

Internet Smarts
Music Downloading – Paying the Piper
Teachers Guide

Background:

Music downloading became a hot topic among students when the Recording Industry Association of America (RIAA) began to file suits against teens (or even younger children) as well as adults who swapped music online. The RIAA sent out repeated warnings that it was going to file such suits, but no one seemed to take them very seriously until the first batch of letters informing people they were being sued went out in September 2003. And the RIAA isn't finished tracking down copyright violators. Additional suits are being filed every week.

On one hand, the issue of music downloading is a very simple one. Downloading music (with very few special exceptions) that you didn't pay for is illegal. It's that simple and that's the message that you need to get across to students. No matter if "everyone is doing it" or the "record companies and artists are so rich they won't miss just the few songs I took", the bottom line is that it violates copyright law. If your students get caught doing it, they can face large fines and even a criminal record.

But the issue is also a very complex one. Part of the problem is that technology moves faster than large institutions. The recording industry didn't understand how the fast downloading of music using compression technologies like MP3 was going to change the way people shared music files. Sites like Napster quickly appeared on the Internet and people uploaded (sent) selections from their music collection to the site and then downloaded music that had been donated by others to the illegal library. The recording industry through the courts closed Napster down, but the genie was already out of the bottle. People came to expect free music on the Internet and P2P (peer-to-peer) networks were born.

Using P2P networks, music lovers/pirates (perhaps including some of your students) download music from other people's personal computers and often open their own hard drives, in turn, to outsiders to reach into and take the musical selections they want - all though the magic of the Internet and a little inexpensive software. These connections violate copyright law just as the original Napster site did, and the people who participate in these networks are the ones being sued by the RIAA. So far these suits have targeted people who both downloaded and allowed uploading of substantial amounts music. But people who have just downloaded music should not take much comfort from that because they may be next. The recording industry has also threatened if the piracy doesn't stop that they may put copyright protection on all CDs making them difficult, if not impossible, to copy. That's too bad because that will punish people who have abided by the rules as well as those who haven't.

Lawmakers and the courts have also been very slow in responding to changes in technology. Copyright laws that worked for protecting books and movies years ago don't always work when applied to CDs, DVDs, burning CDs and DVDs, online file sharing, MP3 players, and other new technological developments. There is a lot of confusion in the public and especially among students, who don't tend to worry about these things anyway. (Before you do this lesson you might want to look at the copyright laws yourself (see Additional Resources below). Perhaps the most important things to know are that if you buy a CD you have the right to listen to it, copy it for your own personal use and you can upload it to your MP-3 player or similar device. You can also give your CD away, but you have no right to a copy of it then. If you download a song or an album from a legal site on the Internet like iTunes, you have basically the same rights. You are allowed to make up to 10 copies of the song or album for your personal use, you can listen to it on your computer, and you can upload it to your MP-3 player or similar device.)

So why, for example, is it ok to lend someone a book and not a CD or a music file on your computer? Why can you go online to view almost any popular music video for free, but then you need to subscribe to a service if you just want to listen to the music? Where does sharing stop and copyright infringement begin? Questions also arise about whose job it is to make sure that people know what their rights are and what is forbidden when it comes to electronic media. Also unresolved is the question of how lawmakers can make laws that are flexible enough to cover new technological developments and give the courts guidance on how to interpret them.

Perhaps one of most fascinating things about discussing the music downloading issue with students is the emotional reaction and righteous indignation it engenders. For most of their lives, music has been available on the Internet to download without cost, and they think that is the way it should be. They will have lots of excuses for why they or their friends download free tunes. There is a little of the Robin Hood phenomenon going on here. Big music stars seem so rich and so what if the record industry isn't making the same number of billions they used to, they are still making billions, students may tell you as justification for even downloading a few songs. It is hard for them to imagine what the 2.6 billion songs are illegally downloaded each month add up to in terms of lost jobs for the thousands and thousands of people whose jobs and lives are tied to the music industry, even tangentially.

A survey conducted in mid-2004 concluded that of the 1,100 students, ages 8-18 that were polled, 88 percent knew that music was protected by copyright law and yet more than half (53%) admitted to downloading music files. (eSchool News, Vol. 7, No. 7, July 2004) Just saying don't do it because you might get sued isn't going to cut it with your students. There is an "ethics gap" that needs to be addressed. They may have some sympathy for the people whose jobs are at stake, and if you have time you might brainstorm a list with them. They might also empathize with young people who are trying to break into the music business or up-and-coming bands that will never record another album if they do not sell the first time around.

