Drove My Browser to the Levy

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Topic: General

The Aughties should be a good decade for intellectual property attorneys. Of course, there has always been lots of work for those seeking to protect those who think and create from those who plagiarize and copy. But the Internet, email and the World Wide Web have added a new dimension. Now work can be sent around the globe at the speed of light. When one purchases a book, a piece of software, or even a song, it is often not exactly clear what rights this confers to the purchaser.

Consider the cyberspace music service offered by the MP3.com web site. The hot new Internet site offered music lovers the opportunity to listen to their favorite music CDs wherever they happened to be as long as there was an Internet connection. The prospect of enjoying access to music on the road without having to tote around dozens of CDs in bulky jewel cases, had users signing up in droves. Here's how it worked.

The MP3.com web site allows each person to set up a personal space where they can upload their own music CDs album by album. Once done the user can then listen to the CDs with any computer connected to the Internet anywhere in the world. The people who set up the service recognized that there might be some copyright issues, so they required you to have a physical copy of the CD in order to upload it to your web space. But of course, it is far from foolproof protection for the copyright holder. For one thing, you could just borrow a CD from a friend and load it onto your space or just give a friend your password and allow he or she access to your entire collection.

So of course, a group representing the recording industry filed a lawsuit and this week, MP3.com sent out an email to its customers stating that it had voluntarily suspended this service until further notice.

This is not surprising but it begs the question. When one buys a work, what can one do with it? The music industry has said that one can copy music (taping, for example) for one's personal use. One can copy software for backup purposes. And one can photocopy excerpts from a book for educational" purposes.

Did the MP3.com site go too far? It will take many years and many, many attorneys billing many, many, many hours before that is sorted out. In the meanwhile, singer, songwriter, Don McLean may want to start revising his rock and roll classic American Pie. Decades from now, music lovers may look back wistfully on May 10, 2000. "No," they will recall, "the music didn't die. It was merely stopped by an injunction."

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