

Wilful infringement found in MP3.com suit

In one of the first trials to test the legal boundaries of Internet music distribution, a federal judge in New York found that MP3.com wilfully infringed the copyrights of Universal Music Group. After thanking counsel for guiding him through "the brave new world of rip and burn and beam and stream," Judge Jed Rakoff cautioned other online

only \$500 per violation, because the service actually encouraged CD sales.

But in his precedent-setting opinion, Rakoff stated, "There is no doubt in the [c]ourt's mind that the potential for huge profits in the rapidly expanding world of the Internet is the lure that tempted an otherwise generally responsible company like MP3.com to break the law and that will also tempt others to do so if too

The battle over intellectual property rights rages on, but the irony here is that MP3.com, unlike Napster, tried to ensure that people pay for copies of the music they want to listen to. The MP3.com service at issue in this trial involved the My.MP3.com service, which copied tens of thousands of CDs into its database, and then allowed subscribers to access music in this library, after verifying that they

Notably, Napster's appellate brief cites the 1992 Audio Home Recording Act, which was found by the same appeals court "to protect all noncommercial copying by consumers of digital and analog music recordings." Oral arguments for and against the injunction are scheduled to be heard in early October. ■

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