

Case Briefing Assignment – 21st February 2018

Case Name: A&M Records, Inc. et al. v. Napster, Inc.,

Case No #: 239 F.3d 1004 (9th Cir. 2001)

Plaintiff: A&M RECORDS, INC., a corporation; Interscope Records; Motown Record Co.; Sony Music Entertainment, Inc.; Atlantic Recording Corp.; MCA Records, Inc.; Island Records, Inc.; Capitol Records, Inc., Jerry Leiber, individually and doing business as, Jerry Leiber Music; Geffen Records, Inc., a corporation; Mike Stoller and Frank Music Corp., on behalf of themselves and all others similarly situated.

Defendant: Napster, Inc.

Date: February 12, 2001

Judges: SCHROEDER, Chief Judge, BEEZER and PAEZ, Circuit Judges.

United States Court of Appeals, Ninth Circuit.

Facts:

A&M Records, the plaintiff was engaged in commercial recording, distribution and sale of music under copyright protection. Napster is a company which provides a software platform which the users use to share peer to peer music among themselves. Using Napster, the users can download a music on their own computer's hard disk and can also have an MP3 file from their system available for download for other people. Napster was not in possession of these files; however, it does provide a platform where people can share these files. So, Napster was not directly doing the infringement, but, the users were using the software provided by Napster to upload or download the music, the rights of such activities, was with the music companies which were responsible for the reproduction and selling of the music. Napster argued that it was unaware of the contents of those files being shared, but the plaintiff had their argument that there were many files which were having the names and contents in sync, which should have been tracked by Napster.

Issue:

Should Napster be held liable for copyright infringement of the Plaintiff's music records?

Decision:

Yes

Rationale:

The court identified that the purpose for the use of the files was commercial, as the users were doing "repeated and exploitative copying", even if they were not putting it up for the sale. Section 107 of the copyright act describes the copyright violation under category "the effect of the use on the market for or value of the original work". So, in a nutshell, the users of Napster were getting "commercial" benefit. According to the court, by copying of such music files, the users were trying to save some money.

Holding:

It is not permissible for any individual/organization to share/copy/distribute/reproduce the work which is a copyright of any other organization.

Opinion:

I believe the decision taken by the court was correct as copyright violation is a serious issue. In any production of art (Music/ Movies/ Creative Ideas) there is involvement of hard work and money which brings the talent to the reach of people, if infringement is given support under any circumstances, in future there will be enough activities prevailing over the internet. This will become be a huge blow to the art/creative industry.