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House Bill Aims to Up Stakes on Piracy

Measure introduced by Democrats tries to clarify existing law on file sharing.

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To some music lovers, paying \$18 for a CD with only one good song is a crime.

To some members of Congress, letting someone copy a song online without paying for it should be a felony.

A bill introduced by senior Democrats on the House Judiciary Committee would make it easier for federal prosecutors to bring felony charges against people who offer at least one song, movie or other digital file on Kazaa or other public computer networks.

The proposal by Reps. John Conyers Jr. (D-Mich.) and Howard L. Berman (D-North Hollywood), which is co-sponsored by four other Democrats, also would make it a crime to record movies as they're being displayed in a theater or to register a Web site under a false name.

Berman said the point was to give federal prosecutors the tools and the incentive "to start enforcing these laws, and to gain what I think will be the substantial deterrent benefits of some highly publicized prosecutions in these areas."

The possible penalties for a felony copyright violation vary, but even a first offender could face a five-year prison term.

Lobbyists for the recording industry and Hollywood studios, who often find allies in Conyers and Berman, praised the measure. They argued that the provision on file sharing wouldn't be a change in the law so much as a clarification of the existing standards for a copyright felony.

The Electronic Frontier Foundation, an advocacy group for online civil liberties and technology, disagreed.

"If this is an attempt to clarify existing law, it goes way overboard," said Jason Schultz, a foundation attorney. "I think it's an attempt to criminalize the use of computer networks."

Online piracy has skyrocketed over the last four years, yet federal prosecutors have been reluctant to take on file-sharing cases, a point of great frustration for the record companies and studios. The bill aims to remove some of the hurdles prosecutors have identified, as well as to provide money for enforcement.

Under current law, distributing 10 unauthorized copies of a work with a retail value of more than \$2,500 is a felony — provided that prosecutors can show that the distribution was done deliberately and with an intent to violate copyrights. The Conyers-Berman bill would equate offering one or more works for others to copy the equivalent of distributing 10 copies worth more than \$2,500.

"When someone makes available to 300 million people a new movie I think it's a pretty fair assumption that at least 10 copies are going to be downloaded," said Fritz Attaway of the Motion Picture Assn. of America. "And when somebody does that, that's grand theft."

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