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Music pirates won't rush to iCloud for forgiveness

AUTHOR



David Glance

Director, Centre for Software Practice at
University of Western Australia

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If you download shanties illegally, the iCloud may not float your boat. sean c

Some people, [including on this site](#), have suggested there's a loophole in Apple's new iCloud that will allow people who illegally downloaded music somehow "launder" their dirty music files, getting a nice clean, legal license to the music stored on iCloud. This argument is flawed for several reasons.

The first has to do with how the laws of copyright work and the second has to do with why people share or download music (and movies) in the first place.

The law

Unlike existing cloud services offered by [Amazon](#) and [Google](#), Apple's iCloud search your hard disk looking for music; for any track it recognises, it will give you access to download a legitimate version of that track from iCloud.

In Australia, copyright law allows the public to "format-shift" the music you have a CD, you're allowed to "rip" it into another format so that you can listen to the music on another device such as an iPod or phone.

You can even share this music with other members of your household.

not with anyone outside. Importantly, you have to keep the original copy of the music. If you give that original away, or sell it, you have to get rid of all copies you've made of the music.

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[iTunes Match](#), which, at a cost of \$24.99, matches a user's existing music library against the 18 million tracks held in iTunes store, will work on the basis of assuming that you have a legal version of the music on your disk.

It will have to do this to stay in keeping with the copyright laws in the US which are similar to that in Australia. So if you were acting illegally before you used Apple's iCloud, you will still be deemed illegal afterwards.

Dancing in the dark

The second and probably more relevant issue is this: why would anyone bother to "launder" their pirated music? Some 60% of 18 to 24 year olds [surveyed](#) in the UK in 2009 admitted to using [peer-to-peer](#) networks to download music.

They had, on average, 8,000 music files in their collection – a staggering 17 days' worth of tunes. The main reasons cited for downloading illegally were to do with cost (it was free), accessing hard-to-get music and simply trying new music out.

The other key findings of this survey were that the majority of the young people were more bothered by the moral aspect of piracy (the fact musicians are losing money) than the legal one.

They were not particularly interested in streaming the music, as offered by a number of services currently. Physical ownership of the files was important because it meant they could transfer them to other devices, as was the fact they could listen to music offline (in the car or on the bus, for example).

Teenage kicks

Picture this: I am a 16 year old with 8,000 music files and I only feel mildly guilty that I downloaded them or got them from my friends.

I listen to the music mostly on my computer and then on my iPod, which I synchronise with my computer after having carefully constructed my favourite playlists.

Why would I feel motivated to pay \$25 a year to download this exact same music again?

It certainly won't be, as some have been arguing, so I can claim to be the legal owner of the music – even if I cared about this, I clearly wouldn't be the legal owner.

Live and let die

Downloading music and movies gives people access to things they would not be able to access any other way, either because it would cost too much or because it's simply not available for sale.

Competing against “free-and-now” is hard to do, but there are signs that the music industry at least is starting to do exactly that.

It used to be the case that live music was the promotional, loss-making part of the business to drive recorded music sales.

Increasingly, the music industry is seeing that the money can be made from live music, concerts and music festivals, while the recorded music could be used as a give-away to promote these social events.

Live is the only thing that can't be replicated: everything else – with or without the iCloud – is up for grabs.

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