



Story of a Revolution: Napster & the Music Industry

Tag It, Publisher
1814 Astoria Blvd.
Astoria, NY 11102
Tel: 718 726 1938
Fax: 718 504 3512
www.musicdish.com
info@musicdish.com



TABLE OF CONTENTS

Prologue

By Sounni de Fontenay, MusicDish Editor-in-Chief

1. Recording Industry Sues Napster For Copyright Infringement

By Michele Wilson-Morris, MusicDish Associate Editor

2. RIAA vs. Napster; a Legal Perspective

By Joyce Dollinger, 2 Generations SPA Music Management, Inc. and SPA Records, Inc.

3. Follow the Money II - Understanding The Digital Distribution of Music

By Russell Kibbee, Tag It Business Development

4. Client As Server: The New Model

By David Weekly

5. Napster: Demon or Kitty-Cat?

By Linus Gelber, Home Office Records

6. The RIAA vs. Free Music

By Ram Samudrala

7. Napster Is Only The Beginning

By Jay Lickfett, Muska & Lipman Publishing

8. An Open Letter to Metallica

By Shrub, Lasertrax.com

9. Music File Sharing Study Uses Faulty Methodology

By Eric de Fontenay, Tag It Co-Founder & CEO

10. Napster's Defense: Why Boies Is Wrong!

By Eric de Fontenay, Tag It Co-Founder & CEO



MusicDish, September 2000

11. Does Anyone Give a Damn About the Songwriter?

By Carla Hall

12. Music & New Media Professionals Side With Federal District Court Judge On Napster - Fair Usage On The Internet Survey

By Eric de Fontenay, Tag It Co-Founder & CEO

13. MusicDish Comments on Napster Preliminary Injunction Ruling

14. Napster Wins, Appeals Court Grants Stay of Injunction

By Sounni de Fontenay, MusicDish Editor-in-Chief

15. Linkography

16. Napster – Join the Revolution

Step-by-step tutorials on how to use the popular P2P software.



Prologue

By Sounni de Fontenay, MusicDish Editor-in-Chief
September 11, 2000

In December 1999, the Recording Industry Association of America filed a lawsuit against Napster, the California based file swapping company, accusing them of massive copyright infringement. Since then, we have witnessed a precedent-setting legal case unfold. With over 25 million users, Napster is by far the most popular file-swapping sites and has created one of the most successful softwares in terms of ease of use and consumer adoption. The battle is for the definition of copyrights in the new technological millennium. As evidenced by the DVD cracking code case in New York to lawsuits against MP3.com and Scour, the RIAA and other interested parties have made it known that they will be defending their copyrights and the traditional legal interpretations of these copyrights to the fullest. While on the other end of the spectrum, companies such as Napster and MP3.com, have pushed the case for a logical revisiting of copyright rules to reflect the new dynamics & technological innovations of the 'Net-economy.

Since the lawsuit was filed against Napster by the RIAA on December 7th, MusicDish has taken an extensive look at the issues raised by this case, from the legal to the philosophical. Joyce Dollinger and Eric de Fontenay provide us with a detailed legal perspective of both sides. Ram Samudrala continues his ground-breaking views on music in "The RIAA s. Free Music." David Weekly dovetails into the technology behind file swapping and where it will lead in "Client As Server: The New Model." In addition, artists join the discussion on a legal case that will affect them most.

Finally, MusicDish presents its "Definitive Guide to Using Napster." Featuring tutorials on issues spanning "File sharing concepts," "Is it legal to use Napster?," "Limiting users access," and "Control your security," the guide provides a comprehensive overview of the controversial software.



MusicDish, September 2000

Recording Industry Sues Napster For Copyright Infringement Music Industry News

By: Michele Wilson-Morris

December 15, 1999

According to the description on Napster's website, "Napster is a completely new way of thinking about buying music online. It is an application that takes the hassle out of searching for MP3s. Using Napster's proprietary software, you can locate and download your favorite music in MP3 format from one convenient, easy-to-use-interface." Since Napster allows users to chat, play MP3 files directly within the website, and keep hotlists, this description seems to be fairly accurate. One would never guess that this same website is facing the fight of its life.

The Recording Industry Association of America (RIAA) announced on December 7th that it had filed suit against Napster for piracy. Commenting on the scandal, Carey Sherman, Senior Vice President and General Counsel for the RIAA, said, "We love the idea of using technology to built artist communities, but that's not what Napster is all about. Napster is about facilitating piracy, and trying to build a business on the backs of artists and copyright owners." If to make the point clear, a distinction was made by Sherman between sites such as MP3.com and IUMA on the one hand, and Napster on the other.

Napster users can log on to the website, upload and trade their MP3 compilations with other users through the use of its proprietary software. By providing software which facilitates the trade of copyright-infringed mp3 files possible, and because it retains copies of any music traded, Napster has become the target of the RIAA as well as many artists. In its defense, Napster contends that it is trying to promote the music of independent artists. According to the RIAA, however, "Napster's own website advertises that you can forget wading through page after page of unknown artists," and "you'll never come up empty handed when searching for your favorite artist again." The RIAA alleges that Napster is attempting to build a huge database in order to attract large advertising revenues.

What is striking is the extent to which this case mirrors that brought against Diamond Multimedia Systems, creator of the Rio Player, by the RIAA filed on October 8, 1998. in both lawsuits, it all boils down to the plaintiff having commercialized technology facilitating the infringement of content owner's copyrights, even where that may be an after effect of the technologies primary goal. It is akin to suing car manufacturers for facilitating car accidents. Coming back to the



MusicDish, September 2000

distinction made by Sherman, unlike the sites noted, Napster maintains no music files on its own servers. In fact, from another perspective, their situation could appear analogous to that of ISPs liability regarding information posted in unmoderated areas of their online presence (such as Usenets).

In addition, unlike sites like MP3.com that explicitly have filtering processes to block pirated files, Napster is an unmoderated technological tool. "We do not, and cannot, control what content is available to you using the Napster browser. Napster users decide what content to make available to others using the Napster browser. Therefore, it is the users' sole responsibility to comply with all applicable federal and state laws applicable to such content, including copyright laws" [cited from the Napster website] On the other hand, Napster's case may become complicated due to the fact that the action facilitated by the technology, e.g. enabling the exchange of audio files in a digital world is defacto reproduction and distribution of content with no accountability (thus the reference by the RIAA to "a giant online pirate bazaar").

Scott Stapp, lead singer/lyricist for the group Creed is certainly angry about Napster's activities. Stapp said, "I have been blessed in that I do what I love and can support my family with what I create. When my music is given away...it is stealing. I need not defend my motives for making music, but the distribution of my music has made me business conscious. I have decided to sell my music to anyone who wants it -- that is how I feed my family, just like a doctor, lawyer, judge, or teacher. Not to insult anyone's intelligence, but my music is like my home. Napster is sneaking in the back door and robbing me blind."

Sean "Puffy" Combs also expressed his resentment at Napster, stating, "I couldn't believe it when I found out that this Napster was linking thousands of people to the new Notorious BIG album "Born Again," a week before it even hit the streets. This album is a labor of love from Notorious BIG's friends to the man, his kids, the rest of his family and everyone else whose lives will never be the same since BIG passed."

The lawsuit was filed in the U.S. District Court for the Northern District of California.



MusicDish, September 2000



RIAA Vs. Napster; A Legal Perspective Insider Scoop

By: Joyce Dollinger

January 18, 2000

Whether the lawsuit commenced against Napster is meritorious or frivolous is subjudice, meaning that it is awaiting determination by the United States District Court for the Northern District of California. Ultimately, that decision will be meaningful for the end user or those individuals who actually use Internet sites. For if the Recording Industry Association of America (RIAA) is successful, then less end users will be prosecuted for piracy and more Internet companies, Internet Service Providers (ISP), and computer software companies will be sued and held liable. However, if the RIAA is unsuccessful then end users will most likely be prosecuted.

RIAA vs. End Users

The RIAA has actively and successfully enforced its copyright rights in the law against end users and individual pirates. For example, there was a judgment this summer against a University of Oregon student who was found guilty of trafficking thousands of pirated MP3 (technology that allows music to be compressed in digital form to be easily uploaded onto a computer) files along with other computer software and films. He was considered an end user. Recently, after the RIAA sent Carnegie Mellon University letters threatening a lawsuit, seventy-one (71) students at that school were disciplined for illegal use of MP3 files. In another case, the RIAA contacted the University of South Carolina after a student there was using MP3 technology illegally. All of these circumstances strengthen a case against the end user, especially the judgment that was filed.

RIAA's Argument

The RIAA sees Napster as a burglar's tool because it enables unauthorized music in MP3 format, to be publicly traded. Napster is an outlet for a so-called "mixed tape" exchange like remembered in High School and Summer Camp. But the Napster environment is more dangerous than the mixed tape exchange because the sound quality of the digital reproduction is quite impressive -- better than CD to cassette because it sounds perfect and flawless, just like the original. The other danger is that whatever is copied in MP3 format can be readily copied, re-copied, and easily distributed.



MusicDish, September 2000

This process becomes very pervasive because of worldwide Internet access -- it provides an outlet that is unprecedented.

Napster's Argument

Napster argues that it wants to help artists to sell more CDs. In order to do that, they maintain that if more people hear the music and know about the songs and artist, the more they want to buy the music. Napster also believes in strengthening unknown music and new artists, as well as sharing that material. It feels that if the end user likes the artist that she/he will buy the CD anyway.

Napster has a disclaimer that says, "Copying or distributing unauthorized MP3 files may violate United States and foreign copyright laws. Compliance with the copyright law remains your responsibility." This warns the end user of the risk involved. However, the RIAA thinks it is Napster's responsibility to provide copyright protections because it is providing the environment for infringement. Yet, Napster tries to separate itself from the end user's conduct by not hosting the MP3 files on its servers. Napster argues that no copyrighted material exists on the Napster network. It wants to build music communities, but the RIAA asks at whose expense?

Legal Arguments

The Napster Internet site avoids direct contact with pirated music; thus it can't be sued and held liable for copyright infringement. Instead, the Napster software helps the end user locate and download MP3 files on other users' computer hard drives. This argument creates a loophole in the copyright law.

This is one of the reasons why the RIAA is suing Napster under contributory copyright infringement. Napster provides all of the means for the exchange of pirated music without touching it because users download the Napster software to their computer hard drive. Then the installed software scans the hard drive for MP3 files (authorized or unauthorized). The consumers on the site then chat with each other on the Napster site and can download files from another end user's hard drive. This technology is quite amazing and proactive, except it has security issues because it can transfer viruses more readily and open the end user's hard drive for stealing. There is no charge for the music exchange and everything is paid by sponsorship and advertising dollars.



MusicDish, September 2000

Napster also has found another loophole in the law. The Digital Millennium Copyright Act (DMCA) states that it is not the job of the ISP to securitize and police what is on the Internet, but that the end user will be responsible. The DMCA provides that it is the responsibility of the person or artist to tell the ISP or other Internet company that they are using unauthorized music on the site.

For the DMCA allows search engines and other Internet companies to link to MP3 files. However, if the link points to unauthorized copyrighted music and is notified to that effect, that company or search engine must remove the link immediately. This is another reason the RIAA used the legal argument of contributory copyright infringement. The RIAA argues that a company with a search engine that links to a copyright MP3 file without authorization, then the company can be accused of contributory copyright infringement. The link must be removed once notified and then that site shall not be prosecuted.

Additionally, another reason why the RIAA might end up suing the end user stems from the loss of the RIAA vs. Diamond Multimedia case in which a portable Internet music player was thought of as a music copying and piracy device. The RIAA lost because the Court of Appeals held that the Rio Player was not a digital audio recording device and not covered by the Audio Home Recording Act of 1992 (AHRA). The AHRA restricts the design of certain consumer audio recording products that make it possible for users to make second generation copies of recorded material. It requires manufacturers to pay certain royalties. This case opened the floodgates for more companies to manufacture these devices along with others that can download and compress digital music from the Internet.

The Napster case does not appear to be a Rio Redux. The Rio case regarded the hardware (playback device, not subject to regulation) whereas the Napster lawsuit focuses its attention on software issues. As well, it asks an important question: Should software manufacturers be held liable and responsible for the ways in which the software is used, especially when it is used in illegal matter such as piracy?

On a side bar, it is believed that the court system is the proper forum for certain technology issues. However, it might be beneficial for the judges to have music industry knowledge on copyright matters, much like in bankruptcy court -- the judges in those courts have a clear understanding of the bankruptcy laws. As well, since there are blurred lines between the computer cases and music cases this would help.



Artist Argument

It is no argument that MP3s help promote artists for less amount of money. However, it can hurt artists in the long-term because it provides free access to all unauthorized music. It is not fair to those that do not give their permission. Since the end user receives the music for free, the artist loses money and then never reaps the benefits of her intellectual property. Musicians don't mind some takings, but the whole pie is too much, especially when not asked first.

Most artists, managers, and record companies argue that although the online consumer is hungry for downloadable music, trading unauthorized copyrighted music is unfair to the artist. When consumers download and trade illegal MP3 files, they are disregarding and disrespecting the creativity and hard work of the artist. Consumers do not realize that producing and distributing music costs money. It is a piece of art that takes time, skill and creativity. Artists, managers, and record companies do realize that the Internet has opened many more doors for the promotion of the music, as well as save money, but they still feel that the music should not be totally free and given away. It can make the artist feel that their music is worth nothing. But bottom line, it allows the end user to disregard the copyright law.

Remedies and Conclusions

The RIAA believes that it is better to go after the site hosting illegal files than the end user. The remedy would be for Napster to block copyrighted and unauthorized music and MP3 files, as well as, when requested, it takes those files off the site.

Presently, many music technology companies are working on ways to create a secure mechanism and technology to protect and support copyright. However, systems and software are emerging on the Internet at a record pace and faster than the RIAA and Congress can create and draft legislation. Record labels and online music providers may also have to help create new ways to pay artists for their copyrights. The traditional ways of payment of copyright royalties may have to change. End users, consumers and technology are not cooperating with the traditional music industry. The software is incredible and brilliant, but when in the wrong hands, will cause major disruptions in the music industry. The only thing that musicians and record companies own are copyrights -- that is their business. When those are taken away, they have nothing left.



MusicDish, September 2000

In the future then, instead of companies collecting radio, TV, Internet, mechanical, and artist royalties for songwriters, publishers, and performers on a per sale or play basis, those companies might have to split the fees upon a percentage basis. Where would that money come from? Money from access to use entertainment sites -- a pseudo blanket license the end-user and consumer must pay for the use of the site. Maybe part of the blanket license fees will go to the record company directly to help protect artist from Internet copyright infringement. In general, people will not buy a product, but pay to have access to the product. As well, record labels need to create and agree on a technological standard and a secure technology to prevent unlimited copying of MP3 files, CDs, etc. In conclusion, it is a great time to be a music copyright attorney.



MusicDish, September 2000



Follow The Money II - Understanding The Digital Distribution Of Music Industry News

By: Russell Kibbee

April 21, 2000

Don't let the boring name fool you. This is the second installment of the Supertracks sponsored series informing all of us about how music is going to be distributed. The reasoning goes, if you follow where the money is being made and where it is going, then your tea leaves will point to what system will be used in the future. Money has become a leading indicator for the music business. I am glad someone has the guts to admit that is what it is all about, the problem is, judging from the panel discussions, the only ones making money are the lawyers.

No overwhelming conference or cavalcade of speakers here at the Recording Academy of America (the Grammy People), who were nice enough to donate their open air facilities to their friends at Supertracks, who have a scalable, trusted infrastructure that gives the labels a comfort level. This technology was not discussed. The discussion should have been renamed "How Napster is altering our business model." The hottest topic to hit music and technology in years has altered not only the music distribution business, but also the conference and panel discussion circuit.

The panelists were some heavy hitters in the digital music arena. After the pleasantries were exchanged, the focus switched to the most successful viral marketing network ever - Napster. Lots of expert commentary as well as interesting facts for you to digest. Sit back and be informed from the experts who eat, sleep and drink this stuff.

Intellectual property views are changing in the world. The Gen X crowd is the last of the breed to appreciate the sanctity of intellectual property. We grew up buying albums (and even a few 8 Tracks). Music was bought, not stolen, which is what every college student in a dorm room wired with broadband believes is his or her god given right to take for free. The future generations will only demand more free music, and intellectual property (which surpassed aerospace as the largest contributor to the Los Angeles economy 2 years ago) is set for a destructive course. This, of course, depends on whom you talk to. Many of the major labels have become lazy in their archaic business models and radio-focused marketing campaigns. It is clear that some (such as Jay Samit of EMI) know this way of thinking is a path to nowhere, and they are throwing a lot of projects against the wall and will wait to see what sticks.



MusicDish, September 2000

If one can be objective about Napster for a moment, the value of a network with 9 million subscribers signed on in 9 months with no marketing is staggering. What are these people doing with their new music? Nobody has done a study on whether they listen to the files or just collect them. Why couldn't Napster perform a Soundscan type of role where they can inform the labels what is being downloaded, and therefore what is hot? I did hear the N-Synch songs were some of the most downloaded of all songs on Napster before its formal release. It was successful beyond their wildest dreams in terms of CD sales.

Let's hear it for the consumers. This little program, written by a college student so he could trade files with his friend, has created the only situation in history where the music business had to react to consumers (other than the other way around). Consumers have taken control over the labels, and now the initial reaction is fight (in terms of lawsuits) but this will last only so long. Continuing on the Napster idea, if one looks at how it is used, you could say it is simply interactive radio. A person hears a song and wants to hear it, so they go and onto Napster so they can hear it again. If this is true, then eventually you could get rid of the hard drive and have a pay streaming service. For some, the need to collect is much less than the ability to hear it on demand anywhere (a phone, a car, or a portable MP3 player). Considering that Universal only makes 8% of their total catalog available for sale, a subscription based service to stream the other 92% of the largest catalog in the world.

