

A Prince Among Men

By Reg P. Wydeven

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A few weeks ago I wrote about a lawsuit filed by several record companies against Jammie Thomas, a 30-year-old mother of two in Minnesota who was found to have illegally shared 1,702 songs for free on the file-sharing network Kanzaa. Thomas was found liable for copyright infringement and was fined \$222,000.

Well, it looks as though the recording industry is making a habit of cracking down on housewives for copyright infringement.

Stephanie Lenz posted a 29-second home video of her 18-month old son Holden on the popular video hosting site YouTube. Lenz wanted her friends and family to be able to check out her son dancing in his pj's to Prince's '80s hit "Let's Go Crazy."

A whopping 28 people had viewed the video between February and June when Lenz received an email from YouTube informing her that the video had been removed from the site at the request of Universal Publishing Group, and that if she infringed on any copyrights in the future, her account would be cancelled.

The recording industry's largest label, Universal, claims it was simply acting at the behest of one of its top artists. The artist currently known as Prince purportedly scours the Internet looking for unauthorized use of his music. Extremely protective of his intellectual property, Prince once wrote the word "Slave" on his cheek until he won back the rights to his music from another publishing company. Upon his request, Universal has asked YouTube to remove thousands of videos over the last few months that use Prince's music without his permission.

After her video was taken down, Lenz contacted the Electronic Frontier Foundation, a cyber rights legal organization, and filed a civil lawsuit against Universal for unspecified damages. Lenz and EFF accuse the company of abusing the Digital Millennium Copyright Act by firing off countless "take down notices" to video hosting sites like YouTube that claim the company's artists' copyrights have been infringed upon.

Lenz also filed a "counter notice" with YouTube, and the site put her video back up about six weeks later. Unfortunately caught in the middle, video hosting websites like YouTube are required under the provisions of the Digital Millennium Copyright Act to take both the original take down notices and the counter notices at face value, and to honor them.

If a person files a take down notice, that is a statement made under penalty of law that the person is the owner of a copyright that is being infringed upon. Anyone filing a false take down notice can be sued. Likewise, if a counter notice is filed, that is a statement indicating that the counter filer disputes the assertion of the filer of the take down notice that she is the owner of the copyright.

The video hosting site is not responsible for determining who owns the copyright – it simply must honor the take down and counter notices and let the filers fight it out for themselves.

Many legal experts feel that Lenz has not infringed upon Prince's copyright. However, those same experts believe that Universal files the take down notices to police every single use of their copyrighted work, for if they fail to do so, it will open the floodgates to massive piracy.

For many reasons, I'm thankful that the home video of me lip-synching to Billy Idol in 6th grade has been destroyed.

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