

The CD-Audio-MP3 format should be revolutionizing music distribution. Why isn't it?



avatar audio and the 12-hour-and-20-minute CD

BY PHILIPPE PASQUIER WITH MARIE-FRANCE THÉRIEN

SINCE 1998 *EXCAVATION SONORE* (sound excavation) has served as a laboratory for creation, experimentation, and diffusion for Avatar, the Quebec City audio and electronic art centre, for which I am the administrator of the board of directors. In October, 2003, OHM éditions, the label operated by Avatar, published a CD-Audio-MP3 entitled *11h*, a copy of which was mailed to *Musicworks* subscribers with the fall 2004 issue. This CD-Audio-MP3 presents selections from both established and emerging artists and consists of eleven one-hour *Excavations sonores* originally broadcast on the community radio waves of CKIA in Quebec City, or on the Internet at the Avatar site, <www.lenomdelachose.org/excavation_sonore>.

The production of this CD-Audio-MP3 led the Avatar team to speculate on the present and future use of this audio medium. This short essay aims to present these thoughts, echoing current debates, especially fervent in the record industry, about the borders between private and pirated property.

Initially, MP3 encoding (MP3 is the abbreviation of MPEG-1/2 Audio Layer 3, the sound specification of the MPEG1 data-compression standard developed by the Motion Picture Expert Group and published in 1993) was developed to serve Internet users whose information exchange was hampered by the technology's slow speed of transfer (the flow of transfer of computer data between the network and the computer is called bandwidth). This situation inspired

the emergence of various formats of data compression for both audio (RealAudio, OGG/Vorbis, FLAC, etc.) and video (XviD, DivX, MPEG1 and MPEG2, etc.). Compressing the data made it possible to decrease the memory capacity used by these files and thus to greatly reduce their transfer time. The MP3 format facilitates the exchange of musical files via hundreds of Internet sites. Specialized tools have been developed for indexing MP3 documents, including the famous platforms of peer-to-peer exchange, Napster, Grokster, Soulseek, Limewire, emule, emonkey, DC++, etc.

Another consequence of this compression is the emergence of the CD-Audio-MP3 (a CD-ROM containing MP3 files), which can contain from ten to twelve times more audio than the usual CD at a negligible (and generally inaudible) loss of quality. This new capacity raises questions about the extent to which technology influences musical practice. In the field of popular music, the duration of recorded media crystallized the three-minute pop song on 45s; the twenty-minute sides of LPs led to the "concept album," and now the digital "maxi-single," which usually lasts about twenty minutes. We are now accustomed to the duration of a standard audio CD: we expect a CD to make its statement within 50 to 80 minutes, not in nine minutes, and certainly not in 480 minutes. It is in the field of classical music, generally composed before the advent of storage media, that the constraints of duration are most obvious. Publishers offer CD

box sets of longer works or compilations of several shorter works on the same CD.

Until recently, one needed a computer or a dedicated MP3 player to listen to music recorded in MP3 format, but now most newer models of CD players are able to read CD-Audio-MP3s. One might think that the music industry would react to the growing popularity of this new technology by exploiting it to its advantage, but so far it has done nothing. Probably, the idea of encapsulating the complete works of a popular singer on a CD-Audio-MP3, which could not be sold at the cumulative price of the ten or twelve albums it contains, has no allure for an industry whose shareholders would consider it bad business.

Consequently, one must note the huge disparity between the current abundance of devices able to read the CD-Audio-MP3 and the absence of CD-Audio-MP3 recordings available for purchase. The music industry has made no serious effort to introduce listeners to CD-Audio-MP3s, and the medium is almost nonexistent in the market. Caught off guard by the proliferation of filesharing networks, the record industry screams "Piracy!" because of the loss of its earnings and takes to the courts to launch awkward and difficult attacks against the "pirates."