Music fell out of lives of many of the Generation Y crowd. Back when us Gen X'ers were kids, music competed with the likes of Pong, Brady Bunch re-runs, and perhaps, a telephone party line to talk to others. Recently, the same music (albeit on a CD instead of vinyl) has to compete with Virtual Reality computer games, 250 channels of TV courtesy of satellite, and of course, the Internet and all the entertainment it provides. Major labels have had to focus on pushing fewer bands to more people, and now it has been broken out as 20 percent of the bands make 80 percent of the revenue (and it is quickly approaching 15% / 85%). Napster is a savior for the lost music generation that can now blend computers, the Internet and music together. Now comes the hard part...how to make money out those new consumers of music. This is one for the Jay Samits of the world to figure out and I would put my money on him. The problem is, there is only one Jay Samit in the major labels, and I have not seen the creative thinking coming out of the other houses.

So to summarize, who is making money? According to some of our panelists, it seems to be the intermediaries in the cycle. Jason Fiber, VP Digital Strategies at Checkout.com, explained that the

The Story of a Revolution: Napster & the Music Industry



MusicDish, September 2000

person who makes the cardboard boxes for CDs and the truck driver who delivers the CDs do not demand a piece of the revenue. However, intermediaries such as watermarking, DRM, and encryption firms are all taking a piece out of an ever-shrinking CD margin.

Lawyers too are making money here. Look at the flurry of lawsuits being tossed around like bad CDs at a swap meet. This could ultimately kill a potential information goldmine in Napster. If you look at a secure digital music distribution system created by technology and consumer driven thinking rather than litigation and big businesses, look no further than Japan. There, 20 percent of music will be downloaded by mobile phones and it is easier to buy music than steal it. If you want to see where the money is, look west to the Rising Sun and try to emulate the system.



MusicDish, September 2000



Client As Server: The New Model Insider Scoop

By: David Weekly

April 25, 2000

A new model is emerging from the Internet. It represents the culmination of years of incremental evolution in the structure of the network and the clients that feed upon it. It is based upon the same principles upon which the Internet was founded. It is this: the client is the server.

DARPANET

The Internet was created as a distributed network. Originally conceived as the Defense Advanced Research Projects Agency's network (DARPANET), it was to be able to withstand a nuclear attack from the Russians. There could be no single point of failure in the system, and in this it had to be different from most other networks yet conceived.

People previously had grown to the notion that there must be one, central arbiter that oversees all transactions on a network: a Mainframe. This model has an obvious weakness: when the Mainframe goes down, the whole system is unusable. Then again, if there is only a singular important point of failure, you could pay some people a lot of money to sit there and fix problems as soon as they happened (and hopefully to insure that the problems never happen in the first place). Unfortunately, it's difficult to do this with regards to a nuclear bomb. So a different model was needed.

DARPANET provided this model by removing the server. It's sort of like taking a model where everyone hands their mail to the post office, having people pass a letter to a friend, who passes it to their friend, who passes it to the recipient. While at first this might seem a little odd or maybe even a little inefficient, it means that it would be a lot harder for someone to stop a flow of mail to you (or a flow of mail in general). Instead of simply bombing the post office, now they've got to assassinate each and every one of my friends to prevent me from getting mail. Going back to the real world, there would be no single point of failure where the Russians could bomb to take down our communications.



MusicDish, September 2000

It was a revolutionary as well as strange way of thinking about things. To this day, some people don't understand it and ask questions like "where is the server that runs the Internet?" or even "where is the Internet?" It's hard to understand that every server that is on the Internet is a part of the Internet.

Availability

These days, we are amidst an equally paradigmatic change, which almost perfectly mirrors the first. Corporate servers, which distribute information and services to clients and participate in "e-business" need to not crash. Companies like eBay whose computers crash often get a bad name and lose billions of dollars on their company's valuations, almost a worse fate than the actual millions of dollars in customer transactions that go out the door when servers die.

A quick fix is to employ a large number of servers configured exactly the same, such that if one goes down, traffic is quickly diverted to the others. Work is equally distributed amongst these servers by use of a "load balancer." This solves a few problems, but what if your server cluster is in California and the network link from California to New Zealand is getting bogged down? While the long-term answer is to invest in a faster connection to New Zealand, the short-term way to solve this problem is to put a server cluster in New Zealand. This sort of rapid expansion can quickly get expensive to deploy and manage. Some bright kids from MIT figured this out a few years ago and cobbled together what is now one of the fastest growing companies out there: Akamai. (Hawaiian for "cool" if you're wondering.)

Akamai has already gone through the trouble of buying several thousand servers and putting them in network closets all around the world. The idea being that you can spoon off delivery of the parts of your site that don't change much (the pictures, the movies, etc.) to Akamai and they'll take care of making sure that your readership can always quickly access your content. Cute idea. "Cool," even.

Distributed services lead to higher data availability. The more machines that are distributing your content in the more places, the more people will be able to access your content quickly. It's a straightforward idea. This notion of distributing work is also useful for distributing computation...

Processing Power



MusicDish, September 2000

It's expensive to build really fast chips. It's really expensive. To make a chip twice as fast as today's high-end consumer chips costs about ten times as much money. That's largely because today's consumer chips are, pretty much by definition, as fast as it is possible to make them and have them still be reasonably cheap. If this wasn't the case, another company would have come along and made reasonably cheap, screaming fast processors and have swept the market away. But the tight competition in the chip manufacturing business has kept the "bang for the buck" ratio screaming up through the ceiling, much to the delight of consumers.

It's important to note that making fast chips is expensive, because if I want ten times the processing power that comes in a top-of-the-line consumer PC, the best way to do that and save your money is not to buy a machine that's ten times faster, it's to buy ten top-of-the-line consumer PCs. People have understood this general concept for a long, long time: wire together a bunch of processors to get a very, very fast machine. It's called "Massive MultiProcessing" (MMP) and is pretty much how all of the supercomputers of yore (and of today!) work.

The recent concept is that it's possible to do this with off-the-shelf PCs. Recently, software (such as Beowulf) has been developed to make it very easy to make a cluster of PCs act like one very fast PC. Sites that previously had deployed very expensive custom supercomputer systems are actively investigating using massively distributed commodity hardware to serve their computing needs. That would be remarkable as-is, but this concept of distributing computing cycles has gone even further than clumps of commodity hardware: it's gone into the home.

SETI @ home

For roughly the last forty years, there has been a serious and conscientious effort to search for intelligent life in the universe by listening for patterns in radio transmissions. The process of analyzing incoming radio transmissions for patterns such as those that might be emitted by intelligent life forms is mind bogglingly difficult, requiring vast numbers of computations. While privately funded, the Search for ExtraTerrestrial Intelligence didn't have enough money to process all of the data that they were getting. They did, however, have a sizeable fan base. (A number of people on this planet think it would be pretty cool / important to discover intelligent life out there.) So what did they do? They distributed the work.

Some clever programmers put together the software used for analyzing the data returned by the Arecibo antenna (the largest radio receiver on Earth), put some pretty graphics on it, got it to act as



MusicDish, September 2000

a screensaver, and put it on the web. Consequently, several hundred thousand people downloaded it and ran it as their screensaver. While they're away from their computers, this pretty screensaver crunches through vast quantities of data, searching for patterns in the signals. The SETI project (as of this writing) in this way has a "virtual computer" that is computing 13.5 trillion floating-point operations per second, thanks to the people running the "screen saver." Individual computers can be used to distribute mathematical work!

(I feel I should also mention distributed.net, which spends its time using people's computing power to crack cryptography codes. Their "virtual computer" is currently cracking a 64-bit cipher known as RC4 at the rate of 130 billion keys per second.)

Data Services

So it's now clear that it's advantageous to distribute computation and the serving of data across as many computers as possible. We've seen how a few projects have distributed computation across end users, but what projects have distributed data services?

Napster is one of the first and best examples of end-users acting as distributed servers. When you install Napster, it asks you where your MP3 files are. You tell it and it goes out and makes a list of what MP3 files you have, how long each song is, and what quality the recording is. It then uploads this list (but not the songs) to a central server. In this way, the central server has a whole bunch of lists: it knows who has what music of everybody who is running Napster. You can ask the server who has got songs by Nirvana and then contact those other users (while your Beck tunes are possibly getting served to some Scandinavian with a predilection for American music). This model allows for information (in this case, MP3 files) to be rapidly and efficiently served to thousands of users.

The problem with it is both technical and legal: there is a single point of failure: Napster's servers. While there is more than one server (the client asks a "meta-server" what server it should connect to), they are all owned by Napster. These servers unfortunately do not share their file lists between each other and as a result, you can only share files (and see the files of) others connected to the same server that you happen to have connected to. Napster is currently being sued by the RIAA for acting as a medium for distributing illegal MP3 files. While it is true that Napster can be easily used for illegally distributing MP3 files, they themselves don't actually copy the bits for users: a bit



MusicDish, September 2000

more like acting as a Kinko's that happens to be used by subversives than actually making MP3 copies themselves.

If you are a Napster user, you should be worried about this lawsuit, because if the RIAA succeeds, they will probably want to come and shut down Napster's servers, thus theoretically shutting down the whole Napster network. In short order they could quickly close down any Napster clones due to the legal precedent that the anti-Napster case would set. Boom. Game over, no more illegal music. Theoretically.

A Virtual Internet

The RIAA mentality is one and the same of the Russians of yesteryear: a desire to stop the flow of information through the network. The answer to the Russians is one and the same as the answer to the RIAA: a completely distributed system. If every client on the network was connected to a handful of other clients, each of which in turn connected to others like some apocalyptically enormous online incarnation of Amway, then every person could have some connection to other people through a chain of mutual acquaintances. It's Six Degrees of Freedom. (There exists a theory that says that on average you know someone who knows someone who knows someone who knows someone who knows someone who knows anyone in the world. That is to say, you are about six degrees from every human on the planet.)

This is a "virtual Internet" of sorts where links are not physical (a wire from you to me) but logical (e.g., I know you). Data flows through this "web of friendship" in such a way as it looks like you are only talking with your friends, when really you are talking to your friends' friends, and so forth.

Gnutella

The same rebellious college hacker genius who created the fabulously popular MP3 player, WinAMP (and was subsequently bought out by America Online, now America Online-Time/Warner-Netscape-EMI-And-Everything-Else-But-Microsoft) happily hacked out a program that allows for the free exchange of just about any kind of file over such a peered network. Unfortunately, his bosses discovered it halfway through development and quietly tried to erase the fact that the renegade project had ever existed in the first place. The name of the program? Gnutella. (Named after the delicious chocolate spread, Nutella.)



MusicDish, September 2000

Since there's no central server around which Gnutella revolves, AOL's shutdown of the project didn't actually stop Gnutella from working. A growing user base of several thousand souls (myself included) uses the product on a daily basis to share files of all types, from music to movies, to programs. At last check, there were about 2200 people using it, sharing 1.5 terabytes of information. Wow.

There's no way to shut it down. There is no organization to sue to stop it. There is no server to unplug that would bring the network tumbling down. Because as long as at least two people are running the software, the network is up and running.

FREENET

There exist even more advanced projects in the works that will build upon these notions to create an even more powerful incarnation of a peered network that incorporates notions of perfect anonymity, trust, secrecy, realtime communication, and even banking. Freenet is perhaps the furthest along in this, although it has a very long way to go as of this writing. If you're interested you can read about my own scheme for a Secure + Anonymous File EXchange.

The Future Net

Akamai has shown that it is clearly advantageous to have content distributed by as many nodes as possible: companies are willing to pay good money to have their content on thousands of servers all over the world. Gnutella is showing that it is possible to create distributed networks that cannot be shutdown, even in the face of legal and technical opponents. Napster shows that such networks can become popular and that people are willing to act as servers. Seti@Home shows that people will even allow others to use their computing power for a "greater good."

What is enabling this now? Well, computers are unsurprisingly getting faster every year. The average desktop that's sold to Joe User for doing word processing, email, and web browsing can, when properly configured, deliver hundreds of thousands of email messages a day, serve millions of web pages, route Internet traffic for tens of thousands of users, or serve gigabytes of files a day. (Joe probably isn't aware of this and will still kick it when Word takes five minutes to load.) His hard drive could store 100,000 websites each having ten or so pages, email for 1000 users and still have room for a few thousand of his favorite songs. Furthermore, if Joe has a DSL or a cable line to



MusicDish, September 2000

his house, he's got a static IP (an address on the Internet that doesn't change often, if at all), is almost always connected to the Internet, and is online at high speed.

In short, Average Joe's computer resembles one of the best Internet servers of yesteryear.

If thousands of Joes end up running "community" applications like Gnutella, they can take advantage of their connectivity, disk space, and computing power. New "co-hosting" services will spring up like popcorn in the microwave. Here are a few possibilities in that direction:

The Distributed Future

Visualize for a moment, sending out your website into a collective ether, to be served by hosts around the world: if one computer goes down, others will spring up to serve it. Your page never goes down. Your friends send you email encrypted so only you can read it; it is stored on half a dozen of your friends' computers, accessible to you from anywhere on the planet. All of this in exchange for setting aside a small chunk of your hard drive (100 megabytes or so) and a little bit of your bandwidth to serve web pages and people's email. Any content that you consume (except for your personal email!) instantly is rebroadcast over the network: your computer in this way will help content flow to where it is popular.

Requiem Server

In the future, there will be no need for centralized services. All content will be available on this peered network. Strategies for "partial consumption" such as letting people read the first few paragraphs and charging for the story or hearing the low-quality song and charging for the audiophile version will be adopted along with anonymous payment schemes. It will be possible to send out intelligent agents to this network to search for books, music, or other merchandise: clients (such as Amazon.com, CDNow, eBay, your neighbor, etc.) that have a match for the merchandise will communicate with you through the peered network, preserving your anonymity. You will be able to make an anonymous payment (or merely a secure payment if you prefer) and your goods will be on their way to you. No more URLs. No more servers that crash, email that is unavailable, websites that you can't get to, or data that you can't find. It will truly be the end of the server as the line between what it means to be a "client" and a "server" on the network becoming increasingly blurred to the point of indistinguishability.



MusicDish, September 2000

A Footnote On Wireless

It is worth pointing out that wireless Internet access may well become democratized as well. Since high-speed wireless Internet is taking so long to reach America, citizens may well do it themselves. Apple recently popularized the IEEE 802.11 standard for wireless Ethernet by including AirPort in the iBook. Wireless Ethernet cards are now available for PC and Mac desktops and portables. More exciting yet, people have been working on extending the range of the AirPort from a couple hundred feet to tens of miles. You can imagine now a future a few years away where one person every city block has got a base station and everyone else jacks in. Some have postulated this as being the ultimate incarnation of the communality and free spirit of the Internet.



MusicDish, September 2000



Napster: Demon or Kitty-Cat

By: Linus Gelber

May 10, 2000

Speaking of being surrounded, it's been hard (if you live in the music world) to miss all these lawsuits lately. Biggest of the recent bunch: Metallica sues Napster for stealing their music, or for facilitating, or allowing, or maybe being in the same country during, the stealing of their music. We live in a litigative nation, so it's probably no surprise. Last week I heard Metallica is also about to go after Victoria's Secret over a lip-liner in a metallic color called "Metallica." I have no idea if this is true or not; if it is true it's stupid; and I haven't bothered to check because frankly I don't care. Soon enough Dr. Dre joins with a similar Napster suit (although Metallica gets all the press). The best thing out of this whole fuss and teapot-tempest is the payLAR\$.com website, which sticks tongue securely in cheek and allows you to make a donation to Metallica spokesman Lars Ulrich to defray his "losses" for all those tunes that evil college students have stolen from him using the devil's own right hand software. It also has a well-written and beautifully thought out editorial on the Metallica suit, which I urge you all to ponder, Dear Readers ... but I'm ahead of myself.

If you've missed all this, here's the short scoop. Napster is a handy FTP (File Transfer Protocol) front-end program that scans specified directories on your hard drive and looks for mp3-format digital sound files. When you log in to Napster network, you "share" those mp3 files with other users, who can download them from your hard drive -- they don't have to know who or where you are, or vice versa -- and listen to them. If they can find them, that is. Woo-hoo. Sounds pretty innocent.

Now, this may -- the Courts will rule on this -- involve a copyright infringement. Napster asks that its users restrict themselves to mp3's that are legally swappable, and of course (duh) no one does. What you've probably heard is true: Napster was dreamed up by a college kid who wanted to swap live collectors' tapes (which Metallica, ironically, has heartily endorsed over the years) and thought this was an easy way to do it. It spawned a big company that currently isn't making any money but is branding itself like wildfire. It stirred up a lot of distress from a lot of recording artists who feel



MusicDish, September 2000

their work is being stolen by feral pirate children who will grow up expecting music for free. It stirred up real distress from Industry types who got worried that someone else might get a thumb in their pies all of a sudden. It lit the same kind of fire in the gullible media that porn on the Net lit last year. And this fire is as silly and random and ill-conceived as the porn fire was. Here's a plain tip-off to the reality of the whole mess: I have yet to meet anyone who is against Napster and has used the service enough to be familiar with it. All the foes are anti from a distance. ("Yeah I was on it once" doesn't count.)

