

Stand up for TimeTrax

Ottawa software programmer wakes up new industry

BY PAUL KEDROSKY

The recording industry can't seemingly help itself from alienating customers. The latest example? Threats being directed toward Ottawa programmer Scott MacLean over his TimeTrax software.

Mr. MacLean felt he was missing too many programs on XM Satellite Radio. Given that he was paying \$10 a month for the 120-channel digital radio service, he decided to write some software that would allow him to grab programs as they happened and store them on his computer's hard drive.

Since the program was so use-

ful to him — it allowed him to time-shift the expensive XM content to which he had subscribed — he began selling the TimeTrax software via his Web site for \$29.95 a pop. According to media reports, it has been downloaded 2,400 times since being released on Aug. 12, and 400 people have bought copies. That is almost \$12,000 in two weeks, which is not bad at all.

While Mr. MacLean is rightly pleased, the recording industry and XM are less impressed. According to Reuters, XM has already sent a letter telling him to cease selling the software and to send it a list of all the purchasers.

So far, apparently, Mr. MacLean has demurred. He says he has no such list (a somewhat puzzling claim), and he doesn't seemingly think he has done anything wrong.

Has he, though? Ah, here we go

into the legal abyss. Copyright law is a mess, with technology regularly ripping holes in the whole idea of who owns what and in what sorts of things you're allowed to do said content.

In general, however, the law has said you are free to record things broadcast into your home. You can record from the radio, you can record from television and you never need worry that the recording industry or Hollywood are going to show up on your doorstep clamoring for mo' money. Said industries might like to prevent you from doing so, but the law has generally discouraged them from chasing down consumers.

All of that is changing, however. It has become increasingly straightforward to "time-shift" content, *à la* Tivo and TimeTrax. It makes viewing much more convenient and, arguably, makes

the underlying services much more attractive. After all, there are few things more irritating than paying high monthly fees for television, radio and what-not, only to realize that you are rarely watching (or listening to) the good stuff for which you are paying so much money.

By allowing people to time-shift listenership, TimeTrax makes XM more valuable. Matter of fact, it probably opens up the service to people who would not otherwise have purchased. Many people, myself included, are skittish about subscribing to

listening. Apparently XM is planning to launch a Tivo-like pause/rewind/replay product later this year, and it is justifiably worried that Mr. MacLean's TimeTrax will cut into sales of said product.

But there is a deeper worry. The software allows users to create entire libraries of content, all neatly catalogued by artist and time and stored in compressed MP3 format. While that is nice and convenient, the recording industry and XM are justifiably nervous that all that content will quickly find its way on to file-

content for his own personal use. On other hand you have the recording industry, eye-bulgingly nervous about aiding and abetting song-sharing networks.

This may or may not ever make it to the courts. If XM really decides to muscle, then there is precious little chance a programmer in Ottawa will decide to wage this expensive fight for as long as it would take to prove a point. And Mr. MacLean has reason to be nervous that he might lose: XM is selling a service to him, and it can be proprietary about what he does with it.

Should it, though? I don't think so. TimeTrax broadens the appeal of XM, opening up the market and increasing the size of the third-party constellation of product providers who are helping to make XM more useful. While I generally feel that content providers are the ones done ill by naive rhetoric about the joys of file-sharing, in this case it is XM Satellite Radio and the recording industry that are singing the wrong song.

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TIMETRAX SOFTWARE BROADENS THE APPEAL OF SATELLITE RADIO

these sorts of premium services knowing that we're getting the worst of the bargain: We use the service so rarely that it is even more expensive that it seems.

So what is XM's beef? Its concern is partly that Mr. MacLean is recording the content for later

sharing networks, adding immensely to the store of copyright-violating materials therein.

It is an interesting tussle. On the one hand you have Mr. MacLean, who is doing what he thinks he is permitted to do under copyright: make copies of