

Senate Commerce Committee Hearing -- Issues Related to MGM v. Grokster
Testimony of Scooter Scudieri
Member, DCIA

July 28, 2005

Dear Chairman Stevens and Ranking Member Inouye:

I am sorry that I cannot personally participate in the hearing on MGM v. Grokster today, but thank you for this opportunity to share my views with you in writing. My name is Scooter Scudieri and I am an artist. I am an independent musician who operates without an agent, manager, or record company and lives in Shepherdstown, WV. I am known in many circles as the Internet's First Rock Star. I speak about the future of music across the country in prestigious colleges and universities and my lecture series "Capture Your Spirit, Keep Your Soul" is endorsed by MEIEA (Music Entertainment Industry Educators Association). I am also a member of the DCIA (Distributed Computing Industry Association), the NAPM (National Academy of Popular Music) and a 2003 Songwriters Hall of Fame Award winning writer. I have toured with famous inter-national musicians in theaters throughout the country and most recently was a speaker at the Digital Media Conference in McLean, VA on June 17, 2005.

I was the only artist present.

As a proud soldier on the front lines of a music revolution I can tell you - it is a great day for independents! We now have our very own distribution system: licensed P2P. As elected officials who serve in part to foster the development of commerce in America, I urge you to allow deployment of new business models for content distribution that are non-infringing and expand the marketplace for digital content.

I continually hear the phrase 'copyright owner' when in fact 'copyright creator' is the only reason the industry exists at all. If you take away the songwriter or the musician - there is no music industry. Somehow, somewhere, someone decided that corporate ownership should control the distribution of copyrighted works and the best way to do that was to OWN the copyrighted works. Thus, a subservient artist relationship began the record industry. Those days can now come to an end. Artists at last can empower themselves with technology and embrace the digital age with both arms.

I own the copyrights of the works I create.

The new peer-to-peer (P2P) music business model contains two elements: the musician and the fan. It is that simple. I have a theory based on careful study and analysis of the corrupt corporate music business model. Free downloads did not begin the dismantle of the record industry. Greed did. Free downloads just allow music lovers the ability to preview what the record labels have been forking out for years and make the decision to not purchase the "music" for \$20. It is simple economics. There continues to be a shift in the dynamics of the music industry. Corporate ownership of copyrighted works is part of the antiquated music business model and is no longer necessary in the digital world. Certainly there will be artists who wish to compromise their art in the vain hopes of securing a deal with a major record company. So be it. I just do not want to see the day when record companies will not allow musicians to participate in a P2P distribution deal.

It has always seemed short sighted to me that opponents of the new P2P industry with all their resources would resort to lawsuits against individuals and companies, but never implement or seek to develop an alternative solution themselves. P2P is here to stay and ultimately will be embraced by the very same opponents who wish to crush it now. In the meantime, artists like me will continue to blaze a trail into the future and pave the way for the major record companies to follow.

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Licensing the P2P distribution channel has already been proven to be a highly efficient medium for marketing copyrighted works. I work with P2P companies who promote legal and authorized digital rights management (DRM) technologies, micro-payments, and sponsored content that distribute non-infringing media. The availability of licensed copyrighted material is assured by the software, which automatically makes copies of works available to millions of other users, who each in turn are required to acquire a license under rights-holder stipulated terms, including usage and price.

In my opinion, major record companies have blocked licensed P2P because of the realization that they will lose control of their roster of artists once the word gets out that the legal and authorized P2P medium is a viable and lucrative solution. Now is the time to deploy new business models for content distribution that present a win-win situation remedied to reflect the shift in paradigm of this business we call music.

Without an agent, manager, record company, or marketing dollars my video "Mother of God" was downloaded 50,000 times in April on the P2P networks. It broke 100,000 downloads in June and is projected to break 250,000 by the end of July. These numbers are amazing.

The Internet's first rock star? It's an arguable distinction, but one that I do not take lightly. In the next few months I will implement a sweeping campaign designed to prove that technology has inexplicably leveled the playing field. Two short years ago I was one of a handful of trailblazers forging the way for armies to follow. Now, we have become a conscious and collective movement.

I am passionate about life and love and art. I play my music as if my very life depends on it...because it does. My music offers a powerful affirmation of the human spirit. I use my music as a message of peace, and the Internet as a means to connect us all. I don't have a lot of money, but I have something more important. I have a voice and I have my music. I have a clear line of communication that goes out to the world. That clear line is the Internet and more specifically P2P.

Authorized, legal, and protected P2P downloads are helping an independent artist from SHEPHERDSTOWN, WV make a living outside of the corrupt major label system that is closed to most aspiring musicians.

Art changes the world. Digital technology changed the distribution system. No longer are artists indentured servants to a corporate master.

Artists everywhere need to create, control, and ultimately profit from their copyrighted works. The P2P companies that I work with allow me to do just that...what a wonderful time to be alive.

Please join us and help in this process of creation.

Peace, Scooter Scudieri

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