Napster: Company Meltdown Essay, Research Paper

Napster: Company Meltdown?

A nineteen-year-old entrepreneur, named Shawn Fanning, created Napster in 1999 as an elaborate plan to download music better from the Internet. Since its creation, Napster has caught on in the cyber world like wildfire. Ask any college student if he or she has heard of this company and you will hear a resounding YES! . Napster is a music file (MP3) downloader for the Internet that allows users to find other users MP3 s and downloads them directly from the other user s computer. Since college is unofficially very music oriented many college students love this program for its capability to download free popular music off of the net. The future of Napster, though, is undecided.

In the past three months Napster has been under unbelievable crossfire from the RIAA (Recording Industry Association of America) because of the services that they offer to their online customers. The RIAA contends that Napster s online-sharing compares to mass copyright infringement. This would basically mean that Napster is illegally aiding users in the unlawful stealing of music profits from artists. To the music industry downloading a song via Napster is akin to stealing a record from a music store. But fans say they re simply sampling new music, as they would at an in-store listening station (qted. Graham). Artists and the RIAA both argue that this unlawful practice is causing CD sales to drop and then in turn causing the record companies and the artists to lose money. The RIAA has even done studies that supposedly prove that record sales have went down as a result of Napster coming into existence. Recently the RIAA even sued Napster with the intent to get it shut down. They won the trial, but as of right now Napster will be allowed to operate during the appeals process.

Napster retaliates by saying that the service that they offer is merely a preview service like that of a record-store, which has an in-store listening station. They also argue that downloading songs for free off of the Internet is lawfully protected as long as the users are making no profit from the downloaded MP3 s. [Napster s first long legal response] cited a recent federal court case that decided some noncommercial copying of music is protected by law (qted. Borland). If Napster users aren t doing anything wrong then, there can be no copyright infringement on the part of Napster itself.

Napster has also cited that they have found documents that show the record labels have corruptly used their power to shut down other ways of music distribution and have lost their ability to enforce the copyrights because of an out of the way anti-trust law (Borland). Napster also responded to the RIAA s claim that survey s said that CD sales were down, with their own surveys that conveyed that they actually help to boost CD sales. They said that over 70% of their users that took the survey used it to preview a CD before they went out and bought it. Another argument that has been brought to the table is that earlier in the year the RIAA had sued a company by the name of Diamond Multimedia, which produced the first MP3 player. That law, the 1992 Audio Home Recording act, explicitly bars copyrights suits from being brought based on the noncommercial use by a consumer (qted. Borland).

If all else fails, Napster can always fall back on the idea that it can be used for other things, such as distribution of non-copyrighted music as well as promotion of unsigned bands.

In my own opinion, I believe that Napster should not be shut down. I believe that they are not committing copyright infringement by any means. As long as the user isn t using the MP3 s that he or she downloads to make a profit lawfully it is not considered copyright infringement. For years it has been legal to copy songs off of the radio or from cassettes. Why now that we have the ability to copy songs onto CD s the industry has to get involved in one s personal business? Also how can the music industry complain that they are losing money? They make so much money off of other aspects of their jobs that they are still millionaires. They make money from everything, including ticket sales, merchandise, and promotions, just to name a few.

I also agree with Napster on the fact that most of Napster s users do exercise the preview before you buy concept. I know I personally have bought at least ten CD s after I had first previewed them in part though Napster. I know of many others that do this as well. So how can the RIAA say that Napster is cutting into CD sales? If anything it is exposing listeners to a bigger variety of music. This means that CD s sales for unknown artists are in part coming from listeners on Napster.

In closing, the Internet company Napster isn t really hurting anybody. The music industry is still very well off compared to the rest of society. We have homeless on the streets and the artists are worried about losing money when they are already millionaires. How sad is that? So I ask the question, what s wrong with getting music free? When we still pay your outrageous ticket prices as well as pay an arm and a leg for your official merchandise, you still want more of our hard-earned money. I hope Napster gets through this, so everyone can listen to what they want, when they want to without fear of getting sued for copyright infringement.

Works Cited

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