

10 THINGS YOU SHOULD KNOW ABOUT ILLEGALLY DOWNLOADING MUSIC

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Can you go to jail for illegally downloading music?

In short: Yes, but. Here's the scoop straight from the RIAA's website: "Making unauthorized copies of copyrighted music recordings is against the law and may subject you to civil and criminal liability. A civil law suit could hold you responsible for thousands of dollars in damages. Criminal charges may leave you with a felony record, accompanied by up to five years of jail time and fines up to \$250,000. You may find this surprising. After all, compact discs may be easily be copied multiple times with inexpensive CD-R burning technology. Further, when you're on the Internet, digital information can seem to be as free as air.

U.S. copyright law does in fact provide full protection of sound recordings, whether they exist in the form of physical CD's or digital files. Regardless of the format at issue, the same basic principal applies: music sound recordings may not be copied or distributed without the permission of the owner." So, if you download music illegally, you do indeed run the risk of facing jail time; historically, however, fines (whether modest or, in many cases, exorbitant) are the usual punishment handed out by courts for internet piracy.

How much can you get fined for illegally downloading music?

Fines for illegal downloading (and for sharing music) run a fairly wide gamut. The minimum penalty for downloading or distributing, according to the RIAA's website, is \$750 per song. As has happened in previous cases, however, that rate can run into the thousands and even the hundreds of thousands. And that's just on the civil suit side. If found guilty of a felony offense, downloaders face an additional \$250,000 fine. None of these prices, of course, factor in legal fees.

After you buy an MP3 legally, can you sell it?

The notion of reselling an MP3 might seem a bit silly, given the low cost and lower returns. However, if you do feel the urge to remove all of those downloads you've been piling up in your iTunes, you might be surprised to learn that there are places you can indeed resell them, just not legally. In January 2012, Capitol Records sued digital reseller ReDigi, claiming the company was promoting the unauthorized reproduction of copyrighted works. U.S. District Judge Richard Sullivan agreed, ruling in favor of the label and, at least for the moment, determining that one cannot legally resell a legally purchased MP3.

Illegal Downloading & File Sharing

<http://www.webster.edu/technology/service-desk/illegal-downloading.html>

Downloading Without Paying: Why is it illegal?

When a movie or song is produced and marketed, everyone involved in the process has monetary gains from the sale of that product. Therefore, that product is protected by copyright law so that it cannot be copied, reproduced or resold without their permission. If you did not pay for a song, movie or other media file that has a copyright, then downloading that file is a crime. Likewise, distributing a copyrighted media file, whether via electronic or non-electronic methods, without the express permission of the copyright holder is also illegal.

Who's Watching?

The two primary groups that police the downloading of music and movies are the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA). These two groups constantly monitor downloads and websites for copyright violation. They tend to pay close attention to colleges and universities. When they see that a song or movie has been downloaded illegally, they notify the school who then takes steps to internally identify the person who downloaded the file. There can be serious legal and financial ramifications to illegal downloading.

Consequences of Illegal Downloading

Legal & Monetary

Most of us don't have over half a million dollars lying around the house. But, if you download files which you have not paid for or share files without the permission of the copyright holder, you just might have to pay that much. Under the Digital Millennium Copyright Act, distribution of copyright materials is punishable by law. Those found guilty of copyright infringement may face the following penalties:

--Up to five years in jail

--Fines and charges of up to \$150,000 per file

--In addition to any other charges that might be brought against you, the copyright holder can file suit, which can result in legal fees and damages that must be paid.

Recent cases have resulted in judgments against the person distributing the files for up to \$80,000 per file. Here are some examples:

"A federal jury on Friday concluded that a 25-year-old college student must pay \$675,000 — or \$22,500 for each of the 30 songs he was found liable of infringing" (Wired.com).

In Minnesota, Jammie Thomas-Rasset, a single mother, was fined \$80,000 for each of 24 songs, resulting in a total of \$1,920,000, almost 2 million dollars.

Viruses & Spyware

Illegal downloading places your computer at high risk of receiving viruses. Most illegal downloading is done through Peer-to-Peer (P2P) software, which allows people to share their files with others. Since you have no idea where you are getting the files from, you have no way of knowing if they are infected with viruses or spyware. Downloading infected files to your computer could result in loss of data, excessive pop ups, slow Internet connection and possible identity theft. An active anti-virus software will not always protect you from viruses obtained through P2P software.

How to Prevent Illegal Downloading & Sharing

Most Peer-to-Peer (P2P) software (see examples below) has file-sharing features that are turned on by default making any song or movie files on your computer available to others for download. In effect, you are distributing copyright materials without even knowing it. Know what software you have on your computer and how it works.

Examples of Peer-to-Peer (P2P) Downloading and Sharing Software

Limewire

Kazaa

Bearshare

BitTorrent

Ares

Legal Music Downloading

[Ruckus](#)

[iTunes](#)

[Napster](#)

[Yahoo Music](#)

[eMusic](#)

[Amazon](#)

Legal Movie Downloading

[Amazon](#)

[Netflix](#)

[Vongo](#)

[Redbox Instant](#)

Illegal Downloads: What Are the Penalties?

By Betty Wang, JD on July 9, 2013 9:04 AM

<http://blogs.findlaw.com/blotter/2013/07/illegal-downloads-what-are-the-penalties.html>

Are there penalties for illegal downloads? Chances are, you or someone you know downloads music or movies online. But just because "everybody does it" doesn't mean that it's legal.

Sometimes, of course, artists or promotional sites will offer free downloads. And if you purchase a song or movie before downloading it, then there's generally no problem.

Still, the Internet is running rampant with users who illegally download -- commonly via peer-to-peer networks like Limewire or BitTorrent, and also from friends who will pass on the goods. So how illegal is this, and what are the potential penalties?

Copyright Infringement

The act of illegally downloading something falls under the [Copyright Act of 1976](#), a federal statute that governs copyright law in the United States.

Types of works protected by [copyrights](#) include "works of authorship" such as literary works, musical works, and motion pictures, among others. Songs and movies, therefore, definitely fall within the category of works protected by copyright.

Copyright infringement occurs when the works are reproduced, republished, or used without permission from the copyright holder. This is where illegal downloading kicks in. The violation is typically enforced as a civil matter, although specific penalties vary by jurisdictions and some may apply criminal punishments.

Generally speaking, however, the most likely penalty is going to be a monetary fine for copyright infringement -- if you're caught downloading illegally, that is.

Penalties Can Add Up

Don't let out a sigh of relief just yet, though. Just because time in the slammer can usually be avoided for illegally downloading doesn't mean that you won't be paying a pretty penny for your illegal acts.

Under [federal copyright law](#), the damages that you may owe can range from \$750 to \$30,000 ... *per* work. So if you illegally download, say, 10 songs -- doesn't seem that offensive, right? Think again, because the penalty for that can be as much as \$300,000. Furthermore, this is only according to statute. Courts may find that, depending on the specific facts of your case, you should be penalized even more harshly and be fined more. For example, a 32-year-old [woman from Minnesota](#) was found guilty of downloading 24 songs and fined \$80,000 per song, for a total of \$1.9 million, according to CNN.

Doesn't seem so worth it anymore, does it?