



CDT Supports Enforcement Actions Against Copyright Infringers, Calls for Measured Actions and More Lawful Alternatives

For Immediate Release

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November 5, 2004 – This afternoon the Motion Picture Association of America announced that it will begin suing Internet users who illegally share copyrighted movies and television shows. CDT believes that enforcement actions against those who break copyright laws are an unfortunate but necessary part of protecting copyright online, and should be pursued in a measured and targeted manner.

Enforcement is an important element of what must be a multi-pronged approach to combating online piracy, alongside broader consumer education and better lawful alternatives to access movies digitally. CDT also believes that enforcement of the strong copyright laws on the books today should be pursued before Congress seeks new laws to further expand copyright protections.

“Lawsuits against infringers are an unfortunate, but appropriate, part of protecting artists in the digital age. It is unhealthy for our country, and unfair to copyright holders, for large numbers of people to routinely violate the law of the land,” said CDT Associate Director Alan Davidson. “We urge consumers to be careful about what files they choose to share. We urge the industry to target only the worst offenders in these lawsuits, to accept reasonable settlements, and to move quickly to make movies available in attractive digital forms.”

In lawsuits against suspected infringers, CDT believes it is important for the MPAA to:

- Pursue reasonable settlements: Punishments in file-sharing cases should be proportional to the wrongdoing. Like the RIAA, the MPAA should be prepared to accept reasonable settlements that do not amount to financial ruin. While the effects of file sharing may be serious, CDT believes that effective deterrence can be achieved without unreasonable penalties.
- Focus on egregious infringers: In its initial lawsuits, the recording industry targeted peer-to-peer users sharing an average of 1000 copyrighted songs. While the size of movie files means that many infringers will share far fewer movies than songs, the

same principle should hold: enforcement actions should be targeted first at those who have demonstrated clear, conscious disregard for the law.

- Step up lawful alternatives: To be effective, enforcement must be accompanied by continued consumer education efforts and aggressive promotion of good alternatives to illicit file trading. Legal action will not eliminate the demand for cheap, accessible digital video. Successful digital music services like iTunes have demonstrated that pay alternatives to peer-to-peer networks can be quite successful, and the studios should step up their ongoing efforts to distribute movies digitally.

“Copyright enforcement is appropriate, but will amount to Prohibition unless new online services can provide reasonable alternatives to infringement,” said CDT Associate Director Alan Davidson. “Digital file-sharing is driven in part by a huge demand for content in flexible digital forms. These lawsuits alone will not protect copyright online unless they are joined with educational efforts and expanded online services to meet the consumer demand for digital content.”

CDT is a non-profit public interest group dedicated to promoting civil liberties on the Internet. CDT’s Digital Copyright Project pursues policy solutions that reasonably protect copyright online while preserving free expression, privacy, and consumer access to information online.

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