book review of Music Distribution on the Internet

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“Music Distribution and the Internet: A Legal Guide for the Music Business”

Written by Andrew Sparrow

Reviewed by Jeremy de Beer

Music is among the most captivating topics in cyberspace. On almost any given day, headlines highlight something new happening in the online music industry. Often the story involves litigation against anybody threatening traditional business models. Lawyers obviously aren't the only people interested in these developments, but legal issues do permeate all aspects of distributing music via the internet. So it isn't surprising that lawyers are tackling this topic more frequently. Leading information technology law practitioner Andrew Sparrow is among the latest to do so.

In his new book, Sparrow attempts to offer insights into the legal aspects of conducting music-related business online. His focus is on British and European law, but there are occasional references to other jurisdictions, including the United States. He writes for those involved with various facets of the music industry, including composers, publishers, performers, managers, executives and, of course, lawyers. Although Sparrow does touch on timely topics like podcasting, ringtones and the Creative Commons, the book contains little in the way of cultural commentary. Unlike some more general works on trends in digital music, this is a technical and practical account of the range of legal challenges associated with internet-based music businesses.

Throughout the book, music businesses are broadly defined. They include not only online music services offering digital downloads, but also internet retailers of physical products such as CDs or music-related merchandise. In a way, that makes the book more about e-commerce generally than about the music industry. Sparrow canvasses an array of topics relevant to any internet business, including matters such as online sales and contracting, consumer protection and privacy regulations, website terms and conditions and other topics of general application. His analysis is presented in the specific context of music businesses, but on many issues there are few legal differences between this industry and others.

There is only one chapter on the crucial and complex matter of intellectual property rights in music. It addresses some of the most recent litigation, legislation and licensing practices. However, it leaves out important issues regarding royalty payments to the record labels that own sound recording rights, thus presenting only a partial picture of the rights-clearing process.

The author has nevertheless created a useful resource by probing the basics of the broad and diverse set of legal problems confronting those working in this area. Few other books about online music offer any analysis of matters such as advertising regulations, electronic payment systems or international conflicts of laws.

Sparrow structures the book in a way that might have been improved. For example, rather than dealing with contract-related issues in one section, discussions of offer/acceptance and electronic signatures appear at opposite ends of the book, with the part on consumer protection tucked somewhere in the middle. Some chapters contain long quotations reproducing passages from legislation verbatim, without offering much explanation or analysis of the statutes.

On the whole, this book might be a worthwhile addition to the music or internet law specialist's library. Most readers, however, will still need to seek legal advice after reviewing Sparrow's work, as it often just flags and introduces the key areas of concern.
Jeremy de Beer is a law professor at the University of Ottawa's Faculty of Law. He holds degrees in law and business from the Universities of Oxford and Saskatchewan. His research revolves around various aspects of technology and intellectual property. Professor de Beer has published widely on these topics, and acts as a consultant on related legal, policy, business and strategic issues. He teaches, among other things, Digital Music Law, a unique interdisciplinary survey of developments in the global music industry. He is online at <http://www.jeremydebeer.ca/>.