



DEMOMBABY: WEDNESDAY, OCTOBER 24, 2007

## WHEN PIGS FLY: THE DEATH OF OINK, THE BIRTH OF DISSENT, AND A BRIEF HISTORY OF RECORD INDUSTRY SUICIDE.



[Currently Listening To: *Music I Didn't Pay For*]

For quite a long time I've been intending to post some sort of commentary on the music industry - piracy, distribution, morality, those types of things. I've thought about it many times, but never gone through with it, because the issue is such a broad, messy one - such a difficult thing to address fairly and compactly. I knew it would result in a rambly, unfocused commentary, and my exact opinion has teetered back and forth quite a bit over the years anyway. But on Monday, when I woke up to the news that Oink, the world famous torrent site and mecca for music-lovers everywhere, had been shut down by international police and various anti-piracy groups, I knew it was finally time to try and organize my thoughts on this huge, sticky, important issue.

For the past eight years, I've worked on and off with major record labels as a designer ("Major" is an important distinction here, because major labels are an entirely different beast than many indie labels - they're the ones with the power, and they are the ones driving the industry-wide push against piracy). It was 1999 when I got my first taste of the inner-workings of a major record label - I was a young college student, and the inside of a New York label office seemed so vast and exciting. Dozens of worker bees hummed away at their desks on phones and computers. Music posters and stacks of CDs littered every surface. Everyone seemed to have an assistant, and the assistants had assistants, and you couldn't help but wonder "what the hell do *all* these people *do*?" I tagged along on \$1500 artist dinners paid for by the labels. Massive bar tabs were regularly signed away by record label employees with company cards. You got used to people billing as many expenses back to the record company as they could. I met the type of jive, middle-aged, blazer-wearing, coke-snorting, cartoon character label bigwigs who you'd think were too cliche to exist outside the confines of *Spinal Tap*. It was all strange and exciting, but one thing that always resonated with me was the sheer volume of money that seemed to be spent without any great deal of concern. Whether it was excessive production budgets or "business lunches" that had nothing to do with business, one of my first reactions to it all was, "so *this* is why CDs cost \$18..." An industry of excess. But that's kind of what you expected from the music business, right? It's where rock stars are made. It's where you get stretch limos with hot tubs in the back, where you get private jets and cocaine parties. Growing up in the '80's, with pop royalty and hair metal bands, you were kind of led to think, of course record labels blow money left and right - there's just *so much* of it to go around! Well, you know what they say: The bigger they are...

In those days, "piracy" was barely even a word in the music world. My friends and I traded MP3s in college over



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the local network, but they were scattered and low-quality. It felt like a novelty - like a digital version of duping a cassette tape - hardly a *replacement* for CDs. CDs sounded good and you could bring them with you in your DiscMan, and the only digital music you could get was as good as your friends' CD collections, anyway. It never occurred to any of us that digital files were the future. But as it turned out, lots of kids, in lots of colleges around the world, had the same idea of sharing MP3 files over their local networks, and eventually, someone paid attention to that idea and made Napster. Suddenly, it was like all those college networks were tied together, and you could find all this cool stuff online. It was easier and more efficient than record stores, it was powered by music fans, and, well, it was free. Suddenly you didn't have to pay 15 to 18 bucks for an album and *hope* it was good, you could download some tracks off the internet and check it out first. But you still always bought the CD if you liked it - I mean, who wants all their music to be on the *computer*? I sure didn't. But increasingly, more and more people did. For college kids, Napster was a Godsend, because you can all but guarantee two things about most college kids: They love music, and they're dirt poor. So it grew, and it grew, and it started to grow into the mainstream, and that's when the labels woke up and realized something important was happening. At that point they could have seen it as either a threat or an opportunity, and they, without hesitation, determined it to be a threat. It was a threat because essentially someone had come up with a better, *free* distribution method for the labels' product. To be fair, you can imagine how confusing this must have been for them - is there even a historical precedent for an industry's products suddenly being able to replicate and distribute on their own, without cost?

For quite a while - long after most tech-savvy music lovers - I resisted the idea of stealing music. Of course I would download MP3s - I downloaded a *lot* of stuff - but I would always make sure to buy the physical CD if it was something I liked. I knew a lot of musicians, a lot of them bewildered at what was happening to the industry they used to understand. People were downloading their music en masse, gorging on this new frontier like pigs at a trough - and worst of all, they felt *entitled* to do so. It was like it was okay simply because the technology existed that made it possible. But it *wasn't* okay - I mean, let's face it, no matter how you rationalized it, it *was* stealing, and because the technology existed to hotwire a car didn't make *that* okay, either. The artists lost control of distribution: They couldn't present albums the way they wanted to, in a package with nice artwork. They couldn't reveal it the way they wanted to, because music pirates got the albums online well before the actual release date. Control had been taken away from everyone who used to have it. It was a scary time in unfamiliar territory, where suddenly music fans became enemies to the artists and companies they had supported for years. It led to laughable hyperbole from bands like Metallica, instantly the poster-children of cry-baby rich rock stars, and the beginning of the image problem the industry has faced in its handling of the piracy issue. But still, at the time, I understood where they were coming from. Most musicians weren't rich like Metallica, and needed all the album sales they could get for both income and label support. Plus, it was their art, and they had created it - why shouldn't they be able to control how it's distributed, just because some snotty, acne-faced internet kids had found a way to cheat the system? And these entitled little internet brats, don't they realize that albums cost *money* to create, and to produce, and to promote? How is there going to be any new music if no one's paying for it?

On top of that, I couldn't get into the idea of an invisible music library that lives on my computer. Where's the artwork? Where's my *collection*? I want the booklet, the packaging... I want shelves and shelves of albums that I've spent years collecting, that I can pore over and impress my friends with... I want to flip through the pages, and hold the CD in my hand... Being a kid who got into music well past the days of vinyl, CDs were all I had, and they still felt important to me.

It's all changed.

In a few short years, the aggressive push of technology combined with the arrogant response from the record industry has rapidly worn away all of my noble intentions of clinging to the old system, and has now pushed me into full-on dissent. I find myself fully immersed in digital music, almost never buying CDs, and fully against the methods of the major record labels and the RIAA. And I think it would do the music industry a lot of good to pay attention to why - because I'm just one of millions, and there will be millions more in the years to come. And it could have happened very, very differently.

As the years have passed, and technology has made digital files the most convenient, efficient, and attractive method of listening to music for many people, the rules and cultural perceptions regarding music have changed drastically. We live in the iPod generation - where a "collection" of clunky CDs feels archaic - where the uniqueness of your music collection is limited only by how eclectic your taste is. Where it's embraced and expected that if you like an album, you send it to your friend to listen to. Whether this guy likes it or not, iPods have become synonymous with music - and if I filled my shiny new 160gb iPod up legally, buying each track online at the 99 cents price that the industry has determined, it would cost me about \$32,226. How does *that* make sense? It's the ugly truth the record industry wants to ignore as they struggle to find ways to get people to pay for music in a culture that has already embraced the idea of music being something you collect in large volumes, and trade freely with your friends.

*Already* is the key word, because it didn't have to be this way, and that's become the main source of my utter lack of sympathy for the dying record industry: They had a chance to move forward, to evolve with technology and address the changing needs of consumers - and they *didn't*. Instead, they panicked - they showed their hand as power-hungry dinosaurs, and they started to demonize their own customers, the people whose love of

music had given them massive profits for decades. They used their unfair record contracts - the ones that allowed them to own all the music - and went after children, grandparents, single moms, even deceased great grandmothers - alongside many other common people who did nothing more than download some songs and leave them in a shared folder - something that has become the cultural norm to the iPod generation. Joining together in what has been referred to as an illegal cartel and using the RIAA as their attack dogs, the record labels have spent billions of dollars attempting to scare people away from downloading music. And it's simply not working. The pirating community continues to out-smart and out-innovate the dated methods of the record companies, and CD sales continue to plummet while exchange of digital music on the internet continues to skyrocket. Why? Because freely-available music in large quantities *is* the new cultural norm, and the industry has given consumers no fair alternative. They didn't jump in when the new technologies were emerging and think, "how can we capitalize on this to ensure that we're able to stay afloat while providing the customer what they've come to expect?" They didn't band together and create a flat monthly fee for downloading all the music you want. They didn't respond by drastically lowering the prices of CDs (which have been ludicrously overpriced since day one, and actually *increased* in price during the '90's), or by offering low-cost DRM-free legal MP3 purchases. Their entry into the digital marketplace was too little too late - a precedent of free, high-quality, DRM-free music had already been set.

There seem to be a lot of reasons why the record companies blew it. One is that they're really not very smart. They know how to do one thing, which is sell records in a traditional retail environment. From personal experience I can tell you that the big labels are beyond clueless in the digital world - their ideas are out-dated, their methods make no sense, and every decision is hampered by miles and miles of legal tape, copyright restrictions, and corporate interests. Trying to innovate with a major label is like trying to teach your Grandmother how to play Halo 3: frustrating and ultimately futile. The easiest example of this is how much of a fight it's been to get record companies to sell MP3s DRM-free. You're trying to explain a new technology to an old guy who made his fortune in the hair metal days. You're trying to tell him that when someone buys a CD, it has no DRM - people can encode it into their computer as DRM-free MP3s within seconds, and send it to all their friends. So why insult the consumer by making them pay the same price for copy-protected MP3s? It doesn't make any sense! It just frustrates people and *drives* them to piracy! They don't get it: "It's an MP3, you have to protect it or they'll copy it." But they can do the same thing with the CDs you already sell!! Legal tape and lots of corporate bullshit. If these people weren't the ones who owned the music, it'd all be over already, and we'd be enjoying the *real* future of music. Because like with any new industry, it's not the people from the previous generation who are going to step in and be the innovators. It's a new batch.

Newspapers are a good example: It used to be that people read newspapers to get the news. That was the distribution method, and newspaper companies controlled it. You paid for a newspaper, and you got your news, that's how it worked. Until the internet came along, and a new generation of innovative people created websites, and suddenly *anyone* could distribute information, and they could distribute it faster, better, more efficiently, and for *free*. Obviously this hurt the newspaper industry, but there was nothing they could do about it, because they didn't own the information itself - only the distribution method. Their only choice was to innovate and find ways to compete in a new marketplace. And you know what? Now I can get live, up-to-the-minute news for free, on thousands of different sources across the internet - and *The New York Times* still exists. Free market capitalism at its finest. It's not a perfect example, but it is a part of how the internet is changing every form of traditional media. It happened with newspapers, it's happening now with music, and TV and cell phones are next on the chopping block. In all cases technology demands that change *will* happen, it's just a matter of who will find ways to take advantage of it, and who won't.

Unlike newspapers, record companies own the distribution *and* the product being distributed, so you can't just start your own website where you give out music that they own - and that's what this is all about: *distribution*. Lots of pro-piracy types argue that music can be free because people will always love music, and they'll pay for concert tickets, and merchandise, and the marketplace will shift and artists will survive. Well, yes, that might be an option for some artists, but that does *nothing* to help the record labels, because they don't make any money off of merchandise, or concert tickets. *Distribution* and *ownership* are what they control, and those are the two things piracy threatens. The few major labels left are parts of giant media conglomerations - owned by huge parent companies for whom artists and albums are just numbers on a piece of paper. It's why record companies shove disposable pop crap down your throat instead of nurturing career artists: because they have CEOs and shareholders to answer to, and those people don't give a shit if a really great band has the *potential* to get really successful, if given the right support over the next decade. They see that Gwen Stefani's latest musical turd sold millions, because parents of twelve year old girls still buy music for their kids, and the parent company demands more easy-money pop garbage that will be forgotten about next month. The only thing that matters to these corporations is profit - period. Music isn't thought of as an art form, as it was in the earlier days of the industry where labels were started by music-lovers - it's a product, pure and simple. And many of these corporations also own the manufacturing plants that create the CDs, so they make money on all sides - and lose money even from *legal* MP3s.

At the top of all this is the rigged, outdated, and unfair structure of current intellectual property laws, all of them in need of massive reform in the wake of the digital era. These laws allow the labels to maintain their stranglehold on music copyrights, and they allow the RIAA to sue the pants off of any file-sharing grandmother they please. Since the labels are owned by giant corporations with a great deal of money, power, and political influence, the RIAA is able to lobby politicians and government agencies to manipulate copyright laws for their

benefit. The result is absurdly disproportionate fines, and laws that in some cases make file sharing a heftier charge than armed robbery. This is yet another case of private, corporate interests using political influence to turn laws in the opposite direction of the changing values of the people. Or, as this very smart assessment from a record executive described it: "a clear case of a multinational conglomerate using its political muscle to the disadvantage of everyone but itself." But shady political maneuvers and scare tactics are all the RIAA and other anti-piracy groups have left, because people who download music illegally now number in the *hundreds of millions*, and they can't sue everyone. At this point they're just trying to hold up what's left of the dam before it bursts open. Their latest victim is Oink, a popular torrent site specializing in music.

If you're not familiar with Oink, here's a quick summary: Oink was a free members-only site - to join it you had to be invited by a member. Members had access to an unprecedented community-driven database of music. Every album you could ever imagine was just one click away. Oink's extremely strict quality standards ensured that everything on the site was at pristine quality - 192kbps MP3 was their bare minimum, and they championed much higher quality MP3s as well as FLAC lossless downloads. They encouraged logs to verify that the music had been ripped from the CD without any errors. Transcodes - files encoded from other encoded files, resulting in lower quality - were strictly forbidden. You were always guaranteed higher quality music than iTunes or any other legal MP3 store. Oink's strict download/share ratio ensured that every album in their vast database was always well-seeded, resulting in downloads faster than anywhere else on the internet. A 100mb album would download in mere seconds on even an average broadband connection. Oink was known for getting pre-release albums before anyone else on the internet, often months before they hit retail - but they also had an extensive catalogue of music dating back decades, fueled by music lovers who took pride in uploading rare gems from their collection that other users were seeking out. If there was an album you couldn't find on Oink, you only had to post a request for it, and wait for someone who had it to fill your request. Even if the request was extremely rare, Oink's vast network of hundreds of thousands of music-lovers eager to contribute to the site usually ensured you wouldn't have to wait long.

In this sense, Oink was not only an absolute paradise for music fans, but it was unquestionably **the most complete and most efficient music distribution model the world has ever known**. I say that safely without exaggeration. It was like the world's largest music store, whose vastly superior selection and distribution was entirely stocked, supplied, organized, and expanded upon by its own consumers. If the music industry had found a way to capitalize on the power, devotion, and innovation of its own fans the way Oink did, it would be thriving right now instead of withering. If intellectual property laws didn't make Oink illegal, the site's creator would be the new Steve Jobs right now. He would have revolutionized music distribution. Instead, he's a criminal, simply for finding the best way to fill rising consumer demand. I would have gladly paid a large monthly fee for a legal service as good as Oink - but none existed, because the music industry could never set aside their own greed and corporate bullshit to make it happen.

Here's an interesting aside: The RIAA loves to complain about music pirates leaking albums onto the internet before they're released in stores - painting the leakers as vicious pirates dead set on attacking their enemy, the music industry. But you know where music leaks from? From the fucking source, of course - the labels! At this point, most bands know that once their finished album is sent off to the label, the risk of it turning up online begins, because the labels are full of low-level workers who happen to be music fans who can't wait to share the band's new album with their friends. If the album manages to not leak directly from the label, it is *guaranteed* to leak once it heads off to manufacturing. Someone at the manufacturing plant is always happy to sneak off with a copy, and before long, it turns up online. Why? Because people love music, and they can't *wait* to hear their favorite band's new album! It's not about profit, and it's not about maliciousness. So record industry, maybe if you could protect your own assets a little better, shit wouldn't leak - don't blame the fans who flock to the leaked material online, blame the people who leak it out of *your* manufacturing plants in the first place! But assuming that's a hole too difficult to plug, it begs the question, "why don't labels adapt to the changing nature of distribution by selling new albums online as soon as they're finished, before they have a chance to leak, and release the physical CDs a couple months later?" Well, for one, labels are still obsessed with Billboard chart numbers - they're obsessed with determining the market value of their product by how well it fares in its opening week. Selling it online before the big retail debut, before they've had months to properly market the product to ensure success, would mess up those numbers (nevermind that those numbers mean absolutely *nothing* anymore). Additionally, selling an album online before it hits stores makes retail outlets (who are also suffering in all this) angry, and retail outlets have far more power than they should. For example, if a record company releases an album online but Wal-Mart won't have the CD in their stores for another two months (because it needs to be manufactured), Wal-Mart gets mad. Who cares if Wal-Mart gets mad, you ask? Well, record companies do, because Wal-Mart is, both mysteriously and tragically, the largest music retailer in the world. That means they have power, and they can say "if you sell Britney Spears' album online before we can sell it in our stores, we lose money. So if you do that, we're not going to stock her album at all, and then you'll lose a LOT of money." That kind of greedy business bullshit happens all the time in the record industry, and the consistent result is a worse experience for consumers and music lovers.

