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Entertainment - Reuters

Music Industry Sends Warning to Song Swappers

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By Sue Zeidler

LOS ANGELES (Reuters) - The record industry opened a new front in its war against online piracy on Tuesday by surprising hundreds of thousands of Internet song swappers with an instant message warning that they could be "easily" identified and face "legal penalties."

About 200,000 users of the Grokster and Kazaa file-sharing services initially received the warning notice on Tuesday and millions more will get notices in coming weeks.

"We're expecting to send at least a million messages or more per week because these users are offering to distribute music on Kazaa or Grokster," said Cary Sherman, president of the Recording Industry Association of America ([news](#) - [web sites](#)).

The move comes days after a federal judge delivered a stunning setback to its efforts to shut down song-swapping services, and a day after Apple Computer Inc. unveiled the latest industry-endorsed commercial service aimed at wooing users from the free networks.

U.S. District Court Judge Stephen Wilson on Friday ruled that the Grokster and Morpheus services should not be shut down because they cannot control what is traded over their systems



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their systems.

While recording and movie officials said they will appeal the ruling, they at least found solace in the judge's opinion that the users themselves are violating copyrights.

Sherman said the messaging effort was planned long ago, but that the timing was fortunate because users may misinterpret Wilson's ruling to think copyright infringement is legal.

Others agreed. "The industry needed to step up their campaign after the unfavorable ruling last week, but at the same time its a natural extension of their efforts to educate consumers on copyright violations," said Lee Black, analyst with Jupiter Research.

Its not the first time the industry has targeted individual users. In April, the RIAA sued four students who were operating networks on three college campuses where it claims the networks were being used to illegally trade copies of music files.

The warning on Tuesday was sent by the RIAA on behalf of the world's big record labels owned by AOL Time Warner Inc. , EMI Group Plc ([news - web sites](#)), Bertelsmann AG ([news - web sites](#)), Vivendi Universal . and Sony Corp ([news - web sites](#)).

DON'T STEAL MUSIC

The message said in part: "It appears that you are offering copyrighted music to others from your computer. ...When you break the law, you risk legal penalties. There is a simple way to avoid that risk: DON'T STEAL MUSIC, either by offering it to others to copy or downloading it on a 'file-sharing' system like this. When you offer music on these systems, you are not anonymous and you can easily be identified."

Sherman described the move as educational, aimed at informing users that offering copyrighted music on peer-to-peer networks is illegal and that they face consequences when they participate in this illegal activity.

The message was designed by a third party who utilized the existing capability of the peer-to-peer networks' instant message systems. The RIAA said by using song titles, it was identifying users who were posting songs for others to download as targets for the message.



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"We have a designated list of major copyrighted works and we're sending (them) to designated users to let them know that we know they are offering these songs on these networks and that they are not anonymous," he said.

Sherman said there was no plan to take further action against these users for now. "There is no next step. We are just letting them know it's illegal and they are not anonymous," said Sherman.

"The (our) computers will maintain a list of who it went to, but it's unrelated to any other program," he said.

"We're not going to change behavior overnight. The only way we can measure this is to see if fewer people are offering files on Grokster and Kazaa," he said.

Some experts doubted its effectiveness. "I think a small number of users will be deterred by this effort. It's not going to come as a surprise to them the RIAA finds it unlawful," said Jonathan Band, a copyright lawyer for Morrison & Foerster.

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