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Subject: Be Careful When Playing CDs on Computers  
Posted by [elektratic](#) on Wed, 02 Nov 2005 12:24:26 GMT  
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I'm not technologically literate, and I even have sympathy for copyright holders trying to protect their products from excessive copying, but it looks like Sony is doing something with their CDs that seems to be taking Digital Rights Management too far. Apparently, when you play certain CD's on a computer, they automatically load a "Rootkit", defined as a "cloaking technolog[y] that hide[s] files, Registry keys, and other system objects from diagnostic and security software, and they are usually employed by malware attempting to keep their implementation hidden." If I understand the article correctly, it consumes processing power even when you're not playing CDs because it is constantly monitoring your computer: "I closed the player and expected \$sys\$DRMServer's CPU usage to drop to zero, but was dismayed to see that it was still consuming between one and two percent. It appears I was paying an unknown CPU penalty for just having the process active on my system. I launched Filemon and Regmon to see what it might be doing and the Filemon trace showed that it scans the executables corresponding to the running processes on the system every two seconds, querying basic information about the files, including their size, eight times each scan." The author's conclusion: "The entire experience was frustrating and irritating. Not only had Sony put software on my system that uses techniques commonly used by malware to mask its presence, the software is poorly written and provides no means for uninstall. Worse, most users that stumble across the cloaked files with a RKR scan will cripple their computer if they attempt the obvious step of deleting the cloaked files." While I believe in the media industry's right to use copy protection mechanisms to prevent illegal copying, I don't think that we've found the right balance of fair use and copy protection, yet. This is a clear case of Sony taking DRM too far. "If there's anyone who's more technologically sophisticated than I am (and that ain't hard), I'd be interested to hear how disturbing or dangerous you think this is.

"Sony, Rootkits and Digital Rights Management Gone Too Far"

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Subject: Re: Be Careful When Playing CDs on Computers  
Posted by [Wayne Parham](#) on Wed, 02 Nov 2005 13:09:32 GMT  
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My opinion is that 1. Intellectual property in the digital realm should be treated exactly the same as it is in any other field and 2. Developers shouldn't be so zealous about trying to implement copy protection schemes to protect themselves. I applaud a person that is smart enough to cover his own backside, but the methods used for copy protection are sometimes so problematic for the user (who is also the customer, after all) that they tend to alienate people, which is counterproductive for everyone. So if you want to solve this problem, you're probably going to have to see a shift in the way IP in the digital realm is treated.

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Subject: Re: Be Careful When Playing CDs on Computers  
Posted by [Manualblock](#) on Wed, 02 Nov 2005 13:24:47 GMT  
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You can't uninstall Windows Media Player anymore after 2000 and they put tracking programs in the registry to follow your usage habits. This type of thing is why we need a Supreme Court that believes in the privacy right. You know the states won't protect it, they get funding from business. Perfect example. Have you tried PHILZONE?

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Subject: Re: Be Careful When Playing CDs on Computers  
Posted by [elektratic](#) on Wed, 02 Nov 2005 17:56:07 GMT  
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MB, Believe me when I tell you that the legal issues surrounding this have nothing to do with a constitutional right to privacy. And, in fact, state law and state courts are going to be the primary battlefields on which such issues are fought -- unless Congress, using its power under the Interstate Commerce Clause and Copyright Clause choose to occupy the field by enacting a statute that preempts state laws. But absent that, claims will be primarily governed by state law, such as contract law (e.g., does the End User License Agreement constitute a binding contract?) and state consumer protection laws (e.g., are the disclosures in the EULA so vague and opaque as to be misleading or worse?). Ironically, you may scoff at state law, but in many ways the states have more latitude than and are more pro-consumer activist than Federal courts can be -- in fact, sometimes too much so IMHO (you've heard of "junk science"?). For example, most of the "pro consumer" class actions you hear about, involving claims for defective products (asbestos, cars, drugs, etc.), involve state laws.

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Subject: Re: Be Careful When Playing CDs on Computers  
Posted by [Manualblock](#) on Wed, 02 Nov 2005 18:59:12 GMT  
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Absolutely but let me ask you about the filing of defective product lawsuits; isn't it true that they are filed in state court due to the notoriously generous juries convened at the state level? Don't the lawyers love that aspect of state juries? Say; did you try that site..Philzone.com? They have a lot of info on what you ask and how to treat that larceny.

