
Subject: Re: oh swell...

Posted by [Dedric Terry](#) on Mon, 31 Dec 2007 05:39:50 GMT

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Not to fear, the RIAA will eventually make it effectively unattractive for consumers to purchase commercial recorded music of any kind and put most major labels out of business - a practice commonly known as "biting the hand that feeds you". This ruling has the makings of even turning legal download purchases into a legal quagmire.

The door is wide open for indie artists to wipe the slate clean of this corporate crap and offer music with a different licensing option. Consumers just won't (or at least shouldn't) stand for so many restrictions that make it a royal PITA to buy and listen to music.

I'm all for getting royalties on music for artists, writers, etc, but the RIAA is about as bad as banpiracy.org and Waves (who have permanently lost my business) - it's all just lynch mob (emphasis on "mob") tactics with no intent on actually protecting the creators, just trying to grab blackmailesque money disguised as legal fees instead of selling a quality product in a new market.

Seriously, this corporate shortsighted scare tactic crap has to stop. It's pathetic.

On 12/30/07 11:21 PM, in article 47787c3e\$1@linux, "DC" <dc@spammersinhell.com> wrote:

>
> <http://www.washingtonpost.com/wp-dyn/content/article/2007/12/28/AR2007122800693.html>
>
> Given the fact that the only way to get uncompressed audio into your computer or iPod is to copy it from a CD, this is bad news indeed.
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> We have always been able to copy our own records and CD's to cassette for use in the car, why not for the iPod?
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Subject: oh swell...

Posted by [dc\[3\]](#) on Mon, 31 Dec 2007 06:21:02 GMT

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Subject: Re: oh swell...

Posted by [rick](#) on Mon, 31 Dec 2007 11:08:50 GMT

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C.E.P works fine for this. i recently did about 70 cd's new and old for the cars mp3 player @ 320 kbs.

On 31 Dec 2007 16:21:02 +1000, "DC" <dc@spammersinhell.com> wrote:

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Subject: Re: oh swell...

Posted by [TCB](#) on Mon, 31 Dec 2007 17:58:17 GMT

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Are you even the _tiniest_ bit surprised by this? If so, you haven't been watching the RIAA closely enough.

There are a few online places where friends of mine and I trade reggae dubplates. We're talking super obscure records that had maybe a half dozen 12" copies made for sound systems. They're hard to find but for true dancehall dweebs like me they might as well be made of gold. On top of that copyright law in Jamaica is roughly on par with that of Macedonia and China to begin with. But we all are terrified we'll get sued at some point and be told we owe \$10k/song for records nobody else wants.

And this will only get crazier. As bandwidth increases the value of data decreases. It's as simple and unchangeable as the laws of scarcity in microeconomics. I recently did a bittorrent download of the new version of Ubuntu. 700MB on a cable modem line and it was done in less than an hour. On my work network (100 mb/s pretty clean until it hits the student network) file transfers to/from other universities (we have quicker fiber links to some other research institutions) can get close to theoretical maximum of the weakest link in the network chain, in our case the 100 mb connection on our firewall. Soon enough that kind of bandwidth, or something close to it, will be available at home. Not sure what the RIAA will be doing then.

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Subject: Re: oh swell...

Posted by [LaMontt](#) on Mon, 31 Dec 2007 18:47:51 GMT

The Answer is and has always been to "get back to Live playing". The Live Experience of a 'said" musical act will again emerge as the must have event. People will pay to see their fav artist perform. These artist(s) can then sell a CD or data stick at their shows. Just look at the outrageous money old acts are making \$\$\$..These acts did not make these kinds of monies when They were current..

The video music genre has got to change. Video spins like ring tones must be counted as "sold" song sold.

As for file sharing, some kind of "Intelligent" tracking software needs to be attached to each song of a CD that can monitor where it has been transferred. As well as, Songs can only be copied once, then locked .. Well, the work around on this is, to use or copy via analog. Oh well..

Another

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Subject: Re: oh swell...

Posted by [Jamie K](#) on Mon, 31 Dec 2007 19:13:21 GMT

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"As bandwidth increases the value of data decreases."

