

Chapter 9

The Fat Lady Still Sings: Bringing Music into the Digital Age

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Introduction

Beginning in 2000, at the nexus of broadband penetration crossing the 15% mark in the US, declines in retail and economic recessions in the 4 of the five markets that comprise 80% of the world's music revenues, and the discovery of P2P software by the "average" Internet user resulted in the devastation of the music industry.

Well chronicled, we will not be covering these events in detail but will point to some of the attempts that were made to stem off losses by curtailing consumer use and using prosecutorial methods to "manage" violators of the copyright law.

Fast forward to 2010, and consumers are able to listen to music literally anywhere, anytime, whether they have paid for it or not. Cellular phones, digital music devices, computers, televisions, game consoles and personal players, satellite radios, and every major online destination site – all service the voracious appetite of consumers of music. But in spite of the plethora of access-points, the industry struggles to regain the glory of yesteryear and the economics of being, and making, a rock star remain challenged indeed.

So what comes next? This paper aims to discuss the one of the opportunities that arguably should drive the industry forward – the monetization of music videos on television through an interactive on-demand television platform.

I hate television. I hate it as much as peanuts. But I can't stop eating peanuts.

Orson Welles

Despite shifts in television viewing, the medium still remains powerful both in its reach, ubiquity, and experiential depth.

According to the Pew Research Institute, television is a regular part of American daily life with 74% of adults reporting that they watch TV almost every day. More importantly, 58% of young adults aged 18–29 also say they watch TV almost every day (see Table 9.1).

Interestingly, television watching increases with age as does the presence of televisions in the home versus computers (see Table 9.2). Thinking beyond the typical marketer's target of the 18–25-year-old, television is still the basis for which

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Table 9.1 Age and TV watching. Young adults are notably less likely than their elders to watch TV on a daily basis

	Almost every day	A few times a week	Less often	Never
All adults	74%	15%	7%	3%
18–29	58	23	12	6
30–49	72	19	7	2
50–64	80	11	5	3
65+	89	6	4	2

Source: Pew Internet and American Life Project Networked Family Survey, Dec. 13, 2007–Jan. 13, 2008. $N = 2,252$. Margin of error is $\pm 2\%$ on the overall sample. <http://www.pewinternet.org/Reports/2008/Networked-Families.aspx>

Table 9.2 Household types and technology ownership

	All adults ($n = 2,252$)	Married couple, with child ($n = 482$)	Married couple, no child ($n = 785$)	Multiple non- married adults plus child ($n = 150$)	Multiple non- married adults, no child ($n = 218$)	Single parent ($n = 83$)	Singles ($n = 565$)
2+ televisions	83%	88%	86%	94%	91%	82%	65%
Internet household	77	94	79	90	82	87	44
Broadband at home	52	66	52	55	59	54	27
2+ home computers	39	58	39	54	55	32	n/a
Computer network in home	22	37	22	33	27	14	n/a
2+ cell phones in home	59	89	69	80	65	58	n/a
Have an social network site profile	19	18	9	48	37	31	7
Send text messages	40	53	28	59	49	61	22

Source: Pew Internet and American Life Project Networked Family Survey, Dec. 13, 2007–Jan. 13, 2008. $N = 2,252$. Margin of error is $\pm 2\%$ on the overall sample.

most adults with children as well as children themselves find most sources of their entertainment.

Much has been made to date about the shift that is occurring from the television to online viewing, especially with younger viewers. And while this may hold true for certain genres of programming, the author cautions that what we have yet to answer is whether certain *types* of programming are being viewed exclusively online

versus television – that is to say, is the majority of the heavily cannibalized online viewing pervasive in national and local news, for example, shifted all viewing? Or is online viewing one factor in addition to specific times of day, types of content, etc? Without context, claims to the overall erosion are somewhat meaningless. Of note, according to eMarketer data from 2008, the majority of online video content that is viewed is short is news, short form and promotional. While 27% of adults reported that they watch full length TV shows, other data indicates that time-shifted viewing also leads to increased overall consumption of television-based programming (Fig. 9.1).

