

Essay 3: Obedience to Authority

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Moral Problem

As citizens of the Internet Age there is an ethical problem we all have dealt with. There is that song that you heard on the radio on your way home from work. You don't want to stop on the way to pick up the cd. You get home, hop over to your computer launch the Internet and within minutes that great song is on you iPod. How much did it cost you? An Internet connection and a few minutes. A day later you get sent a very ominous email from the RIAA. They inform you that you will be dragged to court if you don't promptly pay them a few hundred dollars! You laugh it off and go about your business not realizing that they weren't joking.

You are Jammie Thomas-Rassett from Minnesota. In 2010 she was convicted by jury to pay to the tune of \$62,500 per song for 24 songs she had illegally gotten in 2006 through the music service Kazaa. Today, she continues to fight the absurd ruling not just on principle, but because she couldn't pay the initial \$5000 dollars the Recording Industry of America (RIAA) demanded of her.

How does the RIAA reason that it deserved the 1.5 billion dollars? To help cover the 12.5 billion dollars lost in revenue each year to piracy. That's a lot of money right? Fortunately, that figure has been proven overblown. It include figures of jobs that 'would have been created' and taxes that 'would have been collected'. The MPAA like the RIAA both have invested a lot of money to build up a collection of artists that in the end receive their few hundred thousand dollars while the media conglomerate holds on to many copyright rights to make millions off of these artists. According to Mike Masnick, "Last year, we had a post on RIAA accounting, detailing how labels screw over many musicians, even some of the best selling ones, such that they never actually make a

dime in royalties. Bas points us to an excellent 14 minute video from lawyer Martin Frascogna, entitled How To Sell 1 Million Albums and Owe \$500,000. ... a band might think it's getting royalties on \$20 million worth of sales but then find out that, thanks to some of these fun tricks, the basis for calculating the royalty takes that number all the way down to \$4.9 million (and then with a 10% royalty, the official take is \$490,000 -- but if the advance is \$1 million... the band still technically "owes" \$500,000)." Still think that the RIAA deserves your money?

Even with copyright laws that don't really protect the artist (if they did, artists would never be screwed out of money derived from their work), consumers break the law to download and share music, movies and video games. "Roughly 46% of American adults have bought pirated DVDs, copied files or discs from friends or family, or downloaded music, TV shows or movies for free."("The Copy Culture Survey"). So as I download the latest episode of Glee, to whom do I feel subservient?

There are three major authorities when it comes to downloading media off the internet. There's the government and its archaic copyright law. The media conglomerate (MC) made up of the RIAA, MPAA and other big players in the industry. The MC holds its power by bypassing constitutional laws and privately investigating and extorting people through powers given to it by extensive lobbying. And then there is the free society supported by the internet. This society includes the people who make the downloading software as well as some newcomers in the media industry that allow for consumers to both download for free or use the Pay-What-You-Want delivery model.

To date all three parties are in a struggle for power and the Internet seems to have the upper hand. But before I go into that further I would like to start with the beginning. What caused this piracy 'pandemic'?

It all started with Napster in 1999. They created a computer program that let anyone in the world connect to another Napster user's computer to share and download files. The idea was so popular that people started laughing at your paltry 30,000 song collection. Why limit yourself to such a small amount when anything you would ever want to hear for a lifetime was a click away. "Later that year, the Buzz Killingtons of the corporate world, the Recording Industry Association of America (RIAA) had Napster in so much shit they were drowning in it" ("The History Of Internet Piracy"). Napster was shut down, but not before a new technology came along. Its name was bittorrent. Even with all of the Napster copycats like LimeWire and Kazaa, bittorrent changed the game. The main problems with the old way file sharing operated, the file was always on a server somewhere. The MC had the law on their side and could shut down any server that made copies of 'their' media. With bittorrent, only references to a file were kept on a server. Furthermore, private websites and trackers of these files sprung up making sure that the MC no longer had a free database to who was downloading what.