In the debates and polemics that surround this phenomenon, it is rather rare that criteria other than strictly economic ones, or those regarding the laws of material property and established royalties, are taken into account. The impact of these new practices



and mediations

on audio art, music, and artists is discussed only marginally. Before sanctioning or condemning these new practices, it is important to consider them more carefully, and to study the changes that they might bring about.

First of all, obscurity and anonymity constitute much more important threats for artists than the pirating of their works. Of the tens of thousands of musicians who produce their own recordings every year, only a few hundred will reach the public through the music industry in its established form. Certainly many illegal copies of works protected by royalty or reproduction rights now circulate in MP3 format on the Internet, but there are also innumerable audio works that are made available online with the full legal consent of their authors. Indeed, many virtual labels, ranging from personal self-productions to businesses whose structures and practices are comparable to traditional labels, distribute their productions free in MP3 format. By giving a broader audience free access to their work, artists make themselves better known. The record industry ignores this aspect of file exchange. Its attempts to sup-

press free filesharing networks must be tempered by other considerations in order to respect those who embrace the concept of free file exchange.

Even in the case of genuine piracy—namely, when the exchanged works bypass royalty payments—the question can be re-examined. Tim O'Reilly, an American publisher and a specialist on the distribution industry, considers the free exchange of computer data to be a new medium that we must learn to exploit. In a pamphlet distributed on the Internet, <[www.oreillynet.com /lpt/wlg/3056](http://www.oreillynet.com/lpt/wlg/3056)>, he expresses his indignation at the reactions of the music industry (represented by the powerful Recording Industry Association of America). O'Reilly reminds us that the music distribution system supports a small number of well-known musicians, who suffer financially (though this remains to be shown) from piracy. He points out that free downloading is profitable for the majority of lesser-known artists and can enable them to increase their incomes by making their music known and by activating their careers.

Though the term *piracy* suggests the fraudulent reproduction of works protected by copyright, it is generally reserved for those who profit from the illegal resale of copied material. Piracy in the form of exchanging files via online networks is the work of enthusiasts who do not earn a profit. Those who are condemned as pirates by the record industry are customers like any other who pay for internet access and take advantage

of what they pay for, that is to say, the exchange of computer data. In Canada, the ISPs (internet service providers) see this clearly, understanding that it is the capacity to obtain free data that they sell. They decided therefore to preserve the anonymity of their customers in the debate with the authorities.

O'Reilly maintains that in terms of distribution, the way that stores are stocked is a more substantial problem than piracy. In the field of book publishing, it was calculated that low stock levels—booksellers and libraries choosing to offer only a negligible proportion of the actual available material—cause a much higher loss of earnings than piracy. Given the scale of annual CD production, one can suppose that this is also true in the recording and distribution of commercial CDs. On the other hand, online electronic exchange networks are not location-specific, and the Internet makes it possible to serve all customers equally. Moreover, a significant proportion of Internet file exchanges involve products that are not available for sale or are difficult to find. The fact that customers take advantage of this possibility does not indicate a refusal to pay. The sale of CDs unavailable through commercial distribution channels is flourishing on private selling sites such as e-bay, and some websites already specialize in selling less mainstream recordings.

In the final analysis, it seems that file-sharing networks threaten neither music nor artists: they threaten only the current publishing industry. However, they do not so much threaten its existence as its present means of functioning. Free file exchange flourishes in the absence of competitive alternatives. This clearly shows the inertia of the music distribution industry. The CD-Audio-MP3 can be understood as a response to the decline of the recording industry as we know it. The availability of CD-Audio-MP3 players is a strong incentive to have CD-Audio-MP3s, and within this framework the exchange of files is a pragmatic solution developed by customers to meet their needs.

