Music Regulation Essay, Research Paper

The regulation of music in America has been increasing significantly with the advancements of such companies like Napster and the technology to burn or copy cd s. Bands such as Metallica and rap singer Dr. Dre have been some of the leaders in the fight to eliminate the piracy of copyrighted music. Along with these regulations, the parental advisory system that has been in effect since the mid 1980 s has also taking many steps to update their system to help parents identify music which includes explicit lyrics and explicit depictions of sex and violence.

One of the most controversial companies to ever hit the music industry world is Napster. Napster is a company that has built a system that allows people who log on to its servers, an opportunity to obtain MP3 music files that are stored on the computers of other users who are logged on at the same time. The reason the recording industry is trying so hard to shut down Napster is because the majority of the music being swapped by users is copyrighted and therefore being pirated, or traded without the consent of the industry of the artists who produce the music. Some artists like Metallica, Dr. Dre and Neil Young are among the many in the industry who feel Napster should be shut down or heavily restricted from allowing users the opportunity to obtain copyrighted music. Than there are the artists who feel Napster gives many artists worldwide attention, like Limp Bizkit and The Offspring. (http://www.riaa.com/index.cfm)

The RIAA contacted Napster in August of 1999 and told them that they had created an interesting technology but that it violated copyright infringement laws. When Napster didn t respond, The RIAA filed a lawsuit against them in December of 1999. Recently the Ninth Circuit Court has ruled that the record industry and other rights holders are required to certify that they hold the rights to specific songs that are available on Napster. Since this ruling, the recording industry has given Napster a list of all songs that are copyrighted and Napster has been ordered to create a filter that would make it impossible to download any of these copyrighted songs. However the recording industry feels that Napster s filters are unsuccessful in weeding out copyrighted music and is trying to get a new court ruling in attempts to hopefully, shut Napster down. (http://www.napster.com). (http://www.mtv.com).

Another important issue in music regulation is the copying and distribution of copyrighted music, or piracy. Piracy includes four specific forms, they are: 1. Pirate recordings are the unauthorized duplication of only the sound of legitimate recordings, as opposed to all the packaging, i.e. the original art, label, title, sequencing, combination of titles etc. 2. Counterfeit recordings are unauthorized recordings of the prerecorded sound as well as the unauthorized duplication of original artwork, label, trademark and packaging. 3. Bootleg recordings (or underground recordings) are the unauthorized recordings of a live concert, or a musical broadcast on radio or television. 4. Online piracy is the unauthorized uploading of a copyrighted sound recording and making it available to the public, or downloading a sound recording from an Internet site, even if the recording isn’t resold. The Recording Industry Association of America has taken great strides in their war against pirated music. Counterfeit and pirated CD-R s seized in 2000 were up 79% from the previous year! Over 1.5 million pirated or counterfeit cd s were seized. With the growing technology music pirates have, law enforcement also is advancing their technology. Every year there are less and less bootlegged orders being taken because of the fear of being caught. (http://www.riaa.com/index.cfm). (Krasilovsky, Shemel, Gross).

The last issue that will be discussed was formed in the mid 1980 s and is still being used and updated in today s society. The parental advisory program was founded to help stop young kids from listening to inappropriate music and to make parents aware of the music their children listen to. The recording industry requires all music that contains explicit lyrics, and depictions of sex and violence be identified. All the music that contains any of the mentioned material must be labeled with a sticker warning kids and adults of the type of music contained in this particular cd. In the last few years, the RIAA have released many cd s that are edited, the songs are the same as the original cd but the explicit lyrics, and depictions of sex and violence are edited out. Many parents feel that this is a great step in the right direction in the fight against explicit materials. Most artists are actually in favor of this program even though it is their music that is being labeled. They feel that while their music may mean something to them and older teen-agers, their material is intended for older audiences because younger children don t understand their message and might interpret it the wrong way. The program has made much advancement and will continue to advance with each generation of music and of children. (http://www.riaa.com/index.cfm).

I personally feel very strongly about music regulation but at the same time like to see music technology because I am very passionate about music. I think that the Internet is a great device to expand the music industry all over the world. It is a great way for cultures to share their particular music, but at the same time, illegally using the Internet is clearly wrong. I think that Napster is really a great service and I myself use it often, but at the same time I know where artists who are against Napster come from. As a musician, I wouldn t want my music thrown around, shared, pirated without my consent. Many of these artists scrape together money to just have a shot at becoming popular and making money and spend years in the recording studio only to have their music be copied without their consent. To me, I feel that is the same thing as stealing, because you are in fact taking something that doesn t belong to you. On the other hand, cd s nowadays are ridiculously too expensive and I can understand that for people who can t afford their favorite music too find Napster appealing, but still it is stealing regardless of the circumstances.

I think the parental advisory system is a really good thing, but it still does not restrict kids to purchase cd s containing explicit materials. If the RIAA really wanted to send their message across, they should only sell these cd s labeled with explicit content to kids over the age of 17, much like they do with violent videogames. After all, music and videogames are said to be some of the sources involved in such things as the Columbine tragedy and others.

Finally, I think that the war against pirated music is really progressing and will only get better. As I stated earlier in the report, although the pirated technology is advancing, so is the technology to stop and recover pirated music. The RIAA is doing an excellent job providing information on how the general public can stop the illegal distribution of copyrighted music and who to inform, much like a neighborhood watch program.