Which is why Oink was so great - take away all the rules and legal ties, all the ownership and profit margins, and naturally, the result is something purely for, by, and in service of the music fan. And it actually *helps* musicians - file-sharing is "the greatest marketing tool ever to come along for the music industry." One of Oink's best features was how it allowed users to connect similar artists, and to see what people who liked a certain band also liked. Similar to Amazon's recommendation system, it was possible to spend hours discovering new bands

on Oink, and that's what many of its users did. Through sites like Oink, the amount and variety of music I listen to has skyrocketed, opening me up to hundreds of artists I never would have experienced otherwise. I'm now fans of their music, and I may not have bought their CDs, but **I would have never bought their CD anyway, because I would have never heard of them!** And now that I have heard of them, I go to their concerts, and I talk them up to my friends, and give my friends the music to listen to for themselves, so they can go to the concerts, and tell their friends, and so on. Oink was a network of music lovers sharing and discovering music. And yes, it was all technically illegal, and destined to get shut down, I suppose. But it's not so much that they shut Oink down that boils my blood, it's the fucking bullshit propaganda they put out there. If the industry tried to have some kind of compassion - if they said, "we understand that these are just music fans trying to listen to as much music as they can, but we have to protect our assets, and we're working on an industry-wide solution to accommodate the changing needs of music fans"... Well, it's too late for that, but it would be encouraging. Instead, they make it sound like they busted a Columbian drug cartel or something. They describe it as a highly-organized piracy ring. Like Oink users were distributing kiddie porn or some shit. The press release says: "This was not a case of friends sharing music for pleasure." Wh - *what??* That's EXACTLY what it was! No one made any money on that site - there were no ads, no registration fees. The only currency was ratio - the amount you shared with other users - a brilliant way of turning "free" into a sort of booming mini-economy. The anti-piracy groups have tried to spin the notion that you had to pay a fee to join Oink, which is NOT true - donations were voluntary, and went to support the hosting and maintenance of the site. If the donations spilled into profit for the guy who ran the site, well he damn well deserved it - he created something truly remarkable.

So the next question is, what now?

For the major labels, it's over. It's fucking over. You're going to burn to the fucking ground, and we're all going to dance around the fire. And *it's your own fault*. Surely, somewhere deep inside, you had to know this day was coming, right? Your very industry is founded on an unfair business model of *owning* art you didn't create in exchange for the services you provide. It's rigged so that you win every time - even if the artist does well, you do ten times better. It was able to exist because you controlled the distribution, but now that's back in the hands of the people, and you let the ball drop when you could have evolved.

None of this is to say that there's no way for artists to make money anymore, or even that it's the end of record labels. It's just the end of record labels *as we know them*. A lot of people point to the Radiohead model as the future, but Radiohead is only dipping its toe into the future to test the waters. What at first seemed like a rainbow-colored revolution has now been openly revealed as a marketing gimmick: Radiohead was "experimenting," releasing a low-quality MP3 version of an album only to punish the fans who paid for it by later releasing a full-quality CD version *with extra tracks*. According to Radiohead's manager: "*If we didn't believe that when people hear the music they will want to buy the CD then we wouldn't do what we are doing.*" Ouch. Radiohead was moving in the right direction, but if they really want to start a revolution, they need to place the "pay-what-you-want" digital album on the same content and quality level as the "pay-what-we-want" physical album.

Ultimately, I don't know what the future model is going to be - I think all the current pieces of the puzzle will still be there, but they need to be re-ordered, and the rules need to be changed. Maybe record labels of the future exist to help front recording costs and promote artists, but they don't *own* the music. Maybe music is free, and musicians make their money from touring and merchandise, and if they need a label, the label takes a percentage of their tour and merch profits. Maybe all-digital record companies give bands all the tools they need to sell their music directly to their fans, taking a small percentage for their services. In any case, the artists own their own music.

I used to reject the wishy-washy "music should be free!" mantra of online music thieves. I knew too much about the intricacies and economics of it, of the rock-and-a-hard-place situation many artists were in with their labels. I thought there were plenty of new ways to sell music that would be fair to all parties involved. But I no longer believe that, because the squabbling, backwards, greedy, ownership-obsessed major labels will never let it happen, and that's more clear to me now than ever. So maybe music has to be free. **Maybe taking the money out of music is the only way to get money back into it.** Maybe it's time to abandon the notion of the rock star - of music as a route to fame and fortune. The best music was always made by people who weren't in it for the money, anyway. Maybe smart, talented musicians will find ways to make a good living with or without CD sales. Maybe the record industry execs who made their fortunes off of unfair contracts and distribution monopolies should just walk away, confident that they milked a limited opportunity for all it was worth, and that it's time to find fortune somewhere else. Maybe in the hands of consumers, the music marketplace will expand in new and lucrative ways no one can even dream of yet. We won't know until music is free, and eventually it's going to be. Technological innovation destroys old industries, but it creates new ones. You can't fight it forever.

Until the walls finally come down, we're in what will inevitably be looked back on as a very awkward, chaotic period in music history - fans are being arrested for sharing the music they love, and many artists are left helpless, unable to experiment with new business models because they're locked into record contracts with backwards-thinking labels.

So what can you and I do to help usher in the brave new world? The beauty of Oink was how fans willingly and hyper-efficiently took on distribution roles that traditionally have cost labels millions of dollars. Music lovers have

shown that they're much more willing to put time and effort into music than they are money. It's time to show artists that there's no limit to what an energized online fanbase can accomplish, and all they'll ever ask for in return is more music. And it's time to show the labels that they missed a *huge* opportunity by not embracing these opportunities when they had the chance.

**1. Stop buying music from major labels. Period.** The only way to force change is to hit the labels where it hurts - their profits. The major labels are like Terry Schiavo right now - they're on life support, drooling in a coma, while white-haired guys in suits try and change the laws to keep them alive. But any rational person can see that it's too late, and it's time to pull out the feeding tube. In this case, the feeding tube is your money. Find out which labels are members/supporters of the RIAA and similar copyright enforcement groups, and don't support them in any way. The RIAA Radar is a great tool to help you with this. Don't buy CDs, don't buy iTunes downloads, don't buy from Amazon, etc. Steal the music you want that's on the major labels. It's easy, and despite the RIAA's scare tactics, it can be done safely - especially if more and more people are doing it. Send letters to those labels, and to the RIAA, explaining very calmly and professionally that you will no longer be supporting their business, because of their bullish scare tactics towards music fans, and their inability to present a forward-thinking digital distribution solution. Tell them you believe their business model is outdated and the days of companies owning artists' music are over. Make it very clear that you will continue to support the artists directly in other ways, and make it VERY clear that your decision has come about as a direct result of the record company's actions and inactions regarding digital music.

**2. Support artists directly.** If a band you like is stuck on a major label, there are tons of ways you can support them without actually buying their CD. Tell everyone you know about them - start a fansite if you're really passionate. Go to their shows when they're in town, and buy t-shirts and other merchandise. Here's a little secret: Anything a band sells that does not have music on it is outside the reach of the record label, and monetarily supports the artist more than buying a CD ever would. T-shirts, posters, hats, keychains, stickers, etc. Send the band a letter telling them that you're no longer going to be purchasing their music, but you *will* be listening to it, and you will be spreading the word and supporting them in other ways. Tell them you've made this decision because you're trying to force change within the industry, and you no longer support record labels with RIAA affiliations who own the music of their artists.

If you like bands who are releasing music on open, non-RIAA indie labels, buy their albums! You'll support the band you like, and you'll support hard-working, passionate people at small, forward-thinking music labels. If you like bands who are completely independent and are releasing music on their own, support them as much as possible! Pay for their music, buy their merchandise, tell all your friends about them and help promote them online - prove that a network of passionate fans is the best promotion a band can ask for.

**3. Get the message out.** Get this message out to as many people as you can - spread the word on your blog or your MySpace, and more importantly, tell your friends at work, or your family members, people who might not be as tuned into the internet as you are. Teach them how to use torrents, show them where to go to get music for free. Show them how to support artists while starving the labels, and who they should and shouldn't be supporting.

**4. Get political.** The fast-track to ending all this nonsense is changing intellectual property laws. The RIAA lobbies politicians to manipulate copyright laws for their own interests, so voters need to lobby politicians for the *peoples'* interests. Contact your local representatives and senators. Tell them politely and articulately that you believe copyright laws no longer reflect the interests of the people, and you will not vote for them if they support the interests of the RIAA. Encourage them to draft legislation that helps change the outdated laws and disproportionate penalties the RIAA champions. Contact information for state representatives can be found here, and contact information for senators can be found here. You can email them, but calling on the phone or writing them actual letters is always more effective.

Tonight, with Oink gone, I find myself wondering where I'll go now to discover new music. All the other options - *particularly* the legal ones - seem depressing by comparison. I wonder how long it will be before *everyone* can legally experience the type of music nirvana Oink users became accustomed to? I'm not too worried - something even better will rise out of Oink's ashes, and the RIAA will respond with more lawsuits, and the cycle will repeat itself over and over until the industry has finally bled itself to death. And then everything will be able to change, and it will be in the hands of musicians and fans and a new generation of entrepreneurs to decide how the *new* record business is going to work. Whether you agree with it or not, it's fact. It's inevitable - because the determination of fans to share music is much, much stronger than the determination of corporations to stop it.

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537 COMMENTS:

 Chowderhawk said...

Wow, what a rant. I'm glad that you talked about this subject and that you actually updated your blog.

I think close to everybody hates the RIAA and the labels in general. The problem is that people don't want to do 'the wrong thing'. The RIAA just needs to sue someone every few months and people will keep thinking that they will be caught if they do it.

It's going to be an interesting time for music fans...

11:50 PM

 RealLowVibe said...

While I know you said you had avoided doing so due to the complicated nature of the whole situation, I thank you for sitting down and taking the time to write it out.

It's an eloquent, spot-on summary of what I've been feeling. Definitely passing this along out into the world...

And I can completely vouch for the points you've offered as ways to support bands without supporting RIAA-related majors. Whenever possible, buy merch and music directly from the bands themselves, as not only will you be avoiding supporting the clusterfuck that is the industry, you'll actually be directly helping the musicians in question, as many of the smaller bands depend on that merch money for things as simple but crucial as eating or paying for fuel to get to their next show.

Again, many thanks!

12:17 AM

 Lance said...

Exquisite. And done. You've articulated a philosophy and outlined the actions I have lived with and performed for the last several years. And you've done it in a manner far better than I could ever hope to.

There's not much else to say other than "you're right" and "it's time to take action."

I never did have an account on Oink. I was never that lucky. But I can at least stay happy knowing that little sites like Demonoid still exist, for now.

2:54 AM

 Brendan said...

Allmusic is a great way to learn about new bands. I spend hours on that site man. I feel the same way, although I like having a physical copy of the album (I'm like you in that I adore good album art and linear notes), it's just way too fucking expensive, and I fine myself paying more for my music (example: My copy of "In The Court of The Crimson King" By King Crimson cost me 21 bucks Canadian, and yet a copy of Snoop Dogg's new album was a mere 8 bucks. Whiskey Foxtrot Tango?). I'd be out tens of thousands of dollars that I don't have if I bought every album I own. And luckily in Canada, the RIAA or similar groups can't sue individuals for sharing music online. Go Canada's socialist paradise.

3:29 AM

 AlexD said...

Excellent as normal. For me it's all about the indie music bloggers. The independent music scene is going through a boom era at the moment. Particularly in the US. Now that those dudes you hate who wear fake vintage t-shirts with beards can have as much online presence as the major labels and push smaller artists on tiny labels who you otherwise never heard. Elbo.ws and hypemachine are great examples of quality control through the power people voting with their feet.

For me personally in the UK, there's nothing I've heard good on a major label in yonks anyway. We also have a movement back to vinyl of kids hearing and enjoying mp3s and then buying vinyl to hear it in all its analogue glory.

4:37 AM

 kyle said...

come join us on soulseek.

not torrents, but great way to get albums, and a very nice recommendation system

5:30 AM

 POLy said...

what a good article.. i didn't know about oink, but i do know how to download music from the internet... and i hope someday music will be free!

there is an interesting thing that happened in my country, im from Ecuador, a third world country, and even here, where people dont have education etc.. there was a a big tower records store... in the past 5 years the piracy went out of control so much, people could download their music from kazaa, or bearshare and from blogs that had the Cd's and music stored in rapidshare, sendspace, etc that tower records had to close,,, i dont know the world.. they bankrupt... you now what happened next? all the big(?) artist started to come here, before a small country, now was another place for band touring!

tu pagina esta muy bacan, me hace cagar de la risa, buena publicacion.

chao

8:31 AM

 Buzz said...

Great read, as always, thanks for that.

While you are that passionate about filesharing I wonder what you think about that your own work (or at least something you contributed to) is available for free on the internet. I think working on a live dvd for Nine Inch Nails isn't a two hour job, and if, in the end, this dvd is available (before street date) on the internet for free, aren't you angry that some/many/all the people steal your work instead of buying it? Or are you just like "It was a job, I got payed, I don't care what happens to the product..."? Or something completely different? What's your feeling about the whole situation while basically sitting on both sides in this "war".

Love to hear your thoughts about that.

Thanks,

Buzz

8:31 AM

 Anonymous said...

very well said, these are interesting times indeed.

8:58 AM

 Andrea said...

Now I really wish I'd gotten in on this whole Oink thing....I'd never even heard about it until after they shut it down. Apparently I really missed out.

I really liked reading this entry. You did it so well.

9:16 AM

 Anonymous said...

I'd like to have your brain for my pet.. if you don't mind.

10:00 AM

 McGeek said...

And let's not even get started on the networks who get pissy when you download television shows that are being offered for free on the airways anyway. I got a warning notice from NBC last season when I downloaded an episode of BSG. It had aired three nights before, I had forgotten to tape it, and it wasn't repeating or available online on their shitty media player. How else was I supposed to see the damn thing? According to NBC I was supposed to pay \$2 on Itunes for it (now \$5 with their new Amazon deal). If the season had been over and I was trying to play catchup before this season started, I would have been happy to go out and buy the DVD. But don't make me pay money for an episode that everyone else got to see for free, just so I won't be lost come Friday. That's just unfair.

P.S. Jeez, the 160? Ha, I just had to justify to myself that I needed the 80 GB and that was after my (4 GB) mini decided to fry on me. I had to dip into my Wii fund for that too, so sadly I'm still without awesome video

gamingness. Worth it though cause the first thing I did was download my stolen episode of Battlestar onto it. Take that NBC.

1:01 PM

 q said...

Thank you very much for this article. I completely agree with everything written in it. It's really a nice, objective summary of the whole record industries' absurd fight against their own customers.

1:17 PM

 acidpolly said...

thank you for the article!  
and what a lovely picture ;)

2:18 PM

 janthonyjackson said...

So, basically, the ideal distribution system is... Factory Records. Only with the internet.

last.fm has a decent rec system. And as there's no proper Los Angeles live music guide, you can look at last.fm's events page for your area. Not perfect, but better than anything else I've found.

For want of having more to say, here's my top three contemporary bands who are independent and unknown:

The Shells  
Howling Bells  
Jack Conte

[They all have a myspace of varying quality if you're interested.]

4:25 PM

 el marcador said...

WORD. dude i couldn't agree more with everything you had to say. im reminded of the NOFX song "Dinosaurs Will Die":

Kick back watch it crumble  
See the drowning, watch the fall  
I feel just terrible about it  
That's sarcasm, let it burn

I'm gonna make a toast when it falls apart  
I'm gonna raise my glass above my heart  
Then someone shouts "That's what they get!"

For all the years of hit and run  
For all the piss broke bands on VH1  
Where did all, their money go?  
Don't we all know

Parasitic music industry  
As it destroys itself  
We'll show them how it's supposed to be

Music written from devotion  
Not ambition, not for fame  
Zero people are exploited  
There are no tricks, up our sleeve

Gonna fight against the mass appeal  
We're gonna kill the 7 record deal  
Make records that have more than one good song  
The dinosaurs will slowly die  
And I do believe no one will cry  
I'm just fucking glad I'm gonna be

There to watch the fall

Prehistoric music industry  
Three feet in la brea tar  
Extinction never felt so good

If you think anyone would feel badly  
You are sadly, mistaken  
The time has come for evolution  
Fuck collusion, kill the five

Whatever happened to the handshake?  
Whatever happened to deals no-one would break?  
What happened to integrity?  
It's still there it always was  
For playing music just because  
A million reasons why

(All) dinosaurs will die  
(All) dinosaurs will die  
(All) dinosaurs will die

5:08 PM

 Natali said...

*Tonight, with Oink gone, I find myself wondering where I'll go now to discover new music. All the other options - particularly the legal ones - seem depressing by comparison.*

I'm feeling like there's a hole in my heart now that Oink has gone. I'm just holding out that I can find something, anything to bridge the gap. At least Saul's album is out next week, that's going to tide me over for a long time.

5:30 PM

 Mr. Tangent said...

Good post but I don't honestly see how you could defend music pirates. You blame the industry for attacking pirates yet it was the pirates who started it. Every action has a reaction. The industry was only responding to the blatant and widespread theft of their intellectual property (or that of their artists). The people know (or should) the laws and distributing copyrighted material to friends or random people is in no way justifiable or covered by "fair use" rights.

Now don't get me wrong. I think the internet is a great way to find new music but I think if you truly love a band you should buy their CD as well as see them live, buy their shirt or so on. I use P2P/FTP/web as a way to try before I buy, but by no means do I steal music.

Reason: There are a LOT of bands that cannot afford to go on a national tour, let alone an international tour. So if they don't have a shirt, or a tour, their only means of sustenance is by selling CDs. If people just completely rip them off they'll have less financial incentive to release future music. Granted music should not be about money but sadly, everything is about money and, quite frankly, musicians like to eat too. And pay rent. And buy nice things.

I think it boils down not to the socialist, utopia-situation that a lot of the so-called music lovers like to say it is (most of the replies here fit this bill), but rather it's a bunch of cheap-assed, gimme-gimme-gimme, take-everything, give-nothing assholes. There are some true music fans who download music and still support the artist, but I think you're deluding yourself if you think that this is the rule, rather than the exception.

Post-script: You say that the industry is not catering to the fans and that they should have embraced digital downloads. iTunes and others have been around now for several years. Is it not good enough? So the only thing good enough is if they give you everything for free?

