

I have gotten quite a bit of interesting feedback on this topic and have also seen some wonderful discussion on various discussion lists, including one of my favorites, the PHO list.

Rather than just letting this fall away, I thought I would add some more ....

### **Does P2P help or hurt content sales?**

The problem with all of this conjecture about value of P2P is that it only considers today's applications and there is not real quantitative information about the impact on sales today, only anecdotal information. Did anyone see the NYTimes article the other day where the movie industry wouldn't even release their international sales? Makes it tough to quantify whether sales have been negatively impacted if there aren't any published international numbers.

### **I think there are more legal music downloads than illegal**

No question that music and movies are the most visible content distributed by P2P. Do we know if on an absolute basis most of that music in particular is illegally distributed? No we don't. It's very conceivable that there are far more personal, vanity projects and independent projects that are being offered on the net than charting music.

It's also probable that the most popular music that is being downloaded is being downloaded illegally. But has anyone done any analysis of the long tail vs the most popular titles?

Chris Anderson of Wired has written brilliantly about the bellcurve of content and information distribution on the net. That popular items are just that, popular. My guess however is that in absolute numbers, the long tail of the download distribution curves, both in terms of number of songs, and in number of songs downloaded, overwhelm the number of copyrighted songs illegally being downloaded.

How many songs are in the catalogs of the RIAA member labels vs the number of songs on all the indie music sites on the net? Anyone have an idea? How many self-publishing artists and bands are there offering downloads? Want to bet  $A < B+C$ ?

That's today. Killing the golden goose of progress is what scares me more than anything about all of this P2P hating.

What about future applications? What applications or technology will be aborted before their time if the entertainment industry has their way?

1 megapixel cameras have turned into 7 megapixel cameras, which will turn into 10 megapixel cameras. DV cameras will turn into HDV then HDCam Cameras. All have ever increasing bandwidth and storage requirements. All have business and personal applications. All benefit significantly from bit torrent type P2P applications.

With broadband to the home getting to 10mbps, and hopefully beyond as competition heats up between cable and telcos, is it inconceivable that we would want to setup a password protected bit torrent network so we can share our hospital Xrays with specialists, and then store them in an XDrive like application so we can retain access to our own medical histories?

Is it inconceivable that we at some point in the future want to submit anonymously the list and dosages of medication we are taking along with high resolution Xrays and pictures that are distributed to systems that analyze the mix looking for red flags that are then reviewed by physicians and returned, still anonymously back to us? This type of application can't happen in a typical client server environment. Peer to Peer is a foundation for this type of application.

High Resolution of High Def and new gen cameras will open up new applications in healthcare, business and home use. The bandwidth and storage requirements of these applications will swamp the broadband lines using traditional server/client distribution. P2P/Bit Torrent applications can be the model for efficient enabling of these applications.

Then there are the benefits to mobile applications. Spectrum is expensive in this country. We still have not reached the point where 3G or faster networks are widely enabled, and even they are very limited in bandwidth. P2P applications to distribute videos or pictures we take on our phones to our buddy lists or families will save valuable bandwidth.

The ability for emergency relief workers to distribute videos of instructions on how to deal with a situation will be an invaluable application. In a car wreck and need instructions on how to apply a bandage or worse? Over the next 10 years 911 will be able to distribute a video with instructions to you and those around you and talk you through it. P2P is the most bandwidth effective distribution solution.

You can let your entrepreneurial imagination run wild on the types of applications that can be enabled with efficient bandwidth applications in a mobile environment.

Why would the supreme court even consider eliminating these opportunities?

**I think we have forgotten that EVERY SINGLE BOOK, PICTURE and MOVIE that exists today, and has ever existed to this point in the 230 year history of this country will at one point be in the public domain. Owned, shared and enjoyed by the citizens of this country. From this day forward, the ability to generate digital content will be ever simplified and made less expensive. The amount of digital content created going forward will expand exponentially.**

**It is the job of the Supreme Court to protect our ability to share, distribute and enjoy every single digital bit of it. That obligation in and of itself is enough of a non infringing use of P2P for it to be protected forever.**

Do we want to kill off applications that could change our lives for the better to give the music and movie industries control over the technology ?

Do we want to set a precedent that shrinkage in an industry is enough to kill off technological innovation? Should we ban pants with pockets to prevent shoplifting?

There is no question that there are substantial non infringing applications. These are things that I came up with off the top of my head. I'm sure there are much smarter people that can come up with much better. Hopefully come March 29th,good sense will prevail.