

Peer –to-Peer File Sharing Discussion Scenario

A 12-year-old girl in Toledo, Ohio, receives an email from her Internet provider regarding a subpoena. She doesn't understand it, so she ignores it. One year later, her family is formally served with a lawsuit naming her mom as a defendant. The suit alleges that the mother, who was the ISP account holder, illegally downloaded 10 copyrighted music files from a file-sharing network and seeks damages for each song. The plaintiff record companies offer to settle for \$6,000.

- The 12-year-old girl downloaded the songs, but she didn't know she was doing anything illegal. She found the files on a site that was free to access, but there were no warning signs that the bands didn't authorize the site. She's a huge fan of these bands – she owns all of their CDs and just wanted to hear the new songs.
- The Mom doesn't believe that she should be sued. She can't afford to pay the \$6,000 settlement fee, and she can't afford to hire an attorney to fight the case in court. (The attorney she spoke with asked for a \$10,000 retainer just to get started.)
- The plaintiff record companies claim that this is theft from their hardworking artists and that making the mother pay the settlement fee will deter others from illegally downloading copyrighted music from the Internet.
- Popular Music Artist/Band A, whose music the girl copied, says that band members should be paid for their creative works; fans should buy their CDs and not get away with piracy. Making music is the band's job, and musicians need to be compensated; they're losing money when fans illegally download their music.
- Popular Music Artist/Band B, whose music the girl copied, has a different perspective and supports music file-sharing technology, even encouraging fans to download its latest album of MP3s for free or for whatever they want to pay. Band B believes P2P file-sharing helps promote its music and encourages an even wider spectrum of music to be heard. Band B also allows its fans to remix its songs as long as the use is noncommercial.

QUESTIONS

- Could the above scenario be true?
- Which of the stakeholders is right, if anyone? Why?
- Are the views of the other stakeholders legitimate? Why or why not?
- How do the students feel about P2P file-sharing technologies?
- Is P2P technology itself illegal?
- Is P2P technology just for music and movie file-sharing? (NASA is using BitTorrent to distribute massive photographs; BitTorrent is used to cheaply distribute the Linux operating systems that are free to users.)

<http://www.teachingcopyright.org/curriculum/hs/4>

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