

Leveling the Playing Field #2

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The real lowdown on Mp3 downloads

You've likely heard of Mp3, haven't you? Mp3 is a compression/encoding standard which allows near-CD quality duplication of audio files at a fraction of the size. Because the files are much smaller than regular CD audio files, they are fairly easily transferred over the Internet or burnt onto homemade CDs. Convenient? Yes indeed. Legal? Well that depends.

Before getting into the fun, revolutionary part and the technical portion, we must first look at some historical precedents so we can figure out the legal ramifications of this brave new format.

When I was a kid and there was a song on the radio that I liked, I would cue up an 8-track or cassette tape into the home and wait for the song to come on again. Then, I quickly hit the pause button to start recording, albeit missing the first few seconds. Legal? The courts figured this out when TV broadcasters were complaining about VCRs on the market and Yes you can record a commercial public broadcast for personal use, even if the quality is poor.

As I got older, I had a hard time deciding whether to buy new music on vinyl or cassette. The vinyl often had a fold-out cover, lyrics and pictures, plus vinyl was "permanent." The problem was, I couldn't play the album in my Walkman or boom-box. So I usually would buy the record and then record it on a 3 for \$.99 cassette tape for portable use. Legal? Sure I had the right by purchasing the album to make a back-up copy, as long as I didn't make recordings for friends or sale. Realistically though, haven't we all made a copy of a tape for a friend in our errant youth . . . ?

Later, I started trading live tapes of bands whom allow their fans to record their performances. Mailing cassettes around

the world or trading amongst friends in exchange for others is a safe and economical way to enjoy unique music and not support major labels at the same time. Legal? Sure, plus since it is a "free" product, no one can sell them successfully. So, since there is no black market, no one is making money unethically off the artists (now if we could just do something about bootleg t-shirts).

Nowadays, I pull down music from the Internet to the iMac or PC at the house via an Internet connection (in my case, a high-speed DSL line). I listen to this music over the network, which is wired through the home stereo. When the hard drive gets full, I burn it on to CD. I also occasionally take CDs I own and "rip" them to Mp3 and store them on my computer or on the network allowing me to have a huge music library available anytime I care to listen to something. Legal? Welllllll More on this later. Onward to technical issues . . .

Unlike a normal audio CD, you can't stick an Mp3 CD into your regular CD player. Also unlike a regular audio CD, you can fit about 650 minutes of MP3 music onto one 650 MB CD. So, if you are for example a Tom Waits fan, you could capture and encode his whole discography onto an Mp3 CD, except for those really weird noisy songs you don't really like. This CD is then playable via any computer with a CD player and a simple and free Mp3 player (which are widely available via web).

To play this game, first you'll need an Internet connection. A fast one is particularly useful as a dial-up connection is an exercise in patience or an overnight project at least. Mp3s are about 1MB per 1 min. so tracks are usually 4 MB minimum, this makes for much longer download times. New broadband options such as DSL or cable allow you to download several hours of music, quickly and reliably each evening. With a dedicated DSL line, you can also set up a server allowing you to access your music remotely (yeah!) from wherever you are or allow your friends to connect and exchange files.

Next on the preparation list -- software. Winamp and Macamp will do valiantly for most of your playing and even encoding

needs. There are also other encoders and/or rippers which offer more features and conveniences such as connecting to the CDDB (CD Database) to index and name your files and even supply a copy of the cover art — bit more on this later.

Along with the WinAmp / MacAmp, Music Match Jukebox is good full-featured application for converting audio files for the PC and MPEcker works fine for the Mac, with a range of quality levels. As for these encoding rates which determine the quality, 128kbps is the usual rate, although for streaming radio uses, lower is adequate, whereas for archival quality live shows or the like, 256kbps is great although the finished filesize is larger than at 128k. Real.com makes a product called Real Jukebox which allows you to organize and play your Mp3, I don't use it but you might.

Besides the players and encoders, you can also download skins and/or kits for making the "skins," which modify the appearance of the playing controls, which include an equalizer. I know personally that my listening experience is enhanced when using the Anna Kournikova motif interface. The Windows skins are only rectangular but are easier to make than the Mac ones which allow more flexibility with shape and design but are harder to create. Also for the Mac, I recommend downloading a utility called MacAmp AutoTyper which fixes many of the naming snafus which often accompany moving files from ISO (Win/DOS) naming to Mac for whatever reason. www.eskimo.com/~pristine has plenty of Mac software for you.

Hardware-wise, large amount of space and storage are key if you wish to collect Mp3s. Big (9 Gig +) hard-drives are the norm now and cost under \$200. No matter how much hard-drive space you have, you will fill it eventually, right? If you are wise, you will also consider a good quality CD burner. I like the external SCSI kind because then I can move it between both PC and Mac, depending on the project. The CD burner will likely come with some software, either way, acquire "Toast" which allows you to easily assemble the files to put on your CD. You basically organize all the stuff you want on the CD in folders, (make sure you have the names how you want them cause there's no changing), choose what

kind of CD you are making (eg: PC, Mac or a duplication of a regular audio CD). Then insert CD, press go, wait 20 minutes -- ding, just like a TV Dinner. You can also get CD burners which "re-record", mine does but I never use this feature.