So Metallica hired a big fancy Web surveillance company (never mind that this might be construed as an invasion of privacy) and "identified" 317,377 innocent people who were using the free and legal Napster software and allegedly had copyrighted Metallica songs on their hard drives. I'm not aware that they identified these people as actually transferring the files, mind you. They just had them, which is no crime at all. Like if you have a book in a coffee shop maybe you should get punished for possible copyright infringements in case you read some to someone else? The Metallica attorneys delivered this information to Napster in 60,000 pages of documentation (these guys have never heard of databases, apparently), demanding that all 317,377 users be booted off the Napster system for theft of Metallica's music. They also named Yale and a couple of other colleges in their lawsuit against Napster, and Yale (shame on you for Ivy League butt-covering!) quickly blocked the Napster service from its computer network.

I'm not going to get into this in detail right now -- I'll just say that your Mr. Cyrano runs a record label, so he's supposed to be afraid of bad ol' Napster. And he thinks it's fun. It's a super jukebox, it's a constant-companion mutable sampler CD, and it's a fantastic fan engine, and from my vantage -- trying with every waking hour to push music that matters -- I say this: anything that makes people excited about music is a Good Thing. I got into this business to give people something special -- joy, happiness, memories, strength, the gentle frisson of finding something fine. If Napster helps make that happen then long live it. Sales of CD's are way up over the last quarter, and I for one do not think this is a coincidence. Music is in the air, it's in our computers, it's in our thoughts and it's in our lives. I wouldn't want it any other way.

We've been hearing for years that the Internet would give musicians incredible power, and Metallica has proven the pudding. The band has personally and directly, without any mediation, alienated 317,377 of their fans, a staggering number that no major label could have hoped, by the old methods, to put off so effectively. And they've alienated hundreds of thousands of others who happily use Napster for fun and to expand their musical horizons, all in one swell foop. Those

The Story of a Revolution: Napster & the Music Industry



MusicDish, September 2000

317,377 were, I understand, located in the course of a single weekend, and they're only the people who were detected with Metallica files on their hard drives -- so how many people are on the network every day? A million? Two? Smooth move. That, plain and sure, is the power of the Internet. You can do incalculable damage to a long and worthy career, all on your lonesome.



The RIAA Vs. Free Music Insider Scoop

By Ram Samudrala

May 17, 2000

The Recording Industry Association of America (RIAA) has won one of the first rounds in its effort to stamp out arbitrary copying of digital music. Is this a bad omen for music distributors (both infringers and non-infringers) everywhere?

The RIAA had an easy target, a sitting duck, in the form of MP3.com. When MP3.com made copies of over 45,000 albums, where the copyrights predominantly rested with the RIAA, and placed them in their database, it was clearly challenging conventionally held views about copyright law and fair use (albeit in an extremely dramatic fashion). The RIAA dissented with MP3.com and filed suit, and Judge Jed Rakoff, U.S. District Judge for the Southern District of New York, has sided with the Recording Industry.

This, however, is just the beginning of the fight. Judge Rakoff had the opportunity to interpret the law and the concept of fair use in novel ways but chose not to, for possibly several reasons. The main issue is that the Judge is pretty much tied and it is up to courts with much greater authority to determine how copyright law and fair use provisions should be (if at all) molded to fit the transmission of digital music.

Practically, MP3.com will probably have to agree to the Judge's order and end up removing the offending digital files for now. Chances are that the company will continue to thrive, either because of slap-in-the-wrist type of sanctions, or because it reaches a settlement with the RIAA (who do recognize how a service like My.MP3.com can be monopolized to generate more profit). If MP3.com does not settle, I am confident it will prevail in the long term. There is some reason to believe that any judgement against MP3.com will not be too harsh if the reasoning of Arnie Lerma vs. Scientology cases are followed (where it was held that the infringement was not willful since the infringer was convinced it was fair use). In any event, I applaud MP3.com's actions: without a David, Goliath would never have been beaten.

However, that only touches the surface of the problems the industry faces with online music distributors. MP3.com launched a service that has a lot of uses and helps those who wish to infringe



MusicDish, September 2000

copyright laws only in a limited manner. Clones of Napster, another digital music innovation that helps infringe copyrights in a much more radical fashion, are routinely popping up. Even Napster is a sitting duck and may well lose their battle against the RIAA, but innovations like Gnutella and the more general "Freenet" project derive their power from a source that is greater than the governments of the world combined. These programs are distributed using the free software paradigm and enforcing their spread and use is a logistic nightmare.

All of these services have been extremely popular among the masses, which clearly indicates what the market wants and ethical, philosophical and pragmatic views of the people. If the masses didn't want it, then innovations like Napster or the My.MP3.com services would fail in the marketplace. Therefore, this back and forth legal armchair philosophizing misses the fundamental points: Laws are meant to serve everyone in society, and it is society that ultimately decides what laws are. Even if inane politicians and groups with misguided self-interest with deep pockets help enact laws that abridge consumer freedom, ultimately people will vote with their feet (and people always have) when situations come to a head. In the case of digital downloads, it is clear what the majority of the populace want. Any business model, any scheme that is created to make profit (such as limited-time monopolies) must take into account the freedoms of everyone involved. When music can be arbitrarily copied without existing in a tangible medium, the consumer freedoms become paramount. In the end, because that is the path of least resistance, the infringers will win.



MusicDish, September 2000



Napster Is Only The Beginning

By Jay Lickfett

May 24, 2000

Napster has been in the news a lot lately due to its trouble with Metallica and Dr. Dre. The more than 300,000 Napster users who had (or seemingly had) MP3s of commercial Metallica tracks made available through the service were fingered by a Web security firm hired by the band, and those users were banned from the Napster service a little over two weeks ago. However, it's easy to see that this approach to combating the piracy problem is failing miserably. For one thing, many users who got the boot have simply signed back up using a different user name.

When Napster upgraded its software to try and block this behavior, instructions for a workaround quickly surfaced on the Web, and people continued to sign back up. Furthermore, Napster says that 30,000+ users have appealed their banishment from the service and must either be reinstated or sued individually.

Do you think Metallica is going to sue all 30,000 individually to find out which ones actually were trading illegally? Me neither. This shows that, just as with illegal MP3 archives on the Web, it is going to be virtually impossible to prevent piracy without completely shutting down the service, because there is safety in numbers.

Now I'm certainly not advocating the elimination of Napster. If anything, I believe the music industry (and other industries that produce "content") need to find a way to take advantage of Napster and similar schemes, rather than futilely trying to stop them. And I also believe that educating consumers about the evils of piracy will fail until it is as easy to get the music legally as it is to get it illegally. The reasoning here is that Napster is only the tip of the iceberg for these types of distributed networks of people whom can easily share MP3s or other files. Two other projects that are being actively developed, Gnutella and Freenet, will put even more pressure on the music industry as they get more and more popular.

Gnutella and Freenet are similar to Napster in that the many users of the services act as the storage space for all of the material, whether it is MP3 files, personal homepages, or political documents.



MusicDish, September 2000

However, unlike Napster, which requires central servers in order to work, Gnutella and Freenet are completely decentralized. There is virtually no way to shut them down once they are running; material that is posted spreads throughout the network and is nearly impossible to remove. There is also more anonymity provided by Gnutella and Freenet, which will make it difficult to determine who makes content available or who downloads it. I'll talk about these two projects in a little more detail in future columns.

It is clear we are coming to a point of extreme change in the music industry (and really, in all the "content creation" businesses). Technology is pushing the idea of copyrights to the limit, and something is going to give. The good thing about radical change is that, during those times, the little guy has a chance to make a big difference. It is the time when big ideas are brought to life (not all of which will succeed), big names are made, and, yes, even big money is made.

I believe the music industry is reaching a critical point - Napster is only the beginning. If you are a musician, a writer, a photographer, a software developer - you'd be wise to be thinking about ways you'll be able to earn a living in a dramatically different world. I'm not suggesting you have to have an answer, but if you depend on generating "content" for a living, it's a topic that will be more and more important in the near future.

About Muska & Lipman

Publishing Muska & Lipman Publishing, a Cincinnati, Ohio, based publishing company, delivers innovative, high-quality books to meet the evolving needs of computer and Internet users. Its upcoming titles cover digital cameras and scanners, music software and genealogy online.



MusicDish, September 2000

An Open Letter To Metallica Insider Scoop

By: Shrub

May 30, 2000

Dear Metallica,

James, Lars, Kirk, and Jason I write this with a heavy heart as I look at how much has changed in the last 15 or so years. Please don't look at this as an old fan crying "Sell-Out" (oh, it goes way beyond that) or begrudging you making a living. I know a band cannot stay underground forever, not if they plan on making a living at it while not having to work day jobs. Money is hard to come by for bands, there are just so many out there. I'm honestly glad you are successful. You've worked a long time and very hard at it and no one deserves it more than you, all I'm asking is for you to remember how you got to be where you are. Bands do not become best-sellers and millionaires such as yourself based solely on talent (reference 39 artists on any random top 40 chart), but based on things like hype, word-of-mouth, fan loyalty, etc. It seems you would have enough business savvy to understand this (you couldn't have gotten to where you are being ignorant). This is why witnessing you SUING YOUR FANS for loving and spreading your music is unbelievable to me.

Is this the same band that in the late 80's swore to never make a music video because they were too commercial? Actually, on second thought, maybe that makes sense. You resisted the new technology then and apparently still fear it today. The people at Napster are not people sitting in buildings, downloading full Metallica albums and burning their own CDs in mass quantities to sell on the street. These are your FANS. I would feel safe in saying most of them already have your CDs that they bought, they just want the MP3s on their computer as well (because... they are your FANS). Others could be young people hearing Metallica for the first time. How do kids discover bands, by going to the mall and buying CDs until they find a band they like? No. They're going to listen to recommendations from their friends (like people on Napster). Perhaps their friend will make them a tape of an album they think they should hear (or maybe they'll trade them some MP3s). The ones that like the music are going to want to get the CD.

For a band that loves (becoming more debatable every day) its fans, to publicize their names in lawsuits, blows my mind. I think you need to step back and re-assess what your band is. Are you a legitimate rock band built on the allegiance of millions, or are you a commercial product built

The Story of a Revolution: Napster & the Music Industry



MusicDish, September 2000

solely for the purpose of making cash? If it's the latter, here's a suggested name change:
"Garthbrooksica."

Signed,

Shrub, Lasertrax.com



MusicDish, September 2000



Music File Sharing Study Uses Faulty Methodology Insider Scoop

By: Eric de Fontenay

June 13, 2000

VNU Entertainment Marketing Solutions and Reciprocal released a study last week, "Measuring the Influence of Music Sharing," which claims that music file sharing 'a la Napster' was having a measurable impact on retail music sales among college consumers. The study took SoundScan data of 1st quarter music sales from 1997 to 2000 of music retailers within a five mile radius of 3,000 universities and colleges as well as 67 schools "where anecdotal evidence suggest a high degree of Napster usage," and compared it with overall national sales for the same period.

The study found album unit sales had consistently decreased for all colleges/universities examined and the subset of 67 schools since 1997 while national sales had consistently increased since 1997. This led Reciprocal Music President Larry Miller to state, "It is now clear that the controversial practices of companies that provide directories and an easy interface to libraries of unlicensed music are in fact detrimental to the growth of the music business and those artists whom they claim to support."

Whether one believes that music file sharing is having a beneficial or detrimental impact on music sales, however, the study in itself is faulty.

It is simply a huge stretch to simply take SoundScan data and correlate it to an isolated factor such as music file sharing without controlling for other factors. For example, how did college students' disposable income shift as compared to the national average? Did college related costs increase over the same period? The point is that there is a myriad of factors that have an impact on music purchases, and few meaningful conclusions can be derived without accounting for the impact of all these factors.

In addition, comparing national sales with college student sales is like comparing apples and oranges. College students represent a very specific demographic group with particular tastes while national sales are representative of the general music buying population. Since we may assume that the availability of music attractive to a certain demographic, particularly new releases, is likely to impact album sales, can we assume that both college students more narrow taste and that of the



MusicDish, September 2000

population as a whole were met with an equal availability of music releases and choice? I would presume that one would be likely to find differences in purchasing levels between different races, sexes, and ethnicities, as well as genres and the overall population.

One of the reasons that Napster has become so popular among college students is that they are more likely to be online and comfortable . This is the core of what is increasingly being referred to as Generation E. As such, they are more likely to not only surf the web, but to make online music purchases as well as seek entertainment-related content. E-commerce will tend to decrease the transaction costs faced by consumers while providing them with more competitive pricing and more choice from a single point of sale. Since online sales are likely to displace brick and mortar sales, a portion of the decrease may simply reflect changing buying habits of early e-commerce adopters. To be meaningful, the study would have had to look at the aggregate impact of music file sharing on all retail channels, including online and CD clubs.

The study found that album sales decreased by 4.79% and 2.59% for the subset of colleges, and 2.96% and 1.52% for all schools considered between 1998-99 and 1999-2000 respectively. This in itself should raise some questions as the awareness and the popularity of Napster, as well as the growth of comparable file sharing services, increased particularly over the period of 1999-2000. If file sharing were at the root of the decrease of album sales found in the study, we would expect that decrease to increase over the 1998-99 period as more people registered for the service, consequently increasing the availability of music to be shared.

This is not to argue that music file sharing does not have an impact on music sales. The point is that the methodology of the study is simply incapable of making any meaningful correlation between the two.



MusicDish, September 2000



Napster's Defense: Why Boies Is Wrong!

By: Eric de Fontenay

July 12, 2000

A lot has been said thus far in reference to Napster and the lawsuit brought against it by the RIAA. Just a few that's appeared in my inbox have included:

"The music industry, like the other big media industries, has little to be proud of when you look, not at the profit in your bank accounts and to your egos, but at the profit toward building a richer, better society."

"The problem isn't really Napster, it's the fact that digital music can be perfectly duplicated."

"Screw record companies. They are the one who are keeping the artist poor."

"It is time for the music industry to make major reforms and cut overhead."

"Just because people believe that an illegal activity is legal does not make it so."

"Imagine the music industry as an oil field. And someone happens along able to siphon off the oil for free."

But ultimately, it is what is said in the courtroom (and in Congress) that will determine not only the fate of Napster and the recording industry, but the manner in which traditional copyright rules are interpreted to the new digital medium. If Napster and the now-legendary David Boies have their way, copyright will never be the same again!

Napster's rebuttal to the preliminary injunction filed by the RIAA with the 9th Circuit Court relies on a surprisingly simple argument: that the activity by Napster users consist of private non-commercial sharing of music, legal under the fair usage provision of copyright law.

To support this argument, the defense refers to the Audio Home Recording Act of 1992 (AHRA) and its interpretation by the 9th Circuit Court in the Diamond Rio case. "The Ninth Circuit held under the AHRA that the primary purpose of the AHRA was to facilitate personal use." In referring to AHRA, the defense points to the Act's Senate Report which states: "[t]he purpose of [the] Act is to ensure the right of consumers to make analog or digital audio recordings of copyrighted music for their private, noncommercial use."



MusicDish, September 2000

There is little dispute that the sharing of copyrighted music over Napster has been for noncommercial purposes. Although Napster users benefit from the service and attach a value to the convenience and scope it offers, they receive no monetary compensation for their activity either directly or indirectly from making available mp3 files from the playlist on their hard drives. The intent of the activity is to share with a larger community recorded music they have encoded in the mp3 format for their personal. But can the activity be described as private and/or personal?

The defense attempts to make the case by demonstrating that the activity performed through its service is analogous to what has been found as legal private use by the Court. It points to an Office of Technology Assessment report which determined that taping CDs or records borrowed from friends, and giving copies of one's own CDs or records to friends, to be synonymous with "personal use," "private copying," "home use," and "private use." It further refers to the Diamond Rio which "merely makes copies in order to render portable, or 'space-shift,' those files that already reside on a user's hard drive."

The defense thus concludes: "If a consumer can copy an mp3 file from his or her hard drive without violating the copyright laws, it is self evident that Napster's Internet directory service does not violate the copyright laws either." But the argument totally misses the point of the nature of the Napster service.

There are two issues that negate this argument. First, family and friends constitute a closed and narrow group of acquaintances. They represent a very small group of individuals in the broader population. The Napster community on the other hand consists of over 20 million users and potentially all individuals who have access to a computer and an Internet connection. Secondly, an important factor that characterizes friends and family is the lack of anonymity. A consumer knows who their family and friends are as opposed to a stranger on the street, or another state/country. No matter how good-natured I might be, I'm not likely to refer to anyone on the street as a friend, let alone family. However, on Napster I have no knowledge of the individual with whom I am sharing mp3 files, nor does Napster, unless one considers an IP address as a definitive ID.

To bolster its case, the defense refers to the Court's inclusion of activities that make consumption of previously purchased copyrighted material, such as space shifting and portability, more convenient as fair usage. "Historically, those who wanted a portable copy of their CD could fairly easily make a cassette copy; Napster allows them to transfer an mp3 copy instead." But it is not credible to



MusicDish, September 2000

imply that Napster is used primarily as a means of rendering the listening of music more convenient. It is clear that if a consumer wants a portable copy of their mp3s, it is more convenient to duplicate them onto a CD that they can transfer to their office hard drive, rather than upload the files from one computer to another. Specifically, if this were the primary intent of the technology, why make the files accessible to such a large population of users? What possible "paradigmatic noncommercial personal use" do I derive from having others making a copy of my mp3 files?

What about music sampling? The defense makes significant effort to show that Napster is in fact akin to "visiting a listening station or borrowing a CD from a friend, to decide whether to purchase," and therefore asserts that it is covered under fair usage "because the purpose is not archival and does not displace a purchase." Napster, according to the defense, does not harm recording industry sales, but enhances them as "there is no market for sampling." Excuse me?! What exactly is MP3.com and (literally) hundreds of other sites offering users free downloadable music?