Another poster asked if you liked being paid for your work. How would you feel if you went to work one day and the boss said that he didn't feel like paying you anymore and that you should do it for free. Do you think that's reasonable?

10:49 PM

 lighthief said...

Slightly off the point of the article Rob, but it would be interesting to know how you feel about the death of CDs as a whole and the box art that goes with them. I've been loving your designs but I worry a future w/o physical media to purchase would see us all stuck with web design, which, really, isn't nearly as fun or gratifying in my experience.

Thoughts?

11:25 PM

 Rob said...

Tangent: You're missing the point. The point is that no matter how you feel about it on a moral level, it's already happened. It's too late now, and it's not the fault of the pirates, it's the result of technology. Someone invented the internet, someone invented MP3s, someone invented means of distributing MP3s, and all of that has changed the way a new generation thinks about music. I used to think like you, because at first, it really seemed like the wrong thing to do. Ultimately, taking something that someone created just because you can *is* wrong. But technology changes the marketplace - there was a time when calculators used to cost \$100, now they cost ten cents. No one makes fortunes off of typewriters anymore, because computers made them obsolete. Those type of things. It was the responsibility of the music industry to recognize that technology was drastically changing their marketplace. That MP3s and the iPod becoming the cultural norm means that the way music is sold needs to change. You can't charge 99 cents a song. You can't charge 18 bucks for a CD. It doesn't make sense anymore, especially when a competing distribution method is offering the same product for *free*. The fact that it's illegal is a moot point when the values of our culture are turning more and more towards not viewing it as something that *should* be illegal, and the record industry is taking all the *wrong* actions to sway public opinion in its favor.

There's an interesting article here that suggests basic economic theory dictates that music *has* to become free - that it's inevitable (an interesting counterpoint is here). I don't know that all music has to be free - as I said in the post, there are a variety of different models that could work, and only through industry experimentation will we see which ones sink and which ones float. The industry can't experiment when it's being held back by a failing business model. The longer the industry continues to fight for its outdated methods, the more piracy is able to take hold as the welcomed alternative, and the less tolerance people have for paying for music. The industry is literally shooting itself in the foot, because it refuses to acknowledge how technology has changed its marketplace.

All of your arguments only apply to the current economic model of the music industry - and believe me, I felt the same way for a very long time. But you have to look at how the culture has changed with technology, and how the record industry has FOUGHT it to preserve the distribution monopoly that has allowed it to own artists' music while giving them barely any of the money their music has earned, and allowed it to overcharge you and I, the consumers, for the right to own that music (but not *really* own it, after all). If you look at what I said, I'm encouraging people to only steal music that is owned by the big record labels who are dragging the industry down with them by refusing to innovate, and turning against their fans in vile and arrogant ways with the actions of the RIAA. You can't demonize your consumers if you haven't made an effort to give them a fair alternative to piracy. iTunes? You really think it's iTunes?? 99 cents per song for less-than-CD-quality, no physical copy, and copyright restrictions, resulting in tens of thousands of dollars to fill up an iPod? It just doesn't make sense anymore, and even the most stringent music buyer will eventually give in because technology is outpacing the current business model.

Do you really think record companies should own the art that musicians create? That became the standard way that record contracts worked because record companies controlled the distribution, and they could call the shots. But it doesn't make sense anymore.

You're right that a lot of people who steal music have the greedy, gimme-gimme mentality and don't support most of the artists they download. But it doesn't matter, because the technology continues to grow, and fighting against that growth has proven futile. Holding on to the old business models is what got labels into the mess they're in. Can you imagine if Napster had shown up and they'd had the foresight to say "once people realize that they don't need CDs anymore, the floodgates are going to pore open - maybe we should embrace this"? They could have set the precedent right there that digital music costs X amount - a *fair* amount - and it would have prevented people like me from turning to the dark side, and kept piracy at bay for a lot longer. If a monthly subscription fee existed right now that allowed me to download any music I want, I'd pay really well for it - and I think a lot of people would. But it's not going to happen.

Part of why I wanted to write this post was to show how I tried really hard to cling to the idea of buying CDs, but I was eventually worn down. It's going to happen to you, too, I promise. It seems like it won't, but it will. Thanks to the internet there's simply *too much* great music out there. It's all at your fingertips, and you simply *can't* afford it all at the current pricing models. It's impossible, and you start to think, "why *shouldn't* I be able to listen to all this music? why have CDs been around for over 20 years and not gone significantly down in price?" And as labels put less and less money and effort into the physical CDs to try and cut corners everywhere but their CEO paychecks,

you're eventually going to realize your CD collection is becoming a big pile of junk that's just taking up space. And then you're finally going to feel ripped off, because there's no reasonable justification for paying \$18 for an album anymore - or even \$10 - *especially* considering how little of that goes to the artist. Artists usually make about a *dollar* of that money, on a good day. You know how much they make of that 99 cent iTunes download? Around ten cents, on average. So *ninety* percent of the money you're being asked to pay goes to the labels and Apple, with the best reports indicating that labels take about 65 cents or more. So, why should Apple get any of that money? Sites like Oink prove that we don't need the distribution service they're providing. Why should the record company get all that money? When you buy a CD at *least* the label can say they've paid for a physical product to be manufactured, shipped, and distributed around the world - but on iTunes, there is no physical product - the record company's share should be far lower. And the labels are afraid to price digital music too much lower than physical CDs, because they're terrified of pissing off Best Buy and Wal-Mart. So two people lose in the end: The artist, and you.

Do I get pissed off at the thought of people pirating something I've worked on or created? Well, yeah. It's a weird feeling, and every artist goes through the phase of being angry at fans for feeling like they have the right to do whatever they want with art just because technology allows it. But then you start to realize, "this is how it is now." Technology has changed it all, and as soon as you just leave the old way of thinking behind and start thinking of new ways to make it work for both parties, it's extremely freeing. You ask how I would feel if I walked into work and my boss said he doesn't feel like paying me today. That's not really a fair analogy. Musicians are doing something they love, and if they love it enough, they'll find ways to make a living off of it. No matter what though, I doubt there will ever be as much money in recorded music as there once was. And is that really such a bad thing? Maybe it is, maybe it isn't, but debating it is pointless, because technology is demanding that it happens.

Technology has forced change, and record companies are able to fight it because they own the music, and their profits are at risk, but it's a downhill battle. No matter how you feel about the issue morally, it's irrelevant because the change is happening no matter what, and the sooner we bring down the people who are holding back change the sooner some kind of new business model can take shape. It's going to be a very different industry, but there will still be musicians, and there will still be record companies, and there will still be CDs, and the options for artists and fans will be greater and more varied than ever before - and best of all, there will no longer be a need for musicians to sign away their art in order to get it out into the world *and* be successful with it.

This is a *huge* issue - a huge, huge, huge issue, and as you can see, I can talk about it forever and it leads to me rambling because there are so many different facets of it. It's a great issue for debate, as well, because the traditional rights and wrongs have all been mixed together into an unprecedented gray zone - and like I said, my own specific feelings on the issue go back and forth all the time.

Do yourself a favor, and read through this whole report - written *three years ago* by a record executive. It lays out a lot of important points, but most of all read the conclusion. It says more eloquently what I've been trying to say in this comment, and It also brings up the issue of media control which I didn't even touch on - that the RIAA and Clear Channel and the cartel of corporate labels are trying to protect their control. If the internet takes over, they can't tell you what to listen to, they can't tell you what to buy, they are no longer the filter. No matter how you feel about file-sharing or piracy or things like that, these organizations and what they stand for *must* go down for the benefit of consumers, artists, free speech, and a free market. And they *will* go down... it's just a matter of time.

12:42 AM

 DAGO said...

Great post, I don't agree 100% with every single point you make but even so I feel like it's worth sharing.

I tried to digg it but for some reason demonbaby.com is banned from the place.

12:47 AM

 Rob said...

lightheaded: I wouldn't worry. I think you'll find that really cool physical packaging feels dead right now because CDs are dying out (and labels are desperate to save money, so they won't pay for cool packaging), but it is going to come back in a **HUGE** way when artists go independent, for the simple reason that you can't pirate physical products, and putting out stuff like that is going to be a great way for artists to make money when they can't make as much off the music itself. Radiohead's disc box is a good example of the beginning of this new approach. If you're a big fan, of course you want the cool box with vinyls and books and stuff like that. You win because you got to download the album right away and still have an amazing physical component later on, and the Radiohead wins because they make a lot more money selling stuff like that direct to the fans than they ever would selling label-distributed CDs at Best Buy. And that's just one approach - it's exciting because the artists are going to get rewarded monetarily for coming up with the coolest, most artistic physical products that fans want to buy - it could

become a vital part of a new business model.

12:52 AM

 Rob said...

Dago - a couple people have emailed me about Digg not accepting anything from Demonbaby. My guess would be that someone Dugg one of my posts about weird Japanese sex toys, and then it got reported as being porn.

If anyone has a second, please email abuse@digg.com and/or feedback@digg.com and politely ask that they allow submissions from my site - I'd love for this article to be up on Digg, I think it would get a lot of interesting reactions over there.

12:57 AM

 ben said...

a good example of where things are headed is quote unquote records. they're a ska/punk record label that's been doing the "free download with optional donation" thing for several years now. their flagship band bomb the music industry! doesn't even sell merchandise, but will spraypaint their logo on a t-shirt for 5 dollars and they are able to make a living off of their music playing a genre everyone thought was dead ten years ago.

you can look all you want at the death of major labels. for most of the folks following this strange evolution, it's a no brainer. they are dinosaurs and they are already dead.

The future is in indy labels who, due to their lack of inertia, tradition and protocol, are always on the cutting edge. this revolution is fertile.

1:15 AM

 Owen said...

Incredible, not read your blog in a long time but when I do something exciting is here and something to get the blood boiling.

Your thoughts are exactly how I see things right now, it has been frustrating beyond belief to see the way that record companies have alienated those who made them while at the same time completely missing out on the opportunity to harness the power that the new technology would have brought them and their artists.

The gaming industry is next in my opinion, however it is obviously more difficult to pirate the latest Wii game than it is a CD but Steam seems to have recognised the potential for online downloads, merch and other cool community related bit's and pieces because it knows it will appeal to fans. The industry is releasing special edition packaging and Bioshock came with the coolest fucking toy ever! Imagine if the music industry treated it's fans in the same way as the gaming industry.

I'm not saying the gaming industry is all for downloading games for free but at least it has embraced the idea that their product is online and followed by a massive number of tech-savvy fans. I mean shit, there this BBC article shows how piracy of EA products in Asia has actually led to more consumers there.

To quote the article.

**"We have extremely strong brands [in Asia] thanks to the pirates; they have created millions of consumers - not customers," says Mr Florin.**

**The internet allows EA to tap into this market and make some money after all.**

**In South Korea, EA set up an online community based around the Fifa Soccer game. It was the firm's first venture in this market and has broken all records, with five million players or 12% of the population.**

**The Korean gamers are spending serious money on accessories and customisations of the online game.**

**"We now have to learn the business of running an online community," says Mr Florin.**

**He also has his eyes set on China, which has some 20 million players of football video games.**

The music industry has fallen asleep at the wheel and is heading straight into the path of an oncoming internet revolution train. ALL ABOARD!

3:44 AM

 Mr. Tangent said...

Thanks for the reply and links, Rob. I've read them and fully see your points. I agree that the industry is in for a sea change, and that the corporate behemoths are dinosaurs and the internet is the meteor.

We agree on more points than we disagree, I'm sure. I would buy music in digital format as long as it were priced right and as long as it came in lossless format with full album artwork/liner notes (much like what Saul is doing).

I also agree that albums are too expensive. I would never pay more than \$12-15 for an album (the mall stores are unbelievable). With that said, I think the magic number to recover CD sales is \$5.99-\$7.99. I think if every CD were priced at under \$7.99 people would come back in droves. Especially if it were \$5.99. It would be so cheap that people wouldn't bother with trying to find good rips. I don't bother with P2P a lot of the time because you never know what you're going to get (Oink aside). Poor rips, poor encoding, poor bitrate, etc. No album artwork. It's all hit or miss.

With \$5.99 CDs everything would be solved. People would get quality music/artwork and the industry wouldn't be hemorrhaging blood. I think they could actually turn things around.

In any event, the corporate monoliths are too stupid to realize the solutions to what ails them (your solution or my \$5.99 CD one). They'll continue putting their fingers in the dam until it breaks.

The problem then is what will happen to the intellectual property of all the artists once the big four (Sony BMG, EMI, Universal and Warner) go under? If they do go under as you hope they do there's going to be a lot of music stuck in legal limbo.

Let me ask you this... as an avid gamer, why don't you advocate the downloading of video games as well? Video games continue to increase in price when we know that the manufacture of the media is essentially the same now as it was for the first optical media games (PS1) over ten years ago? There's DRM on video games, there's not a viable way to download them (for the most part), etc. Why not advocate downloading video games as well?

What's the difference?

Lastly, what's your stance on downloading movies and literature sans payment?

4:19 AM

 Mr. Tangent said...

I thought I'd answer a few of the questions you posed, for fairness, Rob.

"You really think it's iTunes?? 99 cents per song for less-than-CD-quality, no physical copy, and copyright restrictions, resulting in tens of thousands of dollars to fill up an iPod?"

I was just positing that there are alternatives to buying the CD and/or pirating the music. However, Apple (and Amazon) both recently came out with DRM-free downloads. Apple has over 3 million songs that are DRM-free. You can copy the (remaining DRM'ed) music on to unlimited iPods and burn it on to CD unlimited times (as long as you change the track listing every 7-10 burns). It's a pretty fair compromise.

I do think that they should have lowered the price and I personally don't like lossy compressed formats. That's why I still buy the CD.

"Do you really think record companies should own the art that musicians create?"

I think it's horrible that the musicians don't own their own music. With that said, the musicians should have read their contracts better. You can't blame the industry when the musician had just as much to blame by allowing it to happen. They were free to go elsewhere and even release it themselves (on places like CDbaby.com).

In any event, again, we see eye to eye on more things than we disagree. Just thought I'd answer a few of your questions. Hope you're doing good, sir.

-- John (aka Mr. Tangent)

5:08 AM

 Anonymous said...

Long read -making good points,  
small fonts -giving me a headache.  
Thanks, it was good.

5:28 AM

 Anonymous said...

Hey Rob. Loving the blog and the rant is much appreciated.

As a gamer, i thought you might be interested to know that the videogame is currently experiencing a similar level of polarisation.

I've worked as a product manager for a major international games publisher on some serious brands and have now moved on to the design and development side of things: inhabiting both spheres has given me some degree of perspective on the matter :]. With games it's much more retailer led- publishers large and small are consistently bent over by the retailers who \*demand\* their place in the profit cluster-fuck.

Whenever you walk in to a store and see a game marked as "number 1" on the shelf or in a top 10, it's a position that has been paid for by the publisher. That positive review score in your favourite videogames magazine? Paid for in lieu by the publisher investing in advertising in the mag. Seen a good PR piece on a game? There's an \*awful\* lot of corporate cash gone in to lubricating that particular tabloid a-hole.

It becomes a bit sickening to me to be honest; games like Shadow of the Colossus, Okami, God of War 1, Katamari and Oddworld: Stranger's Wrath have all fallen by the wayside due to a significant amount of money being poured into titles like Fifa and Juiced.

So now we're faced with a dichotomy: Stick with a box on a shelf, stuffing wads of cash into the Wal-Mart/ Amazon/ EB Games pie-hole? Or get online? Strive to find new interesting content via outlets such as Steam- a service so powerful and transparent that retailers fill their pants whenever it's mentioned. The volume and variety of products being distributed via Steam has rocketed due to Valve enforcing similar values that Oink embodied: quality, flexibility, creativity and variety.

I notice that you're playing Portal 360 at the moment- doesn't it make you feel sick to think that the same game (The Orange Box) costs nearly \*double\* what it does on the 360 compared to the PC? Just because it's on a console?

ps: If i rip all my NIN cd's and DVD's then set them all on fire am i fighting the good fight? I want to be a good boy and rage against the machine but i also like the pretty CDs :[

6:52 AM

 Owen said...

main difference between music and games is that record labels has cheapened the experience of what listening to music was to fans whereas video games have become more and more innovative and have used the potential of a generation of fans online to it's fullest making the whole package worth spending money on.

7:39 AM

 Erin K said...

KICK ASS!

You are my hero Rob!

I could add another long winded comment on what I think, and what I am already doing along the lines you listed.

But instead I'll just say Thanks.

That was a very well written argument.

9:19 AM

 Jonathan said...

Rob (and others reading, naturally),

You should read this article.

Basically, it's the point of view of a recording industry executive who realized how poorly the industry treats the musician.

I read this years ago back when Napster and Morpheus were first getting started, and I haven't paid for music since. I go to concerts and purchase merchandise still, of course, but I'll be damned if I support an archaic, power-mongering system which has more than outlived its usefulness.

10:23 AM

 Anonymous said...

Worry no more about where to find the torrents - The Pirate Bay is reviving oink.

<http://torrentfreak.com/the-pirate-bay-to-bring-back-oink-071026/>

11:21 AM

 Anonymous said...

This write-up is dead on. Kudos.

12:57 PM

 Jonathan said...

...as an afterthought, I would advise everybody to download a copy of Peerguardian 2.

Peerguardian 2 essentially masks your ip address from a list of other ip addresses belonging to P2P watchdogs (read: the RIAA and MPAA), government agencies, and educational facilities (pay special attention to that last one, college students!). Consider it a safety net, protecting your ass from being sued.

They don't have a vista version up and running just yet, but they ARE working on it.

1:05 PM

 Matt Neffer, Boy Spotwelder said...