That's not automatically true. That would be like saying when the supply of trees goes up, the value of books and newspapers goes down. It doesn't necessarily work that way. You're not just selling trees, they are a carrier for the content you are selling. The carrier price has an

impact but it isn't the main value.

As long as there is a demand for the content itself, there is value. When people show an interest in your content by listening/viewing or acquiring it, they are reaffirming that it has value. Otherwise they wouldn't bother with it.

Granted, when content becomes easier to acquire without paying, there's a marketing and business model challenge. But it's not insurmountable. Companies have created viable businesses with over-the-air radio and TV, and with web content.

Cheers,
-Jamie
www.JamieKrutz.com

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Subject: Re: oh swell...
Posted by [DC](#) on Mon, 31 Dec 2007 21:19:12 GMT
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Actually I am surprised because of the longstanding legal practice of making cassette copies of CD's or records you own for use in the car. I think they will lose this one.

DC

"TCB" <nobody@ishere.com> wrote:

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Subject: Re: oh swell...

Posted by [Jamie K](#) on Mon, 31 Dec 2007 21:20:55 GMT

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If you're saying costs of delivering data is decreasing, that's certainly true, and predictable.

But the primary driver of the decrease in data transmission costs is the value of the content and services that people are seeking. The demand creates opportunity. Consequently, delivery capacity is added by the marketplace. Adding more delivery capacity doesn't necessarily devalue the products being delivered. Rather, it's a consequence of the demand for the content and services. Without compelling content and useful services, no one would be online.

Gutenberg's invention sparked a huge new marketplace of books. It increased rather than reduced value. You can call books "commodity" but they aren't like an interchangeable computer part. There must be value in the content itself for anyone to seek out a particular book. It's not just a wad of paper.

I don't believe the dynamic of a growing marketplace is something to fear. People are becoming more involved with content, not less. Content has value when people want that content. The challenge is to grow that

demand and build workable business models around that value.

Apple has done pretty well, for example, with iPods and the iTunes online store. They sell music encoded as ones and zeros, but they are not marketing the ones and zeros, that's merely the carrier (a carrier with some major advantages over plastic disks). They are marketing portable, quick and convenient music and video playback hardware as a fashion accessory, and the artists are getting paid.

Another model is the one you suggest, selling ancillary products and playing live. Those ideas won't work for every artist (especially composers who don't play live), but they aren't the only possibilities.

Along those lines, it's a bit tiresome for independent musicians to hear that music should be given away for free to promote live shows, and live shows should be done at a loss to promote the music. It would be easy to burn the candle at both ends with that combination of common armchair advice. Also, not every artist aspires to be a T-shirt shop.

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Posted by [TCB](#) on Wed, 02 Jan 2008 16:27:44 GMT
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Jamie,

You're confusing 'value' with 'price.'

TCB

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Subject: Re: oh swell...
Posted by [Jamie K](#) on Wed, 02 Jan 2008 18:56:42 GMT
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www.JamieKruz.com

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Posted by [TCB](#) on Thu, 03 Jan 2008 01:29:33 GMT

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Subject: Re: oh swell...

Posted by [Jamie K](#) on Thu, 03 Jan 2008 01:35:24 GMT

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> bandwidth everything is free, I said that as bandwidth (and storage) increase
> the price of data will inevitably decrease. It might not be a linear relationship
> and it might not happen right away, but it's the way the world works.

We agree that costs are going down.

I think where I part ways with you on this one is the vague translation from "content" to "data." It's as if a field of vegetables and a field of nuclear waste were combined into the single description of "dirt." It's not all just "dirt." What's actually in the field matters.

Likewise all content and services can't be merely hand waved away as "data." What's actually encoded into the bitstream matters.

I see higher data bandwidth as being beneficial to producing and distributing content and services, not detrimental. Potentially better for price, for increased consumer and artist choices, and certainly better for value. And as costs go down for moving bits around, woohoo, that's lower overhead.

There are companies being built on the increasing bandwidth and making money. Bigger bandwidth means better content and services can be offered. The internet is growing as the content and services improve and the demand continues to increase.

This month, rumor has it, iTunes will start renting movies. Making more money on the increasing bandwidth available.