It is in fact towards the end of Napster's rebuttal that one finds some of the more interesting arguments to be made, not in its defense, but against the recording industry. "Plaintiffs' legal maneuvering against Napster is less for enforcing intellectual property rights than to control (1) the flow of competing unsigned artists' music into the electronic marketplace, and (2) the means of and business model for distributing music over the Internet." This is arguably one of the more damaging and convincing accusations made against the recording industry. As I've outlined in previous writings, the core of the recording industry's position and profits in the industry reside in their ability to control the supply of music pragmatically available to consumers. Whether that be the 'work made for hire' amendment, chronic attempts to block technology that would make a greater pool of music available to the public or a policy of inflating CD retail prices, i.e. settlement with FTC over MAP, the industry's modus operandi has been to control the flow of creative work, largely at the expense of artists and consumers. Thus, although Napster's arguments of fair usage may ring hollow, their existence is to a great extent nothing but a product of the industry's own strategy of command and control.



Does Anyone Give A Damn About The Songwriter? Insider Scoop

By: Carla Hall

July 18, 2000

Music is everywhere, and it affects our lives on a daily basis. To quote Marilyn Bergman (lyricist and president of ASCAP), "We declare our love, worship, celebrate events, march to war, and bury our dead with songs." It has become frighteningly easy to take music and musicians for granted. If the creation of music is so simple, everyone would do it. It's time to give credit where it's been earned.

Since the inception of the record industry, corporate types have always exploited the work of musicians to line their own pockets. Without the intervention of Metallica and other groups, Napster would follow in those same footsteps. If you think of a songwriter as an inventor, then you can understand his right to compensation and reasonable control over what happens with his work.

Each year, over 30,000 CDs are released. Only 1% sells 1,000 copies, including major and independent releases. To make a living as a songwriter or musician is not easy. If you believe that musicians are living comfortably because of the Internet, think again. At best, it's a great tool for exposure, but few bands are making money that will support them for a year, even the famous ones. Without considering the musicians who are their lifeblood, Napster is becoming a part of the problem.

Napster CEO Hank Barry claims that studies have proven that users buy more records as a result of using the software. It could also be proven, I'm sure, that other studies could show that kids like getting new music without paying for it. Is that helping the unknown musician? Not likely. Napster may very well become radio of the future, but even radio stations are monitored to give payment for airplay. There is no proof that Napster will level the playing field for those musicians not associated with major labels and their extensive advertising budgets. With the extensive amount of music available in the marketplace, people tend to "go for what they know." If Napster agreed to pay royalties, the struggling musician might at least have a fighting chance.

Metallica will not go hungry because of Napster, but it is their right to exert control of their music, especially when they receive no compensation. For them, the fight is about control. For me, the fight is about fairness for myself and other musicians that cannot be heard.



MusicDish, September 2000



Music & New Media Professionals Side With Federal District Court Judge On Napster - Fair Usage On The Internet Survey

By: Eric de Fontenay

July 27, 2000

Napster vs. RIAA II

When 19-year old Shawn Fanning created a music file-sharing system in September 1999, he gave it his childhood nickname - Napster. Now, the childhood nickname turned worldwide phenomena and source of constant controversy is the center of the biggest Internet frenzy since, well, the Internet itself.

Even though there is concern that Napster infringes on artists' rights, consumers continue using the software to increase their personal music libraries. In less than a year, the file-sharing company has attracted over 20 million members while inciting a renewed war between the recording industry and technology. Napster has argued that the music file sharing through its service is protected by fair usage provisions, Audio Home Recording Act of 1992 (AHRA) as well as precedence set in the Sony Betamax and Diamond Rio cases. But Chief Judge Marilyn Patel of United States District Court in San Francisco ruled in favor of the industry's petition, concluding "a majority of Napster users use the service to download and upload copyrighted music."

Napster Defense is Wrong

A recent Mi2N/MusicDish survey conducted of music and new media professionals found that a majority of respondents (56%) disagreed with Napster's argument that it "facilitates the private, noncommercial use of previously owned recorded musical works." In fact, 60% believed that Napster "substantially participates in the copyright infringement of artists and labels recorded works" and should be held liable for the actions of their users. In a previous commentary (Napster's Defense: Why Boies Is Wrong!), I had argued that the nature of file sharing software invalidates the 'private' component of fair usage. "The Napster community on the one hand consists of over 20 million users and potentially all individuals who have access to a computer and an Internet connection. On the other hand, there is near anonymity among Napster users. This runs counter to the nature of private interactions."



MusicDish, September 2000

Survey respondents appeared to agree with Judge Patel that the Diamond Rio case that was cited in Napster's defense just "doesn't apply." Boies argued that the case reinforced Napster's argument that consumers had a right to copy and transfer mp3 file for personal use. "If a consumer can copy an mp3 file from his or her hard drive without violating the copyright laws, it is self evident that Napster's Internet directory service does not violate the copyright laws either." Sixty eight percent of survey participants saw no applicability between Napster's case and "a right to make a copy of owned works from their hard drive to a portable device."

Napster & CD Sales

"All I did was combine search engine technology with community-based interaction technology," Fanning told the LA Times. "It's a great system in that it allows you to find people with similar tastes who expose you to music you never heard and then you can chat about it with them."

There was a strong perception among responds of the impact of the controversial file sharing company's impact on the music industry with 78% responding that it has a demonstrable impact of the value of copyrighted works. But only 38% felt it would lead to a decrease in CD sales while 47% believed it would have a positive effect on sales, thus playing much the same role as radio. The results would tend to support David Boies', Napster lawyer, argument that instead of inflicting monetary damage to the music industry, the services has boosted interest in music. "A chorus of studies shows that Napster users buy more records as a result of using Napster and that sampling music before buying is the most important reason people use Napster," testified Hank Barry, Chief Executive Officer of Napster, to a congressional hearing.

Beyond the Survey

Compare the results to an earlier survey conducted in April of this year. When asked whether the sharing of music files violates copyright laws, 46 percent agreed and 43 percent disagreed. And specifically on the Napster software, 46% versus 45% believed it infringes on artists, labels and publishers copyrights while 46% versus 43% agreed with the RIAA 's argument that Napster not only facilitates but encourages unlawful exchange of music.

Besides the record industry and consumers, heads of other sites utilizing MP3 technology oppose Napster's no cost sharing of copyrighted music. Controversial website StopNapster.com named MP3.com CEO Michael Robertson "Executive of the Year" for supporting a preliminary injunction



MusicDish, September 2000

against Napster. James Sandom, founder of worldwide digital A&R service Musicunsigned.com, also avoids MP3 downloads at his site.

"Music has value," Sandom said. "The Internet should be used to increase this value by getting music heard in more places by a larger audience. A service such as Napster reduces the value of music by making it free and therefore threatens the long term revenue of music companies and artists."

Is this the end of the controversial file swapping company? Not yet, though it's not far off. Napster has indicated that it will immediately appeal the decision arguing that it cannot realistically comply with the judge's order to cease assisting in the illegal sharing of music files without compromising the very existence of the company. In addition, the company will still have an opportunity at the trial to convince the judge, however unlikely, that it's service does not violate copyright laws. But ultimately, the company will have to find a way to (a) create a viable business model (b) legally. Indications from its discussions with Liquid Audio this week and a new artist program show that it is aware of the challenges it faces.



MusicDish, September 2000

MusicDish Comments On Napster Preliminary Injunction Ruling

By: MusicDish

July 28, 2000

"Based on Napster's arguments, the ruling was no surprise in the least," commented Eric de Fontenay, Co-Founder & CEO of Tag It. "Now the ball is in the labels' court. Napster has proven that there are enormous potentials in the P2P model, having attracted over 20 million loyal users at a comparatively bargain price. The labels have a responsibility to the artists they represent and their shareholders to maximize the revenue potentials and exploit new business models. In shutting down Napster without providing consumers with a viable alternative, the RIAA have thus far only shifted file sharing to other file sharing systems that are much less vulnerable to legal challenge. If the industry is to benefit from the new opportunities afforded by the Internet, they will need to take a hard look within at their own business strategies."

Sounni de Fontenay, Tag It COO & Editor in Chief of MusicDish, states that, "While the RIAA and its representative labels have once again won the battle, they are quickly losing the war. They have yet to step up to the plate to provide consumers with an easy and legal way of getting the music they want digitally. With the victory against Napster, the RIAA can now count on 20 million users to seek out their favorite artists online through whatever means available, legal or not."

Sounni added "The RIAA's tactics are analogous to killing a weed but leaving the root to fester. At first, you vanquish one enemy only to give rise to more numerous, resilient enemies. Consumers have made their voices heard and it is up to the music industry to listen. It is time that the industry pays attention to the root issues brought about by digital music such as MP3."

Associate Editor of MusicDish.com, Michele Wilson-Morris in discussing the decision with AtNewYork.com said she expected the injunction to occur, "given the preliminary indications most people expected this to happen. We are glad to see that a message has been sent that infringement of copyright will not be tolerated. We hope this provides clear guidelines for any company that uses file sharing technology."

"Much as email, P2P represents an exciting new way for individuals to communicate and network with others," remarked Stephanie Polatsik, Tag It CIO. "These elements are proving essential

The Story of a Revolution: Napster & the Music Industry



MusicDish, September 2000

factors behind the creation of a killer app. But technology must be applied in a responsible manner that respects the concerns of copyright holders while meeting consumers' need for a user-friendly means of accessing digital goods."



MusicDish, September 2000



Napster Wins Appeal, Reversing Injunction

By: Sounni de Fontenay

July 28, 2000

Following on Napster's appeal, the Ninth Circuit of Appeals has granted a temporary stay of the injunction handed down from Chief Judge Marilyn Patel of Federal District Court. Wednesday's decision granting the RIAA and allied plaintiffs their request for a preliminary injunction, effectively called for the shut down of Napster tonight at midnight. Yesterday's appeal filed by Napster was not given much chance of succeeding. Indeed, major label headquarters all throughout the country were the scene of great joy on Wednesday and Thursday.

It seems that the industry spoke too soon when Cary Sherman, RIAA Senior Executive Vice President and General Counsel, commented on the short-lived win, "This decision will pave the way for the future of on-line music. This once again establishes that the rules of the road are the same on-line as they are off-line and sends a strong message to others that they cannot build a business based on others' copyrighted works without permission."

Napster gave numerous reasons against the injunction in their appeal, including that the decision:

- * "Wrongly stated that Napster users were engaged in direct infringement by denying other relevant case precedents and by developing a distinction between "personal" and "non commercial" use.
- * "Extended copyright law to cover new technologies, ignoring the counsel of the Supreme Court that such extensions should be left to the Congress.
- * "Was based on limited and insufficient argument. There was only one 90-minute argument, and the Judge denied Napster's request for an evidentiary hearing.
- * "Ignored substantial evidence that Napster is helping not hurting the record industry."

The decision from the Appeals Court states that the, "Appellant having raised substantial questions of first impression going to both the merits and the form of the injunction, the emergency motions for stay and to expedite the appeal are granted."



MusicDish, September 2000

As a consequence of the court's decision, Napster users will have at least two months of worry-free file swapping. With the briefing schedule likely to last until September 12 to be followed by oral arguments. One could say that it would have been better for the industry if they had not won the initial injunction. With the media attention and talk of boycotts (and "Buy Cotts") that have been generated in the last two days, 70 million Napster users by the end of the year (as estimated by the Recording Industry) no longer seems improbable.

The severity at which Judge Patel had attacked Napster (basically ruling on the case itself) in Wednesday's injunction gave extra credence to the appeals court reversal and provided fuel to critics such as Chuck D, Founder of Rapstation.com. Chuck D stated, "If Patel was the key judge at the last turn of the century, we'd still be relying on horses and buggies and trains to get around. Stopping the process of file sharing is like trying to control the rain."



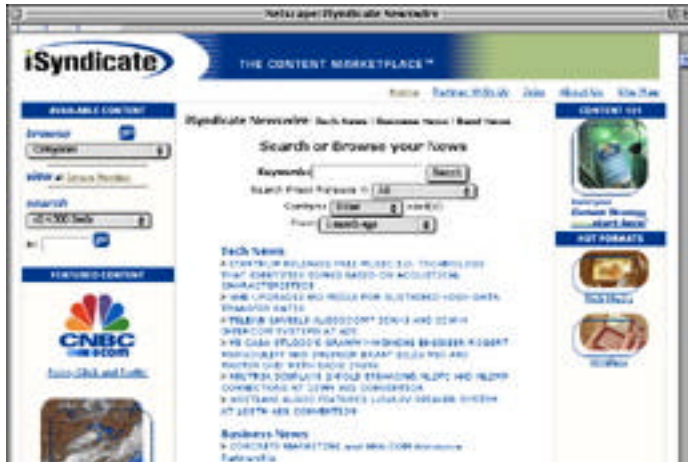
Linkography

Akamai - www.akamai.com
AOL - www.aol.com
Apple - www.apple.com
Checkout.com - www.checkout.com
Diamond Multimedia Systems - www.diamondmm.com
eBay - www.ebay.com
EMI - www.emigroup.com
IUMA - www.iuma.com
Kinko's - www.kinkos.com
LA Times - www.latimes.com
Liquid Audio - www.liquidaudio.com
MIT - www.mit.edu
MP3.com - www.mp3.com
Musicunsigned.com - www.musicunsigned.com
Napster - www.napster.com
Rapstation - www.rapstation.com
Recording Academy of America - www.grammy.com
RIAA - www.riaa.com
Supertracks - www.supertracks.com
Universal - www.umusic.com
WinAMP - www.winamp.com
Napster - www.napster.com
StopNapster.com - www.stopnapster.com



MusicDish, September 2000

Channel PRO



The Mi2N News Channel PRO is a turnkey ASP content integration service that goes far beyond the traditional 'content feed.' Drawing from ten different categories, Channel PRO provides sites with a private label, customized entertainment newswire with features like advanced search, email, print and news submission.

LATIN Channel



"The Latino Wired news link chugs with the latest industry music news and is updated daily" - NY Times

The LATIN Channel is the first private label, turnkey content solution specifically designed to meet the needs of the online Latin entertainment industry with the same private label & other features found in Channel PRO.

Channel LITE



Compact, attractive and sporting the most eye-catching industry headlines, Mi2N's News Channel LITE is sure to become the holiday season fashion statement among savvy music dot-coms. Taking a page from Apple's iMac, Channel LITE comes in five different colors to choose from.

Mi2N News Channels <http://www.mi2n.com/channel/>



MusicDish, September 2000

MusicDish Content Syndication

"Content for the Digital Age"

There is no longer any question on the value of content in today's tech world - *Content is King!* To this, MusicDish has assembled a Who's Who of the music industry to spearhead it's content syndication efforts. MusicDish has achieved its leadership position through the various contributions of its writers. From musicians & label reps to new media execs & book publishers, our writers have gained the experience and knowledge needed to survive & thrive in this industry.

Industry Biz Content

MusicDish is a leader in covering the "new" music/entertainment industry, both documenting and analyzing the trends, technologies and legal issue that is constantly redefining the market landscape. The MusicDish Editorial Staff have kept a constant vigil on the news & issues affecting today's dot-com's. Whether it is our Music Industry News, Insider Analysis, or Streaming Executive Interviews, MusicDish provides an ideal content platform for sites wishing to keep their clients informed and active.

Indie Music Content

MusicDish currently has over 1000 reviews & hundreds of interviews of independent artists spanning all the musical genres. Indie reviews & interviews are the perfect content for any site, whether a retailer or a OMD, looking to enhance their e-commerce offerings and user stickiness. MusicDish's writers are known web-wide for their objective, quality reviews as well as for bringing many artists into the spotlight!

Multimedia Tutorials

MusicDish has created authoritative tutorials on the most popular subjects in digital audio from formats (MP3, Windows Media, RealAudio...) to software (Napster, MusicMatch, Sonique...). Topics include: Online Music, MP3, Digital Music Players, Audio Formats, Playing Digital Audio, & Organizing Playlists

Interested in learning more on how MusicDish content can complement your site offerings?

Visit us @ www.musicdish.com/syndication/ or email us @ musicfeed@musicdish.com



Napster- Join the Revolution

Winamp launched the first revolution by allowing people to make high quality compressed music files on home PCs. Napster is the next assault on the music revolution. No piece of software has caused so much anger and consternation with the Recording Industry Association of America (RIAA) or so much happiness for music lovers. Lawsuits, claims, and counter-claims...it's the Wild West of the music world, and you can get into the game. Just be sure you know the principles and issues involved, and you know what you are doing when you use this powerful tool.

What is Napster?

Step 1: File sharing enabler

Napster is computer program, which allows for the sharing of files among many people. The program collects thousands of simultaneous users to one location, thus increasing the pool of files.

Step 2: How does this relate to music?

The files in question happen to be MP3 files, and the owners of that music (the record labels) are not happy about people sharing it.

Step 3: Is Napster a website?

You do not use the website when you use Napster. You only download the software from the website. Once the software is installed, you don't even need to open a browser.

Step 4: Is Napster an FTP site?

Napster is not an FTP site in the strictest sense of the word, although files are transferred by the millions, it is done from computer to computer, not from a website to your computer.

File sharing concepts

Step 1: File sharing is not new

Programs such as Napster have been around as long as the Internet. Back in the early days, bulletin boards posted computer programs and files. This domain was reserved for computer enthusiasts and specialists.

Step 2: Napster and Winamp-An analogy

Just as Winamp allowed people to create compressed music files, Napster has allowed computer amateurs to perform sophisticated file transfer actions. No longer are complicated commands or passwords needed to access the dark recesses of file servers.



Step 3: Supercharged with broadband

By adding high-speed Internet connections to this file sharing mix, you now have a way to acquire large amounts of music in a relatively short period of time. With a broadband connection, you can have 30 or more simultaneous music downloads occurring, and the equivalent of several albums in an hour or two.

