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Out of the U.S. and Out of Luck to Download Music Legally

By BOB TEDESCHI

Online music-selling services have far fewer restrictions than the industry's early offerings, but they do not necessarily travel well.

That became evident on Friday, after an Apple iTunes customer posted a complaint on the Web log of Declan McCullagh, who covers technology for CNet's News.com, and the discussion list of David J. Farber, a business and technology professor at the University of Pennsylvania.

The posting, from Shawn Yeager, a technology consultant in Toronto, related Mr. Yeager's problems gaining access to songs he had downloaded from the iTunes online music store before he moved to Canada from the United States.

Mr. Yeager said in an interview that after complaining to Apple, he received automated e-mail responses implying that international licensing rights were to blame for his troubles.

An Apple spokeswoman, Lara Vacante, said on Friday that Mr. Yeager's disappearing music files were not the result of Apple's policies, but a systems error, though she and Mr. Yeager disagreed on whose end. "Once you download a song, it's yours," Ms. Vacante said.

But she said that consumers who do not have a credit card with a United States billing address cannot download iTunes, because Apple has rights to sell over 200,000 songs in its database only in this country.

Mr. Yeager said the problem was resolved to his satisfaction, but "this points to some core problems" with how online companies restrict the use of the music they sell.

His posting resulted in much discussion in online news groups and inquiries to other online music services about their international sales policies.

Before a song can be distributed online, the labels must first clear two sets of copyrights — those for the sound recordings and those for the songwriter's publishing rights. American music labels have in many cases licensed those rights overseas to different companies — agreements that sometimes must be negotiated one artist at a time to regain international digital rights. And since copyright laws in other nations can vary from those in the United States, those discussions also must often take place country by country.

"It's a big task," said John Jones, the vice president for programming and label relations at MusicNet, which provides a digital download subscription service to America Online. Mr. Jones said his company was reviewing how much work would be involved in setting up an international version of the service before it sets a rollout schedule. "International rights are extremely important for the development of MusicNet," Mr. Jones said.

No wonder customers of the online music services may encounter trouble with their accounts if they travel abroad.

Lisa Amore, a spokeswoman for [RealNetworks](#), which distributes Listen.com's Rhapsody music subscription service, said it was available only in this country.

If a Rhapsody customer was traveling in Rome, for example, and tried to log onto his subscription, the rights-management software "would know that I'm out of the country," she said, "and I wouldn't have the rights to get into the service." RealNetworks uses geographic location software to determine the user's country of origin.

Because a large portion of the American music industry's revenue comes from abroad, where free file-swapping services are flourishing, American executives sense a growing urgency to create legitimate online paid music services overseas.

"We're concentrating a lot of attention on this," said Chris Gorog, chief executive of the online music company [Roxio](#), which plans to revive Napster as a paid music download service this year, "and we hope to be overseas within 12 months of our launch."

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