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Another spin on digital music

University offers antipiracy plan

By Chris Gaither, Globe Staff, 5/26/2003

At a time when college administrators are coming under fire for students illegally downloading copyrighted songs, the president of one major university is urging schools to launch their own digital music services as an alternative to digital piracy.

Graham Spanier, president of Pennsylvania State University, wants colleges to license songs and charge students to listen to them online. He has proposed that schools increase each student's tuition or fees by perhaps a few dollars in exchange for unlimited listening, though the ability to burn songs onto a CD might cost extra.

The idea is still in early discussions and faces considerable skepticism from the recording industry. Yet Spanier, cochairman of a national committee of university and entertainment leaders that discussed the proposal in Washington, D.C., last week, says he expects pilot programs to begin at some universities by the start of classes this fall.

If schools can negotiate licensing deals, they would enter into direct competition with digital music services from companies like Apple Computer Inc., RealNetworks Inc., and Roxio Inc., which last week acquired Pressplay from Universal Music Group and Sony Music Group with plans to relaunch it next year as a paid service under the Napster name.

But the ultimate goal of a university-run music service, Spanier says, would be to reduce the number of songs downloaded from file-sharing services like Kazaa, whose popularity on college campuses has swamped computer networks and administrators who field complaints of copyright infringement from the entertainment industry.

"If the service is good enough, offers enough songs, has high reliability, and is user-friendly, it can compete with Kazaa and similar programs,"

Spanier said in an e-mail interview.

Cary Sherman, president of the Recording Industry Association of America, downplayed the idea, calling it "Graham's opening thoughts at the beginning of a dialogue." He said many questions remain about the proposed service -- such as whether songs would be available for download or streamed over the Internet, how the songs would be protected from illegal copying and distribution, and whether copyright holders would grant permission for such broad use -- but praised it as a starting point.

"I think it's a very good step to try to find new ways to provide music legally to college students," said Sherman, who is cochairman, along with Spanier, of the Joint Committee of the Higher Education and Entertainment Communities.

Each digital media company would create its own product and negotiate terms with individual universities, Spanier said. He said he anticipates some trial runs by this fall, though his own top technology administrator, J. Gary Auguston, in a phone interview called that "a pretty aggressive schedule." Penn State has not even begun negotiating with any content providers, Auguston said.

Two business students from the Massachusetts Institute of Technology, David Galper and Vince Han, say their venture for streaming music and movies over the Internet to college students is among the candidates to run test programs at Penn State and other universities.

Sherman said universities might find it easier to negotiate licenses for limited test programs, thanks to the early success of Apple's iTunes Music Store. But network administrators say services like Apple's have done little thus far to slow the illegal exchange of songs by students.

"I really don't think they understand or believe that illegal file-sharing is the same thing as going into Tower [Records], grabbing a CD off the rack, and running out the door with it," said Scott Hervey, chairman of California Bar's cyberspace law committee.

That's one reason why Spanier wants to charge each student for music. If they're already paying for the service, they just may use it instead of Kazaa, protecting themselves -- and, potentially, their colleges or universities -- from liability for piracy. "It would make legal what is now illegal," he said.

But students would still use file-sharing programs to download songs, movies, and television shows not included in a university's catalogue, said James Bruce, MIT's vice president for information systems. Spanier's

proposal also raises questions about whether parents would pay higher tuition so their children can listen to the latest 50 Cent hit. Northwestern University in Evanston, Ill., charges all undergraduates in its residence halls \$120 a year for access to 20 cable channels streamed over the Internet. Students approved the fees in a referendum. But administrators at public universities in cash-strapped states say fee hikes for digital music would be poorly received.

"The university is not in a position to undertake any new initiatives," said Scott Conti, network operations manager for the University of Massachusetts at Amherst.

Anticipating 10 percent cuts in its technology budget, the University of California at Berkeley has delayed computer lab upgrades and renewals of anti-virus software. Jack McCredie, the university's chief information officer and associate vice chancellor, said he appreciates Spanier exploring ways to combat piracy, but with other pressing needs he would only consider a service that students sign up for.

"We have to somehow fix the culture that thinks it's OK to rip off people's intellectual property rights," McCredie said. But he added, "It's a terrible precedent for universities to be essentially paying for the entertainment of its students."

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