Step 4: Using other people's drives

Napster enables you to actually view the musical content of someone else's hard drive and take a copy of anything there. This ability is key when you find someone with musical tastes similar to yours.

What is Napster's controversy?

Step 1: The major label's view

The major labels (through their organization the RIAA) believe Napster is a vehicle for music piracy and have filed a lawsuit against them claiming tens of millions of dollars in damages for lost revenue.

Step 2: Napster's view

An attorney who knows the laws very well founded Napster. She believes that promoting file sharing activities is not illegal, and in fact, benefits the labels through exposing people to new music, which will lead to increased sales of CDs.

Step 3: The artist's view

Many major label artists are claiming Napster is "robbing them blind". Quotes from the RIAA website (www.riaa.org) include managers, lawyers, and a singer.

Step 4: Another view

If people like the individual songs, they will buy the CD. The artists complaining most are the ones with very favorable music deals. Most independent artists would embrace the promotion associated with Napster, and that is the next push for the company.

The lawsuit details

Step 1: When it happened

The lawsuit was filed in January of 2000. Napster had already been up and running, but the unprecedented popularity forced the RIAA's hand.



Step 2: What is the allegation?

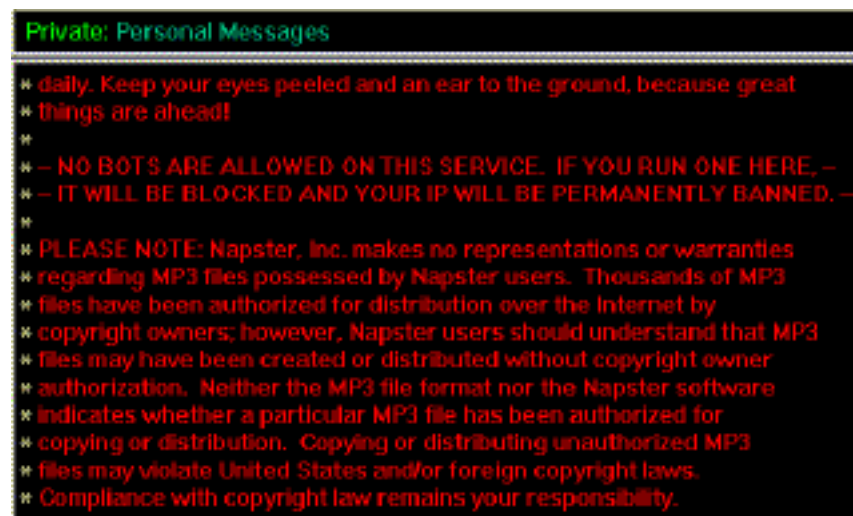
The RIAA claims Napster is "enabling and encouraging the illegal copying and distribution of copyrighted music". Even though there is no music held at Napster, creating a facility for illegal distribution is a punishable offense.

Step 3: What about the MP3 format?

The makers of the MP3 format are not being sued. The RIAA and major labels dislike MP3 because of its open and non-secure format. That is why there are only promotional MP3 downloads available from major artists.

Step 4: What about the disclaimer?

When the software is initially launched, there is a disclaimer that appears, claiming that it is not responsible for any illegal activity. The RIAA believes this does not exempt them from liability associated with "stealing" an artist's work within the program.



Step 5: What is the lawsuit status?

The suit has not currently been heard yet, and Napster is continuing to operate (more popular than ever). Napster is self-financed, and will need big funding to expand even more into the promotions area. However, if a damaging settlement comes to pass, potential investors will be scared away, which will most likely bring Napster's operations to an end.

Step 6: What are the damages?

The financial damages are done on a transactional basis. Each illegal act is charged \$20,000, which leads to billions of dollars in punitive damages being sought by the RIAA on behalf of the labels.



MusicDish, September 2000

How busy is Napster?

Step 1: The raw figures

At the present time, there are 3,800 people on Napster sharing their music collections. This consists of 519,329 songs taking up a total of 2,091 gigabytes (over 2 terabytes!).

Step 2: How many are downloading?

There is no way to tell exactly how many downloads are occurring at this time, however, doing a rough sampling based on individual users, it seems as though the average is around 3 per dialup and 7 per broadband user.

Step 3: What does this come to?

That means (very) roughly 17,000 files are being shared at this moment. However, taking into account the velocity of music, the rates could be much higher.

Step 4: What is velocity of music?

When you download a piece of music onto your hard drive, it immediately becomes available for download. So before you even hear it, someone else can download the song. This allows music to be spread like a virus.

Who is using Napster?

Step 1: Giving it that college try

It has been shown that the predominant users of Napster are college students. This has been so widespread that many college computer networks have banned the use of Napster.

Step 2: Why college students?

The typical college student has a thirst for the newest music out there, and is generally short on money. Combine these two facts with high bandwidth in dorm rooms and on campus, and you have a fertile environment to get lots of free music.

Step 3: Do the colleges not approve?

No, the colleges do not care about the legality of its use, just that it uses up so much bandwidth. Some estimates say that approximately 40 percent of all bandwidth use is related to Napster.

Step 4: The music fan also loves it

There are people out there who love to try new music, and what better way than to download it onto your computer for instant sampling. These people have money to spend on CDs (and they do, but the exact numbers are difficult to prove).



MusicDish, September 2000

Step 5: Fans can get unavailable tunes

Some songs available at Napster are not available on albums. This is much like the Beastie Boys, who had live MP3 tracks on their website before their label made them take them off.

Is it legal to use Napster?

Step 1: Time is critical

At this point it is legal to use Napster, and the police will not come knocking on your door accusing you of sharing your files, therefore being an accessory to piracy.

Step 2: Possession of illegal files

There is also no real possibility of the police coming to your door to seize your hard drive to take the ill-gotten files. If you take the files and post them on your website for others to download, you could be prosecuted (and some people already have been).

Step 3: Awaiting the court's decision

While the court decides the fate of Napster, you can freely download to your heart's content. If the court rules against them, this will not kill the free exchange of music. There are already programs out there that use file sharing technology without the use of a central organization (to sue).

Step 4: Do I give my music back?

There are thousands of so-called "promotional copies" of CDs out there being sold in used music stores. Never has a label asked for them back from the owner. The same holds true with MP3 files.

Can people steal my files?

Step 1: Getting to more than music

Napster allows a user to view the contents of music files on your hard drive. The program will only view files with an ".mp3" extension.

Step 2: Enter Wrapster

Wrapster is a modification to Napster that allows users to view files other than MP3 on your hard drive. This is not a hacking tool as much as an additional headache for the media and software companies.

Step 3: Why the headache?

Wrapster will now let people find and exchange software and full-length movies. The software tricks Napster into thinking the files are MP3s. A movie takes about 4 _ hours to download on a DSL connection.



Step 4: Can I control what is shared?

Napster only looks in directories you specify as shareable, so if you put files in the "share" directory, they will be made available for others. This will be covered in the usage section.

Usage with dial-up

Step 1: Still playing the game

Although the huge transfer capability of Napster is best utilized, the dial-up user can still benefit from its use. There are a few points to keep in mind when using it.

Step 2: Patience is a virtue

The times associated with downloads are a real concern. 56 K modem users will be limited to no more than 3 simultaneous downloads at any given time. This helps to ensure that each download gets sufficient bandwidth to make a successful download in a reasonable time.

Step 3: Beware of others

When you are downloading music, your collection becomes available as well, and this can cut into your bandwidth. Multiple uploads to various users will slow down your downloads.

Step 4: Can I limit my sharing?

You could manipulate your sharing directory to not share at all, but that runs counter to the sharing concept associated with the Napster Community. You can, however, limit the number of downloads from any one user.

Step 5: Why limit one user?

What you will find is that one person will want everything from a given artist. If you have 5 songs from Yo La Tengo, a fellow YLT fan who doesn't have their music will begin downloading everything from them at once. I keep my (dialup) setting at 2 max per user at any given time.

Advanced dialup strategy

Step 1: Set up for queuing

The most important concept to remember about multiple downloads is that you must queue your downloads. Set your max downloads to 3, then when you pick additional songs, they will begin when the next song is finished downloading.



MusicDish, September 2000

Step 2: Sleep on it

Most of the songs take 45 minutes to 1_ hours to download depending on how fast the connection is that you are downloading from. The best method (assuming you have an unlimited use ISP) is to launch a bunch of selections and take a nap.

Step 3: Everyday is Christmas morning

When you wake up, you will see all the new music you can sample. The interesting velocity effect also occurs where songs you have downloaded are made available for others to use and they have been taken multiple times for mass replication.

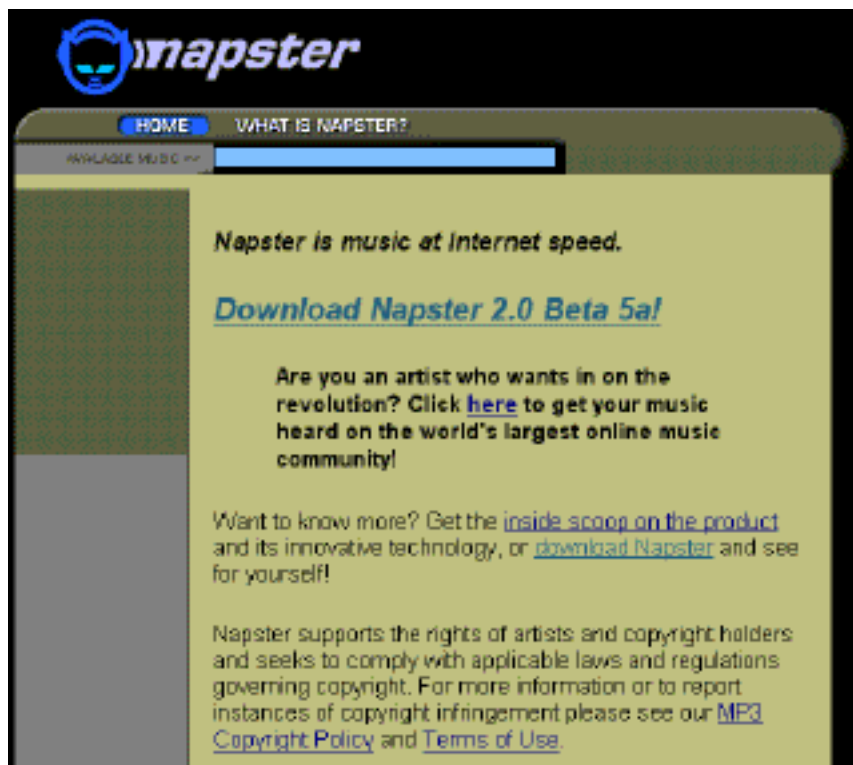
Step 4: Try to pick the green colors

Each user has a connection indicator next to the song. Try to get the high bandwidth (green) buttons. These will allow for faster downloads. The yellow button indicates 56K, while red indicates 14.4 or not known. These should be avoided if possible.

Get started with Napster

Step 1: Get Napster

Go to www.napster.com and select "download Napster"





MusicDish, September 2000

Step 2: Select the program

This will bring you to a site where you can get details on the download. The file name is `napvb5.exe`. It is the Napster Version 2.0 beta 5a. This is the most recent version (March 2000), but it will always prompt you to select the latest version.

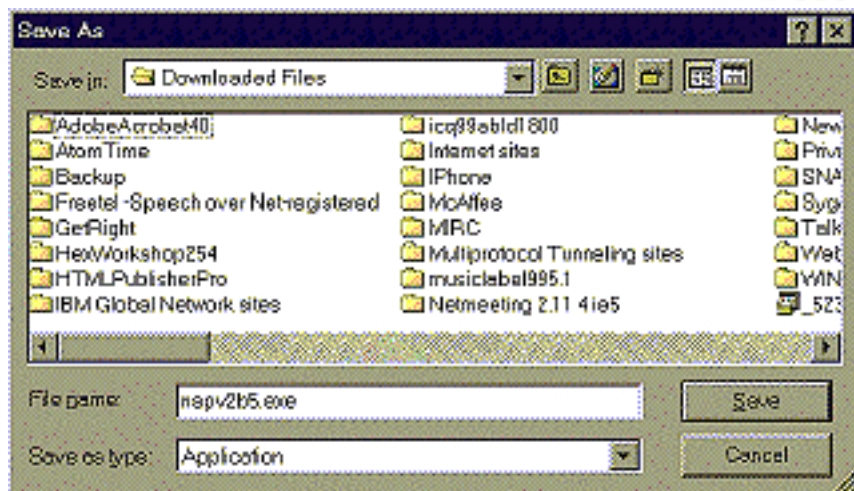


Step 3: Choose a download location

You are now ready to specify a location for the program. Be sure to select a location where you can easily retrieve the file.



MusicDish, September 2000



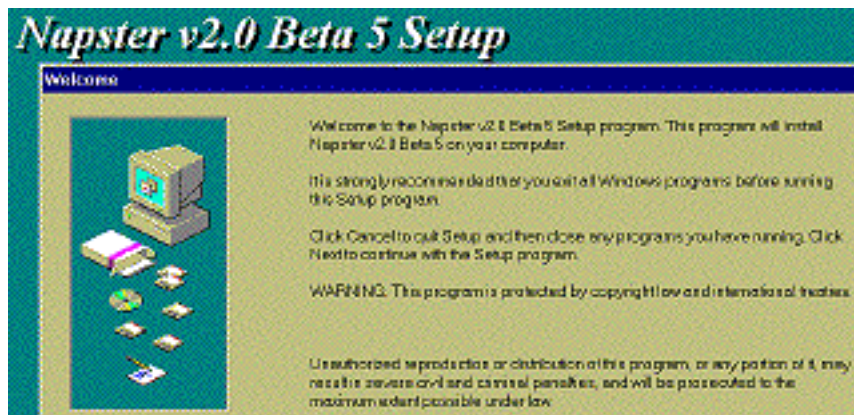
Step 4: Wait and remember

You will now have to wait a few minutes for the file to download. It is 684 K and should take less than 5 minutes. Once the program is downloaded, you now must locate the file "napvb5.exe" and prepare for install.

Install Napster

Step 1: Launch the setup

Double click on "napvb5.exe". This will launch the installation program. Be sure to not have any other programs running while this is taking place.

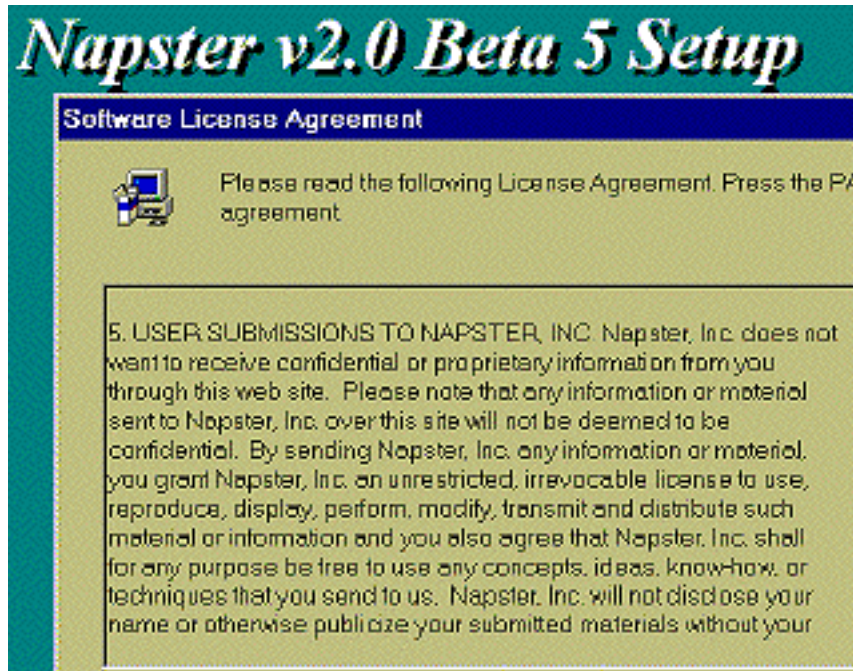


Step 2: Agree to the terms

You must accept the terms of the program. It is here where Napster claims that they are not responsible for any illegal activity associated with the program.

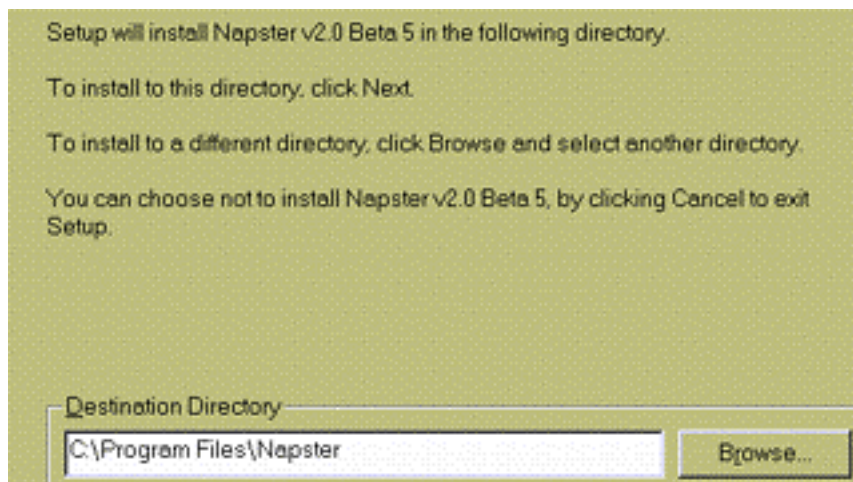


MusicDish, September 2000



Step 3: Select a directory

The default directory for installing Napster is the "Programs / Napster" directory. This is fine, so just click "Next".



