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References

McCurry, M., & McKinnon, M. (2009). Getting To Yes. *Billboard*, 121(18), 4. Retrieved from MAS Ultra - School Edition database.

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Section: OPINION**Getting To Yes****Internet Rights Groups Need To Stop Offering 'No' As An Answer**

Some people just can't take "yes" for an answer -- especially when it comes to the future of the Internet.

A few years ago, when it became evident that the Internet was changing the way people access information, groups like Public Knowledge saw that creators were at risk from illegal copying and counseled them to develop new business models to compete with free content.

Flash forward to 2009, and creators are embracing all sorts of new distribution platforms. MySpace Music, iTunes and Hulu are pioneering easy, reliable and legal access to content that represents an alternative to piracy. YouTube has entered into new partnerships with the creative community to offer professional content to its users. The creative industry has invested in digital compression, photography and animation techniques to offer consumers better content. And a proliferation of viewing devices -- from the Kindle to the Roku -- can deliver that content as never before.

But instead of cheering those efforts and extending a collaborative hand to help find better solutions, many self-proclaimed Internet rights groups still complain that the media business is still "acting as if it were 1995." They even lament YouTube's decision to work with content creators, saying it makes the Internet "less free."

These critics seem inclined to over-look the massive digital theft that threatens the ability of songwriters, musicians, filmmakers and software developers to earn a living. Not only do they shoot down proposals that could address digital theft, they offer few ideas of their own -- except the superficial notion that content should be free.

As consumers, we all like "free" -- if anything really is free in the final analysis. But we also like "value" -- even if we have to pay for it. Both professional content and the networks that carry it come as the result of large investments aimed at generating revenue, not by being free but by delivering value. That model works because by both law and social contract, property rights get the respect that enables innovation to earn its reward. For some Internet rights groups, it seems, this respect ends when property turns digital.

With the exception of perfunctory statements saying, "We don't condone piracy," many of the most

vocal advocates of the idea that "information wants to be free" have remained silent about massive misappropriation of artists' work. In the physical world, it would be absurd to argue that it's OK to steal an iPhone "because Apple hasn't figured out how to compete with free." But these critics apply exactly that logic to digital products. They seem equally unconcerned about the implications for the vast majority of Internet users who don't take part in illegal activity.

Consider the enormous stress that illegal file trafficking puts on networks. Time Warner and other Internet service providers estimate that fewer than 5% of network users account for 50% of peak Internet traffic and that almost 90% of that traffic consists of illegal downloads. On this issue, too, the industry critics stay silent. Instead they dance around the issue of whether those who consume the most bandwidth should pay more than those who use very little. Having first touted such pricing plans as reasonable, they now label them "miserable" ideas. To them, users who would prefer an Internet cleared of the congestion from illegal traffic appear not to matter at all.

Considering how much permissiveness they favor, they seem to enjoy saying "no": "no" to digital rights management, "no" to digital watermarking, "no" to traffic shaping, even "no" to bandwidth pricing proportional to one's use of a network. They say "no" to just about any model that acknowledges content as a resource worth protecting.

Maybe it's time for the members of this chorus to come up with some fresh ideas of their own -- ones that acknowledge that innovation isn't about "competing with free" but about creating a digital economy that works for consumers and creators. If they'd rather keep saying "no," we can only remind them of the old adage that if you aren't part of the solution, you are part of the problem.

PHOTO (COLOR): McCURRY and McKINNON

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