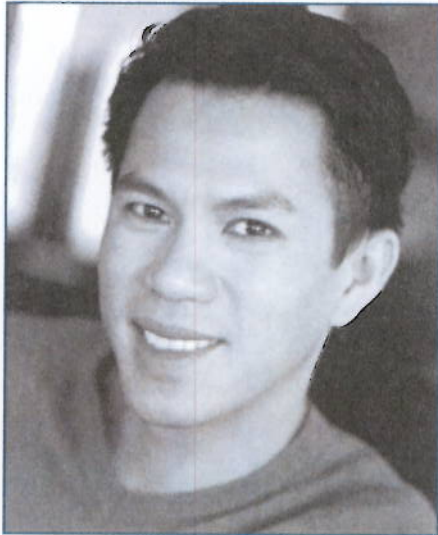


The Moving Picture: Evolving Media



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EVOLVING MEDIA: LET'S EVOLVE

FOR MANY YEARS NOW, “New Media” has been the term of choice to describe a rapid transformation of communication platforms that began in the 1980s and 1990s. But what exactly is “New Media” and does it even remain an accurate term? I’ve been wondering this for some time. So one day, some partners at my firm and I began searching for another term to more accurately describe the phenomenon of New Media today and for tomorrow. We sat around a conference room and threw various alternatives up on a white board—the old fashioned way, handwritten with colored markers, not on one of those fancy new digital “whiteboards.” We suggested many ideas, but one phrase kept leaping out at us. It is a phrase we hope will become adopted in the common vernacular: “Evolving Media.”

Why “Evolving Media” and how did we get there? Let’s start with where “New Media” derives. The concept is meant to distinguish from “old media”—such as print publications, analog broadcast

models of television and radio, and theatrical motion picture distribution. Looking back today, “old media” are methods of communication delivery that tend to be more *static* in nature rather than *interactive*, and were not particularly *portable*.

With technological advancements in the last 25 years, the term “New Media” arose. It is now commonly used to encompass a whole variety of technologies that are more interactive, mobile and provide powerful functionality for users:

- ▶▶ Interactive television (ITV)
 - ▶▶ Internet telephony and Voice over Internet Protocol platforms
 - ▶▶ Communication over WiFi and Wireless Broadband (WiBro) devices
- The “New Media” concept has also been used to describe ways in which “old media” are advancing—such as the rise of ebooks, digital television; satellite radio, digital cinema and digital cameras.
- Of course, the foregoing is only a partial list because the list keeps growing. In fact, practically every time you blink, there appears to be something “new” in new media. The universe is thus ever *evolving*.
- And of course, it is no longer *new*. Many of the technologies which are being called “New Media” have been around—in some form or another—for up to 25 years. For example, video game consoles for the home have been popular since the Atari 2600 system introduced in the late 1970s (remember a good game of “Asteroids” and “Frogger”?). Today’s Xbox, Wii and PS3 consoles are simply far more advanced versions of the same concept. And at their core, digital video recorders are just much more advanced versions of the VCR, of course with far greater capabilities (and no need for cumbersome video cassette tapes to record your favorite television programs).
- In my view, “New Media” is thus an outdated term. It’s time for the business and legal communities to be bold and start adopting a new term for our discourse. But what term is better?
- ▶▶ The plethora of Internet-based technologies—such as basic websites, streaming audio and video content, online chat rooms and bulletin boards, blogs, social networking sites, user-generated content services, virtual worlds, and online communities
 - ▶▶ personal digital assistants and devices for mobile communication, entertainment, and games (such as the Blackberry, Apple’s iPod and iPhone, and the PlayStation Portable device)
 - ▶▶ computer and video games
 - ▶▶ peer-to-peer file share platforms
 - ▶▶ advanced home entertainment technologies (such as Blu-Ray HDVD)
 - ▶▶ digital video recorders and playback devices such as TiVo and the SlingBox
 - ▶▶ Internet Protocol Television (IPTV)

“Convergence” was once the word of choice—referring to the intersection of old and new media, of content and technology, of multiple functions onto one device. The moniker has somewhat fallen out of vogue. Nor does it capture the essence of communication technologies that, while new, remain more linear.

“Interactive Media” is another common term. But not all new media systems allow user interactivity so this too is not broad enough.

“Digital” is a broader term and a potentially good choice. Many in the entertainment industry—particularly on the creative side—refer to today’s new media space simply as “Digital.” Have lunch at a Hollywood studio commissary and you are bound to run into an executive with a title such as “President, Digital.” But neither the word “Digital” nor the phrase “digital media” seems to be an adequate replacement.

The true meaning of “digital” is the use of the system of binary digits (ones and zeros) to store and translate information. Because human beings perceive information in *analog*, a *digital* device estimates information using ones and zeroes, and translates that into a form for humans to hear or see. While it is true that many “New Media” platforms do in fact use digital technologies, the term “digital media” is also somewhat limiting. It does not capture still-existing media which evolved from analog formats. Nor does it anticipate the possibility of future platforms which do not use digital technology.

And that’s why my colleagues and I settled on “Evolving Media.” Throughout history, forms of media have always been evolving. The 15th Century saw the arrival of the Gutenberg printing press, creating the market for mass print publications and improving literacy worldwide. The 19th Century made communication across distances

possible with the arrival of telephone systems. Then came the leap to broadcast radio and television, which famed media scholar Marshall McLuhan was describing as “new media” back in the 1950s and 1960s.

The concept of “Evolving Media” pays homage to the history of media *past*; it captures what is happening in the *present*; and it anticipates what advancements will come in the *future*. And unlike “New Media,” the term—by definition—can never become outdated.

These are also reasons why the name of this regular column is *The Moving Picture*. But from now on, it’ll be called *The Moving Picture: Evolving Media*.

I’ve seen some other references out there to “evolving media,” but not used so much as the catch-all term to describe today’s phenomenon of communication platforms. So now is a good time for “evolving media” to take on that mantle.

In the words of American writer Rita Mae Brown, “Language is the roadmap of a culture. It tells you where its people came from and where they are going.” I could not agree more. As legal practitioners, business minds and industry leaders, the language we use in our discourse should provide a roadmap of our media culture. The phrase “Evolving Media” tells us where our media culture came from, and where we are going.

So let’s evolve. “New Media” is so yesterday; it’s time for “evolving media.” ■

The views expressed in this article are personal to the author and do not necessarily reflect the views of the author’s firm, the State Bar of California, or any colleagues, organization, or client.

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