

**Downloading Free Music:  
Internet music lovers don't  
think it's stealing**

**Principal authors: Amanda Lenhart, Research Specialist,  
and Susannah Fox, Director of Research**

**Lee Rainie, Director  
John Horrigan, Senior Research Specialist  
Tom Spooner, Research Specialist  
Dan Packel, Research Assistant  
Maura Burke, Research Assistant**

**Pew Internet & American Life Project  
1100 Connecticut Avenue, Suite 710  
Washington, D.C. 20036  
202.296.0019**

<http://www.pewinternet.org/>

## Summary of Findings

### ***"We're not stealing"***

**Internet users who download music do not believe they are stealing. Music downloaders exhibit little concern for copyright protections.**

- 78% of Internet users who download music don't think it's stealing to save music files to their computer hard drives. A majority of those in the general Internet population also hold this view – 53% say downloading music is not stealing, compared to 31% who believe it is stealing. Whether they are Internet users or not, the young, the highly educated, and the relatively affluent support downloaders' right to get music online for free.
- 61% of music downloaders say they don't care if the music they are capturing is copyrighted.

### ***Buying habits***

**Most music downloaders aren't incorrigible scofflaws – many have purchased at least some of the music they sample online. However, most music purchasers do not frequently buy the songs they have downloaded.**

- 79% of music downloaders do not pay online for the music they have retrieved on the Internet; 15% say they have bought the music online
- 21% of online music consumers say they have ended up buying the music on a CD or cassette "most of the time."
- 29% say they have bought the music on a CD or cassette "some of the time."
- 19% say they have bought the music on a CD or cassette "only a few times."
- 26% of music downloaders say they have "never" bought a CD or cassette of the music they have captured online.

### ***A jukebox of favorites more than a new-song sampler***

**Most music downloaders enjoy familiar artists and favorite songs. But about one-third of them use the Web to sample new artists, as well.**

- 86% of music downloaders have downloaded music they had heard before by artists they were already familiar with.
- 69% of music downloaders have downloaded new music by artists they were already familiar with.
- 31% of music downloaders have downloaded music by artists they had never heard before.

### ***For many, a short play list, not a comprehensive catalog***

**Less than a third of music downloaders have more than 25 songs saved on their computer hard drives.**

**The Pew Internet & American Life Project's Online Music Report**  
**For release at 6:00pm Eastern on Thursday, September 28, 2000**

- 63% of music downloaders say they have saved 25 or fewer songs to their computer.
- 19% say they have between 26 and 100 songs on their computer.
- Just 10% say they have more than 100 songs on their computer.

***Napster's appeal***

**The file-sharing program Napster is enormously popular with music downloaders. More than half of them have used the software to locate and download tunes. And, despite the relatively small song catalogs on many music downloaders' computers, lots of Napster users have increased the number of music files they have downloaded since the company's legal troubles have been a major news story.**

- 22% of Internet users, or about 21 million Americans, have downloaded music online.
- 54% of music downloaders, or more than 11 million Americans, have used Napster.
- 45% of music downloaders have used MP3.com.
- 69% of music downloaders have used Napster, MP3.com, or both.
- Just 7% have used Gnutella.
- In our observation, the number of files per user library on Napster has been steadily increasing since our June 2000 report. At that time, there were approximately 100 songs per user library. The current average is 140 songs per user library.

## Main Report

### SECTION ONE: A SUMMER OF COPYRIGHT BATTLES

Since our first online music report was released on June 8, 2000, arguments over the place of copyright protections on digital music have raged in court, in Congress, and in the press. The fundamental issue is whether Internet users should be allowed the unfettered ability to share music files created in the MP3 format or whether those who created and own the rights to the music can win the sanction of the courts to shut down file-sharing systems such as Napster. This struggle over digitized music files sets the stage for equally momentous battles over ownership rights and consumer access to digitized movies, books, games, and computer applications. (For a discussion of the basics of MP3 technology and the way the Napster community functions, please see the sections in our previous report titled "MP3's and the Tools for Downloading Music" and "Napster." The report can be found on our Web site at <http://www.pewinternet.org/reports/toc.asp?Report=16>.)

