

STUDENTS TARGETED FOR INTERNET FILE SHARING

Students targeted for internet file sharing by music industry

Attention Computer and Ipod Users;

If you haven't been hiding under a rock, you are probably aware that the Record Industry Association of America (RIAA) and the motion picture companies are suing thousands of college students across the country for what they claim are illegal downloading and file sharing practices. The industry has taken the position that they must sue to protect their artists and deter this unlawful behavior. To students and advocates of the internet and free speech these lawsuits are a form of extortion and harassment.

Whatever your philosophy, these lawsuits are no laughing matter. An estimated 50 students at the University of Minnesota and its coordinate campuses have been named in lawsuits. Many more are potential future targets. These cases come with a high price tag. Many have been settling in the range of \$3,000 to \$5,000. If litigated, they could cost a defendant many times more.

The way to avoid a lawsuit is not to commit the act. You expose yourself to liability when you use an internet based sharing software like 12 Hub, LimeWire, or Grokster. This is commonly referred to as peer-to-peer file sharing. This enables you to get songs for free by taking bootlegging digital copies from other users on the internet. Federal legislation has made this practice against the law and subjected wrongdoers to severe penalties for each inappropriate download.

WHO IS RIAA:

The Recording Industry Association of America is a trade group that represents the recording industry. Its members consist of private, corporate entities such as Sony, RCA and other reputable label distributors who distribute approximately 90 percent of the recorded music sold in the United States. Over the past four years, RIAA has targeted university and college students in an attempt to curb what they deem as illegal file sharing.

RIAA has begun aggressively initiating legal actions against individuals engaged in illegal peer-to-peer (P2P) file sharing. This year many students at the University of Minnesota, as well as students at numerous other universities have been targeted by the RIAA for illegal peer-to-peer file sharing. In the past students have also been targeted by the Motion Picture Association of America (MPAA). Under copyright law, violators can be held liable for up to \$150,000.00 per violation and it will cost the students thousands of dollars to settle the lawsuits out of court.

Do not be fooled into believing that illegal file sharing will not be noticed. The RIAA and

other copyright holders use automated methods to identify infringements, and even small amounts of sharing can be detected and tracked to students' IP address. The University of Minnesota, in compliance with the Digital Millennium Copyright Act (DMCA), acts quickly when notified of alleged copyright infringements occurring from a computer connected to the campus network. If the RIAA or other copyright holders issue a subpoena to the University seeking the name and address connected with a particular IP address, the University will release this identification information unless the student files a Motion to Quash with the federal court and this Motion is granted. Release of this information will enable the RIAA and other copyright holders to pursue a lawsuit against the student.

In addition the risk of a costly civil lawsuit, students who engage in the unauthorized downloading or distribution of copyrighted materials are acting in violation of the University's Computer and Network Use Regulations and Rules. The University may terminate computer privileges for repeat offenders, and the student can face other disciplinary action. Those students who are at great risk of being sued are those students who live in campus housing and who have a computer connected to the campus network.

While there is no way to know exactly what the RIAA is going to do, or who they are going to sue, students can take the following steps to reduce their chances of being sued. Do not install LimeWire, KaZaA, Blubster, Grokster, BitTorrent, Gnutella, iMesh, CuteMX, Scour, FreeNetfile, or any other music or movie file-sharing software on your computer. While file-sharing software may itself be lawful, there is usually a copyright on the music, video, or other files being shared. The file sharing is a violation of copyright law unless the copyright owner gives explicit permission. If you have such a program on your computer, remove the program and all music or movies that you have downloaded. Make sure that there are no potentially infringing files in your shared folder. Simply disabling the "sharing" or "uploading" features is not sufficient. Make sure that your computer is password protected to limit access to your computer and thereby preventing others from downloading music or movies onto your computer. For assistance with removing peer-to-peer file sharing applications and copyright infringing materials, contact the University of Minnesota information technology office.

Should you have any questions concerning this or should you receive any type of notice or warning on your email account concerning this, please contact University Student Legal Services at 612/624-1001. Do not contact the sender until you have had an opportunity to speak with a representative at USLS or other legal representative.