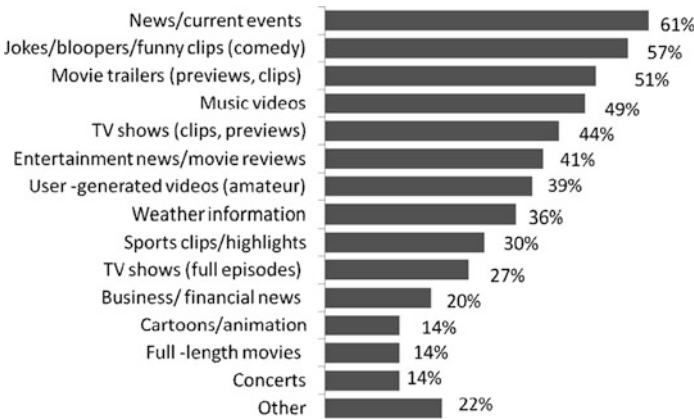


Fig. 9.1 Types of online video content that US online video viewers watch monthly or more frequently, 2007 (% of viewers). Note: excludes advertising or marketing video content. Source: eMarketer estimates, February 2008 (www.eMarketer.com)

Al Gore, Sean Fanning, and Bob Pittman – Swagga Like Us

MTV’s pre-history which began in 1977, came out of the Warner Cable TV system that launched the first two-way interactive cable TV system, QUBE, in Columbus, Ohio. The system offered many “specialized” channels, one of which was Sight On Sound, a music channel that featured concert footage and music-oriented TV programs, and where viewers could vote for their favorite songs and artists. This was one of the first deployments of interactive television in the United States.

Then beginning in the mid-1990s, cable operators in the United States began an upgrade of their systems to digital. Industry lore pegs the total cost in the tens of billions but regardless of the price tag, the investment is what brings the United States consumer voice over IP, high-speed Internet, and thousands of channels into the home. And in response to declining land-line customers shifting to cellular networks and other IP-based telecommunications systems, both Verizon and AT&T went into the television business, launching Fios and U-Verse, respectively.

The promise of true two-way interactivity on cable television was first realized through the national deployment of video-on-demand (VOD) services. Search a menu grid, select a program, and watch it immediately.

First conceived as a replacement to movie pay-per-view services, the VOD services of today face several challenges including lack of demographic audience viewing data, long lead times to ad placement and delivery, limited understanding within the media buying agencies, and poor navigation. With that said, VOD is a technology on the verge of a renaissance – one that could benefit the music industry.

In the aftermath of Napster, the focus of the music industry has been on trying to recoup revenues impacted by Internet and digital platforms with marginal success. The ascendancy of iPod (a story in and of itself) and MySpace into building blocks of the culture of Generation Y and Z have altered the perception of television as a powerful medium for driving music revenues. But it is the position of this author that television not only continues to be a viable medium but is on the cusp of transforming into a true weapon in the industry's arsenal.

Looking back at the impact that MTV and the medium of television had on the music industry, a study in April of 1994 by the joint Merchandising Committee of the National Association of Recording Merchandisers and the Recording Industry Association of America found that 6% of respondents credited MTV or VH-1 for their music purchase selections. Out of the 40 videos that MTV dubbed "Buzzworthy" between January 1994 and May 1996, over 70% had reach gold or platinum status.

Today, another cable network pioneer, Music Choice, is showing how powerful video-on-demand is for music. In 2009, Music Choice On Demand became the first ad-supported cable network to have its free on-demand offering rated by Nielsen, a testament to the viability of the cable's on-demand architecture. Music Choice On-Demand reaches over 40 million households across the United States and manages nearly 100 million on-demand transactions monthly.

Video Killed the Radio Star

On August 1, 1981, at 12:01 a.m., MTV: Music Television launched with the words "Ladies and gentlemen, rock and roll," spoken by John Lack. At the time, only a few thousand people on a single cable system in northern New Jersey were able to receive the feed – the first music video shown was "Video Killed the Radio Star" by The Buggles and the second Pat Benatar's "You Better Run." Fast forward to 2010 and MTV can be seen in 95+ million television households in the United States, over 110 million households in international markets and has arguably defined three decades of television and music audiences. And while less than 8% of the program lineup today is music videos, MTV's roots in interactive television, bold programming, and the immeasurable impact on the music industry should be the blue-print of music on television for the digital generation.

