

Copyright infringement in a nutshell

- **Vicarious infringement**
 - Ability to control users, financial benefit
 - Liability without knowledge, Napster?
- **Contributory infringement**
 - You know it, you did it (abet piracy)
 - Host forum for others to post
- **What about DMCA safe harbor provisions?**

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8.1

Technical, Legal, and Social Concerns

- **Napster, Grokster, Pirate Bay, Rapidshare,...**
 - [summary of court cases \(link\)](#)
 - Contributory and Vicarious infringement
- **Sony v Universal (1984)**
 - SCOTUS: time-shifting, substantial non-infringing uses
- **Napster v A&M records (2001)**
 - Claim: time-shifting, sampling, DENIED!
 - Centralized p2p, chilling? Hyper-links

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Grokster v MGM (2005)

- **SCOTUS: unanimous decision**
 - substantial non-infringing?
 - inducement to violate copyright

"I know perfectly well that I can buy a CD and put it on my iPod," Justice Souter said. "But I also know if I can get music without buying it, I'm going to do so."

[ny times article](#)
- **Napster differences? "real p2p", Napster-killer advertisement**

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Grokster continued

- **Who backs Grokster: EFF and Mark Cuban**

That's what is ahead of us if Grokster loses. That's what happens if the RIAA is able to convince the Supreme Court of the USA that rather than the truth, which is , Software doesn't steal content, people steal content, they convince them that if it can impact the music business, it should be outlawed because somehow it will.

[paul jones on ibiblio](#)

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