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Subject: I'm leaving this model  
Posted by [akhilesh](#) on Wed, 02 Nov 2005 20:27:35 GMT  
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There are too many artists, and too much music out there that is LABEL free. I'm sick of feeding the label greed, where artists get a buck or two per CD. Here is a site: [www.cdbaby.com](http://www.cdbaby.com) there may be others. Let us know if you find any. I'd rather buy here. The only label CDs I'm going to buy are used ones on Ebay or in used stores. The ones that sell for 5-6 bucks or less. akhilesh

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Subject: Re: Be Careful When Playing CDs on Computers

Posted by [elektratic](#) on Wed, 02 Nov 2005 21:25:03 GMT

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MB -- I'm going to look at Philzone in the a.m. when I have more time. As to your question, state-law claims can, at the option of the plaintiff, sometimes be filed in federal court, depending on the citizenship of the parties (generally, if the plaintiff and the defendant are from different states, federal court is available). If he has the option, whether a plaintiff decides to sue in state or federal court depends on a number of tactical factors. I don't want to get too technical, but to give one example, there may be different procedural rules in state and federal court as to when an appeal is available. Or, the lawyer may just be more comfortable in state or federal court. Jury pools may be a factor too. If a plaintiff can bring a case in state court in The Bronx in NYC, he may choose to go there rather than to the corresponding federal court (which is either in White Plains or Manhattan), on the theory that Bronx juries are notoriously generous. In other situations, the roles may be reversed, and it may be in the plaintiff's interest to sue in federal court. There was, for example, a federal judge in Alton, Illinois about 20 years ago who just hated corporations. Every plaintiff in the area would if possible sue in federal rather than state court because, basically, they couldn't lose. Finally, just to make it clear, the important role played by state courts and state law is not limited to product liability. Virtually all states, for example, have various consumer protection laws, often with treble damage remedies, attorneys' fees, etc. Even in employment and housing discrimination, which you probably think of as largely a federal matter, all states that I know of have such laws, and often they are more protective of individual rights than federal statutes, and plaintiffs often choose to sue in state court under state law.

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Subject: Napster

Posted by [Wayne Parham](#) on Thu, 03 Nov 2005 00:18:58 GMT

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Have you noticed the Napster commercials lately? I'm not sure what they're doing, but it sounds like they may be taking a posture similar to commercial broadcast radio. That's a business model that makes usage "free" to the public by being funded by advertisers. The media that is played gets exposure, and so the authors want it to be broadcast. Program owners don't lose any rights but gain exposure and the broadcasters are able to operate on revenues brought in by advertising. Seems pretty cool, and I wonder if Napster is positioning itself to do something like that now.

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Subject: Re: Napster  
Posted by [Bill Martinelli](#) on Thu, 03 Nov 2005 00:30:43 GMT  
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I dont know what Napster is trying to do but if it's want to be like commercial radio I highly doubt that its an effort for the good of the people.see link what some think commercial radio is all about  
<http://www.rapcointelpro.com/Pay%20For%20Play.htm>

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Subject: Re: Be Careful When Playing CDs on Computers  
Posted by [Manualblock](#) on Thu, 03 Nov 2005 01:14:09 GMT  
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Yep; I agree. I saw that as you describe while working with the Union.

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Subject: Re: Napster  
Posted by [Manualblock](#) on Thu, 03 Nov 2005 01:16:50 GMT  
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Isn't it great that Clear Channel is losing money? Predatory scum. So if Napster is going ad revenue nuetral we can tape music again. About time.

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Subject: Re: Napster  
Posted by [Bill Martinelli](#) on Thu, 03 Nov 2005 02:27:47 GMT  
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Do you think Napster isn't mad with the RIAA anymore, or vice versa? Seems like an awfully big cheek, to turn. Stranger things have happened. Most generally revolve around money! There's no such thing as free radio. The radio stations all pay huge licensing fees to play the music we listen to. Even NPR and college stations pay at lesser rates than some of the commercial stations. It could be free if you never buy anything. Since the stations are paid by advertisers the cost is simply pushed into the products and the consumers pay for it. Advertising budgets are huge. What would you think a bottle of Bud would cost if they never advertised? A pair of Nike sneakers or even grape juice with no Larry King endorsement. I'm with Akhilesh, I like the used music stores. We do have a say in how much things cost and how much people are paid. If you don't buy new music there are no profits for recording industry and those artist. Go to local concerts instead. I'm not too crazed with the some of the pro sports salaries so I boycott the events for the most part. Everyone has there threshold of 'what its worth' to them.

There is a point about the whole Napster situation in that. Do you think all the younger people that downloaded millions in RIAA revenue would have gone out and paid for the music? Have sales now seen huge profit gains.

