

# A LOOK AT THE FACTS OF THE INTELLECTUAL PROPERTY CASE AGAINST NAPSTER IN THE US

*The Ninth Circuit Court of Appeals decision in the case of A&M Records v. Napster. (a) depends on the protection of intellectual property for its revenue. Napster revolutionized the MP3 search process. Music seekers simply. According to the undisputed facts of the case. to operate legally in the United States.*

Court of Appeals stays the lower court injunction. Accordingly, if Napster is otherwise liable under the copyright laws, Section does not relieve Napster of liability. Based on our decision to remand, Napster's additional arguments on appeal going to the scope of the injunction need not be addressed. Diamond Multimedia [9] cases applied in this case because the "shifting" in neither case included or enabled distribution. The injunction is scheduled to take effect at midnight on Friday and will continue pending trial. In the proceedings below, Napster stated that it has at least 20 million users, all of whom are able to use Napster's service to access and download music files containing copyrighted sound recordings. Ninth Circuit appeal[ edit ] On appeal, the Ninth Circuit ordered a stay of the District Court's injunction, pending resolution. We affirm the district court's conclusion that plaintiffs have demonstrated a likelihood of success on the merits of the contributory copyright infringement claim. The Ninth Circuit affirmed this analysis, finding that the plaintiffs were likely to succeed in proving that Napster did not have a valid fair use defense. The district court considered ample evidence to support its determination that the balance of hardships tips in plaintiffs' favor: Any destruction of Napster, Inc. Napster alleges that online distribution is not within the copyright monopoly. That it has ownership of the copyrighted material in question 2. Both American Airlines and Geico have sued Google over selling their trademarks as keywords. See Lasercomb, F. Napster can come back and. As for supervision, the Circuit court agreed in part with the District Court's finding that Napster had "the right and ability to supervise its users' conduct. Lerma, No. So, the facts of the Napster incident might not tell us a whole lot about the next technology and the next business plan. Such copying is a paradigmatic noncommercial personal use. The rise of the Internet is a major force behind the increase in intellectual property disputes. See Napster, F. Napster February 12, It seems like a modern David and Goliath story played out online. Contributory infringement[ edit ] In order to prove contributory infringement, a plaintiff must show that a defendant had knowledge of infringement here, that Napster knew that its users were distributing copyrighted content without permission across its network and that defendant supplied material support to that infringement. It raises barriers to the record companies entry to the digital downloading market. As a result of Napster, the courts and U. But that ending was avoided on June 17, when Warner Bros. The Internet music-sharing site wants the court to allow its 28 million users to continue sharing music. And again, on the facts, both of those arguments just seem weak. We recognize that the files are user-named and may not match copyrighted material exactly for example, the artist or song could be spelled wrong. Share via Email A federal judge in San Francisco yesterday ordered Napster, the internet service that allows the trading of MP3 sound files by linking personal computers, to stop permitting the exchange of copyrighted music owned by major music labels. The service was designed by Fanning so that users could share MP3 music files online, using free software that the user downloaded from the Napster site. And even still, even PR-wise, there's still a lot here to be said. Popular torrent trackers like the Pirate Bay faced long legal battles, [19] but their opponents have had little success in shutting down these services permanently. In Diamond, for example, the copyrighted music was transferred from the user's computer hard drive to the user's portable MP3 player. They wrote: Napster is the best-known example of a new technology deploying what has come to be called peer-to-peer networking, a system in which individuals can search for and share files that reside on the hard drives of other personal computers connected to the Internet. In , Napster was shut down.