

Sharing is Not Caring

By Reg P. Wydeven

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For Christmas in 1984, my parents got my sister and I matching red Panasonic portable audio cassette players with built-in AM/FM radio and dual headphone jacks. They were roughly the size of a box of cereal and weighed about 3 pounds. Thankfully they came with a sturdy carrying strap.

I would record my Hall and Oates albums onto blank 60-minute tapes to listen to in the car on family vacations. When I was sick of "Your Kiss is On My List," I could plug my headphones into my sister's player to get my fill of Rick Springfield. On our trips to Michigan to visit relatives, we would fill up our sturdy audio cassette carrying case that held 12 tapes.

Today my sister's kids have their own MP3 players the size of a business card that each hold up to 100 hours worth of music. Unfortunately, neither of them have uploaded any Hall and Oates.

If she wanted to, however, my sister could upload, or "rip," her Rick Springfield CDs onto her computer to download onto their players. Or she could record, or "burn," her own 'Rick's Greatest Hits' compilation onto a blank CD. She could do all of this in a few minutes.

Because technology makes ripping and burning music so easy, many people share their CDs with friends to put on their computers. Some people even upload their tunes onto computer servers for other strangers to download for their listening pleasure. The original Napster file-sharing website was a great example of the capabilities of this technology.

The Recording Industry Association of America, however, does not feel that file-sharing is as cool as the rest of the world does. After all, people don't have to buy CDs when they can download the music for free.

Accordingly, in 2001, a federal judge declared the Napster website was illegal, as it made copyrighted music available on its computers without paying royalties. But even though it's illegal, recording industry tracking indicates that the number of households that have downloaded music with file-sharing programs has risen from 6.9 million in April 2003 to 7.8 million in March 2007.

To combat this music piracy, starting in 2003 the recording industry has filed over 26,000 lawsuits against people who have allegedly shared copyrighted music online illegally. But for the very first time, however, one of these lawsuits actually went to trial.

The defendants in all of the prior lawsuits have settled out of court, but not Jammie Thomas, a 30-year-old mother of two in Minnesota who is accused of illegally sharing 1,702 songs for free on the file-sharing network Kanzaa. The record companies who filed the suit are Sony BMG, Arista Records LLC, Interscope Records, UMG Recordings Inc., Capitol Records Inc. and Warner Bros. Records Inc.

Thomas was found liable for copyright infringement for sharing 1,702 songs. The trial focused on just 24 of these tunes, and Thomas was fined \$9,250 per song, for a total of \$222,000. Damages of \$750 to \$30,000 could have been awarded per infringement, or up to \$150,000 if the violation was "willful." Therefore, Thomas faced a judgment of up to \$3.6 million for these 24 songs.

Thankfully, I should be safe since no one wants to share my Hall and Oates songs.