Digital Media Distribution (JDM3619HF)
3 credits
3 hours

Enrolment: Maximum 20
5 JD; 15 Faculty of Music, iSchool and Rotman School students

Schedule: Selected Fridays, 3:00-6:00
(September 11, September 18, September 25, October 2, October 9, October 16, October 23,
October 30, November 6, November 20, November 27, December 4)

Instructor(s):
Simon Stern, Professor of Law, 212 Flavelle House, simon.stern@utoronto.ca
Don McLean, Professor and Dean of Music, dean.music@utoronto.ca
Sandy Pearlman, iSchool McLuhan Fellow
Paul Hoffert, Professor of Music, Law, and Information Science

Course Description:

Music has long been at the front lines of the battle between new technology and creative content, but are the ‘digital music wars’ a crisis, or an opportunity? New technologies create new markets for music, even as they challenge the robustness of old business models. Artists and collective rights societies can respond to this challenge in various ways. They can lobby governments for new intellectual property laws; work with technologists to develop digital rights management systems; or pay their lawyers to sue their former customers. But there is yet another strategy in music’s arsenal: the creation of innovative business models that take advantage of the latest technologies to realize new revenue streams.

Accordingly, this course tackles the problem of digital media in the download age, its remonitization for creators and other stakeholders, potential new business models, policy development, distribution structures, and intellectual property regimes. Students work with faculty within and across disciplinary boundaries and with distinguished guests from the field to create innovative outcomes, from white papers to possible startups. Students will be exposed to the existing situation through in-depth lectures and workshops from faculty and expert guests. Teams will be asked to create viable business models for new paradigms that will encourage creators/performers/supporters, respect radicalizing technology and intellectual property contexts, and establish viable and sustainable distribution models.

Composers, musicians, performers, consumers, the recording industry, the software industry: these are just some of the stakeholders in the battle that is being waged at the intersection of technology, law, business and the music world. This course will therefore be of interest to the future lawyer, business executive, musician and software engineer, alike. To effectively address
the interdisciplinarity of the problem, this is a multi-faculty course offering in association with various research and program centers: Faculty of Music (Institute for Canadian Music), Faculty of Law (Centre for Innovation Law), iSchool (McLuhan Program in Culture & Technology), Rotman School (Desautels Centre for Integrated Thinking). Other academic units may wish to join following the pilot course offering. The coordinators will consider applications from Arts & Science students on an ad-hoc basis, space permitting.

**Learning outcomes:** At the end of this course, students should be able to:

1) Understand how different disciplines portray common issues and recognize the value of these multiple perspectives
2) Effectively communicate and collaborate with students and professors from other disciplines as well as members of industry
3) Identify a problem and work collaboratively towards formulating a viable solution
4) Evaluate the effectiveness and implications of suggested solutions
5) Effectively synthesize knowledge from a variety of disciplines, and communicate this knowledge orally and in writing

**Teaching Methodology:**

This course will be taught by industry professionals, music innovators, and cutting-edge thinkers in the music and creative industries. Class attendance and active participation are critical to the successful completion of this course. Students will need to draw connections between broad areas of inquiry, and extract and synthesize useful information from disparate sources of data. Students will need to be self-directed and self-motivated, engage in creative and critical thinking, and above all, to be their own teachers, using the guest speakers as their guides.

**Course Materials:** The Blackboard program will be used for this course. Students must self-enrol in Blackboard as soon as confirmed in the course in order to obtain course information. Readings for this course will be available on blackboard, and on the Internet. Some readings may be distributed in class.

**Evaluation:**

Students will write two short (500-750 word) reaction papers, responding to one of the readings or a presentation by one of the visiting speakers to the class. (20%) The final project for the semester will be a collaboratively created business model that will encourage creators/performers/supporters, respect radicalizing technology and intellectual property contexts, and establish viable and sustainable distribution models; the model should be approx. 5,000-6,250 words, and will be developed in groups of 4-5. Besides turning in the written product, students will also present the model (in groups) orally to a panel of visitors from the industry or policy world. (80%). This course is credit/no credit.
Speaker Schedule and Readings:

September 11       Introduction to the Course

Readings:

3) Clayton Christensen Institute, Disruptive Innovation, http://www.christenseninstitute.org/key-concepts/disruptive-innovation-2/

September 18       The Transcendent Promise of Music’s Digital ‘Problem’


Readings:


September 25       Fishing in the Digital Stream – Revenues in the Real World


Readings:

1) FMC Data Memo, Mythbusting, http://money.futureofmusic.org/mythbusting/
2) FMC Data Memo, Does organizational membership matter?, http://money.futureofmusic.org/membership/
3) FMC Data Memo, Are Musicians Benefiting from Music Tech?,
http://money.futureofmusic.org/are-musicians-benefiting-from-music-tech-sf-musictech-presentation/
4) Sonic City: The Evolving Economic Geography of the Music Industry; Richard Florida and Scott Jackson; Journal of Planning Education and Research; Issue: 29(3); 2010; Pages: 310-321,