Hey Rob, well-argued post and i agree with some of what you say -- especially the parts about the industry not working hard or fast enough to adapt.

But the whole death-of-the-rock-star-as-a-career, people-should-just-make-music-for-love-of-it thing seems hopelessly idealistic, unfair and naive. People have a right to make a living as an artist and no matter how you dress it up, stealing from musicians DOESN'T help them in the long run. To be frank, I think your advice to fans is terrible.

But never mind me. Here's a quote from Mickey Melchiondo of Ween, from the latest issue of NOW magazine here in Toronto:

"Finding out that our album had been leaked online was one of the most emotionally painful experiences I've ever been through. It was like watching someone fuck my wife. I punched the guy in the face who told me it happened. I mean, it took us two fucking years and over \$100,000 to record the album without a record label. We had to take out a bank loan to pay for it. To put all that time, effort and money into recording an album only to have it come out in this shitty-sounding MP3 format without any artwork was extremely upsetting."

So, you know... Yeah, yeah, the technology exists and it can't be un-invented, and maybe all you say is true. But stealing is still stealing -- go ahead and do it if you must, kids, but don't pretend that you're making a "point" by doing so, or that you're doing the artist some sort of favour.

1:53 PM

 lovin said...

Excellent blog.

Your best yet!

Educate the people man because no one else seems to be!

2:19 PM

 Anonymous said...

When I was on the dole (a UK socialist thing) I used to steal all the music I wanted. Now I have a job and work for a living (unlike the bottom sucking dole-skum) I now have a rule: any album I listen to obsessively I buy (if I can get it on mp3 I buy it that way, if not I buy it on CD and put it in my closet - along side R Kelly) The strange thing is I never buy an album if I can't hear it first..... Go figure that one out industry bitches.

2:39 PM

 Anonymous said...

what about madonna's deal with live nation? they are getting a cut of her shows and merch?

2:41 PM

 Rob said...

I absolutely believe that musicians have a right to make a living off of music, and never championed the idea that people should have to make music entirely for the love of it. My point was that regardless of what you or I may want, the *reality* of the changing industry is that it may never again be possible, or at least particularly common, to make the *type* of living that we've come to associate with being a really popular musician. Maybe becoming a millionaire won't be possible, but making a very comfortable living will be. Or maybe becoming a millionaire *will* be possible because of exciting new business models we haven't even imagined yet. We won't know until the big labels stop holding back inevitable change, and that's my point. Right now their artists and you the consumer are losing opportunities left and right, and piracy continues to grow as a result.

To the Ween guy I would say this: It may bum you out to no end that your album leaked online, and people heard it a way you didn't intend - and I know the feeling, believe me. I've worked really hard on the artwork and presentation of albums and DVDs, only to have them show up online weeks beforehand - shitty scans of album artwork, or crappy video encodes of DVDs - and it's unbelievably frustrating. But instead of whining about it, you have to stop and realize that things have changed, and however you may feel about it, it's no longer possible to manufacture a CD and expect that your fans will buy it in stores on release day and hear it for the first time the way you intend. It doesn't work like that any more, so if having some control over how your art is presented is important to you, you need to think of ideas like selling the music direct to fans digitally (even if it's in the form of a CD pre-order where you get the digital version right away). Since the music never leaves your hands until it's sold online, everyone is guaranteed to get it at the same time, in the high quality you want them to hear it at. You can include artwork, videos, anything you want - and those who want a physical copy can still get it a couple months later. And you can do that without hassle because you're not on a major label.

There's an instinct to blame everyone but yourself, and the record industry has followed that instinct for way too long.

I don't believe in enjoying music and not giving back to the artists who spent time and money recording it. I never told people to steal from musicians. I told them to support artists directly and not to buy music from RIAA labels, to help fast-forward the inevitable collapse of the outdated business model as we know it and begin a new model, because it will be better for *everyone*. Clearly right now, it isn't working.

3:55 PM

 janthonyjackson said...

I want to reply to Mr. tangent's idea about games and film.

First, I don't know the statistics, but I'd think that Bungie would get a majority of the sale of HALO as opposed to Microsoft. Microsoft gets the majority of its money via the XBox. So in this sense Bungie would be a 'small label' whose artists would reap the most reward. It gets murkier when you deal with giants like EA. But as their artists are on salary, and don't get royalties at all, it's not the same issue. It's actually more abusive to the artists, and they should probably try to unionise as the industry grows.

As for film, well one argument is that the experience of sitting in a theater with an audience is far superior to any home video version possible. And most films make their money from international distribution.

In the end, the studios will take most of the money, but technically, the art wouldn't exist without the studios. So you can't really pirate out of a 'fuck you' idea to the studios. A personal choice takes over, most people I know might d/l a show or a movie, but they'd rather buy the DVD. Most DVDs have commentary or special features, and thus, are a unique selling point over a divx of the film.

On the point of DRM, and Rob's mention that CDs don't have DRM. Well, he's wrong about that. It does have a form of copy protection that was invented in the late 80s. It was a piece of piss to crack and they've never changed it. Same with DVDs, because anything you can do with software, you can undo. The BluRay and HDDVD is the one that pisses off customers. Cause it ties into hardware, so any cheap HD TV or monitor, simply won't work with the disc because it's not on their limited list of 'legally compatible' instruments. And that's just annoying.

Wow, apparently I can ramble as much, if not as well, as Rob.

4:05 PM

 inkdskn said...

This page made my day, mate... I'm crushed about OiNK. I only wish labels would listen objectively. I have a feeling it will be future generations that revolutionize the music industry; I fear that's how long it will take... such a shame.

4:06 PM

 Copy Paste Repeat said...

Great post Rob. I do agree, (like any rational/sane person) with your take on the future of the music industry. But I do wonder if you would've written all that up before NIN had finished with Interscope. I'm not having a dig at your position, I just think that your opinions and actions expressed in your latest post would go against the thoughts of your client/s.

I don't know the relationship, (personal and professional) you have with Trent and NIN, but your ideas sound a little conflicted. You're obviously two different people, but I'd imagine it to be difficult to post up such things if NIN were still signed to a Major label.

In any case, your blog entry is excellent. I shall link it out on various message boards to get people talking/thinking about such ideas. Thank you for taking the time to write such a lengthy post.

4:32 PM

 Anonymous said...

My friend and I were talking about this today. You can go to the library and read anything you want for free. Music will be that way, whether they like it or not.

Poor OiNK. He should have ran the site legally like Netflix. That company allows people to pirate any movie they want. And they really make money off of it, which OiNK didn't. There's ways around it.

Will someone please start a netflix music section so I can listen to everything I ever wanted and legally fill up my iPod for 10 bucks a month? Just saying...

I miss OiNK too much already.

4:38 PM

 Chester said...

Nicely written, and obviously well thought out. I've been saying a lot of the same things on my thing.

It's weird, though, as we find more sites like ours, we realize how few sites like ours there are. Big changes are happening.

4:51 PM

 Borbus said...

"I'm now fans of their music, and I may not have bought their CDs, but I would have never bought their CD anyway, because I would have never heard of them!"

This is the most sensible thing I've heard so far in all the OiNK related blogs and article online and I have been saying it since day 1.

The truth is, before OiNK, I didn't listen to music **at all**. Not a single bit. I didn't listen to the radio and I certainly didn't buy CDs.

OiNK kindled my interest in music. Suddenly I could easily try music that I *might* like, without risking my hard earned money. And sometimes I did like them and guess what, I bought the CDs and went to the concerts.

So before OiNK: 0 albums listened to, 0 albums/concerts purchased.

After OiNK: 100s of albums listened to, ~15 albums/concerts purchased.

15 isn't a lot, I know, but I am poor. The point is that 15 is greater than 0 and that can only be a good thing right?

Of course, according to the record industry they still lost money. How? Because I downloaded 85 albums but didn't buy them. I don't know who taught the RIAA mathematics, but even a child could show that their calculations are

wrong.

4:56 PM

 rob said...

"

Will someone please start a netflix music section so I can listen to everything I ever wanted and legally fill up my iPod for 10 bucks a month? Just saying.."

^^^That is an *incredibly* good idea.

5:08 PM

 Anonymous said...

Thank you for this. Best thing i've read in years about music, and the music industry. I'll try to spread the word.

5:37 PM

 Anonymous said...

Nice article! After reading it and the comments posted, I find myself angry.

This is basically a small example in the grander scale of things. What I believe everyone is actually getting angry about, is CAPITALISM. This is just the music angle of it. All you see these days are large powerful manipulating companies finding ways to squeeze out of you your hard earned cash. They boast billions of dollars worth of profit, but yet they need to raise their prices and charges so they can improve their profit margins to keep shareholders happy. GREED! I myself believe you should be charged for services rendered so you can afford to eat, pay the rent etc, but these charges are purely in place to make a select few richer. It is not the artist seeing all this money, they just get a percentage. Artists are the true owners of their work, unfortunately the way the system has been set up by the money mongers, it is only a piece of paper/contract which says they own it instead. Artists to music distributors are 'things'. They are 'things' used to generate large profits for themselves. They don't care about what the music stands for or what the artist is trying to achieve or convey in their lyrics. When that 'thing' stops producing money for them, they discard it. How many artists have been dropped from a label purely because their last album didn't do as well as expected?! They don't take in to account the possible millions they have made off them in the past. Sometimes a CD comes along which may not have been understood or appreciated at the time and flopped, but sometimes later it becomes a cult classic. Then you can't buy it anywhere, unless they re-release it. Now, with the internet, you can download it. Distributors claim sometimes that they would have re-released an album, but because of the damage caused by downloading on the internet it is not economically viable. BULLSHIT! I put it to you that it would never get re-released! Since the internet, I have been able to get rare or no longer released soundtracks. Some of these soundtracks weren't ever released in my country because simply the market wasn't big enough to warrant a release. Well, you may have had the power to make me pay up to \$80 to import a CD then, but you have now lost that power. In addition, I have also been able to access extended scores of some of my favorite scores. If we didn't have the internet to get this music, you can't honestly say it would have been something you would have considered releasing one day. You didn't even realize there was a large enough market for it, until you saw how popular the downloads for the albums actually were.

I am sick and tired of listening to multi-billionaires cry because they aren't making as much money as they did last year. Most of these people don't see art when they sign a new band, they see \$\$\$\$\$'s. If they don't get the dollars, they aren't interested. I read a question from a blogger asking would I like it if my boss said that he doesn't want to pay me anymore for coming in to work, I should work for free. No I wouldn't, but I am earning a modest pay to enable me to pay bills, eat, pay rent and buy some nice things, I am not going in to his office saying I only earned \$300 this week, next week I need to earn \$500 because my greedy family want more money! I have no desire to have millions, I don't want to be poor either, but that is only because I need to survive and live in a world that functions on money and greed. I am happy earning enough money to get me by and save a little. I don't need a bank account with millions sitting int here, not knowing what to do with it apart from waste it on unnecessary things so some corporation can get richer! I think if you are a corporation which can claim millions or billions worth of profit, I think you are covering your expenses and making enough money to allow you to continue providing services without the fear of going broke.

I don't buy as many CD's as I used to, but that is for two main reasons. Granted, yes one is because I can download off the internet, the other is because a lot of music being released is shit! The world is flooded with it, and how many times can you re-release the same music over and over again on so many different compilations. But even worse, charge full price for a CD of a compilation of 70's or 80's music which I am sure you have already made millions of dollars from in their initial releases. I have downloaded music thinking it was going to be a good album, listened to it and then deleted it because it was crap, being glad I didn't pay the extortionally high CD prices for it. I have also downloaded some albums from artists I have never heard of before. One classic example is Muse. I now have ALL their CD's and DVDs, and I am off to see them in concert. I would never had done this

without the aid of the internet, to be frank, if I saw a CD in the store that said MUSE, I would have flicked right past it being none the wiser. In addition I have introduced MUSE to many of my friends, who now also own their CDs and are going to their concerts. Granted this is a bad example now as they are well known, but I am talking in their early days when they were just starting out.

I would be curious what would happen, if music distributors did get together and create a website where you can cheaply download MP3's (I am talking 10c per song as an example not 99cents per song). If music was cheap enough to download, surely most people would say it wasn't worth finding a site to download music for free as it is cheap enough to buy anyway. Yes you would still get your free-loaders want it for nothing, but I believe you would get millions of people who aren't paying anything at the moment for their music, change to pay-for-download because it was more affordable and didn't warrant theft of it. You can make more money by having a lot of people pay less for an item, than have a few pay shit-loads for it.

I know this is a big waffle, and not written very well. I am tired but I felt I needed to add my 1 cents worth. I hope what I am trying to say is clear enough without me having to edit it.

The music industry isn't dead, they just need to realize the needed change as highlighted in this blog. After all aren't we the customer? The customer has demonstrated a need of change to their services rendered. Sometimes the customer is right. Now we just need to wait for a company smart enough to come along and offer the right services and I am sure they will become billionaires. Such a vicious circle! :)

5:40 PM

 Anonymous said...

"Sometimes the customer is right."

Elementary business studies will tell you the customer is [i]always[/i] right.

5:47 PM

 -at said...

Demonoid was threatened with a lawsuit from Canada and now the site blocks on Canadian IPs. There are of course ways to get around it, but that's not the point. Unfortunately, their time will come soon.

6:07 PM

 Josué said...

Amen.

and thank you.

6:29 PM

 Anonymous said...

i love you man  
great article  
im positive all the former oink users have read this, as are other people

6:31 PM

 Anonymous said...

You have put into words things that have plagued the recesses of my mind for years, I was a frequent oink member spent many hours exploring different music accumulated several gigs of music and have bought more cds than i could fill 2 of my 4 walls with, it was the best library of music in both quantity and in quality of music in the WORLD Oink was amazing and it will continue to live on in every member no matter how big or small. they will never stop this revolution, all 180000 of us will continue fighting for the right to explore and support our bands by our terms. Some people have religion, we have music.

6:46 PM

 Anonymous said...

gayest blog i've ever read

7:06 PM

 Anonymous said...

I don't know if this is new information here, but Rob, you might find this interesting; Oink is making a comeback-  
<http://torrentfreak.com/the-pirate-bay-to-bring-back-oink-071026/>

7:15 PM

 JR! said...

you sum up my feelings exactly!  
Fuck the major labels, Long live Oink!

7:16 PM

 Anonymous said...

-That link didn't work properly, try this, but stick the ends of this address together;

[http://torrentfreak.com/  
the-pirate-bay-to-bring-back  
-oink-071026/](http://torrentfreak.com/the-pirate-bay-to-bring-back-oink-071026/)

-Doug

7:19 PM

 Anonymous said...

You have my support from Norway.

Great read!

7:42 PM

 Judith said...

seriously, that is the most informative and eye opening article i've read in a long time. It's nice to hear an inside opinion of whats going on. :)

7:49 PM

 Anonymous said...

What an article, seriously, everything you said makes absolute sense, I'm showing this to everyone I know.

7:58 PM

 Sam said...

I would gladly pay \$50 a month for what OiNK was. Ever since I got my oink invite, I've wished that there were some way I could pay for the music I was downloading -- I've bought CD's, more CD's than I ever bought before, but it's sort of random which artists and labels end up benefitting. I've tried Rhapsody but every time a song comes up that I can't download because the record labels are fucking pigs, it makes me so mad that I cancel the service. I mean I want to give them my money, I really do, but paying for something that makes me angry when the perfect service is free is just nuts.

Record labels: PLEASE PLEASE PLEASE make a legit oink! I will pay and so will millions of others! It is unbelievable that the TV industry gets upwards of \$50 a month from pretty much everybody in the first world and music gets nothing when music is such a better product!

And furthermore, if you don't do it, you are completely fucked because piracy isn't going away ever. Hah.

8:02 PM

 zaP said...

Rob, i cannot say how much i appreciated this good rant. I havent read such a good piece in a while, and cant add much more but to say i agree with you on every single word. I hope to see you around when a new OiNK or the like arises, and give us a short hello :) Will be looking at your blog more often now, and i added a link to your rant on ours. Take care.

zaP

(former) OiNK staff, musiclover, criminal

8:21 PM

 oink.me said...

interesting article. a nice read. i was an eraly member of OiNK when the site was only 2 months in July 2003. At that time it was open registration for members and it was not possible to upload anything, only download. A few startup members had uploading privilege; there was only 1 album i wanted which prompted me to join. The uploaders were putting up torrents for 192 bitrate mp3 (whole albums) for grabs when everywhere else only had shitty 128 kbps available. I stayed on the site for the quality content and saw it grow from under 5,000 users to 180,000. OiNK opened my eyes and ears for new music, allowing me to download selected tracks to sample before

downloading the complete album. I found a lot of new, emerging bands I liked, found some defunct bands I liked, and which eventually led me to support many, many independent artists by buying their cds on the internet sites. MP3, flac, etc. were good to listen to on digital player, but i liked to have cd quality sound, the artwork, the fancy cds, the booklet, and the inserts, etc. for the independent artists I really enjoyed. If it wasn't for OiNK, I would never have discovered these artists nor would i have explored other musical genres. You are absolutely correct that the record companies just don't get it. If they had the premonition to set up a downloading site which:

1. allowed users to dl and preview the music/complete tracks before purchasing (even if at a crappy bitrate) and
2. allowed quality dl of albums at a reasonable cost or reasonable monthly fee,

I would be signing up in a heartbeat. It's just a matter of simple economics, low margins (i.e. low fees) would result in high volume [of users] and the record labels would still be making decent profits.

R.I.P. OiNK... 23-10-2007 the day the digital music died.

P.S. there is a small army of OiNK refugees scattered around some other sites who are committed to continue to upload to the sites from their oink-enriched musical libraries. it is just a matter of searching around the 'net... "cut off 1 head and 2 will grow in its place" [excuse any typos]

8:34 PM

 zaP said...