The Economics of the Music Industry – Money for Nothin’

The music industry, like the rest of the entertainment industry, is a commission and royalty-based business. It is important to understand the economic structure of the industry if one is to identify the benefits of next-generation business models and technology.

The Players

The key constituents in the music industry are as follows:

Record labels – The recording entity that creates markets and distributes the artist’s recordings. The four largest record labels in the United States are Warner Music Group, EMI, Sony Music Entertainment, and Universal Music Group.

Performing rights organizations (PROs) – Association or entities that license for public performances, nondramatic musical works on behalf of the copyright owners. The major PROs are: Broadcast Music, Inc. (BMI), The American Society of Composers, Authors and Publishers (ASCAP), SESAC, Inc. (formerly the Society of European Stage Authors and Composers), and SoundExchange for digital licenses.

Mechanical rights agencies (MRAs) – the Harry Fox Agency in the United States and the Canadian Mechanical Rights Reproduction Agency (CMRRA) in Canada issue the mechanical rights to record a song to publishers. Besides issuing mechanical rights for songs, these entities also track, collect, and issue royalties to the publishers.

Songwriter – A songwriter is the person (or people) who have written the lyrics, music, or melody of the song.

Publisher – The publisher is the company, person, or entity that is responsible for promoting the use of songs commercially and generating revenue. A publishing contract details the assignment of the copyright of the composition to the publisher, usually in return for the commitment that the company licenses the compositions, monitors use, collects royalties, and continue to secure new revenue generating opportunities for the song. The copyrights owned and administered by publishing companies are arguably the most important forms of intellectual property in the music industry next to the master recording which is usually owned by the record label. Some of the largest music publishers in the United States are EMI Music, Universal Music Publishing Group, Bertelsmann Music Group, Sony/ATV Music Publishing, and Warner/Chappell Music.

Music Rights and Royalty Structure

Royalties are distributed differently among the constituents of the music industry. Recording artists, for example, earn money based on the sales of CDs, tapes, and at

one time, long ago, vinyl. A long-standing practice that was changed by the advancement of the digital age was the ability of recording artists to earn royalties for “public performances” digitally – like in a Webcast or on satellite radio. This came about with the Digital Performance Rights in Sound Recordings Act of 1995. Previous to 1995, only songwriters and publishers were able to earn royalties on other public performances as in when music was played on the radio or in bars and restaurants.

There are four types of rights and royalties that drive the music industry: performance, synchronization (or sync), print, and foreign.

Mechanical licenses and royalties refer to the permission that is granted to *mechanically* reproduce music into some type of media (e.g., CD) for public distribution. The music publisher grants permission and a mechanical royalty is paid to the recording artist, songwriter, and publisher based on the number of recordings sold.

Performance rights and royalties allow music to be performed live or broadcast for commercial purposes. Usually the license is a *blanket* license and gives the right to play a PRO's entire collection in exchange for a set fee. The performance royalties are paid to the songwriter and the publisher when the song is performed, but not the recording artist, live or on the radio.

Synchronization rights and royalties refer to the use and payment of a song that will be reproduced within a television program, theatrical film, or TV, radio or audio-based commercial – anytime that someone “synchronizes” the composition for a commercial purpose. If a unique version of a composition is used, a master license must also be issued from the record label. A royalty is paid to songwriters and publishers.

Print rights and royalties refer to the rights and royalties generated from the production of sheet music.

Foreign Royalties are issued for the use of US copyrighted material in foreign countries through foreign agents, or sub-publishers, who are responsible for managing the licenses and paying royalties to the songwriter and US publisher.

Internet Royalties

SoundExchange was formed to collect and distribute performance royalties from Webcasts and digital performances. As in traditional mediums, broadcasters (cable and satellite subscription services, non-interactive webcasters, and satellite radio stations, etc.) must pay royalties to the songwriters and publishers of the music that is on the site. The Digital Performance Right in Sound Recordings Act of 1995 stipulates that broadcasters must also pay royalties to the recording artists. Labels usually treat downloads as a “new media” or “new technology” and will reduce the royalty payment back by a certain percentage, usually between 20 and 50%. This means that if a standard royalty is 10% for physical sales, the artist only earns between 5 and 8% for electronic download sales. Some have begun experimenting with another business model that creates a split of the *net* dollars made on music downloads between the label and artist. It is important to note that the net figure is

after costs of sale, digital and management rights costs, bandwidth fees, transaction fees, mechanical royalties, marketing, etc., have been deducted. As the reader should be able to surmised, in the music industry, there is a cost recoupment model for every aspect of bringing music to the masses.

