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EDITORIAL

The Web and the law

HOLLYWOOD STUDIOS filed lawsuits last week accusing 286 people of sharing movies online without permission. The point of the latest claims, as with the hundreds that preceded them, was twofold: to punish those who violate a copyright, and to educate the public at large about the legal boundaries of downloading.

As an educational tool, this type of lawsuit leaves something to be desired. Only a fraction of the people sharing songs and movies online illegally are sued, dulling the deterrent effect. At the same time, because so many claims have been filed (more than 13,000 by the movie and music industries since September 2003), they no longer attract much attention. Another problem is that studios and labels do not know the identity of a defendant when they start pressing a claim; the lawsuit eventually lands on the person whose Internet account was linked to pirated files. As a result, defendants have included such crowd-pleasers as a 12-year-old girl, several grandparents and at least one dead person.

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The resulting publicity hasn't garnered much sympathy for the labels or their cause. And critics of the lawsuits are right to argue that such actions aren't a long-term solution to the rampant piracy that the Internet enables. (Their argument that content providers are abusing copyright law to prevent fair use is a harder case to make, but worth hearing.) Entertainment companies need to find more effective ways to boost respect for copyrights while embracing the new technology to satisfy demand.

Nevertheless, there are a couple of important principles that the lawsuits advance, however fitfully.

First, they show that the right way to protect copyrights is to focus on people who are violating them, not on the public at large. By contrast, some of the major record companies are also trying to combat piracy by switching to CD technology that resists copying even for legal purposes. This approach forces restrictions on all CD buyers in the name of stopping

abuses by an unknown fraction of music fans.

Second, the suits drive home the point that paying \$40 a month for high-speed Internet access does not entitle users to free copies of everything they might want. Unfortunately, that point is still lost on many people, especially young people. Numerous defendants have been parents who either ignored or tolerated what their kids were doing on file-sharing networks, only to find themselves paying a premium for the hundreds of bootlegged songs stored on a family computer. (The labels typically demand \$3,750 to \$4,500 to settle a case, although copyright law allows them to seek up to \$150,000 per illegal copy.)

Clearly, these lawsuits inflict some collateral damage, not just on the industry but on notions of fair play and the law. When huge media conglomerates sue thousands of individual Internet users, they fuel the argument that copyright law is just a tool for the powerful, not a means to improve society by encouraging creativity and innovation. But like anyone else, the studios are entitled to defend their rights. You can lament how blunt the instrument is, but you can't fault Hollywood for using it.

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