Step 4: Installation begins

The program will now be installed. You will be asked for a screen name and password. The password is automatically stored, while your screen name is what appears to the world. Most people do not use their real names, but instead use a nickname.



MusicDish, September 2000

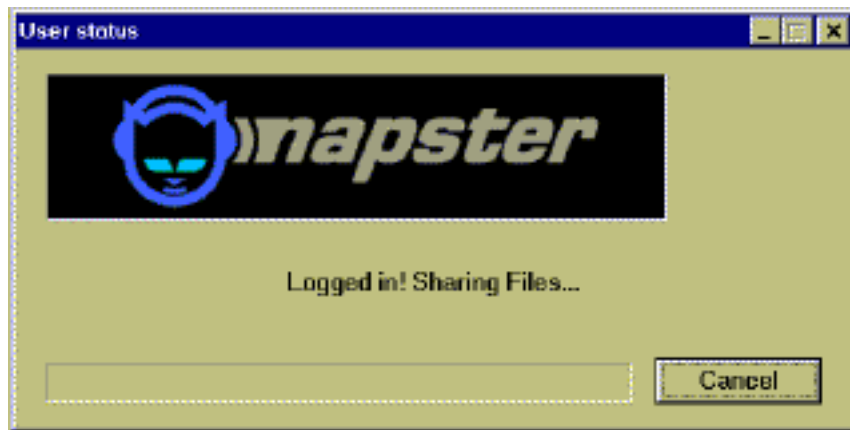
Step 5: Indicate your bandwidth

In order to alert others about how fast your Internet connection is, you must indicate your modem speed. T-1 is the fastest, and DSL, Cable, 56K or 14.4 are the choices that will correspond to colors that others use when choosing a download source. You are now ready to use Napster!

Launch and get going

Step 1: Start the program

Make sure you are connected to the Internet. Select "start / programs / Napster" to launch the program. The program connects you to the Napster server where everyone meets for exchanges.



Step 2: Create a library

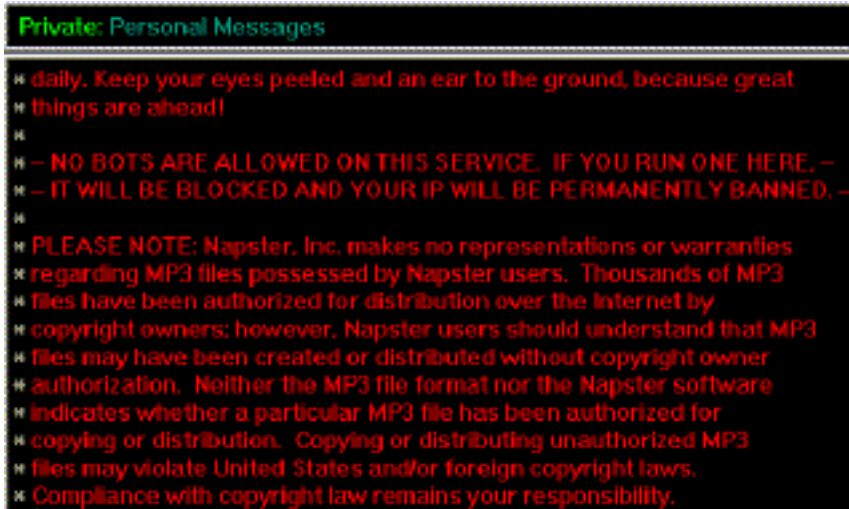
The program will then automatically create a library of your music that is what you are going to share with others in the "Napster Community". It will take music from a number of directories, but you can change that if desired.

Step 3: Read the disclaimer

The program will always show a disclaimer that advises you that Napster is not responsible for illegal MP3s and does not assure their quality. This is what the defense will be in court during the lawsuit (if we are lucky it will be on Court TV!)



MusicDish, September 2000



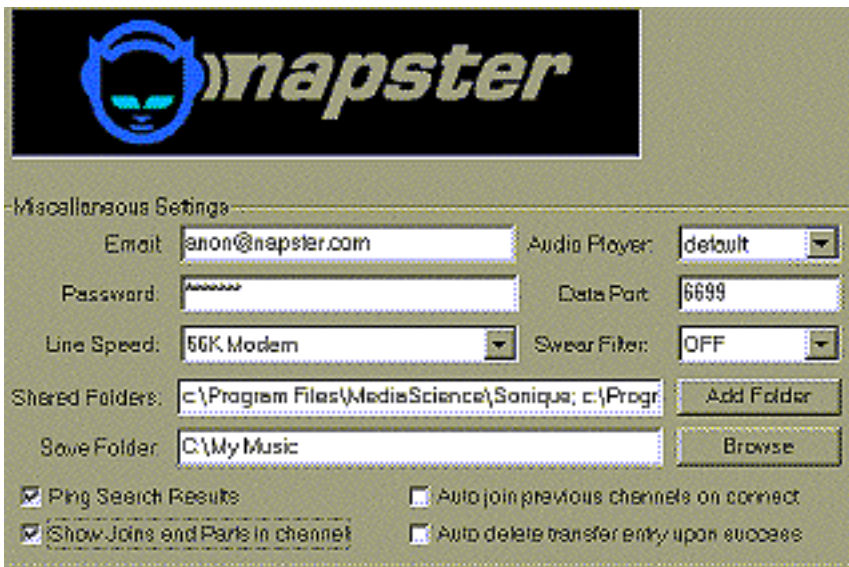
Step 4: Note the announcements

This is where Napster will send you messages regarding any new developments. It is like a private Napster email box. It is also the location to chat with other music fans.

Configuring Napster

Step 1: Set the preferences

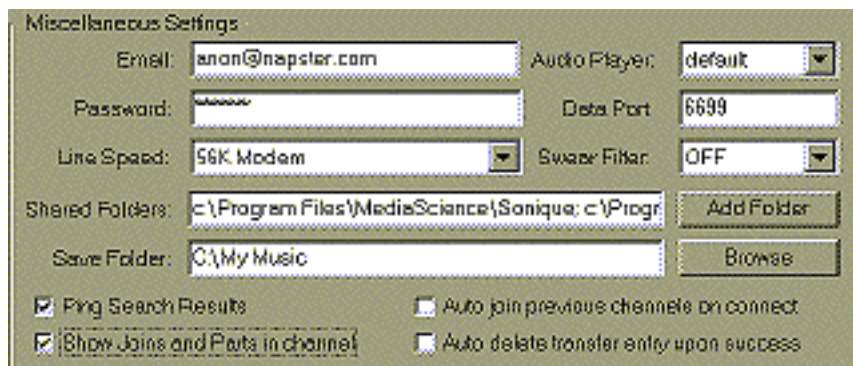
Select "File" and preferences to bring up the Napster preference screen.





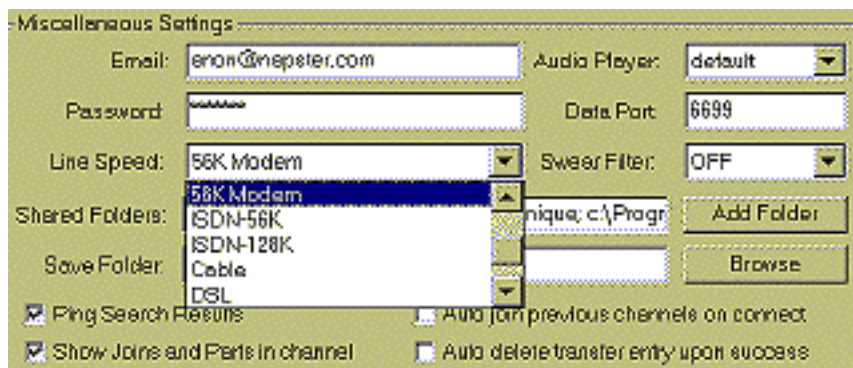
Step 2: Using the email

You will find many pseudonyms on Napster, but the one common thread is a love of music. If you have an obscure taste (or even a mainstream one) and find someone with similar tastes, you can email them and exchange thoughts (and music). You can enter your email address in this space.



Step 3: Change your modem speed

If you started out with a 33.6 K modem and upgraded to 56 K (or DSL), you can make changes to your modem settings here. Simply click on the drop down menu and select the appropriate speed.



Step 4: Change your player

Napster has an internal mp3 player that can play music in your library, but you can change that to another one by selecting "default". I have found the Napster player to be fine, and it fits well within the screen.



MusicDish, September 2000

- There's A Poison Goin On... - Public Enemy- Last Mass Of The Caballeros.mp3
- There's A Poison Goin On... - Public Enemy- LSD.mp3
- There's A Poison Goin On... - Public Enemy- Swindler's Lust.mp3
- There's A Poison Goin On... - Public Enemy- What What.mp3
- There's A Poison Goin On... - Public Enemy- World Tour Sessions.mp3
- Tartoise - Why We Fight.mp3
- Toshinori Kondo, Eraldo Bernocchi & Bill Laswell - Changed.mp3
- tour talk '99[1].mp3
- Various Artists - Azalia Snail - Dual Control.mp3
- Various Artists - Bongwater - Ill Fated Lovers Go Time Tripping.mp3
- Various Artists - Daniel Johnston - 1989 Blues.mp3
- Various Artists - Data Track(1).mp3
- Various Artists - Data Track(2).mp3
- Various Artists - Data Track.mp3
- Various Artists - Deen Wareham - Smile.mp3
- Various Artists - King Missile - Life.mp3
- Various Artists - Tuli Kunferhera - I Was Much Mistaken.mp3

Control your security

Step 1: Keep your files secure

This could be the most critical step in the security process now that the Wrapster program has allowed people to take non-music files from your computer.

Step 2: Take a peek into your sharing

From the Preferences menu, go into the "shared folders" box. The orientation makes it very difficult to see all of the folders located in box, but scrolling to the right will show it all to you. These are all of the folders to which people will have access.





MusicDish, September 2000

Step 3: Did you pick this list?

No, Napster created this list of shareable directories. It takes all of your music directories for all the players on your computer. For example, the contents of my Napster shared directory are: c:\Program Files\MediaScience\Sonique; c:\Program Files\Winamp; c:\My Music; c:\Program Files\MusicMatch\Music Match,).

Step 4: What is the problem?

I originally used a home network, and I had a "Share" directory where I would include documents and material for my family to use. Napster decided that I wanted to share these with the world and included that directory in my Napster share directory.

Step 5: How do I get rid of it?

You can remove the directory by simply deleting it from the Shared directory box. This makes sure you are only sharing what you want to share.

Searching for music-basics

Step 1: Start collecting

To begin your acquisition of music, you begin by selecting the "search" tab at the top of the page. You can search either by artist name or song title.



MusicDish, September 2000

Search Fields

Artist:

Song Title:

Max Results:

Clear Fields Find It!

Advanced
Bit
Freque
Ping T
Line Spe

Filename

- Beastie Boys - Time To Get Ill.mp3
- Music\Beastie Boys - Intergalactic.mp3
- Music\Beastie Boys- Intergalactic.mp3
- Music\Beastie Boys - Girls.mp3
- Music\Beastie Boys - Brass Monkey.MP3
- Music\[Less Than Jake] Dopeman(Beastie Boys Remix).mp3
- Music\Beastie Boys feat. Q-Tip - Get It Together (Live in St.Louis).mp3
- hello Nasty\Beastie Boys - Super Disco Breakin'.mp3
- Beastie Boys\Licensed To Ill-Beastie Boys - Girls.mp3
- Beastie Boys - Chicken Cluck Song.mp3
- Music\Beastie Boys - Body Movin'.mp3

Step 2: Narrow your search

If you really want to get specific, you can enter both artist name and song title to get a more detailed result. This is not good for browsers, but if you know exactly what you want, it eliminates excessive results.

Filename

- Anthony's Songs\Beastie Boys - Body Movin'.mp3
- Music\Beastie Boys - Body Movin (Fatboy Slim Remix).mp3
- Music\Beastie Boys - Body Movin (Fatboy Slim remix).mp3
- beastie boys\Beastie Boys) Body Movin (Fatboy Slim Remix).mp3
- music\Beastie Boys-Body Movin [FatBoy Slim Remix].mp3
- Beastie Boys\beastie boys-body_movin-fatboy_slim_mix.mp3
- Music\Beastie Boys - Body Movin (Fatboy Slim Remix).mp3
- Alternative etc\Beastie Boys - Body Movin.mp3
- music folder\Beastie Boys- Body Movin.mp3
- Rock & Alternative\[Beastie Boys] - Hello Nasty Body Movin.mp3
- Rap\Beastie Boys - Body Movin.mp3



Step 3: Limit your results

If you are searching for a popular artist who has hundreds of works available, you can limit your search results by specifying the maximum number in the "Max results" box. Although the default is 100, you can go as high as 250 for a more complete list.

Filename	Filesize	Bit..	Freq	Len..
Music\Beastie Boys-Fight For Your Right.mp3	3,310,114	128	441..	3:28
Music\Beastie Boys- Brass Monkey.mp3	2,220,251	112	441..	2:40
Music\Beastie Boys - Intergalactic.mp3	3,357,224	128	441..	3:10
mp3's\Beastie Boys - Sabotage.mp3	2,855,625	128	441..	3:60
new\Beastie Boys - So What'cha Went.mp3	3,395,648	128	441..	3:13
Beastie Boys\Posse In Effect.mp3	2,341,117	128	441..	2:28
II Communication\Beastie Boys - Baba On The Corner.mp3	1,465,469	160	441..	1:17
Beastie Boys\Beastie Boys - Get It Together (ABA Mix).mp3	2,207,744	128	441..	2:20
Music\Beastie Boys-Intergalactic.mp3	3,357,352	128	441..	3:10
Music\Beastie Boys - Girls.mp3	2,125,032	128	441..	2:15
Beastie Boys\Beastie Boys - So What'cha Went (w Cypress Hill).mp3	3,886,624	128	441..	4:61

Step 4: Clear the decks

If you do not find what you are looking for and want to clear all the fields in the search area, simply click "clear fields" and you can start fresh. This will come in handy when doing multiple searches with the optional fields.

Clear Fields	Find It!	Line Speed must be:
Filename	Filesize	
Anthony's Songs\Beastie Boys - Body Movin.mp3	2,942,560	
Music\Beastie Boys - Body Movin (Fatboy Slim Remix).mp3	6,655,628	
Music\Beastie Boys - Body Movin (Fatboy Slim remix).mp3	6,655,628	
beastie boys\Beastie Boys) Body Movin (Fatboy Slim Remix).mp3	6,655,628	
music\Beastie Boys- Body Movin [FatBoy Slim Remix].mp3	6,683,832	
Beastie Boys\beastieboys-body_movin_fatboy_slim_mix.mp3	6,655,628	
Music\Beastie Boys - Body Movin (Falboy Slim Remix).mp3	6,658,616	
Alternative etc\Beastie Boys - Body Movin.mp3	2,927,051	
music folder\Beastie Boys- Body Movin.mp3	2,942,432	
Rock & Alternative\[(Beastie Boys) - Hello Nasty Body Movin.mp3	2,923,242	
Rap\Beastie Boys - Body Movin.mp3	3,673,989	

Get choosy with searches

Step 1: Using optional search fields

If you have a lot of music to choose from, you can get picky about what results you want to view. Ideally, you want a good copy from a good source. But how can you get those quality candidates? The answer lies in utilizing the optional fields.



MusicDish, September 2000

Artist:

Song Title:

Max Results:

Advanced filters (optional):

Bitrate must be:

Frequency must be:

Ping Time must be:

Line Speed must be:

Filename	Filesize
Music\Beastie Boys- Fight For Your Right.mp3	3,310,114
Music\Beastie Boys- Brass Monkey.mp3	2,220,251
Music\Beastie Boys - Intergalactic.mp3	3,357,224
Mp3's\BeastieBoys - Sabotage.mp3	2,855,625
new\Beastie-Boys - So What'cho Want.mp3	3,395,648
Beastie Boys\Posse In Effect.mp3	2,341,117
Ill Communication\Beastie Boys - Bobo On The Corner.mp3	1,465,469

Step 2: Start out with the band

Enter the artist's name, and then begin giving parameters in the "optional" fields. Before, parameters, there were over 100 results. Now, get picky.

Filename
● DJ Shadow\DJ Shadow - Lost and Found.mp3
● DJ Shadow\Dj Shadow - Midnight in a Perfect World.mp3
● Various Trip-Hop\Dr. Octagon - Waiting List (DJ Shadow...
● Music\DJ Shadow - Organ Donor.mp3
● Techno\DJ Shadow - High Noon.mp3
● DJ Shadow\DJ Shadow - Devil's Advocate.mp3
● Music\DJ Shadow - Devils Advocate (heaven vs hell bo...
● DJ Shadow - Midnight in a Perfect World.mp3
● Music\Dj Shadow - 08 - What Does Your Soul Look Like ...
● dj shadow - devil's advocate.mp3

Step 3: Request quality

In the fields, you can pull down "at least" or "equal to" for ranges such as bit rate (sound quality), and line speed "bandwidth". Click the blank box next to the ranges to pull down the figures you want. When the ranges have been specified, click "find it".



