

Comment Filed in Notice of Proposed Rulemaking on Preserving an Open Internet (09-191)

January 8, 2010

Dear Mr. Chairman and Commissioners:

Thank you for the opportunity to comment on the FCC's Notice of Proposed Rulemaking on Preserving an Open Internet. My name is Sidney Chen, and I am the Artistic Administrator for the Grammy Award-winning Kronos Quartet. The Kronos Quartet/Kronos Performing Arts Association is a non-profit organization based in San Francisco, CA, which I have worked for since 1997.

The Kronos Quartet is a string quartet, formed in 1973 by violinist David Harrington, which over the course of nearly four decades has become one of the most celebrated and influential groups of our time. The group has released more than 45 recordings of extraordinary breadth, and has commissioned more than 650 new compositions and arrangements for string quartet from renowned composers from all over the world. Kronos collaborates with artists worldwide from a wide range of musical traditions, extending far beyond the scope of Western classical music, which the string quartet is traditionally associated with. The Kronos Quartet spends five months of each year touring internationally, and has performed in the world's greatest concert halls, ranging from Carnegie Hall to the Sydney Opera House, from the Shanghai Concert Hall to Amsterdam's Concertgebouw.

The Kronos Quartet is known for its singular artistic vision, firmly believing that the string quartet, a mainstay of European classical tradition, has the capacity to engage not only with contemporary American culture, but with contemporary musicians and audiences from all cultures throughout the world. As the *New Yorker* has said, "Kronos proved that the string quartet, long the most self-consciously 'classical' of classical ensembles, could become a kind of all-terrain vehicle in contemporary culture." Kronos is fully committed to the belief that artistic collaboration establishes dialog, commonality and reciprocity between cultures and societies which too frequently are portrayed as being at cross purposes or having nothing in common.

The group's exploratory approach to creativity and expression has benefitted tremendously from technology—notably, the open Internet. Since the advent of the Internet as a common area for the exchange of information, including recorded music, our contact with other artists throughout the world has been facilitated immeasurably. Net neutrality allows us unfettered access to top-tier artistic creators from cultures around the world, through email, websites and other Internet-based platforms. This has been enormously advantageous—and, in many cases, essential—to the group's collaborative undertakings.

Kronos strives constantly to learn about and engage with the music of other cultures, and Internet technology has transformed our approach to the realization of our artistic goals. Prior to the mass worldwide adoption of the Internet as a means of communication, the process of contacting artists from other countries was often painstaking and expensive. If we wanted to communicate with someone in Central Asia, for example, it was necessary to try to identify mediators such as agents or other cultural attachés, attempt contact through postal mail, and call telephone numbers on outdated and unreliable lines. Today, the ability to make direct connections with artists across the globe via e-mail, social networking sites and other online portals, without the need for intermediaries, has vastly enriched both the range of our opportunities and the breadth of our exposure.

A concrete example of how our artistic process works and how the Internet facilitated it can be seen in the development of a work by Serbian composer Aleksandra Vrebalov titled *...hold me, neighbor, in this storm....* In this powerful piece, Ms. Vrebalov explores the cultural interplay of her homeland in the war-torn Balkans through juxtaposition of Orthodox Christian bells and Muslim calls to prayer, joyous folk songs and the sounds of bombing. Ms. Vrebalov asked Kronos to learn to play a traditional Serbian folk fiddle called a *gusle* as part of the piece, and through videos of *gusle* masters on YouTube, Kronos was able to see and hear directly how the *gusle* is played. It would have been impossible to find a comparable experience in San Francisco without this technology.

Not only has the Internet enhanced Kronos' ability to reach out to others; it has also greatly expanded the range of listeners who are able to discover Kronos' work. People who do not live in urban areas have in the past had less access to Kronos' work; likewise, audiences in Western countries have had easier access than others. Today, all audience members who are interested in learning about our work, regardless of whether they live in France, Serbia, Azerbaijan, South Africa, Nunavut or Indonesia—and in urban areas or not—have a way to engage with it and delve deeper. Gone is the need to go through a middleperson; our audiences today come directly to us, through Twitter, Facebook, e-mail, or our website. The ability to develop an ongoing, real-time dialogue with listeners around the globe strongly benefits all parties. Whereas before the interaction was always at a distance and with a time lag—if a listener was truly dedicated he or she would write fan mail—now it is possible to have immediate two-way dialog over the internet. This enriches our understanding of how Kronos' work reaches people in an artistic or emotional way.