October 2  Don’t Go Softly into that Good Night, IRENE – Preserving our Musical Heritage

Speaker: Carl Haber, Audio Preservationist & Senior Scientist, Lawrence Berkeley Lab,
https://www.macfound.org/fellows/892/

Readings:


October 9  Music and the China Market

Speaker: Paul Hoffert, Professor of Music, Law, and Information Science,
http://www.paulhoffert.ca

Readings:

October 16  Music for Games


Readings:

1) Ben Scudder, Music Business Journal, Games Audio Engineer Marc Senasac: Still Crazy After All These Years, http://www.thembj.org/2011/08/still-crazy-after-all-these-years/

October 23  The Role of Collective Rights Organizations

Speakers: Eric Baptiste, CEO SOCAN, https://www.socan.ca/about/executive-team/eric-baptiste

Readings:


October 30  Lawyers Need Art, but Every Artist Needs a Lawyer


Readings:

November 6  

**Technology and the Treble Clef: A Tale of Two Friends**

**Speaker:** George Massenburg, Recording Engineer & Inventor, Massenburg Labs

http://www.massenburg.com/about_george

**Readings:**


November 20  

**Silicon Valley Economics – The Reign of the Greatest**

**Speaker:** Mike McGuire, Research VP Gartner, http://www.gartner.com/analyst/7846/Mike-McGuire

**Readings:**


November 27  

**Good Information Policy is Good Public Policy (and Good Marketing Strategy)**

**Speaker:** Jonathan Zittrain, Harvard Law, https://cyber.law.harvard.edu/people/jzittrain

**Readings:**

1) Ed Felten, Lessons from the Sony CD DRM Episode, https://www.cs.princeton.edu/~felten/papers.html [Read Sections 1, 2, 10 and 11 only]
3) John Perry Barlow, Everything you know about intellectual property is wrong, http://archive.wired.com/wired/archive/2.03/economy.ideas_pr.html
December 4       Project Presentations, Course Wrap Up

**Suggested Readings and Other Resources:**

  Chapter 3: The Creative Class, pp. 35-62 and Appendix "Defining and Measuring the Creative Class", pp.401-403
  Chapter 18: Every Single Human Being is Creative, pp. 383-400

Scott Timberg, Culture Crash: the Killing of the Creative Class, 2015
  Introduction, pp. 1-22
  Epilogue, pp. 253-267
  Bibliographical Essay, pp.269-287 (useful annotated overview of sources)

Andrew Keen, The Internet is Not the Answer, 2015
  Preface, The Question, p. ix-x
  Introduction, The Building is the Message, pp. 1-10
  Chapter 8, Epic Fail, pp. 184-208
  Conclusion, The Answer, pp. 209-228

Steve Collins and Sherman Young, Beyond 2.0: The Future of Music, 2014
  Chapter 2, Rise of the Machine, pp. 30-45
  Chapter 3, Digital Music, pp. 46-62
  Chapter 4, The New Intermediaries, pp. 63-77

McCarthy-Tetrault, User’s Guide to Canadian Copyright Tariffs, 2015, First Edition,
By Peter S. Grant, Grant Buchanan, Daniel G.C. Glover, and Keith D. Rose. (Resource developed for DM@X Conference, January 2015, first time tariffs assembled in one document.)

Terry Fisher (William W. Fisher III), Promises to Keep: Technology, Law, and the Future of the Environment, 2004 (Largely superseded now, but a classic study.)
  Chapter 3, What Went Awry, pp. 82-133
  Chapter 6, An Alternative Compensation System, pp. 199-258
  Appendix: Where Does the Money Go?, pp. 259-262
Suggested Readings and Other Resources (cont’d):

Corey Doctorow, Information Doesn’t Want to Be Free: Laws for the Internet Age, 2014
(This is a generally valuable source for this course. It deals with copyright and technological
protection, marketing and monetization, and ethics and desirable future directions.)

Note Doctorow’s Three Laws:

Any Time Someone Puts a Lock on Something That Belongs to You and Won’t Give You the
Key, That Lock Isn’t There for Your Benefit;
Fame Won’t Make You Rich, But You Can’t Get Paid Without It
Information Doesn’t Want to Be Free, People Do

Natives”, Perseus, 2008

Information Systems Research 23(2, Part 2) 1056-1067

Chris Anderson “The Long Tail: Why the Future of Business Is Selling Less of More” Revised

Frank, J. 2009. “FutureHit.DNA: How the digital revolution is changing top 10 songs”
FutureHit, Inc. Nashville, TN

Donald Passman, “All You Need to Know About the Music Business” Simon & Schuster, New
York, 2013

Joel Waldfogel, “Copyright Protection, Technological Change, and the Quality of New Products:
issue 4, pages 715 – 740


Robert Frank & Philip Cook, “The Winner-Take-All Society: Why the Few at the Top Get So
Much More Than the Rest of Us” Penguin, 1995