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DAILY MUSIC NEWS

Edited By Jonathan Cohen. September 01, 2004, 10:20 AM ET

Satellite, Web Radio Emerge As New Piracy Front

Technologies that enable digital recording of satellite and Internet radio broadcasts are opening a new front in the recording industry's war on music piracy.

Until recently, the music industry focused its efforts on the widespread sharing of music files online. But a proliferation of software that make recording radio streams a breeze now has recording companies worried.

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The latest trouble comes of a hardware/software combination that has catalyzed a new type of backdoor recording: a program called TimeTrax, developed to record broadcasts from XM Satellite Radio's PCR receiver, spurred huge demand for the receiver from XM subscribers. For that reason, the PCR appears to have been discontinued.

TimeTrax lets users store XM broadcasts, channeled through the PCR receiver, on a computer as individual tracks in the MP3 or WAV formats. Recordings can be scheduled at different times over multiple broadcasts.

Since the TimeTrax program debuted on the Internet earlier this month, XM retailers like St. Louis' XMFan.com

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saw a crush of demand for the PCR units, which first hit the market about a year ago for less than \$50.

PCR receivers were selling for upwards of \$300 on eBay yesterday (Aug. 31), and the founder of the company that distributes TimeTrax said XM's lawyers had written him asking that he stop selling the program.

XMfan.com's manager, Tim Morris, said XM officials had canceled his order this month for more PCRs. He said he'd been inundated with requests from interested buyers. "If we had 5,000 in the last two days we could have sold all of them," he said. Morris said the company told him that it would not be distributing PCRs to him or anyone else.

Washington-based XM Radio did not respond to several requests for comment.

Scott MacLean, founder of Toronto-based NeroSoft.com, which distributes the \$29.95 TimeTrax, said he received a notice from XM's lawyers to stop selling it but, after consulting with his own attorneys, decided not to heed the request.

He's made between \$7,000-\$8,000 from sales of the software since he began distributing it Aug. 13. "I have had many people say they actually bought XM because of this application," said MacLean.

Recording Industry Association of America general counsel Steven Marks said the trade group did not ask XM to discontinue selling the PCR unit. Marks also distinguished between the manual recording of radio done for decades on a cassette player and the systematic, mass recording of digital radio broadcasts.

"What we're concerned about are programs that essentially transform what are intended to be performances of music into a music library for somebody," he said.

Software that can track the data stream from Internet radio and split it into individual song files that are then stored on the computer user's hard drive are widely available -- many at little or no cost. One such program, StationRipper, is available free of charge. Other popular recording programs include TotalRecorder and ReplayRadio.

The recording industry has yet to devise a way to block such methods of copying music, so it has mostly concentrated its enforcement campaign on the distribution of song files.

Still, in June, the RIAA submitted comments to the Federal Communications Commission, asking the panel to enact new rules to safeguard music played through digital radio receivers from being pirated.

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