It finally made it on digg :)

[http://digg.com/music/When\\_Pigs\\_Fly\\_Death\\_of\\_OiNK\\_and\\_a\\_brief\\_history\\_of\\_Record\\_Industry\\_Suicide/all](http://digg.com/music/When_Pigs_Fly_Death_of_OiNK_and_a_brief_history_of_Record_Industry_Suicide/all)

8:55 PM

 plafito said...

amazing post. You said everything.

9:01 PM

 NekstBestThing said...

This is what I emailed to those controlling facists at DIGG:

I really respected you guys.

Social news.

Sounds pretty free, Pretty honest.

Where people can express their opinion through comments,  
and the stories they submit.

However I seem to have been mistaken when your "company"

decided to block the url:

"<http://www.demonbaby.com/blog/2007/10/when-pigs-fly-death-of-oink-birth-of.html>".

Perhaps you think it is controversial..

Well I'm sorry to tell you but this article is truth,  
and the NEWS by definition is truth.

At least let the community discuss it.

Dont get all 1984 controlling facist on us Digg.

9:12 PM

 Yoshata said...

Reading your entry has really made me understand more about this issue than I ever thought I did, and I thank you for that. Now it's only a matter of time and effort on our part when it comes to obtaining music and supporting artists...

9:19 PM

 Dragonnnnn said...

Very well said Rob. It's nice to read the words of someone who gets it.

From all of us at OiNK Staff

9:27 PM

 Anonymous said...

Top notch my man! Agree with you in every respect. I will continue to go out of my way to make sure the RIAA make as little profits as possible from my pocket. Those funds should be going where they belong the artists.

I want to see bands and musicians jumping ship and going independent. Blow the lid off that can of snakes.

9:56 PM

 Anonymous said...

well after being in the business for 25 years and being fucked over left and right I really dont think a real business model even exists any more for the music industry,  
For years it was a drug & booze dream for people who could get oevr like Geffen,Azoff,Stein & the worst FUCKING ASSHOLE OFFENDER Clive davis.

This guy is beyond description.

At least when I dealt with Ahmet Ertegun he had some semblance of fairness.

Fuck the music industry is what I say now,you would make more money in the end on average giving blow jobs in Times Square

10:16 PM

 itguru3 said...

WOW, a blog that finally reflects all of the stuff I have been thinking for years and not had the energy to formulate myself.

The RIAA is just like Microsoft and some of these other proprietary software companies. All the money has historically gone into the up-front R&D (in the music biz it is all the vices you mention). These companies have been laughing up their sleeves for many years at how relatively 'cheap' it is to make a product because, even if spending what \*\*seems\*\* like a lot up front on frivilous stuff like coke, hoes, bartabs, etc, they still have the ability to stamp out a zillion copies straight from the master, and everything beyond the mastering cost is basically pure profit. The retail box might cost them pennies for something like windows Vista. Same for the music-cd-stamping-and-distributing 'LABEL' business.

Back to the music. It's not like there aren't legions of music fans who want to do the 'right thing'. I would prefer to actually buy the songs outright, but the overpriced 99 cents is too prohibitive and ridiculously impractical.

The problem is the RIAA (like microsoft) is too greedy for its own damn good. Let 'em go ahead and fight the technology. They can't stop the rising tide, and it is pitiful to see them wallowing in their looyahs and disgraceful stunts such as suing 14-year-olds.

Like the software business, the music business also must learn some valuable lessons in terms of image, how to not alienate the customer base, and how to become a champion of things that truly matter (like say art for example) and not just dollar-in-dollar-out.

Open standards, open source, open communication are the only ways this is going to work out. I am starting to see music released under the GPL license which is also very interesting for end users to d/l and do what they please with it - totally unencumbered.

THanks again for the great explanation. It's getting a lot of hits on delicious (where I found it searching for p2p sites)...

FREE THE MUSIC

itguru3@gmail.com

10:28 PM

 punkdavid said...

The greatest blog entry I've ever read. Thank you.

10:48 PM

 swag said...

F\*ck iPods. They're just part and parcel with the same restrictive, power-hungry regime.

I can't believe you see no connection between the industry's reprehensible corporate behavior towards

consumers...and then go on to define yourself by the one mp3 player that best represents that old power structure.

You blew your whole argument.

11:39 PM

 Anonymous said...

The Format released their full album online for free in high quality mp3s (only for a month or two though) and encouraged it to be shared.

They also released the album in 192 kbps CBR two months before it physically hit stores, sold on their website for something like \$8.

More bands need to start doing things like this..

11:43 PM

 sscilli said...

Really nice read. I agree with you whole heartedly. Really makes you realize how morality is cultural. Regardless of whether or not stealing music is immoral, it is in fact becoming the norm for our society. I hope we do reach a point where music is free, or at least reasonably priced. When you think about it, even ripping your own CD's to your iPod is illegal, but almost everyone has some sort of mp3 player. When it's the norm to listen to albums by the hundreds(if not more) it seems retarded to expect people to shell out 10's of thousands of dollars for their music collections. I've never heard of your blog before but that was an excellent piece. I was an oink member for sometime, and I'm more pissed off about the destruction of such a great music community than the loss of a free music source(which are a dime a dozen).

12:29 AM

 Mr. Cat said...

An excellent opinion piece!

Another aspect to look at for our generation is that where you live and who you know no longer limits your exposure to new music. If it wasn't for mp3, my musical tastes could NEVER have developed into what they are now! I live in a small city in a small province in Atlantic Canada. The area has around 80,000 people in total.

Do you know how many alternative record stores we have? One!

Do you know how many CDs outside the rock/pop genre he can afford to stock? I estimate no more than 20-40 each of electronic, hip-hop, experimental, and maybe another subgenre or two.

I try to buy something from Backstreet when I drop by. I'll even pay a bit more than I think it's worth! But that's just not enough variety anymore.

Where is my opportunity to find new and exciting music?

mp3 brought the ability to sample and \*to share\* to those of us who live outside the population centres to support commercial alternatives, and the internet allows us to 'import' the music to our cities, our social circles.

More and more artists are putting more samples online, it's true, but who hasn't been bitten by a record with one or two good tracks? That's the legacy MuchMusic + Columbia left me. A few albums with one song I liked, and a dozen I didn't.

We need to really know what it's like, before we drop cash, and now we can. However, I hope for a day where music is affordable enough that buying a CD and liking only a few tracks won't disappoint us. (I hesitate to say it too loudly, but SOME songs are worth \$5 each!)

The only legal digital downloads I've received are, to be honest, free ones. I'm still a slave to the CD. I order online, use ebay, and shop in the stores. (Though now, I think my strong urge to use RIAA Radar may make shop purchases more complicated.) And that's where the end of it lies. I would not be the music fan, the music lover, the music consumer that I am today, without the internet, and illegal filesharing. It has been RESPONSIBLE for my latest purchases! The Decemberists? Iron & Wine? Current 93? All from the internet, they come to populate my CD racks!

Actually, a private internet radio site I listen to has an interesting model where you upload mp3s to a database,

and then the registered users all queue songs. They play in order, and you listen to your own song, as well as those added by others. (The queue has been more than 10 hours long before, so sometimes your song is a looong way away.) It is a very neat system, which forces you to listen to awful crap that other people like, but you find gems, you do! I found The Decemberists and Iron & Wine there. And recently, Faun Fables, from California, I think they're next on my list to buy online!

(To be honest, sometimes adding songs to the queue is more about infl...er sharing music with others.)

Again, excellent, and this turned out a bit longer than expected...

12:50 AM

 Mr. Cat said...

To be honest it wasn't ALL mp3. I was exposed to a \*lot\* of good music as a volunteer at our campus/community FM station. That, however, isn't exactly something everyone can access, or thinks to access :)

12:57 AM

 Anonymous said...

VERY good article! I will link it to my huge magazine (100,000 subscribers)

BTW: Oink will return on November 1

<http://oink.cx.la>

1:56 AM

 Mr. Tangent said...

scilli, taking music you legally purchased on CD and ripping it to your PC/Mac or iPod (mp3 player) is perfectly legal. It's called "fair use". Look it up. Fair Use allows the user to freely copy and make backup copies of any music they purchase.

It becomes illegal when you take this music and disseminate it to others (or in some instances, perform it in large venues without permission).

2:16 AM

 Anonymous said...

Former OINKer here, one of the proud "albums-out-of-print-and-not-coming-back" contingent of uploaders.

I'll say it once and I'll say it again: the last 60 years are the most culturally-rich, well-documented period in Human history. During the last 60 years, incredible, one-of-a-kind Artists from Albert Ayler to Marian Zazeela have come along to inspire and enlighten us all with their works of genius... recordings that through their brilliance shed vital, life-giving light on what it means to be alive and to be Human, and help to give us the insubstitutable sustenance we need to make it through a sometimes difficult existence.

We feel it so deeply because Music is the highest of all the artforms, the most vibrationally comprehensive mode of communication available to us in this fallen, often mendacious world, ruled as it is by the forces which can allow no idea to exist beyond that idea's ability to tell lies spectacular enough to sell itself amid the clamor of all the other self-inflated ideas out there in the "free" marketplace.

We hear and feel it when we hear THAT song, whether it is Sandy Denny asking "Who Knows Where the Time Goes?" or Ice Cube, with help from Betty Davis, telling a little story that took place "Once Upon a Time In the Projects". We hear it when King Crimson talks to the wind, and when Antony Hegarty takes us to the heart of what it feels like to be caught between gender identities when he allows us to overhear intimately exactly what Lou Reed heard a transvestite named Candy say.

Sometimes we hear it clearest when there aren't any words, like when guitar guru Grant Green hits us with a lyricism beyond the verbal as he solos the outro changes to "We've Only Just Begun" to the point where we burst into tears. Or through the meeting of the minds of Mingus and Dolphy, meditating on integration in the boiling social cauldron of 1964. Or right down there On The Corner, where an elegant shaman called Miles invented a whole new sound beyond category that only gets more ahead of its time as the years and decades go by.

I said it once and I'll say it again: Music is all we have left, all we have left to fight and turn back the forces that for their own illusion of self-benefit would see to it that the idea of Quality in life is forever obliterated and devoured by the mindless shark, Quantity. The fact remains that if the corporations that hold the "ownership

rights" to the forgotten gems of the last 60 years would withhold the reissue and availability of those masterpieces of Art because they can only see such things through the prism of pernicious profit and never through the lens of what is at stake in the cultural continuum that future generations will inherit and build upon the frameworks of what has gone before, then these corporations are themselves the THIEVES and the CRIMINALS, guilty of Grand Theft and malicious and damaging Lies of Omission. Their protestations of "piracy" are merely a good offensive designed to distract the public from their indefensible destruction-through-homogenization of the vast wealth of cultural-musical material fashioned by the great Masters of the last century, known and unknown.

OINK was a place to retrieve those gems, often dusted down and restored in high-quality fashion via the vinyl-restoration tools in digital audio software, and share them so that the world might bask in their glow and feel their inimitable presence once again. If making such recordings available to the people that do and could love them is a crime, then take me away to the Download Debtor's Prison of the future... it's a worthy sacrifice given the stakes for the collective memory of Humankind.

2:43 AM

 Joris said...

Did you see this article from DJ Rupture.

I guess you will like it..

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

3:15 AM

 Anonymous said...

I'm surprised nobody has mentioned Emusic here. I was an Oink member from 2004 until the shutdown. I have also been--for all that time--a paying subscriber to Emusic. Emusic gets it almost right: flat monthly rate, wide selection of indie labels, DRM-free and high-quality MP3s. It is not unlimited, however. It isn't Oink and never was (which is why I participated more enthusiastically in Oink than on Emusic), but it is certainly an alternative worth supporting. Disclaimer: I have no affiliation with Emusic other than that of a relatively satisfied customer.

3:22 AM

 Stitch said...

A totally essential reading! I will strongly encourage everyone i know to read this. Thank you!

3:26 AM

 Anonymous said...

best read in month! Thank you for this!

3:34 AM

 Anonymous said...

I have exceedingly stinky farts tonight.

It is like I have a demon in my butt and my body is trying to excise it.

Really foul stuff.

Good article by the way.

3:50 AM

 Anonymous said...

I saw this mentioned on a forum, and I'm really glad that I took the time to read through that. Excellent post, and something I agree with wholeheartedly.

4:32 AM

 Sibley said...

One of the best articles I've ever read. Flat-out brilliance.

4:46 AM

 Anonymous said...

I was on OINK when it was raided, I know you have hundreds of comments on this and you probably won't read mine, but... This is the best view on illegal music sharing I've ever read. I almost jumped off my couch and started a revolution while I was reading it. :D

I've already sent all my friends the link, and I do plan on letting the bands I listen to know that I won't be buying cd's anymore.

When I woke up and checked my homepage the morning after the raid, the second I saw the ugly Grey screen with the IFPI logo on it, I made a vow never to walk in my local record store again. I hope all 180,000 OiNK users did the same.

REST ASSURED. Your post is intelligent and informative. In the next 24 hours record company big-wigs will have your article in their inboxes.

6:52 AM

 Damian said...

Hey Rob, you mentioned that, without OiNK, it'll be harder for you to find new bands to listen to. Not so!

[www.last.fm](http://www.last.fm)

I recommend making an account if you don't have one, or to start using it again if you do. I've discovered way more bands through last.fm than I have through any other site or service. Best part is, it only provides short, legal clips of mp3s for every song, so people on either side of the pro/anti piracy fence can enjoy it and discover new bands. :)

7:20 AM

 Anonymous said...

Fantastic rant. Thumbs up. ;D

8:00 AM

 Anonymous said...

Well said. Everything you said was so dead on. I actually got teary eyed. I miss Oink so much.  
We have to fight the good fight for all music lovers! Rock on.

8:03 AM

 Eric said...

Wow, very intriguing article, thanks. I like how it seemed to get angrier as it progressed ;)

8:24 AM

 Anonymous said...

Perfect. I've been saying for the past 10yrs; if record labels would drop the price to \$5 a piece, I'd probably buy 3 cds a week.

On another note:

I was in a band on an Indie label, which was owned by Universal Music. We sold something like 3000 copies of our record and we had Mountain Dew sponsorship. The label (universal/platform group) managed everything. When we went to collect the money from the cd sales and the sponsorship, they laughed at us and told us to "sue them".

I basically just laughed at the irony of it all and started posting our music to sites like OINK to get exposure.

We're no longer a band, but I bet you this happens a hundred times a day with up and coming artists.

Anyhow, you're absolutely right in saying that the record labels and RIAA need to embrace the new business model of music distribution.

8:26 AM

 Anonymous said...

Very, very well put!

I got a similar background as you and everything is completely as I experience it.

Great, great read. Thanks!

9:26 AM

 Jonasty1222 said...

Wow, this is exactly how me and many of my friends have been feeling about this for a long time... I'm glad someone finally put it out there for others to read. I don't think that the majority of people have any idea that the record industry is really like this. It is also amazing to me that the media/police/record industry have spun the truth so far from what oink really was. We all know how it worked, and our voices NEED to be heard.

R.I.P - Pink palace -

9:46 AM

 macaia said...

Great post!

Among the reasons to change the current obsolete retail distribution model, there is one that's very important too and that's going beyond the labels' or retailers' interest: ecological impact.

Even if labels will suddenly accept to reduce the price of a CD to few dollars, this will cause enormous waste of plastic, paper and non-renewable energy. It's not quite sustainable.

So the present and the future of music distribution is mainly digital, the current model will be limited to a niche of the market, that of very costly physical CDs.

10:36 AM

 Andrew said...

I just wrote a post (with a little inspiration from yours) about the need for subscription model on a large scale... like iTunes scale.

"Why a subscription model for downloading music is brought up at no point in Steve Jobs's open letter to the music industry is beyond me... paying a monthly subscription works for cable TV, for magazines, for movies (Netflix)... people do not mind paying a fee for access to their entertainment, and claiming otherwise is ignorant."

I would pay the cost of a basic cable package for access to an oink-like service. Maybe the basic fee gets me basic access, and then, like cable, I can add on other options. How would this not work? Start collecting \$20 a month from millions of people. People add on 10 to get lossless (like an HD package). Add on another \$10 for non-mainstream content even!

Argh. The refusal to accept this is why I pirate. I'm not gonna pay the thousands it takes to fill up my iPod. And I'm not gonna walk around empty. Figure out a way to get the most money you can from me!

10:58 AM

 Andrew said...

My bad... read my ideas on all of this at <http://www.andrewjstone.com/blog/> if you'd like.

10:59 AM

 Sam Golden said...

great article, awesome read, funny and interesting

11:54 AM

 Opala said...

I loved the article. It's so great and it's so true, makes me want to start up a company right now to offer these solutions we're talking about.

anyway, keep a lookout for BOINK, the new OINK started by The Pirate Bay.

12:39 PM

 Anonymous said...

Beautiful. Just beautiful. And so true.

Thanks a lot for this.

2:21 PM

 Erin said...

[http://digg.com/music/When\\_Pigs\\_Fly\\_A\\_Brief\\_History\\_of\\_Record\\_Industry\\_Suicide](http://digg.com/music/When_Pigs_Fly_A_Brief_History_of_Record_Industry_Suicide)

Here's a direct Digg link. Demonbaby, you might wanna change the link on your post so it goes to this one, since the other one was getting buried so much because it was an indirect link.

2:35 PM

 Anonymous said...

Best article I've ever read on piracy - ever.

3:03 PM

 Anonymous said...

i really loved your article .. great thorough read

for those who cant wait for an oink replacement... try out libble.. its grown a ton in the past few days and its a nice alternative for now

3:46 PM

 Anonymous said...

