

## LEGAL INFO

Are Music & Movie Downloads Legal? - YES!

Today, there are over 280 million users trading MP3s, videos, software and games on legal file-sharing networks. You can be assured that file sharing is legal, MP3s are legal, and your membership to DownloadFreeway.com is safe.

### Share Responsibly

There are currently over 240 million users downloading and trading files legally on file-sharing networks. You can, for example, legally download music from over 850 bands, over 20,000 live concerts as well as have access to multiple software titles and games. File sharing is not illegal so long as you abide by all relevant copyright laws. Sharing copyrighted material without the permission to do so is illegal.

Original works of authorship, including literary, dramatic, musical, artistic, and certain intellectual compositions are protected by copyright law. If a person publicly performs, reproduces, distributes copies, or displays works without consent of the copyright owner could be in violation of the law. Go to <http://www.loc.gov/copyright/> and learn more about U.S. copyright law. Purchasing a membership in DownloadFreeway.com does not give you license to download or upload copyright material. DownloadFreeway.com implores you to respect copyright laws and share responsibly.

File sharing has been a hot topic in several countries around the world. Below are samples of court decisions from the United States of America, Canada, and the Netherlands.

### USA Court Decision

#### Decentralized File-sharing Tools Ruled Legal

Streamcast and Grokster have won a major court decision in Los Angeles, shifting the tides of the on-line P2P legal war. Federal court Judge Stephen Wilson has dismissed much of the studios' claims in their lawsuits against them, stating that Morpheus and Grokster were not liable for copyright infringements that took place using their software.

#### Federal Judge Rules: File-swapping tools are legal

The ruling stated loud and clear that innovating decentralized peer-to-peer Gnutella-like software is perfectly legal, and shouldn't be deemed illegal in the courts. The courts compared the technology with the innovation of the original Sony videocassette recorder (VCR).

Fred von Lohmann of the Electronic Frontier Foundation (EFF) stated the case is far from over, but that the case sends a "strong message to the technology community that the court understands the risk to innovation" the case could represent

The Recording Industry Association of America (RIAA) and Motion Picture Association of America (MPAA) offered no comment, but are of course issuing an appeal to the ruling already. Published By Mike Darrah - April 25, 2003

### Canadian Court Decision

Canada's Federal Court has ruled against a motion which would have allowed the music industry to begin suing individuals who make music available on-line. He said that downloading a song or making files available in shared directories does not constitute copyright infringement under the current Canadian law.

"Justice Konrad von Finckenstein ruled Wednesday that the Canadian Recording Industry Association did not prove there was copyright infringement by 29 so-called music uploaders. Without the names, CRIA can't begin filing lawsuits against the alleged high-volume music traders,

identified only as John and Jane Does. It also reaffirms what the Copyright Board of Canada has already ruled -- downloading music in this country is not illegal. Von Finckenstein said that downloading a song or making files available in shared directories, like those on Kazaa, does not constitute copyright infringement under the current Canadian law. "No evidence was presented that the alleged infringers either distributed or authorized the reproduction of sound recordings," he wrote in his 28-page ruling. "They merely placed personal copies into their shared directories which were accessible by other computer users via a P2P service."

With all of the usual caveats about appeals, this decision makes it practically impossible to prosecute file sharers in Canada. von Finkenstein has gone well beyond the idea that downloading is legal in Canada. By expressly mentioning "merely placing personal copies into their shared directories" does not constitute distribution he has blown a huge hole in the arguments which swirled around the whole question of the legality of uploading in Canada.

(Published April 1, 2004 <http://grep.law.harvard.edu/article.pl?sid=04/04/01/0411227&mode=thread>)

### European Court Decision

The Supreme Court of the Netherlands has thrown out an appeal by music industry lobbyists who wanted the popular Kazaa file-sharing software to be ruled illegal.

The victory for Kazaa, which follows similar US rulings in favour of peer-to-peer (P2P) software firms Grokster and Morpheus, is a huge blow to the music industry. It has fought a long battle to close down file-sharing networks and criminalise the software that makes file swapping illegal.

The Dutch decision means that the developers of the software cannot be held responsible for how individuals use it.

(Dinah Greek, vnunet.com 19 Dec 2003, <http://www.pcw.co.uk/news/1151673>)

### Share Responsibly:

Using P2P programs to download and distribute copyrighted music, movies, and games without permission is illegal and can subject you to lawsuits, fines and even criminal prosecution. Purchasing a membership in DownloadFreeway.com is not a grant of permission from any copyright holder to download or share any copyrighted work. DownloadFreeway.com implores you to respect all copyright laws and determine which works can be shared or downloaded legally before downloading or sharing files. Sharing is not illegal as long as you obey all relevant copyright laws. Please read the important Consumer Alert concerning peer-to-peer (P2P) software from the US Federal Trade Commission.