

STATEMENT OF REP. JOHN CONYERS, JR.  
Courts, the Internet, and Intellectual Property Subcommittee  
Hearing on “Digital Music Interoperability and Availability”  
April 6, 2005

Content owners and the high-tech industry should be commended for responding to consumer demand for digital music. For years, consumers have been clamoring for access to digital content. Because content protection technology and content owners had not caught up with the Internet, music lovers turned to illegal download sites like Napster and Kazaa for digital content.

We had heard that, if the content industry would just create a legal avenue for obtaining digital music, consumers would embrace it. The premonition was largely true. The record industry and high-tech worked together to develop digital content protection, to clear the rights needed to get music online, and to get music on the Internet. According to the Pew Internet and American Life Project, the response to legitimate digital content has been overwhelming: in 2004, only twenty-four percent of music downloaders had tried legitimate download sites; in 2005 to date, the number jumped to forty-three percent.

It is probably safe to say that the reason for this overwhelming response is the late 2003 launch of Apple iTunes. In business for a little over a year, iTunes has sold a record-breaking 300 million songs through its online store. Other download sites, like Napster and Rhapsody, are gaining speed by offering alternatives such as monthly subscription services instead of just downloads and allowing transfers to numerous digital music players. No matter how you view it, the marketplace is working.

Digital piracy existed long before legitimate services like iTunes came onto the market and, unfortunately, it likely will continue no matter how much easier the songwriters, recording artists, and record labels make it to obtain music digitally.