Again, a real-life example of how this manifests: Kronos' Artistic Director David Harrington last fall led a public event at the Center for New Media at the University of California, Berkeley as part of the Arts, Technology, and Culture Colloquium. The event, titled "Sonic Immersion: An Exploration of Eclectic and Unusual Sounds and Musics," Mr. Harrington selected a number of recordings from a vast and unique personal archive, collected over three decades of international touring. Many of these recordings were rare and unknown to the attendees, and all were chosen because they were personally inspiring or sonically intriguing to him. In addition to the dialogue

occurring between Mr. Harrington and the people in the room, a staff member from the Kronos organization was on hand narrating the event and the discussion over Twitter. As each piece was played, she quoted Mr. Harrington's comments about it. Among our Twitter community, there emerged a real-time dialogue with audience members from around the country and beyond who were not able to be in the room, expanding the reach and influence of the event.

The freedom and openness of the Internet is, of course, not without its challenges as well. One such challenge is the diminishing control we have over the dissemination of intellectual property, such as recorded performances that are under copyright protection. Too often, artistic material is used without authorization, on occasion to the distinct detriment and frustration of the artist. For instance, in recent years various political campaigns have used Kronos' recorded performances without permission for the soundtrack of YouTube commercials. We have been able to get the videos taken down fairly quickly, but not before they have been released into the world. There is a fundamental tension that exists for artists who put creative material online: on the one hand, the Internet provides a vast and accessible space for any individual to showcase and distribute his or her work, and to an expanded audience; yet on the other, the possibility for this material to be co-opted and used by anyone, for whatever purpose, is increased.

Organizations like the FCC will play a role in helping artists resolve this tension, but the question remains as to how exactly the Commission's draft rules will play out in real-world situations. ISPs are already allowed to take actions that prohibit unauthorized file-sharing, but depending on the techniques used, there may be unintended consequences. In theory, having ISPs monitor and control file-sharing is attractive, but in practice, it quickly becomes problematic. One significant problem is that no technology currently exists that can determine what is and what is not a legal data transfer; all the ISPs can do is monitor the size of data transfers. Like many musicians, Kronos do large data transfers on an almost daily basis for completely lawful uses: we send out our own audio and video material to collaborators and promoters, and receive work in return. To not have the ability to transfer music and video files to our peers and partners would, without question, hamper Kronos' creativity and our business.

Despite the current difficulties surrounding the transfer of copyrighted material, we feel that net neutrality and the continued existence of an open Internet is crucial, especially for democracy and free speech, both in the United States and abroad. We all witnessed with awe and admiration the political protests following the contested Iranian presidential elections last fall. This manifestation of free speech would not have been possible without networked technology. There is an amazing lesson to be learned from Iran about how open digital platforms can give people a voice: through the Internet, Iran's reform movement find solidarity within its borders, and also to share their message with the outside world. Masses of people were able to voice their dissent even as their government took drastic steps to silence them.

Any attempt to inhibit net neutrality — whether at a corporate or government level — is a disturbing development. Single entities should not have the ability to choose who gets to speak

and to whom. This is a central reason why the Internet as a communications platform must remain open, and why artists and all citizens must be vigilant in ensuring that our rights to speech and expression online are not restricted.

From the time the group was founded, Kronos has championed important, yet unsung, voices that have deserve broad attention. David Harrington formed the group after hearing *Black Angels*, a work by the now iconic American composer George Crumb inspired by the Vietnam War. The quartet's most recent recording project, *Floodplain*, features collaborations with and composers and performers from parts of the world with which most Americans do not have direct engagement, including Iran, Iraq, Lebanon, Kazakhstan, Azerbaijan and Ethiopia. Kronos strongly believes that, through direct artistic engagement with musicians working in different artistic traditions, the process of finding common ground and of resolving conflicts provides rewards that extend beyond the immediate interaction. This has, in fact, become a central focus of Kronos' work. The open internet allows for and facilitates such interaction. We strongly encourage you to preserve its openness.

Again, thank you for your time and for this chance to offer these comments.

Sincerely,

Sidney Chen
Artistic Administrator
Kronos Quartet

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