

Island Songwriters Showcase Newsletter

April 2000

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Music and the Internet -- or 'the great underpants shortage over at the RIAA' By Walter Sargent

A few months ago, the record industry escalated their legal defensive by suing MP3.com. At issue is their controversial new service "MyMP3" which lets you warehouse your CD collection online. There are two legitimate reasons why you would want to use this service: 1) it lets you access your collection anywhere you can log on, and 2) when you buy a CD online, it lets you start listening to it right away; you don't have to wait for the actual delivery.

Unfortunately, MyMP3 also facilitates piracy. There's little to stop you from uploading borrowed CDs and/or sharing account passwords with friends. Opponents of MyMP3 claim that the law does not permit such databases to be amassed for commercial purposes. Defenders argue that the service is protected under the Fair Use clause, which grants consumers the right to copy recordings for personal use. Both sides would seem to have some validity, but they refer more to the Copyright Act of 1976 than the Digital Millennium Copyright Act of 1998^[1]. It would not surprise me if the older law were inadequate, but the RIAA's lawsuit (which MP3.com has put online^[2]) conspicuously references the older law. Interesting.

So is this lawsuit really a defensive move, or are they simply trying to sue the competition into oblivion? MP3.com has since filed a lawsuit against the RIAA alleging that they are unfairly interfering with their business and investor relationships by bad-mouthing them, both in public and private. MP3.com is a credible threat to the recorded music establishment. They are the number one online source for MP3s, and -- just in case you haven't heard^[3] -- they are now paying artists when people download their music. In fact, MP3 claims that they paid out *over five thousand dollars* to their No. 1 artist for the month of December. (Say, isn't that approximately \$5000 more than most signed artists make on their first hit record?) It's numbers like these that are responsible for over half of the spontaneous bowel downloads over at RIAA headquarters. (Sorry about the scatological humor, folks, but in this case, it just seems so *right*.)

To combat the MP3 juggernaut, the industry has proposed SDMI (Secure Digital Music Initiative) as the -ahem- legitimate distribution mechanism for the Internet. But unless you're a member of the SDMI consortium (which costs \$10,000 to join), you must resort to publicity pieces for information.

Consider **The Value of Content**^[4], by the redoubtable Leonardo Chiariglione, "father of MPEG", who recently "agreed to lead the SDMI organization". This is a friendly, non-technical article that I suggest misleads more than it informs. It begins with a historical account of technological developments that have changed 'how artists get paid'. It reasonably asserts the need to protect copyrightable works on the Internet, and we are asked to conclude that SDMI is just part of a process that has been going on literally for centuries. When introducing how SDMI will facilitate online transactions, he speaks of "a world where every Netizen can be author, performer, producer, value-added reseller and consumer all in one". Sounds great. Who could possibly have a problem with that? But when he gives an example, the language is suddenly consumer-oriented. "Imagine sending your intelligent agent searching for a picture of a lady on the seashore with a background of palm trees, and negotiating a price for it of no more than 50 cents."

Why the change in orientation? I thought this article was supposed to be about how SDMI will provide revenue for the artist. It's the single most crucial point, it's central to this article, and it's missing. Will SDMI provide the means for artists to negotiate and complete transactions directly with the consumer, or does SDMI basically exist for the purpose of subsidizing an otherwise unnecessary middleman? Exactly what percentage of that fifty cents is the artist supposed to get? (I think I'll take 'MP3s' for five thousand, Bob.) Who's to say that SDMI won't want 48 cents for making the transaction possible?

Now I know what they do with all those downloads. They publish 'em.

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[1] <http://www.gseis.ucla.edu/iclp/dmca1.html>

[2] <http://www.mp3.com/news/546.html>

[3] <http://www.mp3.com/news/509.html> For more information, search MP3.com for *Payback for Playback*

[4] **The Value of Content** TechReview March/April 2000

<http://www.techreview.com/articles/ma00/chiariglione.htm>

ISS WORKSHOP MEETING

Five Town's College

March 6, 2000 by Mike Mattel

Frank Buddine began the evening's festivities with "Johnny Walker Red". Gerry felt the song took too long to get to the chorus. He felt a verse-chorus structure would be more effective. Sonny M. thought the melody was a bit choppy and could use some work. Some lyrical suggestions were offered. Others really liked the melody of the chorus. Overall well received, though most felt it needed work.

Frank Gambino was next to play the witty and bizarre "Such A Life As Ours". Some compared it to Steely Dan and others to Lou Reed. In either case, most everyone enjoyed this. It was considered an over-the-edge, fun song that generated no criticism at all.

Newbies **Cummings and Proios** brought "Golden Days" on tape. Stuart loved it except for the modulation at the end. He considered it a great 60's style pop tune. Most others agreed. Gerry had some problems with tenses in the first stanza or two. Well received overall.

Sonny Meadows then played "Jack of Diamonds", which he wrote for a musical he is working on. Sonny added that the song was meant to be sung by a woman. Stuart liked the departure from some of Sonny's other work. He liked the lyrics, but felt the music needed work. Sonny S. agreed and added a few lyrical ideas as well as musical suggestions.

Others felt the chorus needed more of a hook.

Charlie Ward brought "Mirror (Alisayne)" on CD. Many commented on the cool rock feel. Some liked the pace while others felt a break in the pace would be effective. Gerry felt the focus of the song was ambiguous and should be clarified. Bill R. thought it had a nice Santana sound. Almost universally, the groove was considered great.