The approach you need to take is to use examples they are familiar with like plagiarizing a report, having an art project or school project they have worked on vandalized while it was on display, or having something they made, or worked hard to get the money to buy it with, stolen. Or what they think about people failing to pay for services from doctors, plumbers, taxi drivers, etc. Ask them what their parents do for a living and what they would think if people stiffed their parents on pay day or when services were rendered. That's what it feels like to many of these musicians who have waited long and hard years to get paid for their music and who are now finding it, without their consent, distributed for free.

Music downloaded off of P2P networks isn't perfect either. You have no guarantee when you download music off of some else's computer about the quality of the music, whether the songs are complete, or whether they have been doctored with computer viruses. Ask around. Someone at school may have heard some horror stories or students in your class may be willing to volunteer their bad experiences. On the other hand, with a CD or a pay-for-play site, the consumer has some recourse. If there is a problem, you have someone to complain to.

Bottom line students also have to understand that this is not a game. The RIAA doesn't care if they are young or old, rich or poor, or have a thousand excuses. They are out to win and they have the time and the resources to track down their prey. Getting caught can involve some serious charges and money. The question you need to get them to ask themselves is "Is it really worth it?"

Additional Resources:

There is something new about music downloading almost every day in the media so be on the lookout for other interesting developments.

Wired Safety

http://www.wiredpatrol.org/documents/downloadingmusic_parryguide.html

This is written for parents but is a good overview of all aspects of the issue, including what the copyright law actually says.

CNN.com/Law Center - Why Suing College Students for Illegal Music Downloading is Right

<http://www.cnn.com/2003/LAW/08/07/findlaw.analysis.hamilton.music/>

This was written when the RIAA was only suing college students, but it applies to teens as well.

Recording Industry Association of America

<http://www.riaa.com/>

This is the official site of the RIAA.

How Napster Worked

<http://computer.howstuffworks.com/napster5.htm>

Read more about the site that started the whole issue of free music downloading.

Boycott RIAA

<http://www.boycott-riaa.com/>

This site is promoting a boycott of RIAA with links to other organizations that feel the same way.

iTunes

<http://www.itunes.com>

Take a look at one of the pay-for-play sites

Discussion Guide:

1. Open your discussion on music downloading with students by asking for a show of hands of who has downloaded music off the Internet or knows someone who has. You can share with students that it has been estimated that over 40 million Americans have downloaded music off the Internet and that 2.6 billion songs are downloaded every month.
2. Ask students if they have heard much about music downloading in the news lately. Let them volunteer what they know or ask them why the recording industry is suing individuals for downloading free music off the Internet. Don't let them get off onto their opinions on the subject. Tell them that there will be plenty of time for that at the end because this is what this lesson is all about. Just stick to the facts - the music industry through the Recording Industry Association of America is suing people both young and old for illegally downloading music off the Internet because of copyright violations. You should also make sure that everyone understands what copyright means in regards to music - the exclusive right of an individual or individuals (or a company they assign it to such as a record company) to control, distribute and profit from the original music they produce.
3. Tell students you are interested in their opinions on the subject, but first you would like them to take a quick poll to see how their experiences compare to other users and then ask them to read a case study about one girl who was sued and why this happened. There are also some links on the Internet to gather more information on the subject. Direct students to start the reading now.
4. Give the students about 15 minutes to do the reading and encourage students who finish to go online to the Research Links section and look at some of the sites.
5. After your students are finished with the reading, ask the again to take the poll in the Poll again section to see how their answers compare to other users and then have a discussion with them.
6. Establish class opinion on music downloading and discuss the individual issues. Try to help students separate and identify their emotional responses to this issue (i.e. they shouldn't be suing children, music should just be free) from more rational responses

(i.e. copyright has to be protected so new artists will survive as artists, if I buy a CD I should have all rights to use it the way I want to, that should be what I pay for).

7. Go to the Answer the Question section and discuss the open-ended opinion question at the end. Is there some kind of consensus that emerges or are the opinions all different? If you have time, students can review a Powerpoint presentation created by a NYC middle school class with their opinions on music downloading and/or submit their own opinions to be posted on the site.
8. Finally, download and post the graphic “Support the Arts – Buy Music”