

### **We Don't Have to Pay for Music**

The idea that we have to pay for music is rather controversial and to rebut it the following arguments can be presented. First of all, it is said by the supporters of the above mentioned idea, artists creating their own masterpieces have exclusive rights for their usage and the phenomenon of Copyright is designed by the mankind to prevent the unlawful use of those artistic works. However, this point of view requires serious and close consideration as far as the Copyright can be exercised not only by the actual authors of music, but also by those who steal it from owners in order to make profit out of it. This fact can also be supported with the idea that Copyrights can be sold by the authors of music to the performers but later claimed back by the authors.

To exemplify this point of view, numerous cases might be considered. For example, the issues with Copyright have always pursued the field of show business in the European countries where artists make use of the famous hit songs by American superstars and steal their ideas in respect of music or lyrics for the songs. Such cases often occur in the countries whose artists do not have access to the world wide promotion and are not aware of the possible penalties for Copyright violations. In the USA, however, the famous cases of the stolen pieces of music include Jay-Z and Beyonce's song *Me and My Girlfriend* whose idea was stolen from Tupac Shakur's song of 1996 album *Makavelli the Don Killuminati: The 7 Day Theory* and others. Accordingly, Copyright does not protect artists from their music being stolen or illegally used by ordinary people for private or commercial purposes.

Further on, the Copyright can protect artists from the operation of numerous free music sharing web sites that are established by dozens throughout the World Wide Web. These shares are directed at mass distribution of the most popular music works

around the world and are usually free of charge. To be honest, it is impossible to eliminate such shares from the Internet, as well as it is impossible to control their performance and make them compensate artists for their works used. People have freedom of choice, so, basically, any form of control over these sites would be wrong and those who want to buy licensed CDs will do it despite any accessible shares and free downloading possibilities. At the same time, those who do not buy official CDs will find the way to obtain pirate music either from their friends or from the Internet. Thus, the Copyright argument attempts to prove that people do not have to pay for music. They rather have to be free in their choices and decide personally which way of access to music they prefer.

As a result, the issue of the compensation for the artists whose works were used or accessed illegally arises. The supporters of the paid music claim that artists should receive payments for their works, used in this or other way, according to the above mentioned Copyright. Nevertheless, there is still no scheme to control the illegal sharing of music, especially online, and there is still no adequate explanation to the question why people have to pay for music. Artists earn their living by producing music and promoting it in different ways, including Internet. Thus, the online sharing possibilities are the form of free promotion for artists and their work. Consequently, the works that are easier to access exercise higher rates of popularity and automatically it makes people buy official CDs of those whom they heard on the free Internet site.

Drawing from these ideas, however, the artists and recording companies are seriously troubled by the fast and unstoppable spread of free music downloading sites on the Internet. One of the most famous cases relating to this issue is the lawsuit against the popular Internet music sharing portal Napster filed by such famous artists

and business magnates as Metallica, Dr. Dre, etc. The lawsuit resulted in the legislative prohibition of Napster's performance without the lawful and juridically allowed compensations to the artists for the use of their music works by the site. On the basis of this court decision Napster tried to develop the system of paid access to the pieces of music in its online stores. Also, the possibilities for customers to buy those music works were developed in the format of the site, but this actually resulted in the decrease number of customers, as customers all over the world have numerous alternative projects that allow them to have a free and unlimited access to music.

Judging from this, it can be once again stated that to impose payments for music access on the Internet is a wrong way to solve the issue of music piracy and dissatisfied artists. It should be stated here once again that people must be entitled with the right of free choice of the goods and services they want to access, and the modern society understands this principle quite well. Due to this fact, lawsuits and court limitations imposed on one of the thousands of such sites as Napster contradict the basic human rights and freedoms and cannot change the situation.

Moreover, the existence of numerous free music sharing web sites and portals on the Internet dictates the necessity of legalization of this way of music promotion. In the case with Napster, the only difference of this web service from its numerous similar copies was that Napster openly advertised and promoted its services, and was widely known in the USA and other countries as the source of free music files. Other web sites specializing in the same area of activity are not widely promoted and this allows them to carry out the same share of work as Napster could. The latter, however, tried to openly defend the right of people for music irrespective of their financial or social status. Those sites that conceal their operations and distribute the piracy production are left without

attention and can keep on working in the usual regime. The inequality of conditions for the work and the inability of legislation to control the distribution of free music proves once again that people do not have to pay for music obligatory as if fulfils the demand of the legislation or somebody's order. We should have the choice of what we want to buy and what we do not want to, and this is not the matter of breaking the law.

Even on the contrary, it is an attempt to legalize what should become legal for all people. For example, it is groundless and unlawful to dictate a person what files are allowed to be stored on his/her personal web page and what files are forbidden (of course, if they do not promote violence, racism or other forms of anti-social behavior). Consequently, the sites that deal with free music distribution can be regarded as personal web pages of those people who have created them. Moreover, those people should be able to prove the right for distribution of the music works that they had to buy before placing them on the Internet. It is evident that files are received from some source and it must also be acknowledged that people who paid for those files have rights to share them as they desire. Accordingly, the site creators play the roles of service providers who have bought the raw materials for their services, i. e. music, and are entitled to decide whether their services are paid or not.

Drawing from this, consumers of these services, in other words the customers of music sharing sites, do not have to pay for music accessible on such web sites if their creators and owners establish such roles for customers. It is the most evident point that proves the statement that people do not have to pay for music if they have alternatives in the boundaries of the current legislation of the country. Therefore, the issue of online downloading of music becomes easier to solve. If the production is pirate, it should not be allowed for usage and distribution, but when the works of music promoted on the

Internet are licensed, they should be allowed to be legally distributed. To solve the issues of pirate music, numerous artists resort to recording their voice messages over the tracks warning the listeners about the unlawfulness of their actions.

Thus, to sum up the presented arguments, it is necessary to state that people do not have to pay for music if they do not wish to and have access to it for free.

Consequently, the logical question about the lawfulness of free music sharing sites on the Internet should be answered affirmatively, i. e. confirming the rightfulness of sharing music with your friends and colleagues online. The statements about the harm that free online music downloading do to small musicians should be treated rather critically as far as their main income sources are concerts and promotions. In this case, online downloading might be free promotion for such artists but not the real problem. Finally, people should be entitled to exercise their basic rights and freedoms among which the freedom of choice is crucial. People do not have to pay for music, and there are no points that contradict the law in this argument, especially if all the above considered points are carefully taken into account.