Who is, and isn't, on bandwagon

By Hiawatha Bray, Globe Staff, 4/29/2003

Among the many striking features of Apple Computer Inc.'s new Internet music service, iTunes Music Store, is the long list of popular artists whose music is available -- and the list of those whose work is nowhere to be found.

Rock fans can find Pink Floyd, but not Metallica. For blues lovers, there's Bobby Bland, but no Bessie Smith. Country music buffs can stock up on Merle Haggard, but not Garth Brooks. In every genre, some well-known performers are nowhere to be found.

Peter Lowe, Apple's director of marketing for applications, looks at the bright side.

"We've got over 200,000 tracks ... from all five of the major music companies," said Lowe. "We're going to be adding more tracks literally every day."

But for now, the works of many legendary performers still aren't legally available for digital downloads, from Apple or anybody else.

That's because the individuals, bands, or song publishing companies that own the rights to these songs haven't agreed to allow electronic distribution. The recording companies don't have absolute control over the songs in their catalogs. Sometimes, the rights owners have contracts that set strict limits on the electronic distribution of their music. So recording companies and rights holders must negotiate anew.

"For many of the artists, the music companies already have negotiated those rights," Lowe said. But many others are holding out for better deals.

Still, Lowe says that iTunes has gotten off to a good start, with artists like Dr. Dre and Tom Waits who had refused to allow Internet distribution of their songs. One reason is the built-in Fairplay security system that ensures that an iTunes subscriber can only copy his music files to a maximum of three other computers.
The software also delivers iTunes songs in a new audio format called AAC, rather than the more popular MP3 format. That means the songs can't easily be swapped among millions of MP3 fans on the Internet.

On the other hand, the songs can be burned to standard audio CDs, which can then be converted to MP3 files. So even with iTunes's antipiracy features, Internet music sales still carry a risk of digital piracy. For now, it's a risk some music rights owners aren't willing to take.

Hiawatha Bray can be reached at bray@globe.com.

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