Change the World?

Despite the fact that US music transaction grew 2.1% in 2009, growth was still down 11% over the last registered year in 2007. And even though digital tracks grew 8.3% to nearly 1.16 billion units that was still down from the 26.7% growth generated in 2008 when that year’s total was 1.07 billion downloads. Album sales also declined 12.7% to 373.9 million from 2008s total of 428.4 million (see Table 9.3).

This highlights the continuing decline in aggregate music sales in the United States. The industry is going to have to tap new *integrated* commerce models in order to stem off continuing declines.

Table 9.3 Total US dollar value. The figures below (in millions) indicate the overall size of the US sound recording industry based on manufacturers’ shipments at suggested list prices

1999	\$14,584.5
2000	\$14,323.0
2001	\$13,740.9
2002	\$12,614.2
2003	\$11,854.4
2004	\$12,345.0
2005	\$12,296.9
2006	\$11,758.1
2007	\$10,372.1
2008	\$8,480.2

Source: RIAA consumer profile 2008. http://www.riaa.org/keystatistics.php?content_selector=MusicConsumerProfile

New Revenue for Labels – Cost per Million and Micro-transactions

What If?

The market for video-on-demand services on cable has been successful for MSOs, but for content owners, it has been challenging. Programmers have had to rely on advertising as the sole source of revenue based on an infrastructure that is less than “programmer friendly.” Long-lead times, lack of robust metrics and interfaces, and other technological factors, have all contributed to a market that is valued in and around \$100 million per year, a fraction of the \$5.36 B of the total on Demand market.² Of note, kids programming and music video remain the top generators of traffic for free on-demand services, a point we will explore in further detail.

But there is hope on the horizon. 2010 promises to be a watershed year in interactive television as a key technological advancement is realized: the deployment of EBIF across the US cable market.

Enhanced TV Binary Interchange Format or EBIF is a multimedia content format defined by a specification developed within the OpenCable project of CableLabs (Cable Television Laboratories, Inc.). The primary purpose of the EBIF content format is to represent an optimized collection of widget and byte code specifications that define one or more multimedia pages, similar to web pages, but specialized for use within an enhanced television or interactive television system (Wikipedia). What is important about the deployment of EBIF in the United States is that it creates a standard language by which vendors, cable operators, programmers, advertisers, and marketers will be able to develop, launch, deploy, and leverage interactive television applications. Canoe Ventures, a joint venture of the six largest cable operators in the United States, has a mandate to build a common platform for programmers to reach tens of millions of television viewers with interactive applications, a feat that has yet to be accomplished on a national scale.

The Opera Ain't Over 'Til the Fat Lady Sings (Dan Cook)

Follow the Leader

In product development research, the concept of a *leader user* has been developed and utilized by Eric Von Hippel from MIT. Having had the opportunity to be exposed to the methodology and principles behind lead user research, the author wishes to invoke some of the structures here to illustrate where and how next-generation music and television producers and distributors should look to for future product development.

The concept of “lead users” plays a central role in lead user research. Von Hippel defines lead users as individuals or firms who display both of the two following characteristics (1988)¹:

1. Lead users have new product or service needs that will be general in a marketplace, but they face them months or years before the bulk of the market encounters them.
2. Lead users expect to benefit significantly by finding a solution to their needs. As a result, they often develop new products or services themselves because they cannot or do not want to wait for them to become available commercially.

A lead user is different than an early adopter. Early adopters are early consumers of products that have been brought to market (first wave of consumers of the iPod or business users of the Blackberry). A lead user is a user that invents a solution to a personal or market problem using existing technology but innovating to satisfy their needs (Sean Fanning innovating Napster based off of existing P2P architecture in order to store and share music in a manner other than on a computer hard drive).

