

**Kathy Bowrey,**

**“The new, the bad, the hot, the fad - popular music, technology and the culture of freedom”**

The music industry is constantly unearthing the latest and greatest new arrival. There is a premium on fresh marketing - conformity is death. Technology makers also peddle dynamic innovation and less visibly intrusive, more integrated and portable human-centred products. Manufacturing desire and marketing it as innovation. With both music and technology it can be hard to separate the image, the product and the lifestyle to be consumed. Along with the product comes a kind of aesthetic contract with consumers.

So what happens when you try to add a strong copyright message to those aesthetics?

“It’s all about the music”.

“Don’t steal music”.

“The free ride can't continue”.

The message, “Love me, love my global music conglomerate” is a very hard message to sell.

“Forget the spin, downloading is not killing music”.

Messages about the industry, celebrity, artistic freedom, sales, rip-offs and lost profits abound. But the story of the need for ever stronger laws, technological controls, civil and criminal penalties, and litigation against large and small targets alike, in order for the music industry to survive, is an uncomfortable fit with what we, as experienced consumers of popular culture and of technology, already know.

The digital copyright story that has been told so far has been predominantly a dispiriting tale about law and control at the hands of big powers - multinationals, their industry organizations and easy-to-be-had politicians and judges. The expectation is that copyright users will become passive consumers - they will have to fall into line if they want to get music, because the current pirate technologies will change, and the new laws will give them no other choice but to accept more restrictive use rights. But this bleak view forgets the established aesthetics of the music and technology industries. Analysis of copyright law has been preoccupied with current political events that only look at a very small part of the picture - a narrow, top-down view of law. But if you invert the focus and consider the power of the user, the consumer, the fan - in the music and the technology industries - how the law eventually plays out may not be so bleak. After all, even law needs to give good face every now and then.