

Advertisement

Start Today!

ONLINE DEGREES

FROM ACCREDITED UNIVERSITIES

- Associate
- Bachelor's
- Master's
- Postgrad.
- Certificates
- Business
- Education
- Health Care
- Technology
- Criminal Justice

washingtonpost.com > Technology > Latest Wires

TechNews.com

[Print This Article](#)

[E-Mail This Article](#)

[Subscribe to The Post](#)

Kazaa Launches Defense in Copyright Case

By Mike Corder
The Associated Press
Tuesday, November 30, 2004; 4:23 AM

SYDNEY, Australia -- The owners of file-swapping giant Kazaa claimed Tuesday their software, which allows users to exchange copyrighted music and movies online, doesn't differ from video recorders, as they launched their defense in a landmark music piracy case in Australia.

Lawyer Tony Meagher was outlining his defense strategy on the second day of a civil case in which the Australian recording industry is suing Kazaa's owners for widespread copyright infringements by the global network's estimated 100 million members.

Kazaa members download 3 billion files each month, record industry lawyers said Monday. Google file-sharing software allows users to swap music, movies and other copyrighted material.

Meagher cited a 1984 U.S. Supreme Court ruling which said electronics giant Sony wasn't liable when people used its Betamax videocassette recorder to copy movies illegally because the technology had significant uses that did not violate copyrights.

The same case was cited in August when the 9th U.S. Circuit Court of Appeals in San Francisco ruled that two other leading file-swapping networks, Grokster Ltd. and StreamCast Networks Inc. are not legally liable for the songs, movies and other copyright works their users swap online.

"It is plain (Kazaa) has lawful uses," Meagher told Federal Court judge Murray Wilcox.

In another key element of the defendants' defense in the three-week trial, Meagher said that even though the peer-to-peer software that underpins Kazaa allows users to breach copyright, the owners of Kazaa do not authorize piracy and cannot stop it.

"We are not in a position to control and we do not control use,"

PHOTOS From Today's Post



Backers of Premier Viktor Yanukovich rally in Donetsk as the legislature there voted to hold a referendum on autonomy. (Sergei Grits -- AP)

[SEE FULL COLLECTION](#)

[Feedback](#)

TECHNOLOGYTRIVIA

Intelsat, one of the world's largest commercial satellite operators, lost one of its satellites due to a technical failure, causing some clients like the Playboy Channel and the Nebraska lottery system to temporarily lose service. The bulk of Intelsat's 850-person workforce is based in Washington, D.C. But where is the company actually headquartered?

- A. London
- B. Bermuda
- C. Cayman Islands
- D. Vancouver

Free E-mail Newsletters

- [TechNews Daily Report](#)
[See a Sample](#) | [Sign Up Now](#)
- [Personal Finance](#)
[See a Sample](#) | [Sign Up Now](#)
- [Personal Tech](#)
[See a Sample](#) | [Sign Up Now](#)
- [Tech Policy & Security](#)
[See a Sample](#) | [Sign Up Now](#)

Advertisement

AVAYA

Supercharge Your Contact Center Revenue.

[Download Free Best Practice White Paper](#)

FEATURED ADVERTISER LINKS

- [Diabetes Defeated](#)
- [Retire Overseas! Details & FREE Report](#)
- [New Bose® Wave® music system. Free shipping.](#)
- [\\$160,000 Mortgage for Under \\$735/Month!](#)
- [Start Your Own Microbusiness For \\$100 Or Less](#)
- [Global Impact: Charity to Change the World](#)
- [VIOXX & BEXTRA Users-Medical Alert-Click Here](#)
- [How Smart are You? Free IQ Test](#)

QUICK QUOTES

Enter Symbol

go

[Tables](#) | [Portfolio](#) | [Index](#)

MOST VIEWED ARTICLES

- [Philadelphia, Verizon Strike Deal on WiFi](#)
- [Tech Firms Keep Riding Chinese Tiger](#)
- [TSA Reconsiders Technology Contract](#)
- [Anthrax Vaccine Maker Announces](#)

RSS NEWS FEEDS

- [Top News](#)
- [Latest Wires](#)
- [What is RSS? | All RSS Feeds](#)

Meagher said.

A license agreement that all Kazaa users have to agree to before downloading the Kazaa software tells them they must not use the network to distribute copyrighted material, but the record industry says Kazaa makes no effort to enforce the agreement.

Earlier, recording industry lawyer Tony Bannon told the court that Kazaa has a policy banning child pornography files from its network and pledging to eject from the network any person caught distributing child porn.

Bannon said that if Kazaa could kick users off its network for child porn distribution, then it should also be able to take the same course of action for people sharing copyrighted material.

No decision is expected in the case before next year. If the 10 companies and individuals behind Kazaa and its software are ruled liable for copyright infringements, a separate hearing will be held to decide the level of damages.

[Print This Article](#) [E-Mail This Article](#)

© 2004 The Associated Press

Advertisement

ONLINE DEGREES

FROM ACCREDITED UNIVERSITIES

- [Associate](#)
- [Bachelor's](#)
- [Master's](#)
- [Post Grad](#)
- [Certificates](#)
- [Business](#)
- [Education](#)
- [Health Care](#)
- [Technology](#)
- [Criminal Justice](#)

Get Started Today!

[Top 20 E-mailed Articles](#)

© Copyright 1996-2004 The Washington Post Company | [User Agreement and Privacy Policy](#) | [Rights and Permissions](#) | [Home](#)

[washingtonpost.com](#): [Contact Us](#) | [About Us](#) | [Work at washingtonpost.com](#) | [Advertise](#) | [Media Center](#) | [Site Index](#) | [Site Map](#) | [Archives](#)
E-mail Newsletters | [RSS Feeds](#) | [Wireless Access](#) | [Our headlines on your site](#) | [Make Us Your Homepage](#) | [mywashingtonpost.com](#)
The Washington Post: [Subscribe](#) | [Subscriber Services](#) | [Advertise](#) | [Electronic Edition](#) | [Online Photo Store](#)
The Washington Post Company: [Information](#) | [Other Post Co. Websites](#)