This is the best written article I've ever read on a blog. It is on par with some stuff in scholarly journals. I'm serious. I'm going to make pamphlets out of this and distribute it around school

5:23 PM

 Anonymous said...

Well written article but this new era is just the tables of power and accountability being switched from the corporations to the consumers.

All we've proven is that consumers are just as greedy and incapable of being trusted with keeping the balance as corporations.

We got a million excuses for why artists should give away their music and find ANOTHER way to make an honest living.

Whining that it's the labels that made us do it is super-childish.

Whether the labels are the monsters and we're just the ungrateful parasites, both scenarios give the artists the short end of the deal.

Forget about all the corporate travesties, price gouging, blah blah blah, just ask yourself whether the current relationship between consumer and artist/musician is financially and respectfully better than it was in the past, before downloading/filesharing etc.

Does the future look bright and roseay for artists in the mainstream now that they have to craft songs that make for great ringtones and catchy commercials if they want to make a career out of their talent?

Rationlize all you want but there's no way artists are as proportionally better off as WE are with our i-pods and our happy dappy file-swapping.

The shit is officially lopsided, but not to worry. All the yelling will subside and in a decade or so no one will remember what it used to be like.

A funny side note is that the only artists still in a SOLID position to transition into this faceless generation of music consumers are the ones lucky enough to have established themselves in the past eras when people cared about pictures, album covers and liner notes.

6:41 PM

 Anonymous said...

Incredible. This is really moving. Thanks for clearing so many things up.

7:05 PM

 jessenpr said...

great article... very enjoyable read.

7:17 PM

 sscilli said...

"sscilli, taking music you legally purchased on CD and ripping it to your PC/Mac or iPod (mp3 player) is perfectly legal. It's called "fair use". Look it up. Fair Use allows the user to freely copy and make backup copies of any music they purchase."

I'm aware of fair use, but isn't the catch that in order to make that backup you have to circumvent a copyright protection scheme? Which I'm pretty sure is illegal. I know it retarded, but that's what I know to be the case with DVD's. Now nobody is ever going to bother you about it, but technically it's still illegal. I'm not sure if this is the case with CD's, but that has been my experience with DVD's.

7:44 PM

 Lightning's Girl said...

You are an ignorant twat and every word you have written utterly repulses me. Musicians deserve to live off their art too and you thinking music should be free in order to take music back is as stupid as stupid could be. Major labels offer exposure and a massive promotional machine that an artist going it alone or on a small indie label could never strike up on their own. It isn't about being a rock star dummy. It is about living off your art, having health insurance, and all the basics a hard working person deserves to have. You think Radiohead could have taken this incredible non label dive without having a major break them to the public in the first place? Do you think NIN would be famous had there not been a major label machine helping to bring his art to the masses? How do you pay your bills? By making art? Do you make art for free? I didn't think so. You offer lots of emotional opinion but very few FACTS about the biz. People like you scare me. You have decided stealing music is your right - that the man is to blame when actually it is spoiled idiotic thieves like yourself who are killing music. I am ashamed that I have wasted 20 years in the music industry and of my life helping to break artists I love when there are people like you poised like animals ready to shit all over it. People - make sure you educate yourselves from all sides of this story before you start calling war on anyone.

8:50 PM

 Anonymous said...

for the first time in a very long time i didn't spend a penny of my wages on music this week. i'm sure i'm not the only one. well done bpi! oink r.i.p.

9:14 PM

 Anonymous said...

I agree with most of that, except the contention that people who download music are "thieves". Someone needs to buy a dictionary. To be theft, something must be stolen. By the legal definition, you must be in sole possession of something that is not yours to possess.

This is why it's COPYRIGHT VIOLATION, and why that has far harsher penalties than "mere" theft.

You can call it theft, or stealing all you want. It doesn't make it true. For someone who supposedly is so educated when it comes to such matters, you should know the difference.

Not to mention that in Canada, it's still legal to download music due to levies we pay. The CRIA can't do what the RIAA does up here because, with the levies, they're being paid for the downloading basically, and unlike the corrupt pricks in the US, in Canada the legal system is actually sane.

9:45 PM

 Adam said...

Well done piece. Very thoughtful and well articulated yet still passionate.

9:52 PM

 Anonymous said...

try <http://www.seeqpod.com>

9:54 PM

 john said...

The best and most well written article i've had the pleasure of reading in quite a while...

Totally tits!

10:23 PM

 Evan said...

demonbaby, that was the most intelligent blog post I've read in my entire life.

I wish I had known about OiNK before and had been invited to it before it was roasted on a spit by the friggin' RIAA.

You have converted me to your blog.

11:04 PM

 Anonymous said...

<http://mediadefender-defenders.com/threads.html>

Interesting Read

11:40 PM

 Anonymous said...

Radiohead and Daft Punk are paving the way for change along with useful music search tools and widgets such as:

[http://seeqpod.com/widget\\_pods.html](http://seeqpod.com/widget_pods.html)

12:05 AM

 Anonymous said...

I'm with you.

12:29 AM

 Anonymous said...

Well put, Sir.

I miss my OiNK. :-( OiNK Plus was the best thing to ever happen to my musical tastes.

And yeah, if you missed out on OiNK, you **really** did miss something special.

1:28 AM

 Fatchan said...

Lightning's girl, your comment made me laugh out loud, then scratch my head in bewilderment as I realized you were being serious. I suppose it goes to show how people will read what they want in an article, while not actually reading the article at all.

I'll assume you're not a musician and know no musicians, because otherwise your blog post makes no sense.

So here we go. At one point can an artist live off their music? Well, when they can afford to pay rent and buy food, to live another day in the world of music and create more music. So with that said, I'll address your post.

**"Musicians deserve to live off their art too and you thinking music should be free in order to take music back is as stupid as stupid could be."**

So, let me break down what you've said here. A musician can only live off their art once they are signed to a major record label? By your estimation, there are only a handful of musicians lucky enough to live off their art. After all, this post is about boycotting the distribution provided by the major record labels and not the artists themselves. Of course, your post goes against everything I know to be true, that many people live off music and none of them are signed to major labels.

How does an artist make money? They make money by touring and selling merchandise. Joanna Newsom, when asked about pirating said "I would if I knew how. At this point, I don't mind if people download my music because that means that there's a person who wants to listen. I give away CDs at shows if someone wants a CD but doesn't have any money. I wouldn't want to do that forever. I would happy for someone to download my music."

This coming from a wailing indie harpist. And you know why? Because people listen to her music over the internet (which made her famous), she gets to tour the world (where she makes her money) and gets to do the thing she loves, play harp, as her living.

So when is a living a living? Well, if your angry post was anything to go by, when you're flying in private jets, booking private clubs, buying mansions. Is that really a living off music? No. I earn pennies each month and

manage to survive. Which ties into your quote

**"Major labels offer exposure and a massive promotional machine that an artist going it alone or on a small indie label could never strike up on their own"**

I suggest you take a look at Drag City and their artists, one of the huge success stories of the internet sharing model. I'd also suggest you look at the impact bloggers such as Perez Hilton have had on indie labels.

**"You think Radiohead could have taken this incredible non label dive without having a major break them to the public in the first place? Do you think NIN would be famous had there not been a major label machine helping to bring his art to the masses?"**

Yes. Maybe not then, but now. Look at the Arctic Monkeys. Got most of their exposure from Myspace. Want another example? How about Regina Spektor. We're talking about today, not the early 90's.

**"How do you pay your bills? By making art? Do you make art for free? I didn't think so."**

Anybody who doesn't make art for themselves primarily isn't an artist. Or they don't like it very much. Besides, how would you learn if you never created art for yourself? And most of my musical friends, when the going gets tough they get a job to pay the bills. It helps them do what they love.

**People like you scare me. You have decided stealing music is your right - that the man is to blame when actually it is spoiled idiotic thieves like yourself who are killing music.**

You have decided that music is only something that should be purchased, fuelling multi-billion dollar conglomerates who own the right of the artist's work without lifting so much as a finger. Music used to be free. Does that shock you? Music did exist before the music industry model.

Not only that but again, you haven't read this article. You decided it was about stealing music and screwing artists over, came to post an angry comment. This post is all about supporting the artists. I don't know how you missed that. You've managed to mis-understand the entire article. It's really quite impressive.

3:13 AM

 Anonymous said...

I just wanted to say your point about supporting the artist by buying merchandise is only going to be relevant for the next year or so, if that.

Last weekend I attended a big music industry conference in the UK, and virtually every panel spoke about a new type of record deal called the "360".

In a nutshell, this means the label gets a percentage of ALL the revenue streams the artist has. Touring, merch, publishing, mechanical rights, ringtones EVERYTHING.

The justification for this is the labels saying 'if we are not making any money on CD sales, and they are being used by the artist as a loss leader, then we want a cut of everything else that still makes money'.

Justifiable or not, ANY new artist signed to a major, will get signed to a 360 deal of some kind.

Interestingly, I interviewed a lot of real big industry players, and all of them without fail said the record industry as a whole deserved some or all of the blame as to why it was in "the crisis" it perceives there to be.

4:40 AM

 Anonymous said...

"To be fair, you can imagine how confusing this must have been for them - is there even a historical precedent for an industry's products suddenly being able to replicate and distribute on their own, without cost?"

Yep, encyclopedia companies. They did not do so well.

5:08 AM

 Andre said...

My sincerest thanks to Rob and Mr. Tangent.

Rob, your article is a fantastic piece that sums up what many of us feel in a concise, well thought-out, well construed manner.

And Mr. Tangent thank you for the intelligent and well thought out counterpoints.

And to the both of you, thank you for a polite and intelligent discussion.

5:51 AM

 Anonymous said...

Three things:

1. Many musicians don't tour or do live shows. Does that make them second-class musicians not entitled to make a living off the music they create?

2. Why do we have to buy t-shirts, keychains, etc., to support artists?

3. The Amazon store is a step in the right direction. DRM-free, good quality, and cheaper than iTunes.

6:13 AM

 Anonymous said...

This article is a work of genius. A perfect analysis of the world we live in. Everybody should read this to understand what's going on.

I wish this text and its guidelines to become the model for a new, better era for artists and their true fans! The time has come.

6:45 AM

 Anonymous said...

What a collection of greedy imbeciles, with the leader being the opening rant. "I want it, there are easy, convenient ways to steal it...ergo I should have it." Logic, decency, and any notion of a society that exists for any purpose except YOUR instant gratification are entirely absent from your Weltanschauung. God forbid musicians should ever get paid anything, much less a living wage--after all, they live on air, right, and why should any artist who enjoys his socially productive work ever make a dime in THIS society? Wrap your mind around this, morons: it is greed-- and soulless worship of technology and the Next Convenient Thing-- LIKE THIS which elected the current occupant of the White Outhouse. You would probably all blanch at the thought of , gasp, actually having VOTED FOR BUSH. Guess what. there's not a pin to choose between you.

7:08 AM

 skaliwag66 said...

I said it before and I'll say it again.

FUCK RADIOHEAD.

7:48 AM

 HyBreed said...

I agree with the article, but I think you forgot a point here. As a lover of music I think of music as art. Art is a part of our cultural heritage and as such only contributes to our progress as a species. To put a price on a revolutionary album such as "In the court of the Crimson King," or Slint's "Spiderland," or Nirvana's "Nevermind" is like putting a price tag on the Mona Lisa or on a cure for cancer. It serves the interests of a few instead of being a great benefit to many. And those who don't feel that way underestimate music and art in general.

8:46 AM

 Anonymous said...

Just because the technology is there doesn't mean it's perfectly OK to use it for whatever nefarious purposes you want. Maybe you can try to say the technology is neutral (personally I don't think it is- I'm kind of a McLuhanite here), but what you do with it isn't.

I agree that record labels are outdated and have a monopoly on distribution and airplay, which basically forces artists to deal with them if they don't want to have to have a second job for the rest of their lives, but all this techno-optimism seems a bit hollow to me. Everyone thought the internet was going to make us free in the 90s and it didn't, it's just a load of opinionated assholes flaming each other, viruses, piracy and porn. You can't just blame your lack of morals on whoever invented p2p.

Nobody seems to have considered that there are many consumers of music out there who are only casual listeners and quite frankly don't give a shit about merch or seeing live music. They just want something to sing along to when they do the dishes, something to put on in the car, something to dance to at parties. I know a great many of these people. Those people mostly download now, and they don't buy anything to make up for it. Is it fair that bands are deprived of these people's money when they still use their music? I don't think so.

The downloading/try before you buy and then actively support the artists model means that you only support bands that you really want to wear on your t-shirt/go see. I am pretty into music, but I listen to hundreds of bands and can't possibly see all of them live, nor do I want to. Yet I still think they should get paid for the one album of theirs I have or whatever. However, I don't want to support the current model. What is a person supposed to do in that case? I'd rather just buy the CD and save myself the hassle of worrying about it.

This model you propose is also unfairly biased towards artists who do well in a live setting. There are some artists who are like, virtuosos but don't really do much on stage, they don't really have a performing sort of personality, even though they play their instrument very well. Is it fair that they can't make money because no-one buys recorded music anymore and they aren't very good at stage banter/hurling themselves around? I'm not saying that you should have to support a band who really \*can't\* play live, who just suck period, but some artists create a better auditory than visual experience, and that's not because of computer tricks in the studio.

People are all "destroy the music industry!" but I don't think they have really thought about what to replace it with. Are we going to go back to the patronage model of the Renaissance? Perhaps co-operative patronages? Otherwise every band is gonna have to just put a donation link on their website and I can't see that working. I don't know about you but I wouldn't want to have my living at the whim of the people's charity, no matter how much I cared about my art.

The bottom line is, the record industry has done one thing very successfully over the last 60 years- it has convinced us that we need music to tell us who we are, to impress people with, to have a certain lifestyle. Only it has backfired on them because now people feel that music is so essential to their lives that they are entitled to it for free.

yours, kunopis.

10:56 AM

 Anonymous said...

Thank you for putting words on everybody's feelings...

11:15 AM

 coimheadi said...

Beautifully written, concise and enjoyable to read, this is my blog entry of the year. I was part of the Oink revolution since the early days, purely as a user, and I loved every minute of it. It gives me hope to see such a storm being kicked up in its absence, one that definitely holds the seeds of the demise of the current model in the music industry. I couldn't help but think it was an important date when Oink went down, and I have been thinking since of the 180,000 users, all once part of, as you say, the greatest music distribution service ever known, who are now bubbling under the surface of the net, searching for a replacement. One that surely will come soon. Let me say Kudos, and I will be back, as you have won a coveted place in my reader :D

11:35 AM

 Anonymous said...

It's about time they closed oink. I hope every p2p and torrent site get closed. Then people should stop listening to their favourite bands and go to play instruments by themselves. People used to sing together and having a great time. Why not again? Why we need to be addicted to RIAA music? Get a life people!!! Back to singing and playing instruments. I bet in every family there is at least one member who knows how to play an instrument. Please, people start to enjoy your life and begin to value your own voice. Dead to RIAA!!!

11:46 AM

 Anonymous said...

Good article. When thinking of oink I always thought to myself, you couldn't pay for service this good.

11:47 AM

 indiessance said...

**Trying to innovate with a major label is like trying to teach your Grandmother how to play Halo 3:**

**frustrating and ultimately futile.** That seems like the key analogy in the entire article. To me *grandmother* represents the old-school clique that needs to effectively adapt, or step aside to make room for youngblood management with fresh ideas. *Grandmother* needs to study the French Revolution; *she* is in the midst of recording industry upheaval. **Viva la Revolution!!**

12:16 PM

 Anonymous said...

In reply to anon @ 11.46, yes playing your own instruments is great but you can't really play to yourself, or get someone else to play if you just want music on in the car or something. Not everyone can afford an instrument or has the time to play it (we're not all bourgeois you know), and not everyone is musically talented. I play the flute and though I have fun in amateur wind bands I'll never be good enough for the London Symphony Orchestra, I could never make a career out of it and I wouldn't pay to hear me play because I am nowhere near professional standard.

If you want to listen to professional (i.e. quality) musicians, you gotta pay. Your argument is like saying "oh, fuck the supermarkets, why doesn't everyone grow their own food instead?" which sounds all fight the power but doesn't actually make much sense in today's society.

kunopis

12:20 PM

 Anonymous said...

Really interesting blog - i found myself thinking about **where** i get my music from, and exactly **why** we all pay so much for it.

Im not sure if its been mentioned yet,(all i could find was one anon. post saying "FUCK RADIOHEAD") but what are your opinions on the way radiohead realeased "In Rainbows"?

They put it our for downloads, and you could choose what price you wanted to pay. You could also buy a 'discbox'for forty pounds containing artwork, vinyls etc, and (i believe) there will be a physical Cd released sometime in december.

They didnt use a record label.

Is this the way forwards? I think it works in this case, but for young bands who havent made a profit or even got much of a fanbase, its not economically possible.

once again, cheers for the blog, good reading.

12:26 PM

 Lyssa said...

The current technological revolution involving low-cost (virtually free) unlimited replication of data (in this case, music and the arts), resulting in widespread public accessibility to the information being so replicated (rather than strictly controlled by a small group that only allows access to those who are wealthy enough to afford it), is reminiscent of another historical innovation: Does the name Johannes Gutenberg ring any bells?

Control of culturally-relevant information - whether it be the text of the bible, scientific theory, current events, or music and the arts - only leads to a further polarisation between the 'haves' and the 'have-nots' in a society, which manifests in an enforced class dichotomy which cannot be bridged until its foundation of information control is undermined.

