



## Copyright, Laws, and the RIAA

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### Copyright, Laws, and the RIAA

Copying and sharing CDs and electronic music files without permission from the copyright owner is a violation of federal copyright laws, and is illegal.

Specifically, this means most electronic file sharing. Although resources such as MP3s have made file sharing simple, it remains illegal unless the copyright owner grants permission. This typically means paying a royalty. In the past copyright owners have simply complained about illegal sharing or pursued the companies that made sharing possible. However, they have recently begun taking more aggressive action to enforce their copyright interests.

Representing the majority of the U.S. recording industry, the **Recording Industry Association of America, Inc. (RIAA)** has begun sending subpoenas to universities and suing students it has determined were engaged in electronic file sharing. The RIAA has sued a number of students with no prior notice, in many instances seeking \$150,000 per infringement (i.e., per song). The RIAA has not stated how it will select which student it will sue, but its purpose appears to be to send a strong message throughout the nation's universities. Some Copyright Laws worth looking at are located at



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<http://www.copyright.gov/title17/>

<http://www.copyright.gov/legislation/dmca.pdf>

### MYTHS ABOUT MUSIC AND THE INTERNET

**If I upload music from a CD that I own, I'm not violating copyright law.**

FALSE. Just because you own the CD doesn't mean you "own the music." You can't put music on the Internet without permission of the copyright owners of the sound recording and the musical composition.

**If I don't charge people for downloading music from my site, it's not a violation of the law.**

FALSE. If you don't hold the copyright, you can't authorize downloads of sound recordings even if you don't charge a fee.

**If I just download sound recordings, it's not a violation.**

FALSE. It's a violation if you upload or download full-length sound recordings without permission of the copyright owners. You should assume other people's works are copyrighted and can't be copied unless you know otherwise.

**The "fair use" exemption protects me.** THAT DEPENDS. Some uses may be "fair," but uploading and downloading full-length recordings without permission almost certainly is not "fair use."

**If a Website doesn't display a copyright notice for the music, the music is not copyrighted.**

FALSE. In the U.S., almost every work created privately and originally after March 1, 1989, is copyrighted and protected whether or not it has a notice.

**If I upload or download a sound recording and leave it on my drive for less than 24 hours, then I am not liable for copyright infringement.**

FALSE. Whether you upload or download a sound recording for 24 hours, 24 minutes or less, you are still likely to be violating copyright law.

**An MP3 site is legal as long as you put a disclaimer on it.**

FALSE. It doesn't matter how many disclaimers you put on an MP3 site. If you operate an unlicensed MP3 site, you are violating copyright law.

**Uploading music on the Internet doesn't hurt anybody. In fact, it's promotional and free advertising.**



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FALSE. It's up to the artist and copyright owner to decide how their music will be heard, distributed and promoted. Furthermore, about 15 percent of record sales support all new and emerging artists who are being recorded. Fewer sales mean less money for new music, and, to an emerging artist, every new sale counts.

**The Recording Industry Association of America (RIAA) is a government law enforcement agency associated with the CIA and FBI.**

FALSE. The RIAA is not a government agency, nor is it associated with any government agency. The RIAA is a nonprofit trade association whose member companies create, manufacture and/or distribute approximately 90 percent of all sound recordings produced and sold in the United States. A key mission of the RIAA is to protect the intellectual property rights of artists and record companies.

**The RIAA wants to make the MP3 format illegal.**

FALSE. The RIAA supports all technological advancements -- including these MP3 format -- that are revolutionizing the way music can be distributed. The RIAA does not, however, support unlicensed MP3 sites that violate artist's rights.

**The RIAA wants to censor the Internet.** FALSE. The RIAA wants to ensure that music fans and consumers reap the benefits of the Internet. Record companies are excited about, and are actively pursuing, the vast promotional opportunities of the Internet. Protecting the copyrights of artists and record companies on the Internet is not censorship.

**It's within my First Amendment rights to create an MP3 site.**

FALSE. The First Amendment does not include the right to infringe copyrighted works. The RIAA devotes a great deal of its resources to protecting free speech. It defends artists' rights to be heard, even if some might be offended by the lyrics.

**MP3 sites hosting sound recordings are legal if the server is physically outside the U.S., because U.S. copyright law does not apply.**

FALSE. First, U.S. law may well apply when the uploading and downloading takes place in the United States, even if the server is physically located in another country. Second, the copyright laws of foreign countries are, in many cases, similar to those in the United States. U.S. trade law allows the Office of the United States Trade Representative (USTR) to take action against those countries that fail to provide adequate and effective copyright protection and market access.



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