

Grace Phillips

Mr. Messner

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Case Study #2

While reading this case I was very torn on which side I sided on. Ultimately, I believe that I am on the side of A&M Records, Inc. I believe that Napster had knowledge of what they were copyrighting and chose not to do anything about it. The reason why I was leaning a little bit towards siding with Napster was that Napster was created by an eighteen-year-old who probably did not understand fully what he was doing and did not understand Copyright. Also, Napster was not making any profit off of the downloads and it was considered more as “commercial use.”

I believe that this case was handled properly, and both sides were able to explain themselves thoroughly and the Ninth Circuit and District Court really paid attention to this case. I think the reason why this case was so thoroughly looked at was because it was the first major case to deal with the application of copyright laws to peer-to-peer file-sharing. A review of this case said that, “This landmark intellectual property case put an end to any speculation that such services could facilitate copyright infringement, but still shield themselves from any liability due to the fact that it was the *users* that chose to share illegal copies of protected works.”

(<https://onlinelaw.wustl.edu/blog/case-study-am-records-inc-v-napster-inc/>) This case was an extreme turning point for copyright infringement and future cases have dealt with similar issues like A&M Records, Inc. vs. Napster. This case was somewhat hard to understand, especially about the Fair use defense Napster was trying to use. Like I said earlier Napster made a great point that they were not making profit off of the downloads, but even if the downloads weren't

sold, the copyrighted works were being used over and over and over again. It's not like it was a one-time download and it was over, it was most likely that different files were downloaded over thousands of times. What I thought was confusing about this case was that Napster claimed that they, "could not distinguish between infringing and non-infringing files, they did not have knowledge of copyright infringement." This seemed reasonable to me and truthful that they did not have the knowledge of what files were infringing and non-infringing, but I believe the District Court made a smart point that the law did not require knowledge of 'specific acts of infringement' so that dismissed one of Napster's main arguments.

If this case was to take place in 2019 I would expect a similar response because nowadays companies are making their Copyright laws known and are able to justify their laws if anyone went against the Copyright. I feel like nowadays many people are downloading illegal files and breaking Copyright laws, but many people are not being caught for it because it is happening so frequently. I think in the past 18 years the idea of fair use could be defended better and could cause a case to lean towards the defendant rather than the plaintiff.