Who puts the music up there? Sometimes you know but most often you don't. Many sites are providing a forum for unsigned bands to post their music for others to download and some sites even make Mp3 CDs which they distribute to their subscribers, whereas others are just repositories of pirated music mostly posted by teenagers on "free" temporary websites or wild goose chases of ftp logins and passwords, banner ads, pop-up windows, spam, yech.

So how best to find these chunks of music? You can search the Web, in fact some major search engines (eg: www.hotbot.com) allow you to search specifically for Mp3. There are also search engines which search only for Mp3 or Warez (pirated software). As is status-quo with search engines, this method often turns up poorly made, amateur sites which just have bunch of crap that is played on cheese-pop radio anyhow.

There are however fine web sites which serve up Dead, Phish, String Cheese Incident and other jam bands shows via ftp from your web browser, which allows for a great combination of speed and ease of use . Because these bands encourage people to tape the shows, you can find top-quality recordings, plus these taper-types are quite particular about ensuring the quality of encodings, as well as adding show/set lists, musicians and other info about the show in a text file along with the set. Some sites are "official" band sites, (eg: www.primussucks.com) but the best ones are usually run by fans. A worthy example is www.astrojams.com which has selections from a variety of jamming bands.

In this same spirit of cooperation is the Cddb, an on-line database that keeps a digital "thumbprint" of most any album so you can look up song lengths, tracknames, musicians etc. The best part is that it is all user-supplied content so anyone can add a new cd to the directory. More user served content

is found by using a web-like browser from Mp3spy.com which has a real-time directory of streaming Mp3 servers currently broadcasting, along with detailed info about quality, stream rate etc. This is very neat.

Another way to find music is sites like www.mp3.com which offer an advertising based service to unsigned artists and host their music at the site and allow music fans to sample and download music. They even have a periodic CD which they distribute to subscribers/users. Remember, because of the compact size of Mp3 a CD is about 10 hrs of music, so even if you don't care for most of it, there's likely a few tracks you'll enjoy. More and more smaller labels and radio stations are following this same premise and are posting full song samples for free non-commercial download to entice fans to purchase the whole commercial album on CD or vinyl.

Some artists have taken this step further and are now distributing their music independently of their labels via web-sites. Most famous of these is "the Artist formerly known as the Toad" (or Prince). He sells his wares via web for cheap because there is no hard-costs (CD blank, packaging, shipping, advertising). It's heavy on the profit so you don't need to sell a million when 100,000 copies makes you the same money. The problem with "le Artiste" is no one can find his site because they don't have his character on the keyboard.

Major labels are, of course, slower to embrace this technology which is somewhat ironic (don't cha think) since record labels were at first very excited about the Internet as a toll to promote their artists and nurture fan bases by having tour updates, chats and interviews. Sure, a couple years ago, when it took close to an hour to download a crappy sounding :45 clip, the record companies thought the Internet was a great advertising system. The industry even tolerated Real Player streaming technology because it doesn't really allow the user to download and duplicate high-quality copies of the music, but now that both artists and music fans (consumers) are clamoring for more flexible distribution channels, the labels are trying to figure this all out. One avenue will be partnering (or building) high-profile web sites,

basically creating immediate delivery CD stores. These already exist in various forms but the record industry still thinks the whole idea of Mp3 is an evil scourge that must be stopped before their expense accounts are frozen but since Columbia House just bought on-line retailer CDnow.com, the labels are hedging their bets indeed.

This reminds me of a conversation I had with an A&R guy (with sunglasses pushed up on his head and everything) from Columbia/Sony at my cousin, <namedrop>Tal Bachman's </namedrop> promo gig in Seattle a few months back. The Label guy said that, ". . . until there is a way for Internet users to easily download and copy CD-quality music in a reasonable amount of time, we don't have anything to worry about, and that is still years away." Years away in Bangladesh maybe, but not here. I told him about Mp3 and that I had conveniently downloaded Tal's entire album in 20 minutes (but quickly threw it away when I heard that wussy-girly pop).

So where is the best source for finding music? Don't tell anyone but the answer is Usenet. You may be familiar with Newsgroups which used to be a much used Internet service staple as it allowed a bulletin-board-like posting of messages to topic-specific, semi-structured groups where thousands of people could read and reply to your post in a threaded discussion. This was especially popular for technical support type stuff as well as genealogy and adoption inquires since it initiated broad conversation with the power of the masses in the answers. As the web became more prevalent, newsgroups, while still useful for tech support and academic inquires, became a wasteland of nonsense and perverts with the rise of the alt. category which was basically a ranting and raving free for all.