This disruption in turn led companies like Apple, and Netflix to step in an effort save the MC from complete oblivion. These new players knew the internet world and forced the MC to offer 'their' collections of media for reasonable prices and in convenient formats. No longer did you have to buy that cd for the one song you wanted, wasting money. No longer did you have to drive out to the video store to rent that dvd when you could sit on you couch and have it delivered to you or stream it instantly.

With the winds of change, artists and other media producers also discovered that they no longer needed the MC to reach their fans. Radiohead made a daring move when they released their first cd away from the MC on the internet for the price of Pay-What-You-Want. They were so successful that the average price paid, even with lowball offers of a dollar, was around seven dollars!

It turns out people aren't bad at heart. According to a recent survey, "Large-scale digital piracy is rare, limited to 2% of adults for music (>1000 music files in collection and most or all copied or downloaded for free) and 1% for film (>100 files, most or all from copying or downloading)... Legal media services can displace piracy. Of the 30% of Americans who have 'pirated' digital music files, 46% indicated that they now do so less because of the emergence of low-cost legal streaming services. Among TV/movie pirates, 40%" ("The Copy Culture Survey"). So even with all of the piracy, people are willing to not pirate if the price is right. But as a study done by Humble Bundle, Inc discovered, even though they released their video game bundle for free without any restrictions attached, it was pirated. That's not to say though that they didn't profit from the endeavor. They have continued to release bundles and are currently on their eighth.

Evaluation and My Position

The way I see it, downloading with out paying for the media is like driving on a private road as a shortcut to get somewhere. You pay taxes to support the main roads, tolls on other roads, but every once in while you just wanna take the shortcut. That's akin to when it's media that I like and it's convenient to get, I will support the artist with my money. I find that now that I have a part time job, I don't pirate music like I have

done in the past, but still download TV because I don't like sitting through commercials and don't feel like recording the show.

The MC will never lose enough money to pirating to stop producing media. Even small independent producers will find enough people to pay for their hard work. Even if I don't pay for it someone else will. All of the laws and protection schemes set up to lock people in to pay for content only aggravate people to the point of piracy. Why pay for something and be restricted in the enjoyment of what you paid for when for free you can have your cake and eat it too.

TV has always been paid for by commercials. My watching or not watching the commercial has no effect on the actor getting paid. In fact during the writers strike Joss Whedon produced his own mini series online without help from the MC and was very successful in his endeavor. I bought a copy through iTunes because I enjoyed it and wished to support his effort. I believe in supporting your favorite artists, but by pirating a song every once in a while they will still do fine.

Every survey published by the MC has been overblown to gain government support for harsher laws to keep their authority over consumers. In truth the MC never had any power to begin with. Their power lies in the fact that they hold contracts over artist so that the artists have no choice but to distribute through the MC.

By not supporting the MC we are breaking its wrongly gained power. We are forcing media artists to live in today's economy where not everyone can pay for what they enjoy. Fans will always be willing to shell out money to artists for the continued creation of their content.

So I find it ethical to download what I want when I want. I will always support those who I feel produce meaningful media. I will support them by posting my covers on youtube. I will support them by playing their music in my car, the video game with my friends. I will go to iTunes and buy the Glee song that I liked in the latest episode I downloaded for free.

How to Change

The middle man that is the MC should have no rights to distribution of works of exploited artists. The internet has made the past models of distribution obsolete. Artists should have someone to help them move their art into today's new art gallery. It's open 24/7, accepts payment from around the world, and all without the cost of selling your rights. I believe the only way to promote change is from within. It's a futile attempt to change laws. The real power lies with the artists that created the content. They should realize that they are in complete control. The notion that piracy is wrong is distorted. Stealing so that no one else can have what you took is wrong. With digital media, that technicality no longer exists. People have and will always pay artists for their works of genius. Artists have been liberated by the internet.

People should be encouraging their favorite artists to set up official download sites together with donation links for support. I believe that it's not just the idealist in me, but a goal that is achievable. People will always pay a fair price for products they like, but when they don't have the money, only releasing the song on youtube only flaunts the power of the MC way. If you want to release something don't act like you're an exclusive artist. Post a download link, follow the Pay-What-You-Want method and you will find your true fans. And they will be ones that want to help pay your bills.

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