

Statement to US Delegation to WIPO, 2/8/06

My name is Dan Krimm. I'm an independent musician – a composer, performer and recording artist. My area of esthetic focus started out in progressive jazz, and more recently has evolved toward avant-garde free improvisation. I would say that the traditional hits-driven music market, as shaped by the audience-maximization dynamics of mass media, is utterly useless to me as a vehicle for reaching the audience that does exist for the music that I, and others like me, make. The Internet holds some potential in the way of interactive and personalized media, but it's not yet fully expressed.

I'm currently pursuing a Master of Public Policy degree, with a concentration in Media, Internet and IP policy, and so I'm personally much better informed about these issues than most of my musical colleagues, who don't even know what WIPO is, much less being familiar with the issues at hand in the US proposals for the Broadcasting Treaty. And, there is no formal organization representing our unique interests in any policy discussions, so far as I know. So, in order to capture the voice of this substantial constituency of independent musicians and their fans, I believe it is incumbent upon policy makers to engage a public process of informing and debating these issues, in the general representative institutions that exist for that purpose.

As a matter of substance, I wholly oppose the proposal to grant additional powers to broadcasters and webcasters to restrict the flow of information in our communications market. As a creator, I embrace the fundamental social contract embodied in the progress clause, but there is no need to grant similar exclusive controls to distributors, above and beyond creators. Distributors already have disproportionate influence over the propagation of information in our society, and creators who act as their own distributors already have whatever control they need to protect their commercial interests.

As a creator, and simply as a citizen, I object to the upsetting of balance between creator incentives and public rights of fair use and public domain that these new distributor controls would entail. All creators are users as well as producers of content, sometimes using the content of others directly in the course of creating our own content, and we all benefit from fluid flow of information in society. In fact, in the Internet age, all citizens have a potential to become producers and publishers, not just users of information goods.

I see no evidence that granting these extra powers to this narrow and controlling function in society would contribute more social benefits than the attack on public domain and fair use would harm society, and thus it seems to me the net social cost would be substantial. While this is a personal opinion that may be debatable, it seems imperative to me that any and all such debates be held in broad daylight for all stakeholders to consider and have voice, before any government actors take such policy into the international arena supposedly on our behalf. These policies would impose a fundamental change on the dynamics of the information marketplace, affecting the full range of society, and thus the full range of society should have an opportunity to weigh in on the subject. I urge you to bring these issues to the general public for consideration before moving forward.