Piracy Fight Shuts Down Music Blogs

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Thanksgiving Day had barely begun when Kevin Hofman’s BlackBerry buzzed. It was one of the technical operators of OnSmash.com, Mr. Hofman’s popular hip-hop blog, telling him that the site had gone mysteriously blank just after midnight.

“At first I thought it was hackers,” Mr. Hofman said. But within hours a notice went up on the site saying that its domain name had been seized by the United States Immigration and Customs Enforcement unit of the Department of Homeland Security; it was one of dozens of sites shut down, accused of copyright infringement and selling counterfeit goods.

But Mr. Hofman, a brawny Long Islander in his early 30s who formerly worked for a major record label, does not think of himself as a pirate.

OnSmash.com and the handful of other music blogs shut down by the government post brand-new songs and videos without licenses, but much of that material is often leaked to them by managers, music labels and even the artists themselves.

As a result, these sites have a complex symbiosis with the music business. While the Recording Industry Association of America wants to shut them down, the rank and file of the record labels — particularly in hip-hop circles — uses them as marketing tools and publicity outlets.

“To Joe Q. Public, ‘leak’ sounds like a bad word,” Mr. Hofman said in an interview at a pizzeria on the Lower East Side, his lawyer by his side. “But if you’ve ever been in a marketing meeting at a record label, it’s ‘Hey, can you leak this to the blogs?’ Leak is now a marketing verb.”

In addition to OnSmash.com, the music sites shut down...
Labels for artists like Kanye West often turn to hip-hop Web sites as outlets for early publicity on their latest music.

included Dajaz1.com, RapGodFathers.com and rmx4u.com; another, torrent-finder.com, is a search engine for users of BitTorrent, a file-sharing system that can be used for any kind of data.

The seizures over Thanksgiving weekend — most of the 82 sites involved were shut down for selling knockoff handbags, sunglasses and other goods — were made without warning. Internet advocacy groups like the Electronic Frontier Foundation have expressed alarm at the precedent the action might set.

Victoria A. Espinel, the White House’s intellectual property enforcement coordinator, said on Dec. 6 that more shutdowns could be expected soon as the government pursued “pirates and counterfeitters.”

Some of the people most surprised by the shutdowns are within the music business itself.

“The industry and my artists don’t have any issues with most of these sites,” said Corey Smyth, a manager of rappers and producers like Lil Jon and Talib Kweli. “When you’re trying to get something out, this is where the kids go.”

For artists, blogs that traffic in the latest leaks are not always beneficial, nor is it always clear where a leak is coming from. Fabolous, a Brooklyn rapper on the Def Jam label who has worked with OnSmash.com, said competition among blogs had resulted in a free-for-all in which e-mail accounts for artists and producers had been hacked in search of any snippets of new music that could attract readers.

“It’s a double-edged sword,” Fabolous said. “It’s a great, great promotional tool to get whatever you’re trying to get out to the masses. But on the other side it is a little bit of piracy, because sometimes it’s not always stuff that’s given — there’s certain things that are taken.”

More than a decade since the advent of the file-sharing service Napster, the big labels are still struggling to reconcile the promise and the threat of digital music.

Immigration and Customs Enforcement has not explained how it selected sites that deal in downloadable music, but a spokesman for the Recording Industry of Association of America, which represents the major music labels, said it had worked with ICE and other federal agencies in identifying infringing sites.

“The sites and services we identify are flagrantly violating federal copyright laws, illegally offering songs of well-known artists or pre-release content not commercially available online or in any store,” said the trade group spokesman, Jonathan Lamy.

Mr. Hofman, who began his career working in the new media and marketing departments of a major record label (he would not say which one), enjoys easy access to artists and labels. His site regularly hosted showcase concerts in New York clubs, and had been festooned with artist shout-outs. The Miami rapper Rick Ross, in the liner notes to his recent Top 10 album “Teflon Don,” thanked OnSmash.com before mentioning his own record company.

“I get nothing but open-arm receptions,” said Mr. Hofman, who is prominent enough in the music world that Kanye West links to him on Twitter. “I turn down more industry invites than I accept.”

Mr. Hofman said tracks and videos were leaked to his site regularly, adding that if he received a cease-and-desist letter about unauthorized material on his site, he took it
Sites like OnSmash.com and Dajaz1.com had advertising, but their operators said the income from it was minimal. The operator of Dajaz1.com, who calls himself Splash (he would not give his real name), described himself in an interview as a married father of two in Queens who once worked in the music industry.

“I have a regular, Joe Schmo job,” he said. But running an influential rap blog does have its privileges. “I’m on the phone with Busta Rhymes once every three to four days,” Splash said.

For now the seized domains are in legal limbo. David Snead, a lawyer specializing in Internet cases who is representing the owner of torrent-finder.com, speculated that it might be 30 to 60 days before he would be able to see a seizure order. “The government is providing zero information to help us determine what he is being charged with,” he said. “It’s a black hole.”

Some of the sites have resumed their postings by simply relocating to other domains: RapGodFathers.com is now operating on RapGodFathers.info, and torrent-finder.com is now torrent-finder.info.

Mr. Hofman said he was “extremely nervous” about his legal situation, but also puzzled.

“I see myself as a legitimate source of content online, and I have no reason to believe that I was ever perceived as otherwise. If what I’m doing is so wrong and is harming the artist, then why is he retweeting stuff to two million-plus people?” Mr. Hofman said, referring to Kanye West. “It just doesn’t make sense to me.”

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