> And it doesn't matter whether an artist wants to be a T-Shirt shop or a bucket
> of warm spit. The tidal wave does not ask permission from the house it will
> soon wash to sea.

Nor does the independent artist have to be either a T shirt shop or a bucket of warm spit. They can do traditional merch if it fits, or they can find another business model. Instead of a destructive tidal wave, you could just as well visualize continuing technical improvements as a welcoming thermal to soar higher. An engine for success. Or back to your waves analogy, surf's up!

The artist needs to develop a fan base willing to pony up something for the art, and the low cost of moving bits around can help facilitate that connection between artist and fan. The ponying up can be direct

purchase, it can be purchase through a digital music portal, it can be presale, sponsorship, fan club dues, clicking through ads on the artist's site or (your great idea here). As bandwidth increases and data costs go down, more possibilities open up for creative thinkers. Out of transformational chaos will arise the next thing, because THAT'S the way the world works. :^)

Bottom line, the decrease in costs to move data can help artists. It doesn't have to hurt artists. To assume it would necessarily hurt artists (if that's what you're assuming) reveals a possible creativity gap. Much like the one traditional record companies are struggling with, as they strive to protect the selling of exclusive and often mediocre mass-market content on plastic disks in an increasingly digital and niche market world.

Call me an optimist, but bandwidth improvements are due to a growing market and growing demand. And digital distribution has a huge upside in efficiency and scalability. Do we really disagree about this?

Cheers,
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Posted by [Jamie K](#) on Thu, 03 Jan 2008 20:17:23 GMT

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> a certain kind of artist, or good or bad for a particular industry, or good
> or bad for 'content and services' which means I'm not sure what. What I said,
> and what you're basically agreeing to, is that as bandwidth increases data
> gets cheaper.

Cheaper to move. Which makes it cheaper to deliver content. Which also makes it possible to sell content that uses more data, like movies. Maybe we agree on that, too.

> Now then, obviously if one is making horrible music the 'content' is less
> likely to draw customers to use some of their bandwidth to get/purchase it.

Yep. Although actually, LCD mass market content, some of it qualifying as "horrible" IMO, does get sold. Granted, that's a matter of taste. :^)

But with more bandwidth, niche markets with more of a quality focus can be better served.

> However, even if you have the super bitchingist content ever you will still
> be subject to the price dynamic--i.e. the easier it is to get the lower the
> price you will get for it. You can try to create some artificial scarcity
> but so far the only two ways tried (DRM and suing your customers) have been
> dismal failures.

Dismal failures? Better define that.

iTunes has sold billions of downloads at a set price that hasn't gone down. Independent artists get a higher percentage from iTunes than from a record company. Other download services are also selling music.

CD Baby and other independent companies seems to be doing pretty well selling CDs over the internet and feeding mp3s to pay-for-download sites.

These approaches are _enabled_ by having more available bandwidth. Not slowed down by it.

> To use the book example again. Illuminated manuscripts are, in my opinion,
> some of the most beautiful objects ever created by the mind of man. If I
> ever get rich I will certainly own a few. I'm sure your Medieval Scribes
> Local 310 saw the first printed books and scoffed saying, 'Our content and
> services are SO much better than this trash we don't even need to worry.
> Who would want one of these hideous things, even if they are cheap?' And
> 50 years later there were probably more printed books in circulation than
> had been produced by hand in the history of Europe, and the scribe business
> was in serious trouble.

Was it? Judging by you there's still a demand, and as you say, very few can be produced. So it doesn't take much of a demand to keep it going. Somewhere, someone is scribing away as we speak, betcha.

At the same time, a new market for printed books was born and grew into what we have today.

The "bandwidth" has increased, delivery costs have dropped. Yet books themselves still have a purchase price, the cost has not dropped to where selling books loses money. They still have a value that people pay money for, enough to fund profits. It's very much a viable business. Probably some of the viability is due to the technology improvements that help grow the market, and not despite them.

Has the price of an average book dropped in the last few years?

> Track the history of the internet from Compuserve
> and AOL through MSN and the telcos down to google and bittorrent and MySpace
> and you'll see it getting stupider, easier, cheaper, and more filled with
> porn.