The first major resolution in the copyright fight came when MP3.com, a firm whose Web site allowed Internet users to access a vast online music library, settled copyright infringement suits this summer with Warner Music Group, BMG Entertainment, EMI, and Sony Music Entertainment. In return for the right to make songs from those labels available online, MP3.com has reportedly paid as much as \$80 million. Most recently, MP3.com lost a copyright-infringement suit to Universal Music Group and may be slapped with damages totaling up to \$250 million. The case is on appeal. Despite its legal troubles, the online music company has promised to re-open access to the popular Instant Listening service within the next few weeks. This service allows users to copy a CD to the company's database and have immediate access to it through a password protected folder on the company's website. Certain CDs (called Digital Automatic Music) purchased from MP3.com are available to be added to Instant Listening folders, and CDs from major record labels can be added, but not yet listened to, pending further negotiations between MP3.com and third parties. Currently, the MP3.com website allows users to download music, buy CDs, access subscription music channels and music-related information and recommendations.

On July 28, Napster staved off a preliminary injunction sought by the Recording Industry Association of America, a trade association of major record labels. The injunction would have required Napster to remove all copyrighted material owned by RIAA members from its system. Such an injunction would have effectively shut down Napster's service to millions of Internet users.

Media attention and word-of-mouth have driven huge numbers of Internet users to the Napster and MP3.com sites as their legal struggles played out. Media Metrix, a firm that tracks use of Web sites, reports that the use of the Napster song-swap application is the fastest growing application it has ever tracked on the Web. MP3.com now reports hosting over 500,000 music files and, according to our estimates, Napster users have about 1.5 billion music files in circulation.

On October 2, attorneys for Napster and the RIAA will present oral arguments on the preliminary injunction in front of the 9<sup>th</sup> U.S. Circuit Court of Appeals, after which the

**The Pew Internet & American Life Project's Online Music Report**  
**For release at 6:00pm Eastern on Thursday, September 28, 2000**

three-judge panel may make a ruling at any time. This hearing will address only the request of the RIAA for a preliminary injunction against Napster that would close the service while the full legal case is heard. The full trial on the RIAA charges against Napster is not expected to take place until 2001.

The Napster controversy has prompted diverse interest groups to file friend-of-the-court briefs on both sides of the case. Librarians, free speech advocates, and doctors have backed Napster, concerned that a decision against the service could result in the suppression of all kinds of speech on the Internet. The Motion Picture Association of America, the NBA and the Commissioner of Baseball, among others, have sided with the music industry. Their brief contends that a ruling in favor of Napster could cause them to lose control of their rights to photo and video products. The Clinton Administration also chimed in by backing the RIAA on a technical issue. Clinton's Justice Department opposed Napster's argument that computers should be considered home recording devices similar to tape recorders and VCRs, which are protected from claims of copyright violation. The Department argued that allowing Napster to shelter itself behind the protection granted by the Audio Home Recording Act would encourage a massive level of reproduction and distribution of copyrighted works on a scale far behind what Congress had envisioned when it first allowed VCR users to make tapes of movies.

The federal government's position on the copyright controversy came under fire just this week. Free-speech advocates claimed that a Web site sponsored by the U.S. Department of Justice and the Information Technology Association of America promoted what they called an "anti-Napster" viewpoint on downloading music online (<http://www.cybercitizenship.org/>). The site is funded, in part, by the RIAA and aims to teach parents and children about cyberethics.

**SECTION TWO: MOST DON'T THINK DOWNLOADING MUSIC IS STEALING**

The basic RIAA argument is that record labels and, in some cases, recording artists own the rights to their music and those who download music online without paying for it are swiping intellectual property protected by copyright. "Just like a carpenter who crafts a table gets to decide whether to keep it, sell it or give it away, shouldn't we have the same options?" said Lars Ulrich, drummer in the band Metallica "My band authored the music which is Napster's lifeblood. We should decide what happens to it, not Napster – a company with no rights in our recordings, which never invested a penny in Metallica's music or had anything to do with its creation. The choice has been taken away from us."

