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Song Swappers Face the Music

The record industry sues 261 Internet users. Thousands more cases are expected in the labels' latest attempt to dissuade file sharers.

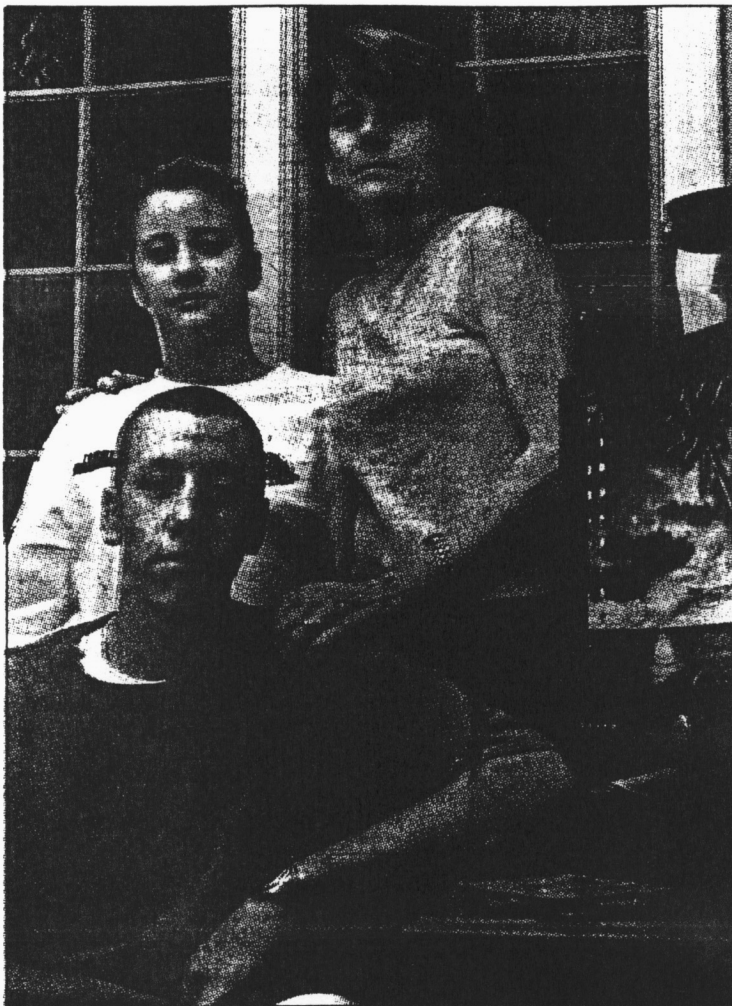
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Vonnie and Scott Bassett say they try to set good examples for their children. On Monday, though, the major record companies sought to make examples out of the Bassetts.

In their most aggressive and controversial bid to stamp out online piracy, the labels on Monday sued Vonnie Bassett and 260 others around the country who allegedly offered large libraries of songs for copying on five popular file-sharing networks.

The cases — the first of thousands the labels expect to file in federal courts — mark a turning point in the music industry's four-year battle against rampant piracy on the Internet. For the first time, the recording industry is training its considerable legal firepower on individuals, not the companies profiting from the public's hunger for free music.

One quirk in the process, though, is that the defendants named aren't necessarily the people using file-sharing networks. That's because the Recording Industry Assn. of America's investigation identified only the people whose Internet access accounts were being used to



JAKUB MOSUR For The Times

SUED: Vonnie Bassett, whose children Scott and Brooke use the family computer, is among those named in RIAA cases.

share files. They might be the parents, roommates or spouses of the alleged pirates.

Scott Bassett said neither he nor his wife used the family PC in
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Internet Account Owners Targeted

[Music, from Page A1]

Redwood City, Calif., for music, but their teenagers and dozens of their friends do. Had he known what was going on, he said, "I would have pulled the plug."

"I don't know what I'm going to do," said Bassett, a former junkyard operator. "Do I really need to hire a lawyer? Can I just call them up and say I'm sorry and give them back all the music that was downloaded? I'm just a little guy."

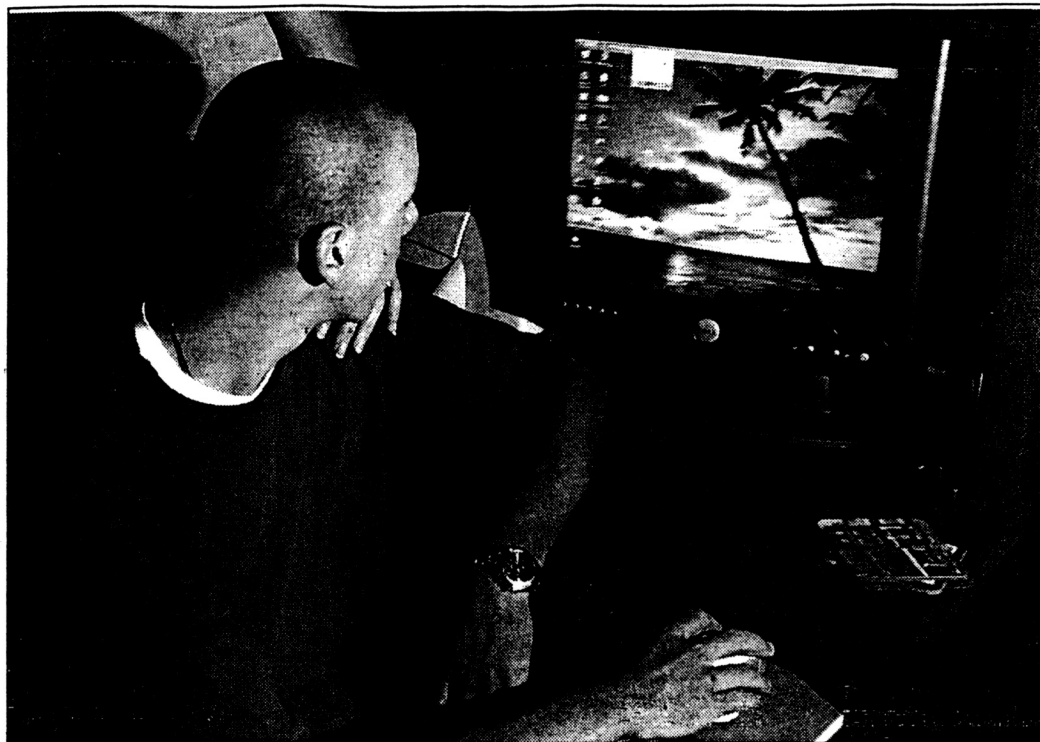
The lawsuits allege that users of Kazaa and four other networks violated the labels' copyrights by downloading or sharing songs without permission. The defendants were accused of offering an average of 1,000 songs each for others to copy, exposing them to damages of \$750,000 to \$150 million each.