MusicDish, September 2000

Advanced Fields (OPTIONAL)

Bitrate must be: 128 k

Frequency must be: 4410

Ping Time must be: 150 r

Line Speed must be: 56K M

Filesize	Bitr...	Freq	Len...	User	Line Spe.
2,563,010	128	441...	2:42	sjmax...	Cable
3,705,626	128	441...	3:52	odido...	56K Mod.
7,173,452	160	441...	5:56	steph...	T3 (or Gr.
5,531,668	192	441...	3:51	31Ecli...	56K Mod.
3,295,516	128	441...	3:27	steph...	T3 (or Gr.
3,921,024	128	441...	4:05	Riquita	56K Mod.
5,855,608	128	441...	6:03	steph...	T3 (or Gr.
3,194,880	128	441...	3:19	DAVL...	Cable
2,729,144	160	441...	2:19	introp2	T1
3,434,540	128	441...	3:35	sjmax...	Cable
3,471,695	128	441...	3:37	laundr...	T1
5,549,117	128	441...	5:44	huibuh1	Cable

Step 4: Look at the quality results

After you put in the parameters, you are given the high quality (bit rate) with fast connection (line speed). Now you are ready to get the optimal copy from the optimal source.

Download the results

Step 1: Get the ideal song

When you have the results from the search, you can look at the file to make sure it looks okay. The length is around 3 megs (3 minutes), the bit rate is 160 kps (CD quality), and the source is green (DSL or T-1).



Step 2: Double click the file

To begin downloading, double click the file, which will send you to the "transfer" screen where a new set of information awaits you.

Filename	File Size
↓ Chayanne - Provoc...	3,980,400
↓ Bjork - Human Beha...	0
↓ Bjork - Army Of Me (...)	3,262,665
↓ [Less Than Jake] D...	2,435,448
↓ Beastie Boys - Chic...	2,687,518
↓ DJ Shadow & DJ Kr...	8,456,436
↓ Dj Shadow - 08 - Wh...	741,376 of 6,087,687
↓ DJ Shadow - High ...	594,208 of 3,858,472
↓ Fatboy Slim & Beas...	2,729,144

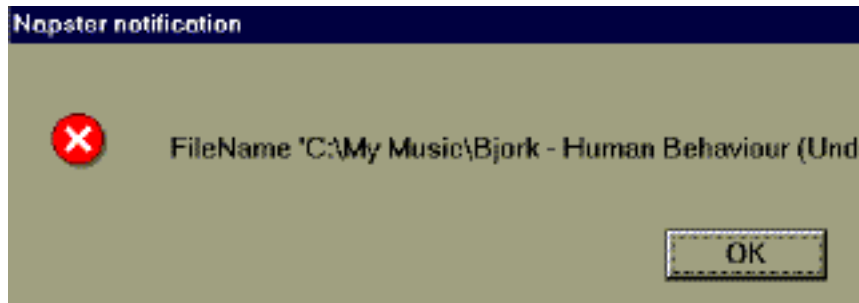
Filename	File Size
↑ DJ Spooky - Alphac...	5,808,414
↑ DJ Spooky - Post-H...	3,730,439
↑ The End Of Violenc...	2,748,129
↑ Opus 132 _ Ludwig ...	5,989,483
↑ Nusrat Fateh Ali Kh...	3,971,072 of 10,782,...
↑ Toshinori Kondo, Er...	1,210,368 of 5,369,103
↑ Pete Namlook, Klau...	243,712 of 3,977,216

Step 3: Napster gets the information

The program will begin downloading the information on the file's user. It will sometimes hang up for some reason. Sometimes, if you select a file that is actually blank, you will get an error message telling you so.



MusicDish, September 2000



Step 4: Monitor progress

Now that the successful connection has been made, a progress bar will show you how much has been downloaded. You can now wait and hope the other party does not leave or gets the connection cut. When you are finished, the transfer stops automatically.

A Rosetta Stone for Music

Step 1: Looking into the past

The picture here tells a thousand words. Looking at this screen gives you a look into the past history of your downloading activities.



MusicDish, September 2000

File Complete!
 Transfer Error!
 File Complete!
 File Complete!
 File Complete!
 Remotely Qu...
 Downloading... Cable 18% 0.81 k/s
 Downloading... T3(or ... 23% 0.68 k/s
 Downloading... T1 10% 0.52 k/s

Status	Speed	Progress	Rate	Time Left
Transfer Error!				
Transfer Error!				
Transfer Error!				
Downloading...	Cable	11%	1.79 k/s	00:58:2
Downloading...	33.6 M...	25%	0.82 k/s	01:21:2
Downloading...	33.6 M...	13%	0.72 k/s	01:18:4
Downloading...	T3(or ...	1%	0.30 k/s	04:11:0
Downloading...	T1	12%	0.57 k/s	00:47:3
Downloading...	T1	7%	0.58 k/s	01:22:3

Step 2: Focus on the top

The top section of the page are your downloads. In this picture, you see the words "file complete" which is self-explanatory for that song. You will have that song on your hard drive for instant use.

Filename	File Size	User
↑ DJ Spooky - Post-H...	3,730,439	[AM]Cyan...
↑ The End Of Violenc...	2,748,129	kingbeatk...
↑ Opus 132 _ Ludwig ...	5,989,483	methiash...
↑ Nusrat Fateh Ali Kh...	4,499,456 of 10,782,...	gaogoom...
↑ Toshinori Kondo, Er...	1,380,352 of 5,369,103	joswachten
↑ Pete Namlook, Klau...	552,960 of 3,977,216	joswachten
↑ Crooklyn (Disc 2) - ...	47,104 of 4,596,129	Motartown
↑ Serge Gainsbourg - ...	227,328 of 1,856,180	macarenel
↑ Serge Gainsbourg - ...	223,232 of 3,073,381	macarenel



MusicDish, September 2000

Step 3: Ouch, a bad one got in

Occasionally, a bad MP3 file gets onto the list that has all the makings of a good file until Napster begins getting the information for it only to find that it is blank. An error message will appear and the "transfer error" message is shown on your history.

↓ Chayanne - Provoc...	3,980,400	nikytath
↓ Bjork - Human Beha...	0	Lammer_2000
↓ Bjork - Army Of Me (...)	3,262,665	ruudp
↓ [Less Than Jake] D...	2,435,448	sstewa2
↓ Beastie Boys - Chic...	2,687,518	halldog
↓ DJ Shadow & DJ Kr...	8,456,436	aplatti
↓ Dj Shadow - 08 - Wh...	1,099,800 of 6,087,687	squirrelp
↓ DJ Shadow - High...	912,448 of 3,858,472	su2nyrex
↓ Fatboy Slim & Beos...	272,861 of 2,729,144	introp2

Step 4: Beware of the 0 byte files

If the error messages continue from a single source, you can try to avoid any downloads from that person. We should assume they just don't know how to rip files rather than sending us on wild goose chases.



MusicDish, September 2000

The image shows a screenshot of the MusicDish software interface. It consists of two vertically stacked lists of music files. The top list is titled 'Filename' and contains several entries, each with a downward-pointing arrow indicating a download in progress. The bottom list is also titled 'Filename' and contains several entries, each with an upward-pointing arrow indicating an upload in progress. The 'Fatboy Slim & Beas...' entry in the top list and the 'Opus 132 _ Ludwig ...' entry in the bottom list are highlighted with a dark background.

Examine the present

Step 1: Still looking at downloads

You can see how your downloads are progressing in the upper screen. Currently, I have 3 songs downloading (I limited my simultaneous downloads to that number in my "preferences" menu under "Max simultaneous downloads").



MusicDish, September 2000



Step 2: Limit simultaneous downloads

The reason I limit my downloads to 3 is that with a 56K modem, anything more than 3 will be slow and the odds of the other person leaving is increased. If I select more than 3, then the song becomes queued and will start downloading when the first file is done.

Step 3: The power of the queue

The queue is great for loading a bunch of songs before you go to bed because when the file is finished, it will begin downloading the next song, and so on. This feature is indispensable for dial up people.

Status	Speed	Progress
File Complete!		
File Complete!		
File Complete!		
Remotely Queued...		
Downloading...	Cable	<div style="width: 30%; background-color: blue;"></div> 30 %
Downloading...	T3 (or ...	<div style="width: 38%; background-color: blue;"></div> 38 %
Downloading...	T1	<div style="width: 33%; background-color: blue;"></div> 33 %
Queued...		
Queued...		



MusicDish, September 2000

Step 4: How fast and how long?

Looking at the download section will show you the percentage of the file that has been completed, how fast (or slow) it is downloading (rate), and how much more time it will take until the file is finished.

	File Size	User	Status
Of Me (...)	3,262,665	ruudp	File Complete!
ake] D...	2,435,448	sstewa2	File Complete!
- Chic...	2,687,518	halldog	File Complete!
DJ Kr...	8,456,436	aplatti	Remotely Queued..
8 - Wh...	1,849,728 of 6,087,687	squirrelp	Downloading...
High ...	1,487,472 of 3,858,472	su2nyrax	Downloading...
Bees...	906,675 of 2,729,144	introp2	Downloading...
- 3 M...	4,325,540	norbiej	Queued...
& Cyp...	3,918,696	louiechui	Queued...

Step 5: Take an example

In the picture, Beastie Boys – Peanut butter and Jelly (Fatboy Slim mix) – is being downloaded from "introp2" on a T1 line and it is 35% done. Now you know what is happening.

Looking at upload's past

Step 1: Examine the lower section

The lower part of the "transfer" screen is dedicated to uploads to others and you have no real power in what it does because other people are looking and downloading from there.



MusicDish, September 2000

Filename	File Size	User	Status
↑ DJ Spooky - Alphac...	5,808,414	[AM]Cyan...	Transfer Error!
↑ DJ Spooky - PostH...	3,730,439	[AM]Cyan...	Transfer Error!
↑ The End Of Violenc...	2,748,129	kingbeak...	Transfer Error!
↑ Opus 132 _ Ludwig ...	5,989,483	mathias...	Transfer Error!
↑ Nusrat Fateh Ali Kh...	5,554,176 of 10,782,...	googoo...	Uploading...
↑ Toshironi Kondo, Er...	2,150,400 of 5,369,103	joswachten	Uploading...
↑ Pete Namlook, Klau...	1,052,672 of 3,977,216	joswachten	Uploading...
↑ Crooklyn (Disc 2) - ...	4,596,129	Motorown	Transfer Error!
↑ Serge Gainsbourg - ...	862,688 of 1,856,180	macarena!	Uploading...
↑ Serge Gainsbourg - ...	954,368 of 2,022,281	macarena!	Uploading...

Step 2: How have things been going?

One look at the screen and you can see that things have been going very poorly with my uploads. There have been 4 "transfer errors" so far and no successful downloads yet.

↑ DJ Spooky - Alphac...	5,808,414	[AM]Cyan...	Transfer Error!		
↑ DJ Spooky - PostH...	3,730,439	[AM]Cyan...	Transfer Error!		
↑ The End Of Violenc...	2,748,129	kingbeak...	Transfer Error!		
↑ Opus 132 _ Ludwig ...	5,989,483	mathias...	Transfer Error!		
↑ Nusrat Fateh Ali Kh...	5,554,176 of 10,782,...	googoo...	Uploading...	Ca...	2% 1.42 k/s
↑ Toshironi Kondo, Er...	2,150,400 of 5,369,103	joswachten	Uploading...	31...	3% 0.89 k/s
↑ Pete Namlook, Klau...	1,052,672 of 3,977,216	joswachten	Uploading...	33...	3% 0.49 k/s
↑ Crooklyn (Disc 2) - ...	4,596,129	Motorown	Transfer Error!		
↑ Serge Gainsbourg - ...	862,688 of 1,856,180	macarena!	Uploading...	T1	4% 0.49 k/s
↑ Serge Gainsbourg - ...	954,368 of 2,022,281	macarena!	Uploading...	T1	0.53 k/s

Step 3: Am I doing something wrong?

No, there is nothing you can do. With a 56 K dialup modem, the longer download/upload times increase the chances of something going wrong. The person might have had a computer crash or their Internet connection may have been disrupted. Two 56K modems (yours and theirs make a shaky combination).

8-Vit...	1,849,280 of 16,187,180	qsineop	Downloading...	Cable	100%	0.97 k/s	01:45:39
Hig...	1,887,472 of 13,958,472	sc2nyax	Downloading...	T3 (a...	100%	0.54 k/s	01:12:57
Bla...	906,675 of 2,729,144	nyap2	Downloading...	T1	100%	0.47 k/s	01:04:51

Step 4: Good news-transfer complete

When the file has been uploaded successfully, a note will pop up and you will know that someone else has your taste in music. When the other person has a green (high bandwidth connection), you see a lot more "successful upload" messages.



What is happening now?

Step 1: Watch what is uploading

You can see the status of all the files currently being uploaded in the bottom window. This is useful because the more uploads you have (5 in this case), the slower your downloads are going to be.

Chat	Library	Search	Hot List
Filename	File Size	User	
↓ Bjork - Army Of Me (Beastie Boy...	3,262,665	ruudp	
↓ [Less Than Jake] Dopeman{Be...	2,435,448	sstewo2	
↓ Beastie Boys - Chicken Cluck S...	2,687,518	haltlog	
↓ DJ Shadow & DJ Krush - Duality...	8,456,436	oplatti	
↓ Dj Shadow - 08 - What Does Ya...	2,331,807 of 6,087,687	squirrelp	
↓ DJ Shadow - High Noon.mp3	1,904,640 of 3,858,472	su2nyrox	
↓ Fatboy Slim & Beastie Boys - P...	1,430,368 of 2,729,144	introp2	
↓ Beastie Boys - 3 MC's and 1 DJ...	4,325,540	norbiej	
↓ Beastie Boys & Cypress Hill - S...	3,918,696	louiechui	
Filename	File Size	User	Status
↑ Opus 132 _ Ludwig ...	5,989,483	mathiash...	Transfer Error!
↑ Nusrat Fateh Ali Kh...	6,213,632 of 10,782,...	goagoom...	Uploading...
↑ Toshinari Kondo, Er...	2,611,200 of 5,389,103	joswachten	Uploading...
↑ Pete Namlook, Klau...	1,431,552 of 3,977,216	joswachten	Uploading...
↑ Crooklyn (Disc 2) - ...	4,596,129	Motortown	Transfer Error!

Step 2: Check the speed

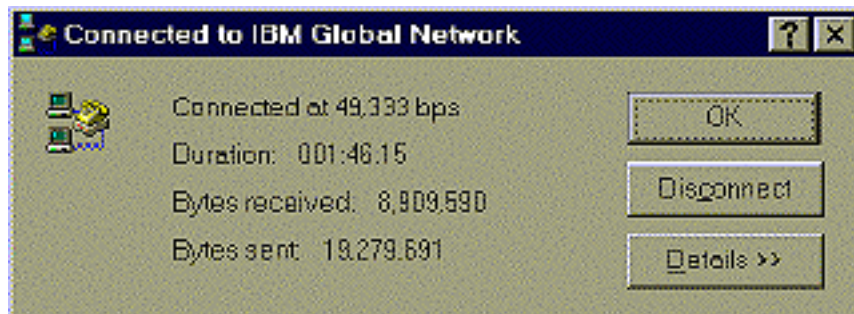
Right now, everything is going well with the 5 uploads (all well into their transfer). Upon closer examination, however, things are not so rosy.

Step 3: Look at the rate

The high number of uploads really put a strain on my (and my ISP's) bandwidth. Take a look at the strange bandwidth figures. I have sent more than twice as much out as I have downloaded. I've never seen this amount of traffic in uploading on my computer (until Napster).



MusicDish, September 2000



Step 4: Multiply- staggering results

The ramifications of this download AND upload are enormous. Now that you have much more information slowing down networks (such as universities) and as Napster grows, bandwidth needs do also (exponentially). Look for a study on Napster’s effect on the whole Internet soon!

Limiting users access

Step 1: Watch the screen name

If you notice the uploading (bottom) section, you see that one person "Macarena!" is downloading two songs by the same artist at the same time. This is quite common.

↓ Fatboy Slim & Beastie Boys - P...	1,767,710 of 2,729,144
↓ Beastie Boys - 3 MC's and 1 DJ...	4,325,540
↓ Beastie Boys & Cypress Hill - S...	3,918,696

Filename	File Size	User
↑ Opus 132 _Ludwig ...	5,989,483	mathiash...
↑ Nusrat Fateh Ali Kh...	10,782,720	googoom...
↑ Toshinori Kondo, Er...	2,899,968 of 5,369,103	joswachten
↑ Pete Namlook, Klau...	1,787,904 of 3,977,216	joswachten
↑ Crooklyn (Disc 2) - ...	4,596,129	Motortown

Step 2: Why is that a problem?

When a fan of certain band finds tracks from that band available, they will go and begin downloading all of the music from that band at once. This can bring your transfer section to a grinding halt (if you are using a dialup).

↓ [Less Than Jake] Dopeman[Be...	2,436,446	sstewe2	File Complete!
↓ Beastie Boys - Chicken Cluck S...	2,687,518	hairdog	File Complete!
↓ DJ Shadow & DJ Krush - Duality...	8,456,436	apletf	Remotely Queued...



MusicDish, September 2000

Step 3: Is this rude or an oversight?

This type of grabbing for bands is silly because the person sees that you have a 56K connection (while more than likely they are on a fast DSL or T-1 line). This makes for longer transfers and increases the likelihood of a slew of incomplete uploads rather than a few successful ones.

Step 4: Be prepared for the onslaught

To prevent this assault on your bandwidth, you can limit the number of simultaneous downloads by one user in the preferences menu. Select "file"/ "preferences", then choose 2 as the maximum allowed downloads by one person at one time. This will eliminate many headaches.



Using your hot list

Step 1: Meet your music friends

If you see that a lot of music you are finding is coming from one person, and that person is downloading your music, there is obviously some connection there.

Step 2: Take it to the next level

When you find that person (take Macarena! for instance who is taking all of my Serge Gainsbourg that he can get his hands on), you can add them to your hot list.

Step 3: Get very detailed

Select the user's name and select "action" and "add user to hot list". You are taken to a hot list screen where you will be able to see if they are online (like ICQ). This will help in chats and instant messaging.



