the CD and weren't able to check it out
 - ▶ Chose to buy which is unfair
 - ▶ Receive lower grade in class, could be bad for universities competitive environment
 - ▶ Affect company to lose sales
 - ▶ With these affects into consideration you can see that there are more unhappy people than there are happy.
 - ▶ Music piracy is wrong.
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Conclusion

- ▶ Music piracy is an issue that is almost impossible to avoid.
 - ▶ Need for a solution is a big problem due to increasing falls in revenues
 - ▶ Record companies and artists are paid and are motivated to make more music for file sharers.
 - ▶ File sharers are able to obtain what they want without a fear of being prosecuted
 - ▶ Get copyright holders to offer music at an easy to pay price could take the file sharing world by storm
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