

got lawsuit?

top 5 myths about downloading internet music



Do you download music and movies from the internet?

Everybody does it, right? Because everybody knows it's a free, fast, and easy way of collecting favorite songs and films. But, what everybody doesn't know is that it's also illegal and puts students at risk for loss of their internet access on campus, and exposes them to hefty potential fines and legal prosecution.

At Messiah, we want students to have all of the facts they need to make good decisions that won't violate the rights of others or put themselves at risk.



“top 5 myths about downloading internet music”



There can't be anything wrong with it because so many people do it.

The majority of entertainment files made available on the internet via "peer-to-peer" or file-sharing websites are copyright protected, which makes "swapping" or downloading these songs and movies theft and a **serious violation of U.S. copyright law—pure and simple**. The music and film industries have begun to protect their copyrights with increasing aggressiveness. Bottom line, unless the music or movie files you want to download explicitly indicate that they are not copyrighted, **you can't download them without putting yourself at risk.**



#2

I won't get caught.

During the past year, the music and film industries have been bombarding colleges and universities with notices of illegal downloads of music and movie files by students. These industries are able to monitor downloads from the majority of major file-sharing websites, like **KaZaa**, and **they can trace them to individual student accounts on campus**. At Messiah last semester, more than 40 students received notices of copyright violations from attorneys representing the Recording Industry Association of America and major motion picture studios like Time-Warner and Universal Studios.





Even if I do get caught, nothing will happen to me ~

the College will be held liable.

The law says that it is individual internet users—not their internet service providers (ISPs) that are liable for illegal file downloading. If Messiah students use the campus computer network to download illegal files, the College is serving as an ISP, which **does not shield students from legal prosecution.**

Increasingly frustrated by the rise of illegal downloading, the music and film industries have been making examples of individual file-swappers. In the spring of 2003, the **music industry filed suit against four college students across the country, seeking billions of dollars in damages.** In September '03, the music industry filed more than 260 lawsuits against individuals whom they caught downloading copyrighted music files. And the fines can be steep—up to \$150,000 for each pirated song or movie (the minimum fine is \$750 per file). Additionally, **the College views this behavior as a violation of the College's computing policy and Community Covenant and students are required to go through the appropriate College disciplinary process.**



If it were illegal, peer-to-peer and file-sharing websites like KaZaa, Grokster, and Morpheus wouldn't be available on the internet.

Most of these file-sharing websites are able to exist because they shift the liability for illegal downloading from their network to individual users. Legally, they are just the pipeline by which any computer files, including legal files, can be traded, so they are not liable under the law for their individual users' behavior. Other peer-to-peer website networks avoid legal prosecution by basing their corporate headquarters outside of the U.S., leaving their website subscribers vulnerable.

Once you subscribe to a file-sharing software site, like KaZaa, not only do you have access to download files from other KaZaa users, but they have access to files on your hard drive. This can result in your sharing hundreds to thousands of files with other users, often without your knowledge, if you are not careful when configuring your computer. By subscribing to any of these peer-to-peer or file-sharing websites, you put yourself at risk of legal prosecution whether you are actively downloading files or not.





#5

What's the big deal? It doesn't hurt anybody.

Online piracy has cut into national music sales by nearly a third since 1999, sending record and film revenues into a downward spiral, which hits everyone in the industry hard, from the record store clerks, songwriters, and technicians, to the artists themselves. Online piracy also hurts the development of new music, films, artists, and talent. And once caught downloading illegal files, the legal and disciplinary process ultimately ends up hurting the individual downloader.

If you would like to learn more about what's legal to download and what's not, visit the Recording Industry Association of America's website at www.musicunited.org. Or, if you would like to talk to someone on campus in more detail about the consequences of downloading illegal music and movie files, please contact Doug Wood, the Director of Community Development, at ext. 3200.



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