Copyright Infringement And Piracy In Music Industry

All types of music have been cherished and seen as delicacy for many people around the world. And not only was it meant for the pleasing of the ear, but it was also intended to fill the pockets of those smart enough to commercialize this product. However, in this modern, technologically savvy society, many people have decided that music should not be something that is exploited for dollar signs. So in a revolutionary manner, hundreds and thousands of people, if not millions, began illegally downloading music a couple of decades back. The act of pirating music is described as “...distributing or obtaining a copyrighted work (such as a music file) without the permission of the copyright holder…” (Grand Valley State University). This means that whenever someone downloads copyrighted music through a third-party supplier, not only is the record label losing big but the music artist is as well. In an effort to put an end to these countless and unlawful music downloads, many of these big record companies have taken numerous legal actions to protect their businesses. This seemingly never ending feud between the consumer and the producer has impacted the way music is heard on a global scale. Therefore, it is important to dissect this topic further as to understand why people feel the need to illegally download music and why music companies are doing everything in their power to stop them. Many people take advantage of pirating music however it is morally wrong and has a detrimental effect on record labels and artists as a whole.

To begin this complex deep dive, what first must be discussed is the background explanation on modern day music piracy. The concept of copyright is not a new one. The first original copyright law was implemented into the U.S Constitution. It was intended “To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries” (U.S Const. art. I, 8). However, when the rise of electronic music began to sweep America, these fundamental copyright laws did not cover this new material. Soon enough, people were beginning to pirate music through many different forms. However, the music industry's cries for help to congress caused them to patch their mistakes in previous laws (Cummings). But people were eager to get their hands on the music that they loved, specifically for free. Prior to the internet being a platform for music streaming, it was very simple to detect piracy music. This is because these forms of pirating usually involved physical platforms such as CDs or hard drives. This made is possible to convict copyright offenders based off of tangible evidence. But with the creation of the internet, people had the protection of anonymity to get away with downloading music for personal use or distribution (Gil). One great example of how music piracy was nurtured by the internet is through an online music service called Napster. In 1999, this site was developed into what the music industry could only call their worst nightmare. Napster ran on a P2P network which, simplified, means that it allowed an individual’s personal computer to connect to other people’s computers and transfer files with one another. A sudden bombardment of users flooded the website soon after its founding and in a matter of months, it became the largest source of online music piracy (Tyson). Music piracy was at an all time high. Napster boasted an average of 25 million users and around 80 million songs in its database. Even after Napster has been completely shut down due to multiple copyright infringement lawsuits, 38 percent of music listeners still obtain their music through copyright infringement. For the music industry, this equates to hundreds of millions lost in royalties and production.

Pirating music is morally wrong because it takes money away from music labels and artists. In an effort to make up for lost profits, the RIAA sued Napster for $100,000 for each copyrighted song that was shared on their platform. This puts into perspective how much the music industry is actually losing out on. If they are able to recover $100,000 from a three minute song and there were 80 million songs downloaded, that is an insane amount of money. And this is only looking at one example of retribution (Gil). But in this new digital world, the impact of downloading illegal music is harmful not only to artists but also the country. The music industry is important to the country because it provides a good portion of the nation's Gross Domestic Product. According to the article The Impact of Digital Piracy on music sales by Mark T. Bender and Yongsheng Wang, "The RIAA adds that the entertainment industry is valuable to the American economy because that industry enjoys a positive balance of trade. Citing U.S. Department of Commerce statistics, the RIAA claims that the 'copyright industries' account for six percent of the nation's GDP. Furthermore, these various entertainment industries are essential to the growth of other industries such as advertisement, consumer electronics, and retail" (Bender et. al.). This quote states that the impact of lower sales in the music industry can have a negative impact on the economic state of other large industries. With a variety of music streaming services letting fans listen to songs for free, the digital downloading era has become dominant. Tracks online were seen to drop 8 million dollars in sales, CD sales also continued their ongoing decline, dropping 14 percent. But the number of songs streamed through Spotify and Youtube increased by 32 percent. The amount of money that the music industry loses on a yearly basis is like no other. That is why they seek aid from the U.S legal system to help regain the loss of economic value every year.

Pirating is against the law and it is morally wrong. In a state of concern for the U.S economy and for the protection of the music industry, there have been many legal actions taken to secure the rights of all these different record labels and artists. In the earlier days of legal actions supporting these industries, Congress passed the Copyright Act of 1909. This allowed for music publishers and songwriters to earn royalties when their songs were recorded. However, a major flaw that Congress was not aware of at the time was that there was no copyright on recordings themselves. Music pirates came along and made quick work on anything and everything. It wasn't until 1971 when Congress passed a law that made it so that record labels had individual preservation of their work. Copyright laws had previously only granted a protection of up to 56 years but in 1976, Congress altered the length of copyright to the life of the author with an additional 50 years (Cummings). That same year, Congress also increased the punishment for those who broke the infringement laws and broadened the array of what was allowed to be placed under copyright laws. Even though Congress tried its best to deter people from infringing copyright laws, people still find it necessary to break the law for a couple measly minutes of music. This is when record labels decide to take matters into their own hands and bring illegal streaming services to court.

When you pirate music it has a great effect on artists and musicians. Many artists depend on the money they receive from sales on music and their music being streamed. If all music is pirated the artist can not make a substantial amount of money to live. We must understand that they are people just like us and morally, no one should download music illegally. Artists should get support from their fans and so then in return the artist can continue to make music for the consumer. When you pirate music, you in return harm the artist's livelihood and their future. Creating music is the job of the musician so that they can demonstrate their talent with an audience. The music industry doesn't just provide a home for musicians or singers. It is an industry for a number of people with different backgrounds in music and music piracy doesn't

just affect the artists or the record label themselves but they also affect other employees in the music industry like, sound engineers, music producers, songwriters and technicians are paid even less than the artist itself.

Overall, copyright infringement and piracy is still prevalent in this current day and age. Just because piracy is not being reported through the media does not mean it no longer exists. People may feel tempted to download the latest album of their favorite artists, but they need to understand piracy from the perspective of the record labels. Music is a business and just like it is morally wrong to steal from a convenience store, or stealing period, people should understand that illegally downloading music is the same thing. Nothing in this world comes for free. Everything has a price; including music found right next to a download button. If people continually choose to take part in this seemingly innocent scheme, music regulations will be so restrictive that we will have no choice but to start paying for what was trying to be avoided the whole time, music.