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Entertainment - Canadian Press

Cool to pay for ringtones, not downloads say teens as 2004 draws to a close



Sat Dec 25, 12:38 PM ET

ANGELA PACIENZA

(CP) - A funny thing happened this year in the digital music universe - teens were inspired to pry open their Hello Kitty wallets for 30-second ringtones while four-minute song downloads still couldn't shake loose a single penny.

And the threat of the heavy hand of the law continued to unfaze the notoriously irreverent group. At least one teen finds it funny that so much cash is wasted on music pirates.

"I'm soooo not worried," says Jami, a spunky 17-year-old Toronto student who, like many of her peers, consumes heaps of music round the clock.

The Grade 12 student, who wanted to hide behind her first name, feasts at the all-you-can-eat buffet of online music so often she had a hard time recalling the name of the last track.

"Maybe it was something by Eminem ([news - web sites](#))?" she says, looking over to her boyfriend for assistance.

Ask the pretty brunette if she's heard of the much-hyped iTunes and she'll tell you yes, but she'd, "like, never ever use it."

"I wouldn't because I can get it for free," she shrugs, seemingly bored by the topic of downloading.

But ask her about ringtones and her face lights up.

She excitedly recounts having recently dished out "just two or three bucks" for Snoop Dogg's Nuthin' But A G Thang.

Does she recognize the irony in paying several dollars for a few riffs but helping herself to a whole song for nothing? Not really, she says rolling her eyes.

Jami and her friends pose the latest conundrum for music makers, who want to encourage music revenue from new sources like cellphone

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ringtones but also want to throttle teens who don't pay for their song downloads.

The industry continued to raise the stakes in 2004 fighting illegal downloading habits using the Federal Court.

It started what will undoubtedly be drawn-out court proceedings with the goal of suing folks who trade music online.

But where the courts are slow to move along, paid downloading finally caught on thanks in large part to a catchy marketing campaign by the Apple computer empire.

Apple's uber-trendy iTunes managed to capture the adult music lovers's attention this year, luring them into forking over a buck with a kid-free, bug-free song search engine. The hope is that the teen sect isn't far away.

iTunes says it logged over 100 billion paid downloads in 2004. That bodes well for Canada where the iTunes store opened this month.

"The industry proved the paid digital marketplace was viable," said an exuberant Graham Henderson, president of the Canadian Recording Industry Association.

He thinks the iTunes store combined with activity in legislative hallways and behind court benches means money will finally start pouring in again for the music industry. His organization claims music sales dropped \$465 million between 1999 - the downloading watershed year - and 2003.

Among the expected developments in 2005:

-An appeal of last year's ruling against the music industry's request to force Internet service providers to identify 29 people who allegedly posted hundreds of songs on the Net. The judge said downloading a song or making files available in shared computer directories does not constitute copyright infringement under current Canadian law. It's expected to be heard in the spring.

-Based on the recommendation of all-party Heritage Committee report, the federal government could sign two international copyright treaties - already signed by 44 countries including the U.S. - which would automatically change the legal definition of digital music distribution making more types of peer-to-peer sharing illegal.

-A federal copyright hearing to determine how much of the ringtone money-pie songwriters deserve. The growth of ringtones - Solutions Research Group says one in three Canadian teens are regular ringtone consumers - could prove to be a major cash cow for musicians.

Combine those issues, and Henderson thinks record labels can get on with regular business like discovering new talent.

"We won't have to focus on all of this nonsense. That's what's happening the rest of the world," he said referring to countries like the U.S. and Britain where stricter copyright laws means the courts are forcing the identities of music pirates. Some studies are also suggesting people in those countries are returning to CD shops.

"From the point of view of the record companies, digital will go from

being a black hole in their bottom line to being a very important piece whether it's downloads, portable subscriptions or ringtones, it will all suddenly start shedding money," said Henderson.

But some industry watchers aren't as optimistic as Henderson, whose organization represents the interests of those behind about 95 per cent of all records produced and sold in this country.

Most of the people who are paying for their downloads are adults, the same group that industry watchers say has been continuing to buy CDs, says Kaan Yigit, president of Solutions Research Group which tracks tech trends across the country.

He's skeptical the number of paid downloads will increase much over 2004.

"It continues to be a niche market . . . an older market because your typical 12 to 24-year-old has more time than money," he said.

"Most people looked around (after the threat of lawsuits) and said 'Well, nobody I know is in jail and it looks like Britney Spears ([news](#)) is still making lots of money, why should I be the one to stop?' We've seen that attitude all through 2004."

Besides, says Gilles Daigle, an Ottawa lawyer who specializes in the murky, complicated waters of copyright law, as soon as one tech issue is resolved another will pop up.

"The nature of the beast is such that whether it's a court decision or whether it's a legislative amendment, the matter is not just overnight going to stop being an issue," said Daigle, an Ottawa lawyer who specializes in the copyright law. "The pace of technology is changing so quickly that it's almost such that by the time you solve one problem, the underlying issues have completely changed because of advances in technology."

He equates downloading music to the practice of photocopying textbooks in school libraries. Both should be illegal, yet the activities continue on a daily basis, he says.

"At the end of the day, when the dust settles, we're going to find ourselves in the same situation. Hopefully you'll have a vast majority of users who want legal access to musical works," he said. "But you can bet there will continue to be illegal sites out there whether the legislation is remedied or not."

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