

Eugene Concert Choir
Diane Retallack, Artistic Director & Conductor

Beethoven

An epic choral masterpiece

MISSA SOLEMNIS

Saturday, May 7, 2005, at 8:00 pm
Silva Concert Hall, Hult Center

Tickets \$9-26. Call 682-5000 or visit www.eugeneconcertchoir.org

Eugene Concert Choir
Kelley Nassief, soprano
Victoria Avetisyan, mezzo-soprano
Yeghishe Manucharyan, tenor
Clayton Brainerd, bass-baritone
Oregon Mozart Players

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A new kind of property

While the RIAA and MPAA have done their best to convince the public that downloading is equivalent to theft, it's not a given that the old-fashioned concept of stealing directly applies to electronic media. Anti-establishment programmers who live by the motto "Information wants to be free" are quick to point out the fundamental difference between shoplifting a record and downloading a song: Only in the first case does your action deprive someone of something. An MP3 is a piece of information and not a physical object; one copy can be turned into a million. The rules that govern physical property may not make sense for digital, intellectual property.

Even though the RIAA claims that the MP3 controversy is about basic rights, and not record companies fighting to preserve an outdated business model, some recording artists

the recent copyright extension.

The fear of eternal copyrights is no paranoid fantasy. Jack Valenti, the head of the Motion Picture Association of America, famously declared that copyrights should be extended to last "forever minus one day." The Constitution specifies that copyrights should last "a limited time," but those on Valenti's side point out that even a term of one million years is limited.

Richard Stallman, one of the founders of the Free Software Project, a group that encourages "open-source" coding — freely distributed and easily modifiable software — is a vocal critic of copyright. He fears our world may soon lack an inherent "right to read," because all written material will be controlled by powerful corporations. Stallman encourages everyone to challenge the assertion that when it comes to copyright, "today's law

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encourage free distribution of music. Jeff Tweedy, the singer for the popular indie rock band Wilco, recently said those making an issue out of MP3 downloading "are people who are so rich they never deserve to be paid again." Wilco posted their album *Yankee Hotel Foxtrot* online before any record company would release it, and the band's popularity soared. Many up-and-coming musicians are using the Internet to build their fan base. A quick search on Myspace.com revealed several hundred bands or musicians in the Eugene area alone — many just high school students playing in their garages — that use the site to offer MP3s of their music.

reflects an unquestionable view of morality."

Creative Commons is a nonprofit started by intellectual property scholars and computer scientists trying to forge a middle path between the RIAA and MPAA's view that copyright should be absolute, and Stallman's proposal that we do away with it altogether. The principle behind Creative Commons is that while copyrights are currently too strong, creators should have an alternative beyond casting their works into the public domain. The group has developed a new kind of copyright contract; authors who adhere to the standard assert that only some rights are reserved, and agree to all non-commercial sharing and derivative use of their works. Stanford law professor Larry Lessig champions Creative Commons as the best compromise between respecting authors' rights and allowing enough freedom for the creation of new works. However, since it is a voluntary standard that corporations are unlikely to adopt, the Commons is at best only a partial solution to perceived problems with current trends in copyright law.

Visions of the future

Wal-Mart refuses to sell CDs that aren't edited to remove "objectionable" material. Blockbuster won't stock movies that don't get "R" ratings or lower. ClearChannel dominates the airwaves. Because of the consolidation of media producers and distributors into a few huge conglomerates, some downloaders say that peer-to-peer sharing is the only hope for those with tastes outside the mainstream. As one university employee who asked to remain anonymous said, "Downloading music hasn't decreased the number of albums I buy. Just the number of crappy albums."

Digital rights advocates fear we are heading towards an era of perpetual copyrights, in which authors and artists will never be able to make creations derivative of other works. They contend that if human society had maintained continuous copyrights since the dawn of history, a novel like James Joyce's *Ulysses*, an epic poem like Derek Walcott's *Omeros*, or a movie like *O Brother, Where Art Thou* — all of which are retellings of Homer — could never have been created. In our world, DJ Danger Mouse's lauded *Grey Album*, which mixed together the Beatles' *White Album* and Jay-Z's *Black Album*, cannot be released because the owners of the source material won't allow it. Several volumes of the new translations of *In Search of Lost Time* by Marcel Proust — who died in 1922 — won't be available in the U.S. until 2018 because of

An unclear future

The Supreme Court's 1984 *Sony* decision created a doctrine that much of the rest of the world has followed. It's likely that how America chooses to walk the balance between digital innovation and intellectual property protections will again set a global standard. The future of copyright is uncertain — will the model be the maximalist approach favored by the entertainment industry, the total freedom of information Stallman and others prefer, or something in between like Creative Commons? While many worry about the increasing influence of corporations on law and other areas of human life, optimists point to how technological innovation has historically triumphed over restrictive legislation and entrenched economic power. No matter what happens, it's quite possible that the evolution of cultural and artistic expression in the U.S. might be at a turning point. **EW**

Daniel Epps of Eugene is a recent graduate of Duke University and will be attending Harvard Law School in the fall.

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