Those who download music beg to disagree, according to the Pew Internet Project survey. They are a unique segment of the Internet population – about 22% of Internet users say they have downloaded music – and a substantial majority of them do not believe they are stealing. Most express scant concern whether the music they are downloading is protected by copyright. More than three-quarters of all music downloaders (78%) say that what they're doing isn't stealing. Sixty-one percent of music downloaders say they don't care if the music they capture online is copyrighted, and just 31% say that is a concern for them.

**The Pew Internet & American Life Project's Online Music Report**  
**For release at 6:00pm Eastern on Thursday, September 28, 2000**

While music downloaders are the most likely to be indifferent to copyright laws, the recording industry hasn't convinced the wider Internet audience or the general population of the virtues of its arguments. Fifty-three percent of all Internet users say downloading music is not stealing, compared to 31% who believe it is stealing. In the general population (Internet users and nonusers alike), opinions are more closely divided, but a substantial number of Americans say they don't care to take a side. Forty percent of all Americans say that people who download music off the Internet aren't doing anything wrong, 35% say downloaders are stealing, and 25% don't take a position.

In the general population, young, affluent, and highly educated people are the most likely to back the argument that those who download free music online aren't doing anything wrong. Sixty-four percent of all Americans between age 18 and 29 think downloading music is just fine, compared to 43% of all those between ages 30 and 49, and 28% of 50-64 year-olds. Forty-seven percent of those in the general public whose household income exceeds \$75,000 per year say that downloading music is not stealing, compared to 37% of people in households making less than \$30,000. And 45% of college graduates are in the pro-downloading camp, compared to 25% of Americans who have not completed high school.

Furthermore, it appears that the percentage of Internet users' who believe downloading music is not a crime could grow over time. Young Americans who are not currently online are the most likely to say they want to get Internet access *and* the most likely to say that downloading music is not stealing. Some 65% of those under age 30 who do not have Internet access now say they want to get it. Of this group, 52% say downloading music is not a crime, compared to a mere 22% of non-Internet users over 30 who say that.

**SECTION THREE: BUYING HABITS**

Fully 79% of those who download music get the files off the Web for free. Some 15% say they pay for it at the time they access the files. Still, music downloaders aren't all incorrigible scofflaws – most (69%) say that at least on occasion they end up purchasing music they have downloaded. At the same time, the vast majority of music downloaders also say they do not frequently go out and purchase the music they initially got for free on the Internet. Twenty-one percent of music downloaders say that “most of the time” they ended up buying CDs or cassettes of the music they got online. Men are more likely than women to say this – 26% compared to 15% of women. Twenty-nine percent of music downloaders say they eventually bought the music “some of the time.” Nineteen percent say they have bought a CD or cassette of music they sampled online “only a few times.” Twenty-six percent of music downloaders say they have “never” bought the music they downloaded. Women are more likely than men to say they never buy a hard copy of the music – 33% of women say this, compared to 20% of men. However, women are more likely than men to download music that they already own on CD or tape.

**SECTION FOUR: MORE FAVORITES THAN NEW SONGS**

So far, the availability of MP3 files is less a boon to new artists than to established, familiar artists. Eighty-six percent of music downloaders have captured music they had heard before, by artists they were already familiar with. And 69% of music downloaders had searched for

**The Pew Internet & American Life Project's Online Music Report**  
**For release at 6:00pm Eastern on Thursday, September 28, 2000**

new music by artists they were already familiar with. Still, there are encouraging signs that online posting and marketing of music can work for new artists. Thirty-one percent of music downloaders had loaded songs onto their computers by an artist they had never heard before.

Twenty-eight percent of music downloaders say captured music that they already own in another form (CD or tape) and 63% downloaded new music. This is a marked change from our June 2000 report, in which 13% of music downloaders said they captured music they already owned and 81% downloaded new music. Since the demographics of music downloaders have not shifted significantly in the last few months, it is possible that their behavior has changed. Music downloaders may be using services like Napster to expand their music collections and replace the music they own on old cassette tapes with new digital versions of the same material. Or, there is another possibility for this increase in the number of people reporting they have downloaded music they already owned in another form. More respondents may be giving what they perceive to be a legally safer answer to a question about the type of songs they download.

