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Position Paper of the Recording Industry Association of America

1. Background

The Recording Industry Association of America (RIAA) thanks the Internet Engineering Task Force (IETF) for the opportunity to present this paper to the IETF’s workshop on P2P Infrastructure.

As requested, these comments are restricted to issues of a technical nature rather than policy concerns, but RIAA would like to clarify one issue on which it is often misrepresented. We are not opposed to the design and implementation of any new technology and certainly not to peer to peer protocols. We are however very concerned when these new technologies are used to damage the interests of copyright holders such as recording artists, songwriters, music publishers and record companies. We welcome this opportunity to document some requirements on future protocols which will allow them to be used as a win-win technology, bringing benefits to all stakeholders.

2. Current Position

RIAA notes that applications using current P2P protocols consume BY DESIGN an unfair proportion of available network resources. This is noted in the meeting announcement:

> "...traditional management of fairness at the transport level has largely been circumvented by applications designed to achieve the best end-user transfer rates".

We believe that the current position is untenable in the long run and that new protocols that "play nice" and do not make an unbalanced demand on network capacity are required. We believe that this will bring the best internet to the greatest number. It will reduce or remove the need for the current ad-hoc network management techniques that, while justifiable in defense of the integrity of the network, lead to unpredictable network behavior.

3. Protocol Transparency

New P2P protocols should be transparent in their operation and allow network equipment to make appropriate decisions about how to handle traffic of different sorts. If they require low latency or jitter, they should declare this. If they need high throughput, they should declare that.

RIAA believes that consumers and their advocates will be more satisfied if the performance of their providers with respect to particular sorts of traffic is open and predictable.

4. Abuse Exclusion

RIAA is fully committed to the ability of users to have the full benefit of the network in creating, distributing and consuming content provided this content is used legally. Illegal uses include not only copyright infringements but also, for example, the distribution of child pornography. Because there is, and probably always will be, a group of network users who use the network for illegal purposes, RIAA believes that new protocols need to include provision for the exclusion of this sort of activity. Protocols should accommodate this in two ways:

4.1. Illegal Content Exclusion

Where new protocols include the ability for content to be identified as a transmission is in progress, this should be exploited to ensure that illegal content is not carried.

4.2. Abuser Exclusion

Where the protocol itself does not have access to a service that is able to discriminate between legal and illegal uses, it is nevertheless possible that an external agency may be able to do this. New protocols should allow users who are detected abusing them to be excluded from their further use.

This paper does not deal (because of the proscription of policy issues) with the precise mechanism whereby abuse is certified, but RIAA stands ready to discuss this in more appropriate forums and recognizes that it is a sensitive issue that needs careful consideration.

5. Migration Strategy

RIAA would welcome the implementation of new protocols that include the capabilities that this paper outlines. Once they are available and have been shown to provide the services that users need, we see little justification for the continued use of the old, network-unfriendly, protocols. Therefore we would also welcome a migration away from them. We do believe that technical work is needed to ensure that damage to the network from the older protocols is avoided, in the same way that open mail relays and other network damaging services are not permitted by most service providers.

Finally we note that some users may persist in using protocols that remain network-unfriendly but seek to evade detection, for example by masquerading as web traffic or by hiding inside a VPN pipe. This is inevitable and will likely lead to a "cat and mouse" game which can probably never be fully won. This should not distract us from the necessary developments to achieve the large part of the benefits for the majority of network users.

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