The comparison of copyright violations to 'theft' and 'stealing' is disingenuous at best: the original material remains right where it always was, and removes nothing (except the privilege of ridiculous price-gouging) from anyone. If this argument had any validity, the concept of libraries would have eliminated authors and publishers, because one single copy of a book could be shared by countless readers; the fact that only one person at a time can read a library book is a limitation of the technology, not one of the system itself. And yet, libraries haven't hurt the print media industry - if anything, they've opened the market to more potential consumers. I see the phenomenon of peer-to-peer file-sharing as having a similar effect.

From an economic model, the scarcity of this resource is strictly an artificial one - with the current technological means for replication of data, the supply of this commodity need not be finite at all. When supply of a resource becomes unlimited, its price falls - the value of music, the arts, and information in general, are cultural, not economic. This is the foundation of the argument that music needs to be free.

12:42 PM

 Anonymous said...

People like Lightning Girl are not seeing to overall point here. The major labels (and some consumers) need to forget about how things were and figure out how to move ahead. The old way of doing things is never coming back. Filesharing will not go away because they shut down a site here and there. from what I've read, killing oink has only fueled more people to start sites like it and gained more exposure for filesharing. I see countless comments online saying "I never heard of oink before but now I wish I could have been on it". The industry continues to alienate its market by call them criminals and then expects them to support them. They need to figure out a better way to use this technology to their favor. You can't bomb a village then expect the villagers to support you and your old ways.

From what I've read, the majority of oinkers used the site as a tool to find new music and if they liked the artist they went out and supported them. I think majors are pissed that most people finding music on their own are finding out about a lot of music that isn't on major labels. Indie music is thriving right now because a lot of people are discovering a lot of bands they would have never heard on popular radio or Mtv. I've worked at an independent record store for years and clearly more records are being released now than EVER IN HISTORY BEFORE, via majors and indies. So it's foolish to say things like oink are killing music. The music industry is changing fast and major labels are in denial. Personally, I have known many musicians who have signed on to major labels only to end up IN DEBT to the label because their record did poorly and they had to repay the labels advances/costs. Even if the label was at fault by choosing not to promote the album. The system is totally screwed up PERIOD. Only the top percent of artists actually make a solid living on major labels. Artists (and I stress ARTISTS, not acts/performers like Brooke Hogan and Britney Spears) are already learning that independent labels are the way to go. Being on Drag City records (random example) and selling 250,000 albums will make you more money than being on Warner Bros and selling 500,000 albums. The labels treat them/pay them fairly, artists get to make the albums they want to make and fans recognize this and support it.

The point isn't who's breaking the law and why. The point is the way music is discovered and distributed has changed and major labels are not changing with the times. This will be/is their downfall. Consumers are not willing to wait for the majors to catch up and ignore the technology sitting right in front of them. Majors need to evolve or become extinct and it may be too late. Had Oink been the work of the major labels and had a monthly fee, like Netflix, it would've been HUGE! Think about it, the consumers do all the work uploading their own music and sharing it with others and the labels get a fat check every month. They're probably just mad they didn't think of it. Now it's too late because the people have done it themselves. I'M NOT SAYING IT'S RIGHT OR LAWFUL BUT IT'S THE WAY IT IS AND IT'S NOT GOING TO GO AWAY.

All throughout history people have broken the rules in order to change them and I don't see this as any different. If major labels don't figure out how to exist in the new world they will die. If they do we will still have music and stars and popular musicians will still earn a living. It will just be a different system of getting them to the consumer. People will still buy music and concert tickets and merchandise but the era of spending \$18 on a cd you've heard one song from is as good as over. As long as the industry continues to push this system they continue to dig their hole deeper.

I'm NOT saying breaking piracy laws make you some sort of digital Rosa Parks here, but it will ultimately change the system. I think it will be good for the fans and (yes) the artists (again stressing ARTISTS) in the long run. Metallicas of the world might not like it because they've grown used to the fat paydays but it's too true to be ignored.

In a month there will be ten sites just like oink with more users than ever thanks to all the publicity this has given them. The majors will continue to post record losses. Fans will continue to support the musicians they love. Mtv/vh1 will continue to be more concerned with reality tv than music. Trashy magazines and tv talk shows will continue to keep us up on Paris Hilton & Brittnay Spears. The whole system will continue to rot and the majors really do have no one to blame but themselves for ignoring the trends for so long.

2:04 PM

 Dimentional said...

whoo! thanks for the article! just what needed to be said!

2:20 PM

 F1ReMaN said...

You just wrote the bible of file sharing!

Every label exec should read and learn (and probably hire you)

thank you for writing it sooo good.

2:50 PM

 Tiffy said...

Unsurprisingly, you beautifully summed up what exactly has gone wrong with every major label in the last 10 years.

I almost never buy new music anymore. And I am beginning to feel the confusing stirrings of "CD or MP3? CD or MP3?" I have 800 CDs and nowhere to put them, but don't feel like digital music is "real". There is no product to hold. I know what goes into the finished product, and appreciate the efforts of the artists and - yes - even the label people.

I can actually pinpoint the moment I knew the majors were fucked, and you might remember this: The recent advent of DRM regulations meant that we had to get legal clearance for every fucking snippet of music on the website. There was a FULL-BLOWN FREAKOUT from the Big Corporate Record Label because there was one song that was not owned by us and not cleared properly, and now we were all going to die in a fire and lawsuits and death and destruction and life as we know it would end.

I had to explain - repeatedly, and ultimately to no avail - that David Bowie was not going to sue the everloving shit out of Trent Reznor, because they were friends, and friends don't do that kind of thing over minor shit.

The label literally did not comprehend this, and told me I was wrong. Aaaaaand that's when I knew the whole place was fucked.

2:52 PM

 TTIM said...

An interesting and right on target article. One thing I think has been overlooked is how the radio conglomerates (Clear Channel, Viacom, et. al.) assisted in the downfall of the recording industry. By narrowly defining their target markets they then demanded from the recording industry specific music to appeal to these demographics. The recording companies then crank out this soulless pablum to order. Artists have to "play ball" to get any airplay or the recording companies will create the "artist" needed to perform for the radio. It used to be local radio promoted new local acts and there were regional hits that could possibly then make it to the national market. The recording companies had a platform to try out new acts and new music. That's seriously broken these days. So, the question is: did Congress, by giving in to the likes of Clear Channel with their engulf and devour desires, wound the recording industry monster and now MP3s are just the stake to be driven through the monster's heart?

3:00 PM

 David said...

The music industry tried to stop radio from broadcasting music, once. But, they found a way to make that profitable for them.

The film industry was very scared that by renting videos, people would stop going to the cinema.

Surely, someone will come up with a way to profit from this.

3:53 PM

 indiessance said...

Today a music blog - like *Gorilla vs. Bear* - can spark buzz that pulls a no-name artist out of their bedroom recording studio into an MTV interview. Conventional publicity is being circumvented by the music-loving free publicity of the blogosphere.

4:02 PM

 alberto said...

Rob, you just wrote the bible of file sharing. Well, I bet your intention was not to write a bible or a guide but a rational blast of the system.

I hope this article could be spread through the net and the mass media, so many people could have their eyes open on what it is music industry.

Let the major label burn!

4:12 PM

 TrevorG said...

Here's an idea.. next time you download some music you like, go online and find out where you can send some money DIRECTLY to the band, that way you bypass the greedy record label, and the band probably gets 10 times more money than if you bought their CD retail

4:48 PM

 movielover said...

MPAA take note.. as data transfer technology improves, downloading movies will be as easy as downloading music is today, embrace technology or you will follow the path of the RIAA and the dinosaurs

4:53 PM

 georges said...

thanks for the great rant. Let me start off with saying that i own up to 3 copies of some "albums". Lp, cassette and cd. I have paid for the freaking product, so I don't feel guilty snapping the mp3 version off the net. I have over 1000 LPs, hundres of cassettes and close to 600 cd's. I now have a great computer with a killer video/sound card connected to my home theater, and I have the HD feed off the sat.  
No need for Tivo.  
It's the technology, it's like toothpaste, you can't get it back in the tube.  
I have paid the artist, I won't pay for the corporation's private jets.  
When I am sure what I pay goes to the artist and not the company, I'll start paying again, meanwhile, like I said to the lady from Columbia, why pay for music when it's free.

6:14 PM

 Marius said...

Your article captures this issue by the very core, it is a brilliant assessment of the problems surrounding the evolution of the way we enjoy and experience music.

I actually used OiNK's 'distribution model' for research on a study I did a year ago at the University of Oslo. I was so pleased to see that others are paying attention to this specific topic, and I must compliment you on your insightful perspective.

As you portray, the system is rotting from within and it is our job to ensure that these issues are dealt with by giving it the attention it desperately needs.

If I were a record company exec, I'd hire you on the spot!

On behalf of musiclovers everywhere, I thank you for putting the time and energy in writing this.

I will definetly add your blog to my reader!

6:37 PM

 Lightning's Girl said...

To Fatchan - never assume as it makes an ass out of u and me.

I have been in bands since the early 90's (toured and put out more than 10 records) and have worked every possible side of indie music since 1988. In fact per your example, I have worked with Drag City by way of their old indie distro deal for almost a decade. Remember that most "indie" distros are in fact tied to a major label system. ADA (Matador, Sub Pop, Touch and Go) = WEA, Caroline (Fatcat, Arts and Crafts, Def Jux) = EMI, RED (Victory, Equal Vision) = Sony, Fontana (Ipecac, Southern, Trustkill = Universal. The indie battle cry doesn't really work for me because indie is so entangled in the majors, the lines are so blurred, that using artists like Joanna Newsom isn't really fair. JN leads to Drag City which led to Caroline (now Revolver maybe but I digress...) = tie to a major label machine of EMI. Artic Monkeys leads to Domino which goes through ADA who is tied to WEA...a major label. See - there is major label money and connections that trickle all the way down to your "indie" examples.

Regina Spektor has been on SIre for several years now. A major label.

Why should a musician have to get a second job - to keep it real for people like you? What is the crime in making some money off your recorded music, not just from merch and touring but from recorded material as well? When I say live off their art I am not talking limos and bling...I am talking about paying rent, affording to eat more than once a day, building a savings account in case they need money to see a doctor or have children or buy a home.

In a perfect world I would like to see musicians doing what they love and not having to work multiple jobs to make their ends meet. Is that really so crazy? Don't the musicians you love and respect deserve that? Heck - even the ones you don't like deserve to see some money for the music they record. I don't think a recorded song or full length should strictly play the role of a promotional tool which gets their name out so people might in turn see them play live or buy a shirt.

We can all agree the music industry in general needs to figure out how to work with the ever changing technology and their consumer's needs as well as their artist roster but I would hate to see the artists suffer because they are stuck in the middle of a fight between their fans and the revolution they are trying to muster up.

I don't think it is fair to assume I didn't truly read the article just because I don't agree with it or you or most of the people posting here. To each their own and this is my own based on two decades of experience. I care about art and I am happy and willing to pay for it to support the people whose talent inspire me daily.

PS: Anyone who knows anything about music history knows centuries ago poor people were exposed to very little art and may have heard music in Churches for "free" but classical music and operas were for the rich. Art was for the privileged and not the paupers. In this modern world we have a very different economic and social structure so to compare the two in this situation would be foolish at best.

6:42 PM

 Dave said...

"...you believe copyright laws no longer reflect the interests of the people."

Copyright laws have never been about the interests of the people, of consumers. They've only ever been about the interests of copyright owners, which was fine when copyright owners were people too, but for a long time now copyright owners have overwhelmingly been corporations. There's your problem, right there. The rights of corporations over the rights of individuals.

Same - but worse - with patents, incidentally. Why shouldn't I be able to get a generic form of a life-saving drug at a price I can actually afford? Because the big pharmaceutical corporation wants my money, not my life.

6:51 PM

 Dave said...

lightning's girl: "In a perfect world I would like to see musicians doing what they love and not having to work multiple jobs to make their ends meet."

I'd like to see me doing what I love and not having to work to make ends meet, also. But I can't find anyone to pay me to sit on my backside and surf the net. How horrible! Let's change the system so someone pays me for this!

There's plenty of people driven to make music regardless of how much they earn from it; I know lots of them. Music actually is its own reward for many people, and their music is better because of it. You've just gotta deal with choosing to do something that many amateurs are better at than you, and that doesn't make you much money. It's your choice.

6:56 PM

 Anonymous said...

Very eloquently said and exactly how I feel.

I've grown tired and very obstinate to the idea that everytime the music industry needed a new infusion of money it was time to pony up with rebuying my music library over and over and over again. That just because it is a new format its out on, you will bear the freight of cost while they fine tune the new formats hardware to do what it should have done at the start. The end result of that means that you are stuck with what you bought either dropped from support or no longer being able to continue to buy it. Again all expense for those moves on you. Cd+G is a fine example of that. I bought the player, I bought the discs with the idea of a new music method that might well be worth it. Only to find shortly after that no more players sold, no more music made in that form, and a very limited amount on hand of the new format with no chance to ever use it properly.

I remember the days of vinyl and the price as well. That wasn't \$14 or \$15 bucks or more. It was inconveniant and I would make a copy to protect the original on reel to reel. It could then be transferred to what ever sort of new format came up and the cost stopped. The repurchase stopped. I was in control of my library that I had invested money in and no longer needed the music industries assistance in the changeover by having to buy it yet again. You know what? In that scenerio above, I purchased thousands of dollars of vinyls as it made sense again to do

so.

When the sue'em alls started, I ceased to buy music. I do not and will not support any industry that I strongly disagree with their business methods and practices. No matter how it is stated, the one thing they can not do is pull the money out of my wallet.

I refuse to do business where one can not return an item one is dissatisfied with.

I refuse to do business when I don't see the value in the product at the price.

I refuse to do business when I have been stung far too many times with filler and would never buy without trying.

I refuse to do business with an industry so bent on control that one can no longer find new music on the radio to browse and see if you like before the purchase.

I refuse to do business with an industry so bent on that control they feel it is justified to hound children with court legal actions because they feel threatened, going so far as to impersonate family in order to try and obtain information.

In short, I no longer buy and haven't since the day sue'em began. I am quite content to remain a non customer (definately not a consumer) for the duration of my life as a sign of just how strong I feel about it. The music industries greed turned a loyal customer into a financial enemy by their own practices. I will shed no tears for their demise.

They have shown me just how the lowest of dirty tricks can be done and just when I think I can not be surprised with a new lower trick, I stand dumbfounded once again to behold a new low.

All this while trying to take the moral high road to preach about copyright protection where insanity reigns supreme. They have reached the point of while I am not an enemy neither will I be a customer ever again as long as the present day dirty trick bag continues to be filled with those new lows.

7:45 PM

 Anonymous said...

Yeah even know, the artists on myspace think its ok to release there material early to listen to, and well people know how to hack that too, so you see it on torrent sites immediately in at least 128kbps.

Artists cannot get away from anything bad.

Times have changed.

2012 here we come.

8:08 PM

 Anonymous said...

Thank you for laying that out and informing me as well. I've been buying CDs from truck tailgates for smaller bands that don't want to associate themselves with major record label companies for a while now. Musicians can easily support themselves and their music if they're innovative enough.

8:33 PM

 E said...

Back in the late 80s I bought my first CD and the industry was promising that the cost would reduce to \$8-9 within a few short years. Seemed like a logical choice of music media. A decade later the price didn't budge and that is when I started downloading with no fucking remorse. I have been bitching about this forever and finally (FINALLY!) almost two decades later I am seeing a revolution. It's a fucking shame it took this long. Art Is Resistance.

8:47 PM

 Bill said...

I can attest to the whole "\$1500 business lunch" attitude... I worked in the lowest level of the music biz food chain back in the mid-90's: The One-Stop. We were rarely thrown a bone from the big spenders table, but we saw how they were all living!

Some day musicians will learn that the only honest dollar they'll make is from performing. If they can't manage to eek out a living doing that, they probably shouldn't be in the biz.

9:30 PM

 DK said...

RIAAradar.com is cool, and it turns out most of the albums I like are safe. Now if only the store prices were fair, I'd buy them. What we really need is an artists' association to create a trademarked logo that will appear only on albums for which the label / artist has promised not to sue their fans. Do that, charge a fair price, profit.

9:35 PM

 Anonymous said...

My only question is why didn't oink release their source code as open source before they got busted.

9:37 PM

 tonyboneka said...

Have you heard about Creative Commons? Here is a good introduction book Free Culture.

9:52 PM

 Ingrid said...

It's so true. I still don't think I'll give up buying CDs, just for my own selfish pleasures from the action of buying CDs, and then having power over them in my music library, but we need to get rid of the capitalist system. I get really paranoid about the way that everything is owned by a higher power nowadays, EVERYTHING, and hate to sound communist, but capitalism shits me! Money has screwed over so much of this culture. Being a [committed, not fairweather] musician myself, the only reason I've finally relented my dreams of playing for a living is fear of failure in the industry. Thanks Rob! RECORD INDUSTRIES ARE CAPITALIST PIGDOGS!

10:03 PM

 Anonymous said...

...I dunno. If labels are abolished like you want how will bands be promoted, how will they record new music? Only a few bands have their own recording stations in their homes or other places.

The way I see it is if we have no more labels we won't have anything new to listen to, only live and I sure as hell can't afford to see everyband that I want to, and often there's only 4 or 5 bands that come this way (This year it was only Megadeth and Rob Zombie).

The only way I could support the other ones is buying things off the internet which I can't do at this time because I don't have a credit card and I don't have paypal set up.

Also for Oink replacement there's always "Pandora" which again I can't use because it's USA only.

Is it just me or is it only USA having these issues of mass law suites and rich looking to get richer

1:07 AM

 Kevin said...

So your meal ticket NIN leaves their major label, and soon after you tell everyone to stop supporting major labels.

That took no balls.

1:26 AM

 indiessance said...