**SECTION FIVE: SHORT PLAYLISTS, NOT COMPREHENSIVE CATALOGS**

Music downloaders aren't filling their hard drives with gigabytes of music, as some copyright advocates may fear. Sixty-three percent of music downloaders say they have saved 25 or fewer songs to their hard drives. Twenty-nine percent of music downloaders have saved more than 25 songs. This is not surprising since the vast majority of users connect to the Internet using a slow-speed modem. It can take hours to download a single MP3 file over a dial-up connection, because even though MP3 files are compressed versions of the music, they are still huge files by Internet standards. On the other hand, people who download free new music tend to save more songs to their hard drives, with 34% saying that they have more than 25 songs saved.

The number of files on the average Napster user's computer is considerably bigger. And the number of files on that average Napster user's hard drive has been steadily increasing since our June 2000 report. At that time, we used frequent spot checks to calculate that there were approximately 100 songs in a typical user's library. In the hours prior to and just after the July 28 legal showdown, our observation of the per-user number of songs rose to 110. In recent weeks, further spot checks have shown that the number now averages 140 songs per user library. Napster claimed it had 20 million users in a July press release, and news media and industry reports have cited Napster user numbers varying from 5 million to 30 million. Our data shows approximately 11 million Napster users, and combined with our observations of songs per user, we estimate that there could be about 1.5 billion songs in circulation on Napster users' computers.

**SECTION SIX: THE LISTENING PUBLIC**

The percentage of Internet users who enjoy music online has held steady since April and there's been no significant change in their behavior. Thirty-seven percent of Internet users (or about 35 million Americans) have ever listened to or downloaded music on the Internet.

**The Pew Internet & American Life Project's Online Music Report**  
**For release at 6:00pm Eastern on Thursday, September 28, 2000**

Twenty-two percent of Internet users (or about 21 million Americans) have downloaded music files onto their computer so they can play them any time they want.

When asked which of three services they use for accessing music files, 69% of music downloaders said they have used Napster, MP3.com, or both. Just 7% had used Gnutella, a file-searching program that is not operated by a company and is often cited as a probable haven for music downloaders if their access to Napster and MP3.com is curtailed.

To read our previous report on music downloading, go to:  
<http://www.pewinternet.org/reports/toc.asp?Report=16>



## **Methodology**

These results are based on telephone interviews conducted by Princeton Survey Research Associates among a sample of adults, 18 years of age or older, in the continental United States between March and August 2000. Much of the data presented here is from a special survey from July 24 to August 20 that focused on people who download music files onto their computers. That survey included 238 Internet users who download music and the margin of error is plus or minus 7 percentage points. Other data about the percentage of Internet users who have listened to or downloaded music came from surveys conducted from March through August, during which 12,751 people have been interviewed – 6,413 of them were Internet users. The margin of error on these surveys is plus or minus 2.5 percentage points.

The sample for this survey is a random digit sample of telephone numbers selected from telephone exchanges in the continental United States. The random digit aspect of the sample is used to avoid “listing” bias and provides representation of both listed and unlisted numbers (including not-yet-listed numbers). The design of the sample achieves this representation by random generation of the last two digits of telephone numbers selected on the basis of their area code, telephone exchange, and bank number.

A new sample was released daily and was kept in the field for at least five days. This insures that the complete call procedures are followed for the entire sample. Additionally, the sample was released in replicates to insure that the telephone numbers called are distributed appropriately across regions of the country. At least 10 attempts were made to complete an interview at every household in the sample. The calls were staggered over times of day and days of the week to maximize the chances of making contact with a potential respondent. Interview refusals were re-contacted at least once in order to try again to complete an interview. All interviews completed on any given day were considered to be the final sample for that day.

Non-response in telephone interviews produces some known biases in survey-derived estimates because participation tends to vary for different subgroups of the population, and these subgroups are likely to vary also on questions of substantive interest. In order to compensate for these known biases, the sample data are weighted in analysis. The demographic weighting parameters are derived from a special analysis of the most recently available Census Bureau's Current Population Survey (March 1999). This analysis produced population parameters for the demographic characteristics of adults age 18 or older, living in households that contain a telephone. These parameters are then compared with the sample characteristics to construct sample weights. The weights are derived using an iterative technique that simultaneously balances the distribution of all weighting parameters.

