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Virtual Goods: Technical, Economic and Legal Aspects

recorded music have fundamentally shifted to internet downloads. With music now being distributed digitally over the internet, the music recording industry has lost considerable control over the distribution of the product. In fact the product (i.e. pre-recorded CDs) is simply a cost-free thing supplied by a service provided over the internet. Vandenberg & Van der Vliet call this "product digitization" [1].

The following table offers a brief description of some of these new "digital digital" distribution channels for recorded music:

1. **Traditional Retailers that Offer In-Site Downloads.** These retailers offer digital music to users that can be downloaded onto a portable digital device (e.g. Apple iPod, Creative Nomad, Sansa MP3, Rio, Samsung MP3 digital player) or directly onto a CD. A number of major retailers such as Virgin Megastore, Tower (UK) and Wal-Mart (US) are now offering in-store downloads. Other retailers that are normally not associated with distributing recorded music (e.g. Starbucks coffee shops) are also now offering in-store downloads.

2. **Licensed Internet Downloads.** Licensed internet downloads can be directly downloaded (or streamed) onto a personal computer, portable digital device or burnt onto a CD. Some of the major licensed internet download service providers include Apple iTunes, Microsoft MSN Music, Napster, Sony Connect, Rhapsody, and Virgin Digital.

3. **Unlicensed Internet Downloads.** Numerous unlicensed internet download services were recently available. These include authorized websites (e.g. Filez, Filez, Peer2Peer, BitTorrent) and Peer-to-Peer (P2P) networks. Some of the major P2P networks include eMule, eDonkey, Gnutella, DirectConnect and BitTorrent. While most P2P networks are unlicensed, they have been some attempts to offer licensed P2P networks (e.g. Sonos, Qoop and PeerPass).

4. **Mobile Phone Downloads.** Mobile phone operators such as Vodafone and Orange offer digital music that can be downloaded directly onto a mobile device.

5. **Internet Downloads Directly From the Artist.** Some artists are downloading their recorded music directly to consumers through their own websites (e.g. David Bowie) or by using record labels. This is commonly referred to as "direct distribution" from artist to consumer.

Some of the new internet distribution channels such as the mentioned P2P networks have had a profound negative effect on recorded music sales (as both major record labels and smaller independent record labels). Forrester Research alleges that 30 million of the 40 million CDs which are sold each year in Europe were not being sold for the downloaded music [2]. This self-inflicted downloading costs the recorded music industry millions of dollars each year, translating in very lost sales. The International Federation of the Phonographic Industry (IFPI) estimates that global music industry sales declined by 23% over a five year period to 2003, a reduction of over US\$6 billion in revenue. The reaction to the self-inflicted downloading by recorded music industry has been to attempt to legally shut down the P2P networks. According to the IFPI Digital Music Report (2005) in 2004 the music industry launched 700 legal actions for piracy in North America and Europe [3]. In response, the consumer who uses P2P networks shooies the recorded music industry as "predatory monopolies" and sidesteps their claims as a form of subconscious "creative destruction" [4].

3. **Distinguishing Features of Goods and Services**

To understand why this matter exists, it is important to recall that the recorded music industry still operates in a product-based environment while the P2P networks operate in a service-based environment. According to Fine [5] & Gilman the most basic and fundamental difference between a good and a service is that a good is tangible and a service is intangible [5]. This difference is significant, as CDs purchased from retail stores could be classified as a good while digital music downloaded from the internet or P2P networks could be classified as a service. While this bipolar classification is rather crude, one can provide a more sophisticated classification. While digital music downloaded from the internet and P2P networks could be classified as "intangible dominant" (see Figure 1), Vandenberg & Van der Vliet further proposed that digital products are distinct from other "intangible dominant" products in that product distribution can possibly take place exclusively through the internet [1].

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