Looking at RIAA data, kids and young adults drive close to 29% of revenues. They are also the most likely consume content on the television and the Internet. If they were presented with the opportunity to interact with content on the television, would that drive greater use, value, and overall revenue, from music videos on TV? Perhaps. If we look at some the lead behaviors of the users in this age group two things become apparent: first, the interactivity that this age group experiences online is not replicable on the television; this age group will be one of the first to innovate using technology (think mash-ups, embeds, virtual currencies, and communities). Second, music plays a huge role in the lives of this age group and is ripe for developing new interactive and interconnected products from. While not a scientific fact, most everyone knows to ask the resident 11-year-old of the family how to “fix” the computer, cell phone, or television.

According to recent data published by NPD, 79% of kids aged 2–14 have acquired some form of physical or digital content in the past year while 31% have acquired both. The data also indicates that digital content seems to incremental to the physical collections, a way to supplement their content library. The money spent in these mediums are almost 6:1, with \$0.85 of every content dollar spent went to physical items and only \$0.15 to digital. Of note, the first type of content that was download was music, the average age which kids make their first digital buy is 7 years old, and girls are big consumers of single song downloads as the first format they adopt for purchasing music (see Table 9.4).

Table 9.4 Music Consumer Profile

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<i>Genre (%)</i>										
Rock	25.2	24.8	24.4	24.7	25.2	23.9	31.5	34	32.4	31.8
Rap/hip-hop	10.8	12.9	11.4	13.8	13.3	12.1	13.3	11.4	10.8	10.7
R&B/urban	10.5	9.7	10.6	11.2	10.6	11.3	10.2	11	11.8	10.2
Country	10.8	10.7	10.5	10.7	10.4	13	12.5	13	11.5	11.9
Pop	10.3	11	12.1	9	8.9	10	8.1	7.1	10.7	9.1
Religious	5.1	4.8	6.7	6.7	5.8	6	5.3	5.5	3.9	6.5
Classical	3.5	2.7	3.2	3.1	3	2	2.4	1.9	2.3	1.9
Jazz	3	2.9	3.4	3.2	2.9	2.7	1.8	2	2.6	1.1
Soundtracks	0.8	0.7	1.4	1.1	1.4	1.1	0.9	0.8	0.8	0.8
Oldies	0.7	0.9	0.8	0.9	1.3	1.4	1.1	1.1	0.4	0.7
New age	0.5	0.5	1	0.5	0.5	1	0.4	0.3	0.3	0.6
Children’s	0.4	0.6	0.5	0.4	0.6	2.8	2.3	2.9	2.9	3
Others	9.1	8.3	7.9	8.1	7.6	8.9	8.5	7.3	7.1	9.1
<i>Format (%)</i>										
Full-length CD’s	83.2	89.3	89.2	90.5	87.8	90.3	87	85.6	82.6	77.8
Full-length cassettes	8	4.9	3.4	2.4	2.2	1.7	1.1	0.8	0.3	0.4
Singles (all types)	5.4	2.5	2.4	1.9	2.4	2.4	2.7	3.4	2.4	3.8
Music videos, video DVDs	0.9	0.8	1.1	0.7	0.6	1	0.7	1.1	0.4	0.8
DVD audio	NA	NA	1.1	1.3	2.7	1.7	0.8	1.3	1.2	1

Table 9.4 (continued)

