

Testimony of

Ms. Victoria Shaw

April 26, 2006

STATEMENT OF VICTORIA SHAW
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ON

PARITY, PLATFORMS AND PROTECTION: THE FUTURE OF THE MUSIC INDUSTRY IN THE DIGITAL RADIO
REVOLUTION

April 26, 2006

Chairman Specter, Senator Leahy, and Members of the Committee, thank you very much for having me here today to speak on the issue of parity among the different platforms offering digital music. These are exciting technologies in an exciting time and we are all here today not to keep them from taking root, but to ensure an environment in which they can all thrive. That environment is only possible when everyone plays fairly.

As a composer, musician, and owner of my own label, Taffetta Records, I get to experience the thrills of the music business on many different levels. I have been lucky enough to have my songs recorded by some of the biggest artists and even got to open for Garth Brooks in Central Park. But I consider among my honors this opportunity to come before you to speak on behalf of the many, many artists and composers who will be greatly harmed if they are denied appropriate compensation for their work. We want to help usher in the digital radio revolution, but to continue to be a part of it, we need your help.

Undoubtedly, you are aware of the extremely difficult times the music industry has faced these past few years due to online theft of music. Nashville in particular, home to one of the greatest songwriting communities in the world, has seen a massive reduction of those able to make a living from their craft. This is why we have been so excited by the many new digital services offering our work. For those who want our songs in digital form, the choices now range beyond unauthorized and free. From cable and satellite to Internet radio to download services, licensed services offer music fans the music they want in the way they want, all for prices that are appropriate to consumers and fair to those of us who create it. This is the bright future of the music industry.

But whether we are operating in the physical world or in that bright digital future, one truism remains: artists, composers, record labels, and everyone involved in making music, depend on sales to survive. In the digital world, those sales are made through download services like iTunes and Napster. The licenses required by these services to allow people to purchase our music is what will sustain us as we move further away from the physical world of tapes and CDs.

Yet, it is precisely those licenses - and those sales - that are being threatened by the new offerings of radio platforms. By allowing listeners to record broadcasts and build up entire jukeboxes of music on portable devices, radio services are becoming download services - but without paying the download license.

I'm not talking about casual recording off the radio. Certainly, we've all done that and I have no interest in seeing that disappear. Just imagine my pride if I saw someone race to the radio to record one of my songs that has come on. But now imagine my frustration if I saw someone with an entire collection of my works, automatically recorded, labeled, sorted, and transferred to them in pristine permanent and portable digital copies without seeing a cent from a sale in return. This is not radio; this is iTunes, or Napster, or Yahoo!, or any one of the number of other download services that pay the appropriate license for this type of distribution. Those are the services that make the sales we need to survive. But those services can not compete with others that offer the exact same functionality without paying the same license.

This is a matter of fairness - to other broadcasters, to download services, and to all of us making the music for those services. This is a matter of treating platforms that offer the same services equally. This is a matter of parity.

The PERFORM Act, recently introduced by Senators Feinstein and Graham, accomplishes this parity by ensuring

that all services follow the same rules in how they offer music. By giving everyone equal footing, we give everyone an equal opportunity to grow. This is important legislation that places value on the music we work so hard to create. As I look back on my career, I am grateful for all the opportunities I've had to share my music with others, and to experience the works of all those who have chosen to share with me. My own songs come from stories of love and loss, fear and faith. But the story of digital radio should be simply one of hope. On behalf of everyone in the music community, I hope you will support this bill and secure for all of us that bright digital future.

Thank you.