MusicDish, September 2000



Step 4: Take a good look inside

Click on the user (who should be online if they are downloading your file) After a few moments, you can actually peer into their hard drive and take a peek at their music. I can also see they have 319 songs which take up 1,120 megs of space.

Lead Zepplin\The Lemon Song.mp3	6,073,775	128	44100	6:16
Kansas\Dust in the Wind.mp3	600,678	24	22050	3:21
Jimmi Hendrix\Purple Haze.mp3	2,287,543	112	44100	2:46
GooGoo Dolls\Iris.mp3	4,095,268	112	44100	4:51
Genesis\Dreaming While You Sleep.mp3	6,982,364	128	44100	7:10
Genesis\I Can't Dance.mp3	3,652,329	128	44100	4:01

Step 5: Go straight to the music

You can now download any of the music you see by simply double clicking. Now, I am downloading another French singer of his while he uploads mine!



- Music\Janis Joplin - Piece of My Heart.mp3
- Music\Janis Joplin - Son of a Preacher Man.mp3
- Music\Bob Dylan-Knocking on Heaven's Door.mp3
- Music\Cyndi Lauper - Time After Time.mp3
- Music\Madness-Our House.mp3
- Music\The Verve-Bittersweet Symphony.mp3
- Music\Grateful Dead - Franklin's Tower.mp3
- Music\Et moi, et moi, et moi.mp3
- Music\Taxi Girl - Chercher le garçon.mp3
- Music\Jean Schulters - Confidence pour confidence.mp3
- Music\Daniela.mp3
- Music\Mini, mini, mini.mp3
- Music\Les cactus.mp3
- Music\Fais pas ci, fais pas ça.mp3
- Music\Vertige de l'amour.mp3
- Music\Gaby, oh Gaby.mp3
- Music\Osez Joséphine.mp3

Clean the slate

Step 1: Old information is messy

As you can see, it can become very confusing with the various uploads, downloads, transfer errors, etc.... In just a matter of minutes I have a really messy screen.

- ↓ Dj Shadow - 08 - What Does Yo...
- ↓ DJ Shadow - High Noon.mp3
- ↓ Fatboy Slim & Beastie Boys - P...
- ↓ Beastie Boys - 3 MC's and 1 DJ-...
- ↓ Beastie Boys & Cypress Hill - S...

Step 2: Broadband is worse

Imagine an account with a T-1 line and 40 simultaneous uploads and downloads going on with breaks and even completion notifications.

Step 3: One click spring cleaning

To clean up your screen with one mouse click, simply select "Clear finished" at the bottom of the transfer screen. All errors and completions will be erased. It's kind of like erasing history...very Big Brother-like, but for a good cause.



MusicDish, September 2000

↑ Toshinori Kondo, Er...	3,694,592 of 5,369,103	joswachten	Uploading..	33.6 M..	6.6 %
↑ Pete Namlook, Kleu...	3,508,224 of 3,977,216	joswachten	Uploading..	33.6 M..	9.9 %
↑ Crooklyn (Disc 2) -..	303,104 of 4,596,129	Motortown	Uploading..	T3 (or ..	6 %
↑ Serge Gainsbourg -..	1,650,688 of 1,896,304	macerenal	Uploading..	T1	9.7 %
↑ Busta Rhymes -Fir..	3,679,533	Jabroni55	Waiting..	T1	

Step 4: Ability to grasp the present

Suddenly, all of the mess is gone and you can see the 4 downloads I have going (albeit at a snail’s pace) and the 4 uploads. Although it has no effect on performance, the erasure of the failures seems to make the process go smoother. Only time will tell (approximately 1 hour and 11 minutes for Jean Schulters to be exact).

Progress	Rate	Time Left
7.4 %	0.62 k/s	00:42:19
8.9 %	0.48 k/s	00:13:42
1.6 %	0.76 k/s	01:12:01
1.3 %	0.63 k/s	01:20:38

Progress	Rate	Time Left
7.2 %	0.51 k/s	00:48:18
9.2 %	0.56 k/s	00:09:12
8 %	0.21 k/s	05:32:53
9.4 %	0.80 k/s	00:02:23

Entering the chat world

Step 1: Talking with other fans

At any given time, there are thousands of music fans looking for music on Napster, and it stands to reason that they would want to chat with others on the subject. The folks at Napster thought so, and have added a feature for chatting.



MusicDish, September 2000

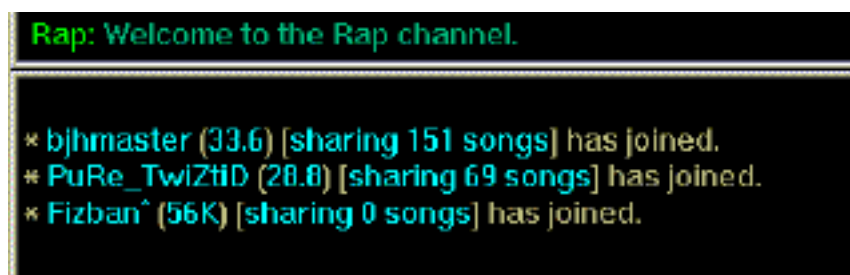
Step 2: Go to the chat section

Simply select the "chat" tab from the top of the any page. This will bring you to a channel list with an incredibly diverse selection of genres. There is a channel for every type of music you could imagine.



Step 3: Enter a chat room

Select from one of the genre channels and double click to enter. You are now in the room and are ready to discuss the music of your choice.



Step 4: Sometimes they're all the same

Like most chat rooms, even though it is on a music site and a very specific genre (rap), you will find both interesting and uninteresting conversation. You can find it all here, but you will have to look.



MusicDish, September 2000



Get detailed info. on others

Step 1: Chat room as launching pad

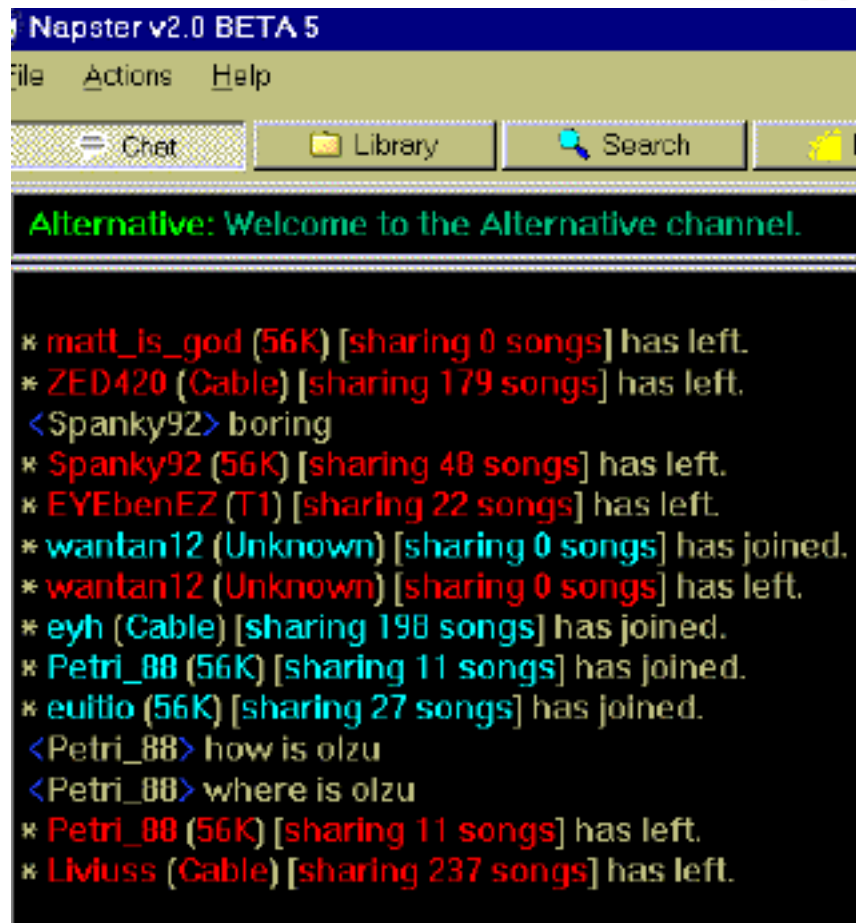
You can use the chat rooms as a means to find detailed information on its members. This is a well kept secret ability discovered at the non-affiliated website www.napster.com/faq.

Step 2: Find someone to focus on

Right click on a person in the member list located on the lower right side of the page. Notice how each person has the bandwidth color next to their name to show what speed their Internet connection is.



MusicDish, September 2000



Step 3: Get the pull down menu

You have the ability to add this person to your hot-list so they can see when you are connected to the Napster server. Unlike ICQ, you do not authorize the person to do so.

Step 4: View finger information

Select "view information" from the menu to launch a detailed page on what this person is using and doing. You can see that they are currently downloading 3 songs and have been connected 18 minutes. It even tells you what version of Napster the person is using. It can be interesting to find out what about other people using Napster.



MusicDish, September 2000



Using the refresh function

Step 1: The perils of dialup

If you are connected to the Internet using broadband (DSL/cable modem), you'll have fewer problems with files failing in mid-download. People with dial-up connections have more problems, so they need an extra weapon in fighting this war.

Step 2: Transfer errors-maxi-annoyance

When files cut out due to a variety of causes, you are stuck with a partial file on your hard drive and a major annoyance for future downloads. Perhaps the person had to use the phone line or maybe they crashed, but you could have had 99% of a file already loaded when the disruption occurred.

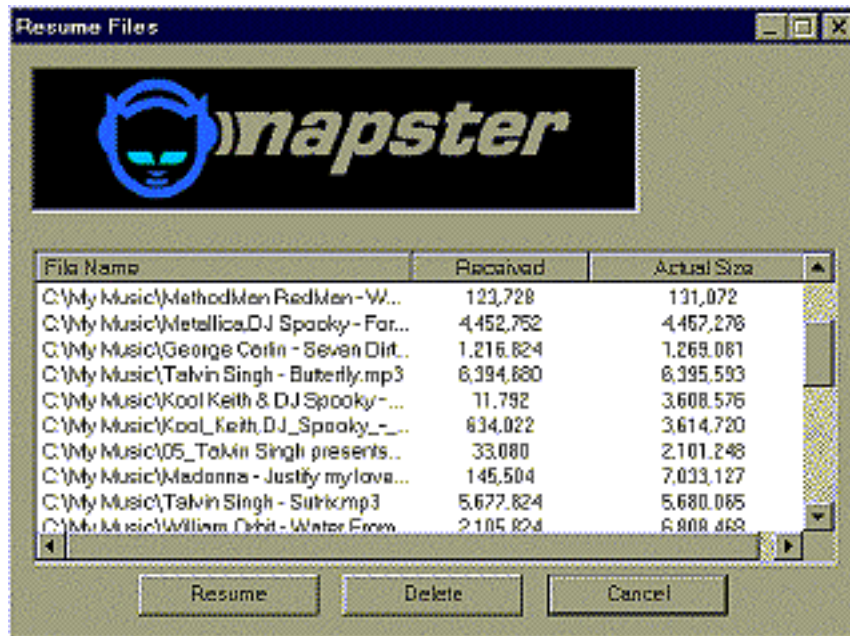
📁 DJ Spooky - Post-H...	3,730,439	[Am]Cyen...	Transfer Error	
📁 The End Of Valenc...	2,748,129	kingbeak...	Transfer Error	
📁 Opus 132_Ludwig...	5,000,403	mahjesh...	Transfer Error	
📁 Nusret Fatch Ali Kh...	4,499,456 of 10,782...	googoom...	Uploading..	Cable 1%
📁 Toshinari Kondo, Er...	1,380,352 of 5,369,103	joswachter	Uploading..	33.6 M.. 25%
📁 Pete Namlook, Kleu...	552,960 of 3,977,216	joswachter	Uploading..	33.6 M.. 12%
📁 Craakhyn (Disc 2) -...	47,104 of 4,596,129	Motertown	Uploading..	T3 (or .. 1%
📁 Serge Gainsbourg -...	227,328 of 1,855,180	macerenal	Uploading..	T1 12%
📁 Serge Gainsbourg -...	223,232 of 3,073,381	macerenal	Uploading..	T1 7%



MusicDish, September 2000

Step 3: Resume-the music saver

When you see the broken file, you can try to resuscitate it by taking a shot in the dark with "resume". Every error log gets registered, and when you have time, you select "resume" from the bottom of the transfer screen. Up pop all of your broken downloads.



Step 4: Choose your incomplete file

There is no time stamp on the broken files, only how much you have loaded so far, and how big the file is. Napster then goes out and finds the person you downloaded from, and if they are online, it continues the download! Now you have a second chance to complete it.

Beware of crying wolf

Step 1: Little bits = big annoyances

The most irritating thing about incomplete files is the mess they leave on your hard drive. After a few weeks of heavy downloading, there were over 50 files that occupied my directory and music directory, but they had little or no music on them.



MusicDish, September 2000



Step 2: Do periodic cleaning

You can use a good system utility such as Norton Utilities to delete the 0 byte files, but what about the partially loaded files? These must be manually taken out (although the popularity of Napster might cause a firm out there somewhere to make an automatic cleaner someday).



Step 3: Bigger problems later

When you go to download a song that may still be on your hard drive (even a 0 bit file), you will get a warning that you are overwriting a song. Yes, this is technically true, but the file has nothing in it. The warning will hold up the process, and if you download in your sleep, it will not download.

Step 4: Send it on its way

Napster will ask you if you want to cancel the download or write over the existing one. Perhaps later versions will be able to spot the incomplete files and write over them. This is just another reason to practice good housekeeping on your hard drive.



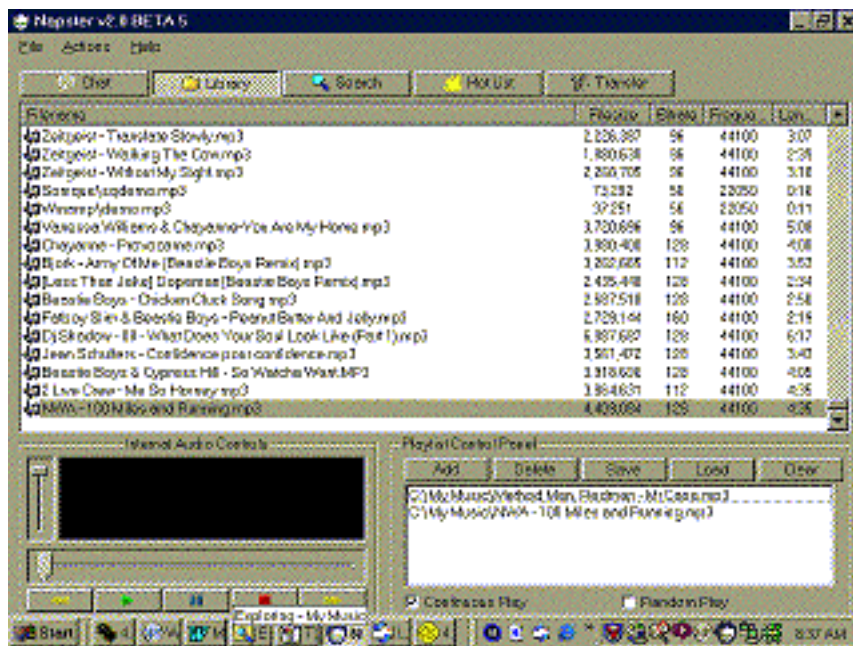
Using the Napster player

Step 1: Go to the player

Napster has a handy little MP3 player that you can use while you download files. It meshes well with the site and comes standard in the software. It is located in your "library" section (you can get there by clicking the "library" tab).

Step 2: Create a playlist

You go into your library's contents and find the songs you want to add to the playlist. Select them by right clicking and choosing "add to playlist", or by highlighting the song and clicking "add to playlist" at the bottom.

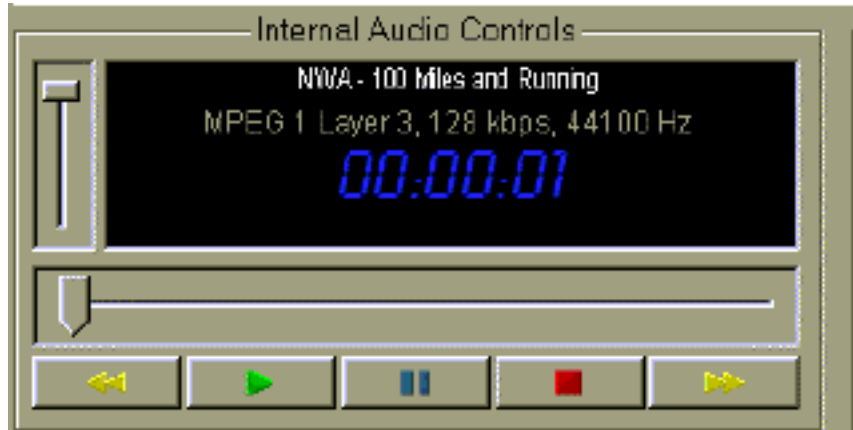


Step 3: Random or continuous

Your list can be played in any order, so to start, simply press the green arrow key.



MusicDish, September 2000



Step 4: Skip track and basic controls

If you want to skip the current song, you can hit the yellow double arrow key to advance a track. Pause is the blue double box, and to go back a track, simply click the yellow double arrow that points to the left.



MusicDish, September 2000

About MusicDish

MusicDish has been recognized as a leader in providing news, analysis and resources on the issues impacting professionals and executives in the online music industry. Through its broad stable of industry writers, collaborating organizations and in-house staff, MusicDish has carved a unique role in the market as an online publisher and content syndicator.

www.musicdish.com | info@musicdish.com