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## The Digital Beat: The Instant Message Music War

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Ever since Napster lost its bad-boy luster, the other digital music It-ware, Aimster, has been rightfully sucking up the glare. Released last year from a start-up in Troy, New York, Aimster transforms America Online's ubiquitous instant messaging software into a lay person's Napster; instead of just trading messages, designated "buddies" can swap song files as well.

Now after virtually bringing Napster to its knees, the Recording Industry Association of America has been understandably setting its sights on the Trojan Horse that is Aimster. Thing is, the instant music beast might be more stubborn than the RIAA perceives because there isn't just Aimster to contend with, there's Microsoft.

In early June, Microsoft officially announced that it would be extending the reach and scope of its Windows Messaging software, the company's equivalent of the AOL Instant Messenger (AIM). Most significantly, the software, which is expected to ship with the October release of the new Windows XP operating system, will give users the ability to swap music, video and text files across the Internet.

Now, of course, there's no reason to expect that Microsoft's new system will be anywhere near as bootleg-friendly as Aimster or Napster, but its very presence is a sign of the times. File-trading, whether through the underground (the old Napster, Gnutella, Freenet) or the over-ground (the new Napster, AOL, Microsoft), is an irrepressible part of the digital landscape. And even if Microsoft includes some kind of filtering software to weed out bootlegs, rest assured that someone, maybe even the dudes in Troy, New York, will find a way to hotwire it.

Already, the RIAA is not having as easy of a time crushing Aimster as it did Napster back in March, when it forced Napster to filter copyright protected songs from its computer servers. The RIAA filed a lawsuit basically on the same grounds against Aimster this summer, asserting that the software was created specifically with the purpose of facilitating copyright infringement. But it's not that cut and dry.

Aimster is merely a means for trading files, not a repository for illegal files. All the songs that are exchanged, for example, simply pass through Aimster's shell; the files themselves reside only on the sender's and recipient's computers. The reason it was so easy to essentially shut down Napster's black market trades was because the company was providing its own computer servers as the central brains/guts of the operation. This, for that matter, is precisely why decentralized systems like Gnutella and Freenet will be so difficult, if not impossible to shut down.

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In the end, however, one would fully expect Aimster to get quashed, if only because it's still, at heart, a small start-up with no real power; the Aimster developers will have a hard time arguing why the program/company should exist in its current state. But even if it dies, it won't be the end of the IM conundrum. Innovations like Microsoft's new messaging software are just the beginning; there are unquestionably many more permutations of free and easy file-trading programs to come. The illicit beat goes on.

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