With such huge potential penalties, many defendants are expected to concede instead of fight. A handful already have agreed to pay about \$3,000 to settle claims before they were filed. The RIAA also offered amnesty Monday for file sharers who turn themselves in before they are targeted.

RIAA President Cary Sherman said the association has sought the identities of more than 1,500 people it considered to be "egregious" offenders, those who shared a significant number of songs on peer-to-peer networks. The first defendants were chosen based on their location, Sherman said, so the RIAA could file suits simultaneously against multiple people in a region and save on legal fees. At least two dozen cases were filed in Los Angeles.

The suits drew praise from groups of songwriters, session musicians, independent record labels, recording studios and music retailers. But they drew criticism, too, from others who argued that there were far better ways to convert file sharers into paying customers.

File-sharing advocates accused the labels of trying to crush a technology that threatened to end their dominance over the music industry. "What we're seeing is an industry in its death throes, and these extreme



JAKUB MOSUR For The Times

PC DANGER: Scott Bassett on the family computer. His father wasn't aware of what his children and their friends were doing on the computer. Now his parents face an RIAA lawsuit.

actions aren't going to get them anywhere," said Holmes Wilson of DownhillBattle.com, a Web site that supports file sharing.

Sherman said the vast majority of those sued had been warned that what they were doing was just as illegal as shoplifting, but they didn't stop.

Music industry executives say they were reluctant to sue but saw no other way to stem the relentless file sharing that they say is the biggest factor in the prolonged slump in CD sales.

Sherman declined to identify the people sued, and said the RIAA didn't try to learn anything about them other than their names and addresses. It expects some to contend that they weren't the ones downloading or sharing music, and it's prepared to amend its claims to name the actual infringers — even if they are minors.

"Nobody likes playing the heavy," Sherman said, "but when you are being victimized by an illegal activity, there comes a time when you have to stand up and take appropriate action."

With an estimated 60 million Americans using networks such as Kazaa and Gnutella, critics of the RIAA say the major labels can't possibly sue enough people to make a dent in file sharing.

Senior staff attorney Fred von Lohmann of the Electronic Frontier Foundation said the industry is "almost certain to make some mistakes" and sue people who are innocent. The

San Francisco-based cyber-liberties group is trying to round up attorneys who will defend file sharers for free.

"We're hoping that lawyers will step forward, not necessarily to litigate but at least to advise people on their rights and help them negotiate settlements, if that's the road they choose to take," Von Lohmann said. "These are not going to be fair fights."

Sherman said he would welcome cases going to trial because it would help establish for the public that file sharing is illegal. The proceeds from any trials or settlements will be kept by the RIAA to cover the cost of its anti-piracy campaigns, he said, rather than being used to compensate labels and artists.

Several lawyers warned that the RIAA's amnesty offer may be a bad deal. Those who apply for amnesty from the RIAA must confess their past transgressions, but that won't protect them from being pursued by music publishers, independent labels or even federal prosecutors.

"There may be ramifications that people just don't foresee," said Glenn Peterson, an attorney for a woman trying to shield her identity from the RIAA. "Don't put yourself in a position where the RIAA is the guardian of your interests. It's a fox-guarding-the-henhouse situation."

In addition to Kazaa users, the lawsuits targeted people who shared files on iMesh, Grokster,

Gnutella and Blubster — despite Blubster's claims that it could hide the identities of its users.

Said Grokster President Wayne Rosso: "By attacking users for uploading, they're trying to attack our network."

A federal judge ruled this year that Grokster did not violate copyright law because it did not control what its users did online — even though many copied movies and music without permission. The case is on appeal.

Scott Bassett was bewildered by the whole thing. He said he wasn't really aware of what his 17-year-old son, Scott, and 15-year-old daughter, Brooke, were doing on the family's computer, although he often heard music blaring out of the speakers.

"They're good kids, moral kids. We get 15 to 20 kids over here on a Friday night, and I buy them all pizza. I keep a clean, safe environment: no dope or alcohol."

Bassett, 45, said he had a prescription drug and alcohol problem for years but kicked the habit and has opened a recovery program. He said he tells his children's friends about his mistakes so they won't do the same things.

"We have good family morals," he said. "If they did something wrong, I'm sure they didn't know about it."

Times staff writers P.J. Huffstutter, Terril Yue Jones, Alex Pham and Jube Shiver Jr. contributed to this report.