Throughout this report, the survey results are used to estimate the approximate number of Americans, in millions, who engage in Internet activities. These figures are derived from the Census Bureau's estimates of the number of adults living in telephone households in the continental United States. As with all survey results, these figures are estimates. Any given

**The Pew Internet & American Life Project's Online Music Report**  
**For release at 6:00pm Eastern on Thursday, September 28, 2000**

figure could be somewhat larger or smaller, given the margin of sampling error associated with the survey results used in deriving these figures.

## Questionnaire

*Editor's Note: Not all the questions asked on this survey are available here. Data analysis is still being done on several aspects of this survey.*

---

**Daily Internet Tracking Survey**      Topline      8.21.2000  
 July-August 2000

Princeton Survey Research Associates  
 for the Pew Internet & American Life Project

Sample:  $n = 2,109$  adults 18 and older  
 Interviewing dates: July 24-August 20, 2000  
 Margin of error is plus or minus 2.5 percentage points for results based on the full sample  
 Margin of error is plus or minus 3 percentage points for results based on Internet users

**QUESTIONS 28 - 34 BASED ON INTERNET USERS WHO HAVE DOWNLOADED MUSIC ONLINE [N = 238]**

**Q28** Now on another subject...Thinking about the music you have downloaded to your computer, here are some of the Web sites where people go to download music. Not everyone has been to these. Have you ever used (INSERT ITEMS; ROTATE ITEMS) , or isn't that a Web site you've used?

	YES	NO, HAVEN'T USED	DON'T KNOW /REFUSED
a. Napster	54	45	1
b. Gnutella	7	91	2
c. MP3.com	45	54	1

**Q29** Overall, about how many music files have you downloaded onto your computer?

	JULY/AUG 2000	
%	6	None
	32	Fewer than 10
	25	10-25
	6	26-50
	2	51-75
	11	76-100
	7	101-500
	2	501-1,000
	1	More than 1,000
	8	Don't know/Refused

**The Pew Internet & American Life Project's Online Music Report**  
**For release at 6:00pm Eastern on Thursday, September 28, 2000**

**Q30** Did you buy the music you downloaded, or did you get it for free?  
**(IF ANSWERS "BOTH", ASK: Which have you done MOST often — bought the music you downloaded, or gotten it for free? )**

JULY/AUG 2000		
%	15	Bought it
	79	Got it for free
	6	Don't know/Refused

**Q31** Did you download music that you already owned on a CD or tape, or did you download new music?  
**(IF ANSWERS "BOTH", ASK: Which have you done MOST often — downloaded music you already owned, or downloaded new music? )**

JULY/AUG 2000		
%	28	Music already owned
	63	New music
	9	Don't know/Refused

**Q32** What type of music have you downloaded? Have you ever downloaded ...

	YES, HAVE DONE THIS	NO, HAVE NOT	DON'T KNOW/ REFUSED
a. Music you'd heard before, by artists you were already familiar with	86	9	5
b. New music by artist you were already familiar with	69	27	4
c. Music by artist you had NEVER heard before	31	65	4

**Q33** After you download music to your computer and listen to it, how many times, if ever, have you bought that SAME music on a CD or cassette — most of the time, some of the time, only a few times, or never?

JULY/AUG 2000		
%	21	Most of the time
	29	Some of the time
	19	Only a few times
	26	Never
	5	Don't know/Refused

**Q34** Do you care whether or not the music you download onto your computer is copyrighted, or isn't that something you care much about?

JULY/AUG 2000		
%	31	Care if the music download is copyrighted
	61	Isn't something care much about
	8	Don't know/Refused

**The Pew Internet & American Life Project's Online Music Report**  
**For release at 6:00pm Eastern on Thursday, September 28, 2000**

ASK ALL— INTERNET USERS AND NON-USERS:

Q35 Please tell me which statement comes closer to your own views...

		JULY/AUG 2000
%	35	People who download music off the Internet are stealing
	40	People who download music off the Internet aren't doing anything wrong
	5	Both/Neither
	20	Don't know/Refused