

## *Crackdown!*

### Stepping Up the Fight Against Music Piracy

For the first time, the recording industry has launched a major crackdown on individuals who trade digital copies of songs online. While it is too early to know whether the industry's efforts will succeed in freezing, or even merely chilling, online music piracy, it seems very likely that some of the industry's tactics will carry a high cost in bad publicity and bad feelings.

The Recording Industry Association of America (RIAA) had no time to rest on its laurels after winning a high-profile court battle in 2001 with the short-lived file-sharing giant Napster. Online piracy proved to be a Hydra-headed foe, with new file-sharing programs—such as Gnutella, Aimster, Morpheus, and many others—popping up to take Napster's place. Worse still for the RIAA, the new file-sharing programs often don't rely on centralized networks, and usually don't even come from companies—meaning that there may be no corporation to sue.

So instead of going after the makers of the file-sharing software, the RIAA has begun to chase after the individual copyright violators, the music pirates themselves. In recent weeks, the RIAA has sent hundreds of subpoenas to colleges and Internet service providers to obtain the names of file-sharers. Some Internet service providers (such as Verizon and Pacific Bell) and some colleges (such as Boston College and M.I.T.) have challenged the subpoenas,

citing privacy issues and legal technicalities—but many others have caved.

According to one estimate in the online technology journal *The Inquirer*, it would take the RIAA nearly 2,200 years to sue all 60 million Americans who share music files online. Of course, the music industry doesn't intend to sue every music pirate—just enough to get the message across. “As a rule of thumb, 80 percent of the files are provided by 20 percent of the users,” one RIAA official told ABCNews.com. “We could therefore target enforcement efforts at the 20 percent of people spreading most of the files.”

There are indications that the first big wave of lawsuits against individual file-sharers will come before the end of the year. But in the meantime, the RIAA has filed several headline-grabbing suits clearly intended to cow file-sharers into quitting. For instance, in April the RIAA sued four university students for designing software that made it easy to share files online. According to the RIAA's complaint, the students were responsible for the illegal sharing of hundreds of thousands of songs. The RIAA asked for \$150,000 per song—so that the four individuals would owe nearly \$100 billion. Obviously, the RIAA did not expect to recoup that much money in damages; rather, the lawsuit was a symbolic gesture, a warning to other file sharers. (The RIAA eventually settled with all four students, so

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that each will pay between \$12,000 and \$17,000 over the next four years. Although that comes to less than one-millionth of the damages that the RIAA asked for, the students will reportedly be using up most or all of their life savings to pay the fines.)

The RIAA's increasingly heavy-handed tactics are not only directed at students. Sixty-seven-year-old Gordon Pate was recently fingered as a pirate by the industry—even though he had never downloaded or shared music; his 23-year old daughter, Leah, had been sharing music files on his computer. Other lawsuits will also probably catch family members—including people who have never even heard of file-sharing—in the industry's broad net.

While it isn't surprising that the music pirates would consider the RIAA's approach thuggish, it is quite possible that

the hundreds of RIAA lawsuits in the coming months will anger even the general public, and kindle ill will against the music industry. And hints of more strident measures for stopping file-sharing—like Senator Orrin Hatch's implausible suggestion that music pirates' computers be remotely destroyed—will only increase resentment against the industry.

While Hatch, a composer who has released music albums, has sided with the music industry, his Senate colleague, Norm Coleman of Minnesota, a former rock roadie, has more sympathy for music fans. Coleman recently expressed doubts about the music industry's strategy, writing in an open letter to the RIAA that, "In this country, we don't chop off fingers for people who steal something.... I want to find out, does the punishment fit the crime?"