

# Exhibit 9

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## Pew File-Sharing Survey Gives a Voice to Artists

By TOM ZELLER Jr.

**T**he battle over digital copyrights and illegal file sharing is often portrayed as a struggle between Internet scofflaws and greedy corporations. Online music junkies with no sense of the marketplace, the argument goes, want to download and share copyrighted materials without restriction. The recording industry, on the other hand, wants to squeeze dollars through lawsuit and legislation, if necessary - from its property.

The issue, of course, is far subtler than this, but one aspect of the caricature is dead on: the artists are nowhere to be found. A survey released yesterday by the Pew Internet and American Life Project, an arm of the Pew Research Center in Washington, aims to change that. The report, "Artists, Musicians and the Internet," combines and compares the opinions of three groups: the general public, those who identify themselves as artists of various stripes (including filmmakers, writers and digital artists) and a somewhat more self-selecting category of musicians.

Most notably, it is the first large-scale snapshot of what the people who actually produce the goods that downloaders see (and that the industry jealously guards) think about the Internet and file-sharing.

Among the findings: artists are divided but on the whole not deeply concerned about online file-sharing. Only about half thought that sharing unauthorized copies of music and movies online should be illegal, for instance. And makers of file-sharing software like Kazaa and Grokster may be unnerved to learn that nearly two-thirds said such services should be held responsible for illegal file-swapping; only 15 percent held individual users responsible.

The subset of 2,755 musicians, who were recruited for the survey through e-mail notices, announcements on Web sites and flyers distributed at musicians' conferences, had somewhat different views. Thirty-seven percent, for instance, said the file-sharing services and those who use them ought to share the blame for illegal trades. Only 17 percent singled out the online services themselves as the guilty parties.

"This should solve the problem once and for all about whether anyone can say they speak for all artists," said Jenny Toomey, the executive director of the Future of Music Campaign, a nonprofit organization seeking to bring together the various factions in the copyright wars.

Ms. Toomey, whose group helped draft part of the survey, believes that artists are usually underrepresented in the debate about the high-tech evolution of the industry.

"These decisions need to be made with artists at the table," she said, adding, "it's not enough for both sides to reach out and get an artist who supports their position."

Indeed, big-ticket acts like Metallica and Don Henley have famously denounced illegal file sharing. And the Recording Industry Association of America, which has filed thousands of lawsuits against individual file-sharers, often invokes the names of musicians as prime movers in its crusade.

"Breaking into the music business is no picnic," its Web site reads. "Piracy makes it tougher to survive and even tougher to succeed."

break through."

File-sharers, on the other hand, often point to high-profile performers like Moby and Chuck D who acknowledge that the online swap meet has provided them with valuable exposure.

"I know for a fact that a lot of people first heard my music by downloading it from Napster or Kazaa," Moby wrote in his online journal last year. "And for this reason I'll always be glad that Napster and Kazaa have existed."

Without questioning the convictions of artists who feel strongly one way or another, however, the Pew survey appears to show that the creative set is both mindful of the benefits the Internet promises and ambivalent about the abuses it facilitates.

"The overall picture," said Lee Rainie, the director of the Pew Project, "is that the musician-artistic community has a much wider range of views and experiences than folks who watch the Washington debate about copyright might imagine."

Whether the survey will help speed a resolution to the copyright wars, however, remains an open question.

"The goal is to build a new structure that doesn't repeat the failures of the existing structure," Ms. Toomey said. "But," she added, "these things don't change overnight."