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Subject: Re: Napster

Posted by [Manualblock](#) on Thu, 03 Nov 2005 07:28:41 GMT

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Wheew; you don't ask the easy ones do you? My view...you pay either way regardless. If you want a cheap bottle of beer; make it. It's not hard, just real messy. But seriously; here's my take. There is media and we are consumers. If a radio station pays a licensing fee they must act like a business and make money or get money from contributions. We know that to be true. Now they filter content based upon what they can do to make the most money. That's censorship and we as citizens have the right to hear the things we support with our tax or consumer dollars. My beef is not with the price of CD's because that's a choice I make whether to buy or not. But when the content is filtered for some gain then I am angry; therefore I will seek out the places where music is available and get it any way I can as is my right. That's why I am happy they are finding some way to provide the music. I am not so concerned about the 15\$ for a CD; I don't see that as prohibitive; I just want to be able to get that CD. I have many regrets concerning money spent but few involve a CD that I may listen to hundreds of times at 45 min to an hour per side. Or even ten times. Or never as is the case with quite a few lately.

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Subject: Why I like CDbaby.com & jazzpromo.com

Posted by [akhilesh](#) on Thu, 03 Nov 2005 14:13:33 GMT

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These sites pay the artist \$8-\$10 per CD, as opposed to \$1-2 the labels pay. Go to [www.cdbaby.com](http://www.cdbaby.com), and find singers who sound like Diana Krall for example. You'll see tons of them, some of them very good. Not only will you be exposed to a bunch of people who are very good, but just didn't land a contract with a studio, but you will actually be able to greatly expand your CD collection, no copy protection, nothing, instead of blowing money on the next tube amp. I love the site. -akhilesh

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Subject: Re: Why I like CDbaby.com & jazzpromo.com

Posted by [akhilesh](#) on Thu, 03 Nov 2005 14:14:37 GMT

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Here is the site also try [jazzpromo.com](http://jazzpromo.com)

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Subject: Re: Why I like CDbaby.com & jazzpromo.com  
Posted by [Manualblock](#) on Thu, 03 Nov 2005 14:56:11 GMT  
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I have used that site for some time. Some of the artists are very good and some..not so good. If you find one you like then it's a good deal, but if you buy CD's you will never play then well; not so good. You need to be very selective over there. These people are talented but if they are not signed to a label there is a reason. Maybe they are not so consistent or lacking originality. If you like Jazz then Mosaic is the place. I just picked up the Charles Tolliver three CD set and man that blew me away! Some absolutely fantastic music. What a sound on his trumpet; like liquid gold.

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Subject: Re: Why I like CDbaby.com & jazzpromo.com  
Posted by [akhilesh](#) on Thu, 03 Nov 2005 19:18:12 GMT  
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You can listen to all the artists there, and decide what you like. All of them seem to be good at their stuff, some may appeal to some and some to others. But they all seem to have talent. The important thing is you can HEAR them and CHOOSE. In my mind if you are NOT signed with a major studio DOES NOT mean you are not talented. In fact, I would say, they are often a lot more talented than some of the schlock the major studios release. I am just sick of supporting anything these major studios do, and will from now on ONLY buy used CDs on ebay or used music stores, or buy from these sites like cdbaby.com or directly from the artist. I will end up with a lot more CDs and a lot less tube amps...a good compromise in my opinion. Thanks for the tip on Mosaic. I'll check that out too. -akhilesh

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Subject: Re: Why I like CDbaby.com & jazzpromo.com  
Posted by [Manualblock](#) on Thu, 03 Nov 2005 20:31:58 GMT  
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Understand AK I agree with all you say. If you hear an artist on CDBaby you like then by all means that is great. I don't mean to disparage the artists just be cautious and make sure they have a good repertoire greater than one or two good songs.

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Subject: Re: Why I like CDbaby.com & jazzpromo.com  
Posted by [akhilesh](#) on Fri, 04 Nov 2005 17:56:50 GMT  
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WE are on the same page here, John. I did notice quite a few artists I wouldn;t buy, but the good thing was< i could listen to a lot of their songs, and then all the money (or almost all) went to the artist. That is really cool.ANd I don;t see artists and garage bands wasting time with DRM and pissing off their listeners. I think the economic end of the RIAA is near. -akhilesh

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Subject: Re: Why I like CDbaby.com & jazzpromo.com  
Posted by [Manualblock](#) on Fri, 04 Nov 2005 19:18:21 GMT  
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Right on my friend. In 1970 we taped music off the radio and still bought hundreds of albums. This business of royalties is a bunch of crapola. It prevents music from being heard and thats why the music industry is in the tiolet.

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