

Letters to music downloaders are a waste of time

This agreement is a meaningless gesture and can't hide the fact that the music industry is clueless about adapting to the internet



Billy Bragg
guardian.co.uk, Thursday July 24 2008

The agreement between internet service providers, the government, and the music industry to send angry letters to music fans who are downloading free music is a smokescreen, intended to obscure the crisis the record industry is facing.

This agreement has come about as a result of music industry pressure on ISPs who are, after all, facilitating their customers' free music downloads. If this were an ordinary copyright infringement case, the record companies would put their lawyers onto the ISPs. However, everyone knows that the music industry is using internet sites, particularly the big social networks such as MySpace, to promote their artists.

It is just not in the music industry's interest to bite the hand of the ISPs, which provide them with access to potential customers. But on the other hand, the industry does have a case against the ISPs – so what is to be done? I imagine some corporate boardroom representing the ISPs shrugged their shoulders and said "well I suppose we could send them a warning letter". The industry moguls replied "yeah a warning letter – that'll do it".

But of course a warning letter won't do it. Without some kind of legal framework to back it up, it's nothing more than a gesture. The real problem for the record companies is that the ground is changing beneath them. New technology has made it possible for people to acquire music without going through the traditional route of buying objects in a shop.

Rather than fighting this trend, the industry itself needs to find new methods of collecting royalties. The only real moral argument the industry has that will work with music fans is that the artist should be rewarded financially for providing them with music. Yet everyone knows that historically the record industry has paid artists a fraction of the price paid by the public for albums and singles.

What needs to happen is for the industry to reverse its priorities, put artists to the fore and pay them a larger share of the price in return for their support in the transition to new business models. It is doesn't take a huge amount of imagination to conceive of other ways of levying royalties where original music is used. The way we get radio in the UK offers two simple examples.

On one hand, we have the BBC service, where for the price of the licence fee you can listen to as much radio as you like. On the other hand, there is commercial radio, which is free at the point-of-use to you, the listener. However, the fact that it is free doesn't mean the music content is not paid for. Royalties are paid to musicians from the sale of advertising that appears between the songs. Either of these two models could be applied to music.

A licence fee could be paid, allowing you to download as much music as you like, which will be simpler to police as you would need to presumably give your licence number before you download anything. Or sites such as MySpace, which make billions of dollars in advertising revenue without paying for any content whatsoever, could reverse that trend and start paying royalties to musicians and other content providers.

In an ideal world, such royalties or the blanket licence fee would not be paid to music companies themselves but to an independent collection agency that would pay the money directly to artists. The music industry treats the internet as a threat, whereas for artists it gives us an opportunity to get closer to our audience than ever before. We must be very, very careful that we don't alienate those fans and make it impossible for the next generation of singer-songwriters to have viable careers.