



Future of Music Coalition on

Preserving the Open Internet Access & Innovation for Artists

FMC FACT SHEET

The open internet is about choice, freedom of expression and access to information. Yet there are some corporations that want to change the basic structure of the web as we know it.

Certain telecommunications companies would like to charge content providers higher fees for the faster loading of their sites, which could alter the way we access the web. The result would be an Internet where those companies that couldn't afford to — or didn't want to — pay this toll would be relegated the slow lane. Independent and developing musicians could lose an ever-important connection to their fans, while listeners might find their access to the web's varied, exciting and legal musical offerings severely compromised.

Access and innovation in a legitimate digital music marketplace.

What if your telephone company only let you say certain things? What if you tried to order a pizza from your favorite local joint, but were put on hold while the phone company prioritized calls for Domino's? The open internet lets all users access the lawful content of their choice, without interference from big telecommunications and cable companies. That's why it's so important to musicians and fans.

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Musicians, particularly those of the independent or niche variety, have benefited tremendously from the openness of the Internet. In years past, it was much harder for the average artist to reach potential fans without the financial investment and resources of a major label. Likewise, the selling of records was cumbersome and often inefficient, as independent musicians depended on the conditions and whims of retailers and distribution companies.

The music industry is in a period of profound transformation. Old methods of doing business are being supplanted by new ways for artists to connect with fans. No longer are middlemen solely responsible for a band's shot at glory — today's musicians can engage with audiences in ways previously unimagined. Artists use the Internet to sell merchandise, book tours, alert fans to shows, and interact with them through homepages, social networking sites and blogs. Musicians can also gain exposure (and income) through subscription music services, direct licensing opportunities, webcasting and online download stores. More than ever, musicians today have a shot at success on their own terms, while helping to build a legitimate digital economy on an open Internet.



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Education, Research and Advocacy for Musicians

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A system threatened

The current structure of the Internet is one in which the biggest record labels and the smallest bedroom recording artist exist on an equal technological playing field; your kid brother's website is just as accessible as Kid Rock's. But some telecommunications companies would like to charge content providers a fee for the faster delivery of their sites. This would create an Internet where those companies that couldn't afford to — or didn't want to — pay a "toll" would be relegated the slow lane. Smaller musicians could lose an ever-important connection to their fans, while listeners might find their access to the web's varied, exciting and legal musical offerings severely compromised. Here are some recent situations illustrating the dangers of a world without an open internet:

Censored content

In August 2007, Pearl Jam performed an extended section of its song "Daughter" during a live Lollapalooza webcast; AT&T cut the sound when singer Eddie Vedder referenced George W. Bush. This illustrates what can happen if a single telecom company is given the exclusive right to control content on their network. The open internet is essential in protecting musicians' right to free speech.

Blocked text messaging on wireless networks

In September 2007, Verizon Wireless denied NARAL Pro-Choice America a request for a text messaging "short code," which members could use to receive instant updates via their mobile phone. The company explained the restriction by stating that their messaging service was closed to organizations and groups whose content or agenda could be deemed "controversial or unsavory to any of our users." This raised issues of open access and free speech, and Verizon later apologized. But their actions demonstrated how much power over Big Telecom has over day-to-day communication between groups and individuals. Or even musicians and fans.

Redirected URL typos to its own search site

Recently, it was reported by users that Verizon's FiOS high-speed Internet service rerouted mistyped web addresses to the ISP's own search page, which of course, featured sponsored ads. Conceivably, this could open the door to further misdirection — imagine looking for an artist's webpage and being redirected to an ISP's music store. This may seem innocuous on the surface, but it could have a major effect on how musicians conduct business on the web.

A world without an open internet

Currently, musicians and fans have unhindered access to web-based systems of content delivery and communication. However, the telecommunications conglomerates want to charge websites a fee for faster delivery times, with obvious benefits to those who paid the toll. This could leave independent artists unable to compete in a legitimate digital marketplace.



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While it's difficult to predict exactly what a "tiered" Internet would look like, there are hints provided by the consolidation of radio, which had a negative effect not only on independent rock airplay, but also led to the loss of classical, jazz, bluegrass, gospel, blues and world music programming all over the country. The concentrated control of crucial pipelines historically results in a loss of access and options for both the consumer and creator; we can't let this happen to the Internet.

Another concern is payola. Given what's at stake, it's entirely conceivable that a pay-for-play (or pay-for-access) scenario could emerge between Internet service providers and well-financed music business entities. Those artists not affiliated with the Big Players could be frozen out, or worse, they could become indirect participants in unethical and damaging promotional practices.

What musicians can do

FMC's Rock the Net campaign has been successful in raising awareness about the open internet in the musician community. With thousands of bands and labels signed up, artists have the opportunity to show their solidarity on this issue. Through consistent outreach to musicians and the media, FMC is demonstrating to Congress and the FCC the music community's broad support for access and innovation. A steady stream of concerned artists have joined such founding acts as R.E.M., Pearl Jam, Ted Leo, Kronos Quartet, Death Cab for Cutie, Calexico and more in urging policymakers to support net neutrality. In June 2008, FMC and Thirsty Ear Recordings released the Rock the Net CD, which features music from Wilco, Bright Eyes, They Might Be Giants, Aimee Mann and more.

In October 2009, the FCC issued a Notice of Proposed Rulemaking on Preserving the Open Internet, which includes draft rules to preserve the open internet. The Commission sought comment from stakeholders and the public on this issue throughout the year.

In January 2010, FMC created an online comments tool to help musicians tell their story to the FCC about how they use the open internet to promote their work and develop their careers.

In December 2010, the FCC issued an Order [PDF] that went some way towards establishing clear rules of the road for the internet. The rules aim to preserve the open internet on the wireline side (laptops, desktops, etc.), yet are not as robust as many had hoped. There remain questions about whether the Order creates loopholes for Internet Service Providers to set up paid prioritization schemes. Still, it is an important first step in preserving a level online playing field for musicians and music entrepreneurs. Enforcement of this policy may prove difficult, however, and court challenges — as well as possible Congressional intervention — are highly likely.

The Order also does not extend basic protections to the wireless space. Mobile is increasingly a primary platform for music access, and it's crucial that this developing marketplace remains open to musicians. FMC will continue to work to ensure that access and innovation for artists is guaranteed wherever and however they choose to connect.



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RESOURCES

FMC's [Rock the Net](#) campaign

<http://futureofmusic.org/issues/campaigns/rock-net>

FMC article: [Music on Our Terms](#)

<http://futureofmusic.org/article/article/music-our-terms>

FMC article: [Net Neutrality and Urban Music](#), by Eric K. Arnold

<http://futureofmusic.org/article/article/net-neutrality-and-urban-music>

[All FMC net neutrality items](#)

<http://futureofmusic.org/search/node/net+neutrality>

[Save the Internet](#) also features information about net neutrality

<http://www.savetheinternet.com/>

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