Recently Usenet is becoming an essential Internet service again since users realized that large binary files could be split up and posted anonymously on a newsgroup where thousands could download, combine the parts and de-code the file whether it be pirated software, fake pictures of naked celebrities or Mp3s. Newsgroups are like garage sales; lots of stuff to sort through, easy to get distracted, easy to get too much stuff, sometimes nothing good to get.

Software-wise, the choice is easy, Agent (or it's free but not full-featured version, "Free Agent") for Windows and/or NewsWatcher for the Mac OS. Either will allow you download and combine or split up and upload to newsgroups. Takes a bit of learning (but so do garage sales). I will not tell you the names of the newsgroups which hold the motherlodes but remember the words: alt., binaries, mp3 and you should be alright. If you are used to an easy-to-use, graphical user environment, Newsgroups will wig you out at first since you'll get a list of like 100,000 "articles" which are, in our case, 100,000 songs to sort through. Whew, hang in there, you'll learn how to tame it. If you are a music fan, it will be worth it.

So there are obviously some legal issues to tie this back in to my historical precedent spiel earlier. With all this music floating around in cyber-space, what is legal and ethical use of music and what is infringing on an artist's right to make royalties off album sales and airplay?

The short answer is you cannot publicly play published music without a license or permission, which usually means paying ASCAP & BMI. Further, you cannot duplicate or distribute recorded music without specific permission from the label, or whoever is the copyright holder. ASCAP, BMI, SOCAN, and others administrate the royalties for songwriters by licensing commercial radio stations and bars to play these published songs. But, in copying files and posting them to the Internet, you have done nothing wrong per se because you can legally make a back-up for personal use, just like vinyl/ cassette example above.

At the other end the line, some anonymous person who downloads the songs and listens to them isn't a criminal either because you have the right to hear music before you decide if you want to purchase the album. Or do you? It is like our off the radio recording example above, isn't it?

So if no one is committing a real "crime", why is there clearly an infringement? Clearly no royalties are being paid to the songwriter and artist either from publishing or album revenue, so something is amiss. Arrgh . . . too many gray areas!

Copying CDs and reselling them is clearly illegal (although it is also a cornerstone of the Chinese economy), so we as music listeners must respect the artist's rights and buy the CD if you listen to it. In fact, I purchased the newest Buffalo Tom CD after downloading a few songs "illegally" that were so good, I purchased the rights to listen to it by spending the bread on the CD.

In short -- if you are moderately consuming for personal use, and not dealing, no punishment is necessary.

The radio market will also change much with the advent of streaming Shoutcast server, which is like an "instant radio station", often with higher quality than is available through antenna broadcasts. Music publishing companies are finally starting to wake up to this monolith and are allegedly working on Internet specific licensing plans based on revenues since Internet radio-stations are clearly a different beast than traditional radio. While the big corporations try to figure it out, smaller indie labels and artists have a great chance to seize a waiting (and huge) audience by overcoming these profit-sharing issues equitably. Fortunately, there is thousands of hours of music that fans can enjoy without hassles since bands can now easily post their own high quality music for potential labels, booking agents, venues and fans to listen to. Legal? Indeed.

What's next for Mp3 format aside from legal squabbling? Well, the technology will continue to become better and heck, it may even be supplanted by another compression scheme, who knows. Although we do know that the Wal-Mart of the Internet, AOL, has invested heavily by buying Mp3.com and Nullsoft who are the creators of Winamp software.

Another trend as these technical issues and licensing stuff gets worked out, is Mp3 devices will certainly get more portable. Car Mp3 decks (made in U.K. to avoid US legal hassles) and Walkman-like devices are on the immediate horizon. It is worth noting that there is a device called a Rio that is a portable Mp3 player that is on the market now, albeit somewhat low-quality and over-priced for now.

As for me, my needs are simple, I'm just happy knowing that when I go on a business trip with a laptop, I can conveniently carry the whole Tragically Hip discography on my hard-drive to entertain myself while on the plane or hotel.

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To get you started on adding to your Mp3 collection is www.hempenroad.com This promotional site for a film project has several soundtrack songs in Mp3 format, plus links to get the software.

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A fine page that has everything to do about music and yet has no music on it is Mike Watt's www.hootpage.com This is great for many reasons, including the fact that he makes it himself and while it isn't fancy, the design is clean and works well. Content-wise, the site is a treat. He has location-specific downloadable posters for the upcoming "Searchin' the Shed for Pliers" tour, a virtual tour of his Econoline van, pictures of all his "Thud Staffs" plus stories and pics from recording sessions (including "Sidemousin' the Bong" with great action photos.) Check it out (and you should also see Mike Watt live).

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Upcoming articles will include: "Internet & Hockey", "How the adult industry drives technology", and "Christmas shopping in bed". Suggestions, etc.? daveo@olywa.net