Steve Lieberman brought a raunchy spoof of the TV series "90210", "Donna Martin" on tape. Gerry D. liked the lyrics, but felt the music should be more refined. Jane loved it and felt Steve's musical style should not be tampered with. Shari liked it, but had some lyrical suggestions. Others felt the musical interludes should be shortened. Overall, well received.

The award-winning **Bill Anacker** then performed "Strange Situation", an allegorical journey from one stage in life to another. Sonny S. considered it a good story-song, though he felt some lyrics needed clarification. Gerry liked it as a whole, but also found some lyrics ambiguous. Bill R. also liked it in general, but offered some lyrical ideas. Well received as a whole.

Michael Blaymore performed a collaboration between himself and **Frank Buddine**, "Wolf" (Frank provided the lyrics, Michael the music), about a womanizer. Stuart considered the rock groove perfect for this song. Others felt the lyrics should be economized. Little in terms of criticism was offered. This song was loved by most.

Stuart Markus then performed the bluesy, rag-time styled "A Steady Dose of You". Some felt it had a pretty groove, but should have a harder edge considering the lyrical content. That was about all in way of criticism. Everyone considered this a terrific song.

Vince Crici then performed a collaboration between himself and **Joan Diamond**, "What You Cannot See". Several felt the title should not appear in the second stanza, only in the chorus. Sonny S. liked it, but had some musical suggestions. Gerry pointed out some love song violations and issued a summons. Rick felt that the lyrics were not too important since the goal of the song is to capture a style, which he felt it did very well. He offered some musical ideas.

The Tone then performed the moody "Cold And Windy Night". Both Sonny S. and Sonny M. liked the style change -- they compared it to Dylan's Nashville Skyline Album. A debate then began on whether the line "my love so pure, so true" should be sung sarcastically or not. Most felt not sarcastically. Others felt the melody got lost during one part. Swapping the last two lines was suggested. Well received overall.

Rick Crawford then performed "Laughing At the World". Sonny M. felt there was no distinction between verse and choruses musically, which made the song drag. Others suggested fewer pauses within lines. Gerry felt the lyrics were less compelling than Rick's more recent work. He felt the characters were not very interesting. Shari felt the third verse should be a chorus and some other verses could be dropped altogether.

Tim Huss ended the evening with "What's the Matter with Us Baby". Stuart felt the use of "we" to represent the two people in the song, and humanity as a whole, was confusing. Others agreed. Yet others thought it was fine as is. Additional lyrical and musical changes were suggested. Many considered the groove great. Some thought the musical bridge was too long and could be shortened. Well received overall.

Next meetings are **April 3** and **May 1**. The April meeting will be hosted by Sonny Meadows in place of Sonny Speed who will be donning mouse ears down Main Street in Disney.

SONGWRITER'S CHOICE

Frank Gambino and Charlie Ward

By Gerry Dantone

It was one of those months that has become so typical of the monthly workshop meetings at Five Towns College; many fine tunes and performances, widespread support for them and a specific writer on a roll. Where shall we begin?

The composer on the bun was **Frank Gambino** who was honored only last month with a solo victory. His tune, "*Such a Life As Ours*" was indeed dark and comic at the same time, prompting further concern about Mr. Gambino's state of mind. At least it is an excellent state of mind to be in if one wants to write fine songs! How can one do anything but stand in awe of a song whose climax is "He went to pierce his head, they found him dead, with a nine inch nail protruding. Such is life."

Right there with Frank was **Charlie Ward**, attending just his second ISS meeting. His tune, on tape featuring a full rock band, was "*Mirror*

(*Alisayne*)" and captured the hooky essence of the '60s. A typically trippy storlyline along with strong playing captured the audience's fancy, earning Mr. Ward his first trip to the winner's circle. Far out!

Runners-up were numerous; **Bill Anacker, Cummings & Proios, Tim Huss** and **Stuart Marcus** all tied for the honor!

CORRECTION: Last month's Writer's Choice Runners-up were indeed **Gerry Dantone** and **Vin Crici**, but the title of Mr. Crici's song was reported incorrectly. The title of his tune was actually "*Anything You Wish*." Apologies for those mortally wounded and traumatized into sexual promiscuity.

Gerry Dantone is about to release his second CD with the band

UniversalDice.com, "mostly True Stories." This note is also mostly true as is the note about the note.

BORDERS RECAP

Borders, Syosset

By Shari Diamond

We heard performances from host **Bill Ryan, Mike Mattel, Sarah Haddock, Martha Trachtenberg, Erik Herz,** and **Stuart Markus**. The audience was treated to a special musical duet from Stuart and Sarah. Stuart was just recently featured in an article in the **L.I. Entertainment** paper. The ISS is about quality musicians, songwriters and performers and audiences know this.

SONGWRITERS IN THE ROUND

COMMACK

Barnes & Noble - Commack

In March, we heard performances from host **Sonny Meadows, Bill Anacker, Sarah Haddock and Rick Crawford**. There was a lot of great music as well as in depth discussions on the creation of music. You can catch some of the best L.I. original music the second Thursday of the month here. See Sonny Meadows for more info or call him at 673-3605. Support L.I. music.

SONGWRITERS IN THE ROUND

WESTBURY

Borders – Westbury, NY

Friday night is a great place to be at this bookstore. We heard songs from host **Rich Stein and Jim Dexter** (the guitars of **Jordan River**) in this special St. Patrick's Day performance. If you perform, there's a large welcoming audience to play to. If you are a listener, you won't hear better music. This night was no exception. See Rich Stein at meetings or gigs for more info or call him at 742-2817 or e-mail him at clearsteer@aol.com.