Porn was a media tech driver long before the internet.

The progression of the internet shows growth, true. But it's not a blueprint for the failure of music as a business which, despite any denials you seem to be implying. Track the history and you'll see a new medium for marketing and distribution. So as data gets cheaper, the opportunity for content distribution has gone up.

Although I think what you're really afraid of is piracy. That's what the record companies are afraid of.

> I'm not saying whether this is right or wrong, for that you'll have
> to consult someone confident about such things like an ethicist or DC,

If you mean piracy, it's wrong. But if you mean exposure as a marketing vehicle for the artist, it's right.

Nice dig at Don, now he's going to have to jump in and explain the connection between internet piracy and Darwin...

> I'm
> just pointing out the way things have worked so far, not just with the internet
> but other technologies as well. I don't see why something as simple as music
> distribution will be able to make the rain fall up when it comes to the dynamics
> of price and scarcity.

I think I see where you're coming from. But I prefer to be more optimistic and allow for innovation, and recognize potential new markets and new business models.

So if your entire point is that lower overhead can bring end-user prices down, I agree, to a point. But if you are implying that lower overhead means the end of the music business or other content businesses online, I would disagree. It's a time of opportunity.

Cheers,
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>>>>>>>>>
>>>>>>>>> Given the fact that the only way to get uncompressed audio into
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>>>>>>>>> computer or iPod is to copy it from a CD, this is bad news indeed.
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Subject: Re: oh swell...

Posted by [TCB](#) on Thu, 03 Jan 2008 20:27:41 GMT

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>>>>>>> TCB
>>>>>>>
>>>>>>> "DC" <dc@spammersinhell.com> wrote:
>>>>>>>> <http://www.washingtonpost.com/wp-dyn/content/article/2007/12/28/AR2007122800693.html>
>>>>>>>>
>>>>>>>> Given the fact that the only way to get uncompressed audio into
your
>>>>>>>> computer or iPod is to copy it from a CD, this is bad news indeed.

>>>>>>>>
>>>>>>>> Where am I supposed to buy a 16/44.1 download? Never mind how
long
>>>> it
>>>>>>>> takes to download...
>>>>>>>>
>>>>>>>> We have always been able to copy our own records and CD's to cassette
>>>>>>>> for use in the car, why not for the iPod?
>>>>>>>>
>>>>>>>> Let's hope the RIAA loses this one.
>>>>>>>>
>>>>>>>> DC
>>>>>>>>
>>

Subject: Re: oh swell...
Posted by [dc\[3\]](#) on Fri, 04 Jan 2008 02:37:36 GMT
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"TCB" <nobody@ishere.com> wrote:
>Track the history of the internet from Compuserve
>and AOL through MSN and the telcos down to google and bittorrent and MySpace
>and you'll see it getting stupider, easier, cheaper, and more filled with
>porn. I'm not saying whether this is right or wrong, for that you'll have
>to consult someone confident about such things like an ethicist or DC, I'm
>just pointing out the way things have worked so far, not just with the internet
>but other technologies as well. I don't see why something as simple as
music
>distribution will be able to make the rain fall up when it comes to the
dynamics
>of price and scarcity.

Of course, the question remains as to whether the technology influences the culture or the culture influences the technology.

To completely disregard the ethics of stealing music is to disregard the forces that make those manuscripts you like so valuable. Scarcity, yes, but quality too. Stealing music reduces the likelihood of more good music being made. The worst are not the kids. They simply are doing what kids do. The utter lack of good parenting, compounded by the would-be-hip older folks and their brave-new-digital-world have left a vacuum of moral reasoning in the culture that kids will only amplify. In this Lord of the Flies world of youth worship how could it be otherwise?

OTOH, most young people have a friend or classmate in a band or rapping. How hard is it to tell them that it is wrong to steal from their friend? How hard is it to make the larger point that stealing hurts music, once you have made the smaller point that stealing hurts their friend?

Kids are smarter than we imagine and they look for us as leaders.

Unfortunately we are usually total crap at that job.

(and a bunch of us are running for president)

DC