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Digital download	NA	NA	0.2	0.5	1.3	0.9	5.7	6.7	11.2	12.8
SACD	NA	NA	NA	NA	0.5	0.8	1.2	0	0.6	1.1
Vinyl LPs	0.5	0.5	0.6	0.7	0.5	0.9	0.7	0.6	0.7	1
<i>Age (%)</i>										
10–14 years	8.5	8.9	8.5	8.9	8.6	9.4	8.6	7.6	11.5	7.3
15–19 years	12.6	12.9	13	13.3	11.4	11.9	11.9	12.8	12.3	10.9
20–24 years	12.6	12.5	12.2	11.5	10	9.2	12.7	9.8	11.3	10.1
25–29 years	10.5	10.6	10.9	9.4	10.9	10	12.1	12.7	9.2	8.3
30–34 years	10.1	9.8	10.3	10.8	10.1	10.4	11.3	10.2	11.3	8.9
35–39 years	10.4	10.6	10.2	9.8	11.2	10.7	8.8	10.6	11.9	9.8
40–44 years	9.3	9.6	10.3	9.9	10	10.9	9.2	9	7.9	11
45+	24.7	23.8	23.7	25.5	26.6	26.4	25.5	26.1	24.8	33.7
<i>Channel (%)</i>										
Record store	44.5	42.4	42.5	36.8	33.2	32.5	39.4	35.4	31.1	30
Other store	38.3	40.8	42.4	50.7	52.8	53.8	32	32.7	29.7	28.4
Record club	7.9	7.6	6.1	4	4.1	4.4	8.5	10.5	12.6	7.2
TV, newspaper, magazine, ad or 800 number	2.5	2.4	3	2	1.5	1.7	2.4	2.4	1.7	1.8
Internet	2.4	3.2	2.9	3.4	5	5.9	8.2	9.1	10.9	14.6
Digital download	NA	NA	NA	NA	NA	NA	6	6.8	12	13.5
Concert	NA	NA	NA	NA	NA	1.6	2.7	2	1.5	3
<i>Gender (%)</i>										
Female	49.7	49.4	51.2	50.6	50.9	50.5	48.2	49.6	50.8	51.5
Male	50.3	50.6	48.8	49.4	49.1	49.5	51.8	50.4	49.2	48.5

Source: RIAA consumer profile 2008, http://www.riaa.org/keystatistics.php?content_selector=MusicConsumerProfile

Bring It on Home

So, what does all this mean? It is the intent of the author to provide a hypothetical construct to drive a discussion about the possibilities. This is by no means intended to be the only approach, but rather an integrated approach to bringing disparate pieces of information together as a potential solution to a problem.

The Future's So Bright, I Gotta' Wear Shades

By bringing together the best elements of what has been discussed in the paper: innovative programming (MTV), cable video-on-demand (Music Choice) coupled with EBIF, labels and publishers of music, a CPM-based business model complemented by a platform that could support commerce transactions and other interactive elements like play listing, all of which are executed on a television platform – the probability of music leading in the next wave of innovation seems inevitable. But as history has played out over and over again, it is often hard to see the forest for the

trees, especially in times of industry declines. With that in mind the author offers the following scenario to consider: the challenge is to realize it.

Johnny grabs his iMOD and syncs it to the library. He just spent the \$25 that his parents give him each month for music and he wants to make sure that he has the new tracks to listen to on the way to school. He jumps with his mom in the car and catches the beginning of a great song on the satellite radio station. “Don’t change it!” He grabs his phone, holds it up to the speaker in the back and hits the find it button. An automated voice tells him it is the latest from the band Skirmish. He saves the search, navigates to his browser and add it to his playlist of songs on his profile on Beezuz. Later that day, he uploads his playlist for the community to vote on. After all, the winner gets his or her playlist on TV! After school, the group go back to his house since he has the latest Namath that was just release and the biggest TV of the crew. Throwing backpacks in the front hall, they scramble in front of the 60” TV screen, pick up the remote and tune into Channel 754 – the Beezez Channel. “This is it! I can feel it! I am gonna be a winner!” The guys scoff. After all, they have been trying for months to win. Johnny navigates to the Winners section and chooses select. And there, as clear as day, it is his playlist. And because Noke was the sponsor this week, he wins a new pair of kicks. They crank it up, split the screen, and start playing Namath. They are still playing when a track hits that no one has heard before. “Grab that,” says one of them. Without a moment’s hesitation, Johnny grabs the remote, hits the blue key and graphic pops up – Buy this track? Yes or no. Johnny selects yes. The next screen says are you Johnny? He selects yes again and enters his PIN. The screen shows his balance of \$5.85 after the charge of \$1.25 for the download. “Score!” Later that night, his mom hands him a box from Congo.com. “Thanks Ma!” “Don’t you dare rip that until your homework is done.” “Oh, Ma!”

Notes

1. Lead User Project Handbook: A Practical Guide for Lead User Project Teams, Von Hippel, Churchill and Sonnack [http://web.mit.edu/evhippel/www/Lead%20User%20Project%20Handbook%20\(Full%20Version\).pdf](http://web.mit.edu/evhippel/www/Lead%20User%20Project%20Handbook%20(Full%20Version).pdf).
2. Kagan SNL VOD Video On Demand A Strategic Analysis.

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