Even though the technology is fully developed, and the equipment for its manufacture is both economical and available, the CD-Audio-MP3 is markedly under-exploited. It is in this context that Avatar freely distributes the CD-Audio-MP3 *11h*, through its label, OHM éditions. Is this a

résumé français

La production du CD-audio-MP3 *Excavation sonore* a conduit l'équipe d'Avatar à spéculer sur l'usage actuel et futur de ce support audio. Jusqu'à tout récemment, un ordinateur ou un lecteur spécialement destiné au format MP3 étaient nécessaires pour écouter des enregistrements sur ce support alors que la plupart des nouveaux lecteurs CD peuvent maintenant les lire. L'on pourrait penser que l'industrie musicale réagirait à la hausse de popularité de cette nouvelle technologie pour tenter d'en tirer profit mais il n'en est rien. L'industrie du disque crie au « piratage » en raison des pertes de revenu qu'elle subit. Dans les débats entourant ces questions, rares sont les arguments autres qu'économiques. Les discussions sur l'impact de ces pratiques sur l'art audio, la musique et pour les artistes sont plutôt marginales. Le CD-audio-MP3 témoigne peut-être du pragmatisme des consommateurs qui tentent de répondre à leurs besoins à l'époque du déclin de l'industrie du disque telle qu'on la connaît. En dernière analyse, il semble bien que l'existence de réseaux d'échange de fichiers ne menace ni la musique, ni les artistes ; elle représente une menace seulement pour l'industrie du disque.



sonic geography: vancouver

BY JENNA NEWMAN

If you're looking for a fix of contemporary chamber music, Vancouver's got plenty during this coming season. The Vancouver Symphony presents a contemporary music series at the Roundhouse Community Centre, and brings new music into its main concert series (Michio Kitazume, John Adams, Jeffrey Ryans, Dorothy Chang); and highlights young Canadian composers through three-minute commissions at the Musically Speaking series. Turning Point presents a composer portrait program spotlighting Murray Adaskin and Darius Milhaud, and including Adaskin's students Rodney Sharman, David MacIntyre, violinist Andrew Dawes, and a mixed program featuring clarinetist François Houle. Composer Jocelyn Morlock is featured in the Pacific Baroque Orchestra's fall tour; her work will also be included on Vancouver New Music's percussion ensemble concert, along with premieres by Serge Arcuri, Matthew Rogers and Connor Ferster.

But if your ears demand something completely different, Vancouver's got plenty

there too. The Nihilist Spasm Band comes to The Western Front with homemade instruments and a thoroughly flexible, fully improvised approach. Practically anything goes at Western Front's Raw and Cooked emerging artist series. Everyone is welcome when John Tilbury leads a two-day workshop/performance of Cornelius Cardew's *Treatise*, a mammoth work using experimental notation and a graphic score. Locals and visiting musicians grace the small but cozy stage at Rime (also a licensed restaurant) with nightly performances of improv or inter-genre explorations.

Celebrating both creative art and the concept of network, Art's Birthday Party (January 17) sees participants around the world gather in studios, galleries, radio stations—anywhere able to send and receive “birthday presents” for Art. Western Front marks the occasion in collaboration with Vienna's Kunstradio, and has invited San Francisco based artist Miya Masoka (koto player, improviser, and creator of site-specific conceptual art) to join in.

Redshift, in partnership with the

Vancouver Public Library, presents two free concerts this season in the central branch's architecturally striking and acoustically challenging glass atrium. The seven-storey height is lined with balconies, and musicians perch or scatter throughout the space while the audience listens from the plaza below. The fall concert features UBC's Tempest Flute Ensemble. In the spring, it's the fifteen-person Vertical Orchestra.

Vancouver New Music's Soundwalks are sonic geography at its most tangible. These free events are led by sound ecologist and composer Hildegard Westerkamp and friends, and unfold as guided listening tours of various neighbourhoods. This is only a smattering. Details for all these events—and many more—can be found at <oscillations.ca>, the online listings calendar and monthly email bulletin of new music in Vancouver. Sonic art takes many forms, and all of them are welcome here.

Jenna Newman is a writer and sometime accordionist based in Vancouver. Until recently she worked as an arts administrator.

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