Ingrid, I feel your point, especially after eight years of Bush-politics, but the capitalist system is the best environment to cultivate the rock-and-roll dream in. And to revolutionize the music industry in.

1:28 AM

 totally\_random\_man said...

Great points of view, for the most part. As an "artist", I must say... (\*begin pretentious rant\*)

A song belongs to the open air. PERIOD. It goes way, way, way beyond ANY business precedent or model, or any pretension of law. Music is a divine RIGHT, my friends, and I sure don't trust the musician who feels otherwise. ("I wrote a great song.. wanna' hear it? What, no money for me? Then fuck off.") Yeah right.. I have NEVER seen ANY artist who isn't dying to share what he has. I believe most would sooner go broke than keep their work to themselves..

The owner of ALL copyrights is the UNIVERSE; where, after all, the INSPIRATION for songs is born. Songs are children; they are born, then they spread through the world to go where they will, and change lives. Has always been and will always be. Honestly, it doesn't even make a difference what an artist wants.. They created a living, breathing entity... something more powerful than themselves, than record companies, than money, than most everything.. For most of us, music is the breath of life. Music is bound by nothing.. it goes where it is needed, as any living thing does, as any breath that we take.

That, my friends, could not be stopped for all the world, for any reason. We can revolutionize the way music is spread, and the way those involved make money, or we could even revert back... but the spread of music, under NO circumstances, will EVER be quelled (sort of Rob's point, I believe). Yes, I know, there is commerce, which certainly must be governed by law and order and currency.. but once those laws began to constrict rather than promote the music.. well, here we are. I'll say it again.. music is a living, breathing thing; a force to contend with. call me a damn hippie all you want, but it's true. Music has ALWAYS broken the barriers that needed breaking, and reached the people it needed to reach.. sometimes saving lives. It saved mine. (Yes, you can thank the record labels for bringing that music closer to us.. the same damn labels that are now refusing to adapt..)

My point is that music is not and never was about law, business, ownership, not even really about the artist... it is about its own essence. We can't get around the business of it, but we should remember that it is governed by a higher set of laws than our own, and I believe we should all remember and respect that. Because music will exist in one form or another LONG after we're all gone.

And THAT, is beautiful.

1:51 AM

 manyon said...

You can still buy major label CDs without them making \*any\* money from you: second-hand.

3:18 AM

 Derrick Coetze said...

This is an excellent article, and not only describes to the record industry what they *should* have done, but provides actionable steps for music fans everywhere to take to ensure the long-overdue demise of the modern record company *without* compromising the financial integrity of artists and the valuable service they provide. I want to see all artists owning the music they produce, distributing and presenting it as they choose to, and when they hire a firm to advertise it and ship it to retailers, it'll be a firm *serving* the artists, not one with blanket contracts stealing all of their intellectual property.

The advice about purchasing merchandise and concert tickets was especially helpful to me, as I like a number of more mainstream artists and I wasn't sure how to support them without sustaining the beast. Good stuff.

3:22 AM

 Ginger said...

I apologise if this has been brought up - I haven't read all the comments.

The only thing I don't agree with is your comments about copyright. In the publishing industry in my experience, (although my knowledge is more about print publishing) usually the artist retains the copyright. Any contract that asks you to hand over actual copyright is a contract that you want to AVOID. What you are usually expected to hand over is first publishing rights and exclusive publishing and distribution rights and things like that, which is not the same, although it might amount to the same thing for the duration specified in the contract.

Copyright laws are also the only legal avenue, as far as I know, that artists have to protect themselves and their hard work from things like plagiarism, which is not the same as spreading your rightly-accredited music for free via fans and torrents etc. and making a name for yourself before making money off your indie label CDs and the merch sales and concerts.

Copyright law being what it is allows you to be able to prosecute for things like someone stealing your demo and pretending it is their own and making millions off it by selling it under their name and not giving you any of the proceeds. Unlikely sure, but which I think anyone would say is not freaking fair, and there needs to be protection against that kind of thing, because it is hard to support yourself AND find enough time to really throw yourself into making art of any kind, and you expect that to be respected by the law to a certain extent.

I agree that the professional music industry has exploited the right to the proceeds of art to a ridiculous degree, and that the mechanics of the music industry need a revolution, but artist copyright and intellectual property law is still important even just for things like artistic integrity.

Re: revolutionising the music industry, have you seen what Trent Reznor and Saul Williams are doing with 'The Inevitable Rise and Liberation of Niggy Tardust' project?

7:35 AM

 gNosh said...

Great article but take it from a starving musician, I can't live as a musician in the current market place. I haven't the resources to pay for the gear, recording facilities, and marketing and still pay my bills. Once I get to that point then how to I justify quitting a "day job" for a tour that could fail completely? Where do I get the money to press shirts, have key chains made, stickers, pins, ect?

I completely agree that the "old way" is dead. I have never been a part of a major label nor would I want to. I would however like to be able to keep producing musical works but if it is going to bankrupt me then what shall I do?

Last week I wrote my own rant and you can read it <http://gnosher.blogspot.com/> to save filling you comments.

<http://www.myspace.com/gnosh>

7:51 AM

 Michael said...

WADR, we know all this. But I still don't see anything really positive for most musicians in there. Just variations of "buy their T-shirt".

Indie musicians don't have the opportunity of "defending the old model" or even inventing a new one. They just have to try and pay the rent. And that is no easier now than ten years ago.

Yet it is the majors that still hold the keys to the major TV shows and tours.

Large parts of the business have disappeared through no fault of their own. The majors are largely to blame as they could have embraced MP3 10 years ago. The fact that they didn't is not the fault of smaller labels that did - but who suffer nonetheless.

What nobody talks about is the fact that the rights are being eaten everywhere. MTV, for example, does not pay sync rights for using music in their shows. MTV used to be Music Television but is now another example of how you can stick it to the musician.

So musicians are supposed to go on buying gear and touring toilets for the listening pleasure of people that wouldn't pay them 99 cents? Wow, quite a new model to look forward to.

8:15 AM

 A musician anxious to be part of the revolution said...

AMEN to your post.

Respect.

Open Mind. Open Source.

8:29 AM

 bizarrejapan said...

great article!

9:26 AM

 indiessance said...

michael, some people pay the 99 cents...

I burned a CD with 14 eclectic tracks from yahoo music. But if the Majors had complete control over the music, would I be able to customize a CD with various artists like that? Would I need to buy 14 CDs to get the specific songs I wanted? 99 cents seems reasonable when the music lover is able to hand pick particular tracks. Compare your favorite customized CD to a Wal-mart-bought CD with one good song on it. Where's the beef?

What percentage of that 99 cents actually goes to the artist?

9:36 AM

 maeda said...

one of the finest i've read so far

thank you

10:20 AM

 DhammaSeeker said...

Kudos Rob! I appreciate the effort you spent into summarizing your thoughts and fostering this discussion. One more step toward sanity.

11:05 AM

 Anonymous said...

AGREED! Stop buying music from major labels! Don't buy CDs, don't buy iTunes downloads, don't buy from Amazon, etc

Let's find our music elsewhere and only give money to musicians through...

<http://www.musicneutral.com>

Let's persuade the bands that this is the only way! The labels and RIAA have dug their own grave now let's give them the final push!!!!!!!!!

12:00 PM

 Carrie said...

BOiNK = problem solved. Hopefully.

See the [www.billboard.biz](http://www.billboard.biz) article.

12:35 PM

 cap213 said...

Wow, I can tell you thought long and hard about what you wanted to say. Everything you wrote about is probably what everyone is feeling right about now. Well written.

12:40 PM

 Anonymous said...

I can't help feeling bad for the indie music stores, though. There are some fantastic ones in just about every city, and while I agree with the entire argument, I still buy the cds ONLY because I enjoy going to the Ear X-Tacys and the Sound Gardens of the world. It's a stubborn habit; used to be one of my very favorite activities. Hard to let it die. Hard to watch those stores die. But inevitably, I suppose, they will.

12:58 PM

 totally\_random\_man said...

Just a reminder...

ANYONE AND THEIR BROTHER CAN START A BUSINESS.....

Meaning, an artist could develop, with the help of MANY, MANY business resources, the means to distribute their own music and make money.

In other words; START THEIR OWN LABEL!!!

Stop saying that unsigned musicians have nothing they can do to make money. There's business help up the yin-yang, people, and loans for it as well, if you have that kind of confidence, know-how, or are friends with those who do.

Not easy, no, but what good musician is looking for the easy road??

1:04 PM

 Mind Booster Noori said...

Boycotting major labels isn't that hard, and, for artists (me included) there are ways of getting money to give away music (for free). The game is set, and the tools are made. It's just up to how will YOU (the reader) act. Are you going to keep "shut up and shop"? Or are you going to boycott major labels and support the artists that adhere to the **fair** and new music industry?

1:45 PM

 Peter said...

I think you'll find that business diversity is the way the record companies are going to try to reinvigorate their business's. Universal in the UK has just bought a fairly major (live music) agency and have made offers on a couple of festivals.

Record contracts of the future will be 'career' options incorporating not only the rights to the bands recorded material but also their live music, merchandise and even management.

It would be a terrible development for the industry, obviously diversity of ideas is a better option for a band than the monopoly that is being proposed by the record companies

2:15 PM

 Jen Cloher said...

change or die!

independent = musicians releasing music without any major label affiliation.

independents have known for a long time that no money is to be found in cd sales unless you are a rare exception (in australia) like john butler. essentially cds have been an added extra to sign and sell at live shows and 'good petrol money' for those filthy long hours on the road.

the majority of us good or bad, fashionable or no, understand that most of our income will come from performance and radio royalties, song placements on tv and film, holding onto your publishing rights and selling merchandise on the road. building a loyal live following, keeping in contact with your fans and encouraging them to visit your myspace/website for the latest updates, new demos, clips e.t.c means you keep word of mouth alive. it is the MOST powerful tool for an indie.

a tour is deemed successful if you break even - forget about making a profit. indies have long known that the majority of people at their shows have already freely sampled the goods online, we encourage it because we don't have the machine of a big label to project us into the media with the same power that major label artists do.

essentially all 'real' musicians want is to be able to live off their art without having to work another job. to write, record and in most cases tour their music to a live audience. the reality is that about 5% of independent artists ever do.

so the most important tool for an indie is to build a profile which is where national radio airplay like triple j in australia (equivalent college radio in the states) is vital. without that support it's tough work, many great bands fall to the wayside because they have families to support and never got that break afforded to some.

i think the future for indies and certainly the way i would choose to release my next album, is using the internet in a way that directs traffic in large volumes to your music and then offers them your product at a reasonable price with an added extra. people will continue to sample music for free. our job isn't to focus on those people but on true fans who want to see us make many albums and are in it for the long haul. i know there are certain artists i will always support because they make exceptional art which dignifies my life.

"There are always meaningful songs for somebody. People are doing their courting, people are finding wives, people are making babies, people are washing the dishes, people are getting through the day, with songs we may deem insignificant. But their significance is affirmed by others. That's what dignifies the song. Songs don't dignify human activity. Human activity dignifies the song" - Leonard Cohen.

what indies have to grapple with and always have is how to get our music to the people and then keep them there.

2:48 PM

 Anonymous said...

OK; Good points here, but there are some obvious, gaping holes in your argument that really need to be addressed.

1. While technology has made the theft of music possible, and devalued a commodity that costs a fair amount of money to create (if audiophile master quality recordings, an art form in their own right, is a concern and valued by the listener), then the issue becomes strictly ethical. The only victim of lazy ethics here are the recording artists. Very few listeners will ever "make up" for stealing digital music by buying ancillary merchandise. Most just steal the music. Who suffers most? The musicians, period. You are stealing from them. Studio gear, microphones,

time...it costs money! So now what do you want? Shitty home-spun pro tools recordings from entry-level hobbyists? The creations of "The album" is an amazing art form in itself. If you think you can justify taking what an artist made with time, their own money, their effort, and their love simply because the technology is in place to do so, and your have been "worn down" by this technology, then you are part of the problem.

2.Rallying against the greedy, outmoded, and bloated record "industry" may be logical and intellectually honest, but the victims of the crime, again, are the artists themselves. Those scumbags won't feel the brunt of the digital age and the file sharing technology that allows you to create intellectual justification for theft. The artists you download will. You, author, are unique in that you will actively seek to compensate your preferred artists in additional ways. You are not in the majority, so your philosophy, when applied to the public en masse, still means that artists get screwed by a public who refuse to compensate someone for a service rendered and hard work produced.

Just try to apply your philosophy to any other business, and you come up short. The idea that any commodity, artistic or otherwise, that can be distributed digitally means it is not worth any money is lazy, arrogant, opportunistic and base.

-Ashleyjuzxvvzx

3:11 PM

 Anonymous said...

i'm not reading all these fucking posts, but why hasn't anyone mentioned MADONNA'S DEAL WITH LIVE NATION? you are talking about future business models and how the shit is all antiquated. are you all about fucking RADIOHEAD and shit-eating hipster music?

eat my ass.

6:24 PM

 Angela said...

Thank you. I, the inarticulate college student, have been ranting about the ridiculousness of the music industry for a few years now, but you've been able to put into words what my caffeine-driven brain couldn't express in words. I'd never heard of Oink until I read this, and I'm truly mourning that I didn't get to experience it myself. There are some major bands who are 100% with you on this--there's an official coalition of them in Canada backed by many of their huge artists and founded in part by the Barenaked Ladies. Laugh at them if you want, but they're huge activists on this front in Canada. If enough really big artists here were able to get it together and do something similar here, we'd be able to get the legal idiots on two fronts and maybe get paid attention to. But that's me. Thanks again for the fantastic post. I loved the Terry Schaivo reference.

7:26 PM

 Nick said...

I'd just like to say thankyou, Rob, for solidifying and uniting my ideas on music piracy, censorship and distribution. After being confused for years, worrying that I didn't know the full story, and just accepting the technology as it is, your post and concurrent links have helped me understand this massively complex issue.

Power to the people.

9:14 PM

 Anonymous said...

I still purchase music. Cd, vinyl. No mp3s for me, cuz the quality sucks. I'll buy the Radiohead when it comes out on a physical format.

I don't shoplift - food, shoes, anything, and I won't shoplift my music either. Call me holier-than-thou if you will, but all the hands that touch a product - from its manufacture to distribution, should be paid. A fair wage for a product - it's the greed we need to eliminate, not those in the line of production.

9:08 AM

 Blaze said...

You know, your rant is pretty much summed up by MC Lars' song "Download This Song." Make sure you check it out, illegally, of course ;)

9:52 AM

 plnelson said...

The record companies may be stupid dinosaurs but they have a legal **right** to be stupid dinosaurs. Stealing music may result in actual sales, i.e., it might be a great marketing tool, but it's up to the record companies to choose their marketing tools, however poor their choices might be.

The bottom line is that a sense of entitlement is not the same as an actual right to something. The Europeans who took over the Americas had a sense of entitlement; and, like audio pirates, they had superior technology. In fact, how many invading armies **DON'T** have a sense of entitlement? Throughout history those who used their superior powers to take what they wanted **ALWAYS** pointed out that their victims were outmoded, archaic, primitive, and stuck in the past.

I have as much contempt for the record companies as anyone here. But I stick with the perfectly legal practice of buying CD's used. Not only do the record companies never see a penny of my money, but it leaves me with the option of ripping/encoding the music any way I want.

10:47 AM

 Bauzi said...

Hi,

This article was really interesting to read. At least I will try to not support major labels and RIAA in any way before something big changes. I would pay for a smart legal system OiNK had.

Thanks for this great words

11:51 AM

 Anonymous said...

who gives a fuck about the RIAA?

Why don't you release some cutting-edge stuff and show people the way?

There is enough tools for anyone to make tracks and publish them. But the important thing is to answer the question: Will I add anything to the universe?

Whiner boy.....The artists never got a dime from Oink anyway, so why protect them? Same as the Russian sites.....

12:40 PM

 cjh said...

*This post has been removed by the author.*

2:14 PM

 Anonymous said...

Perhaps musicians will go back to an earlier business model: **Busking**.

Even a band who is signed up to a draconian record label could have a 'paypal' donation button on their website.

This would allow fans who have downloaded songs to give money directly to the band and not the label. There would be no way for the label to prove it was given in payment for a song, and could be put down as 'patronage' or for 'future development', or even for 'running the fan site'.

I think this would allow the music fans all over the world to directly support the band, and yet not give to the label.

In the end, I think the law should be changed and it should be illegal to sign away copyright to artistic material you have created.

Perhaps the future is poetic, perhaps the future is to do what musicians have done for thousands of years and busk. While not a great living while standing on a street corner or down the tube station, it would be pretty awesome if it was on the net.

I think musicians should have faith in their fans. While Busking is a scary prospect, I reckon it could work.

## The Internet Busking Business Model

Philip

3:04 PM

 Anonymous said...

It is easy to distinguish between the people who actually read the whole article, and those who did not.

4:59 PM

 Anonymous said...

when people argue that each download is an album that artist could have sold they have to keep in mind that most of those people would have never heard of or bought the album. This is big for smaller, independent artists. At least people are hearing the music and if they really like it they're more likely to support the artist.

5:58 PM

 Anonymous said...

The best thing about Oink was the community sharing interests with each other. I learned about, then purchased many albums through oink.

If oink were commercial artists would have been smart to buy banners on there.

6:06 PM

 Emily said...

One idea I had is having iTunes or an iTunes-like setup where musicians could independently sell their music, and then having a separate part of the business where they could sell something like what used to be the "cover art" of albums for another small amount of money. Because I like the digital music thing, but I still kind of love the CD covers. So I'd probably buy them, and if I would, maybe others would too.

6:14 PM

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