

Case 9

MP3 audio files enable users to exchange compact disk recordings digitally over the Internet. Music lovers use MP3's to search for rare recordings. They also can use them to copy an entire compact disk and transmit it to anyone at no cost. Recently the Recording Industry Association of America (RIAA) has undertaken a major effort to combat copyright violations. The RIAA sends letters to colleges and universities whenever its researchers discover on campus servers offering copyrighted music. According to Frank Creighton, an RIAA Senior Vice President, when the Association began its monitoring efforts several years ago it discovered that about seventy per-cent of the infringing sites were on university campuses. "...We're willing to give individuals or students a first pass," said Mr. Creighton. "But if we catch you doing it again," he said, "we have no alternative but to take the stance that you're thumbing your nose at us, and you don't take us seriously, and there are potential civil and criminal remedies that we will invoke if we need to."

In the fall of 1999 network administrators at Carnegie Mellon University, without prior warning, checked the public folders of two hundred and fifty (250) student computers connected to the University's network, and found seventy one (71) students whose files contained illegally copied MP3's. The students lost their in-room Internet connections for the rest of the semester, which meant they had to use a university computer lab to gain access to the Internet. All the students were given a right to appeal their penalties, and students who attended a ninety minute class on copyright had their penalties reduced by one month. Speaking of the investigation, Paul G. Fowler, Carnegie Mellon's Associate Dean for Student Affairs said, "It wasn't a big caper. All we did was go in to take a look at the culture of our Internet." Mr. Fowler noted that prior to the investigation, University officials had discussed whether it would be a good idea to step up efforts at educating students about copyright violations. "We now know it would be," he said.

Under the Digital Millenium Act, which Congress passed last year, on-line service providers, such as universities, can avoid liability if they take certain steps specified in the Act. These include, in cases when the university has been informed of an infringement, shutting off access to the infringing material, and notifying the user who posted it, so that he or she can take up the matter with the copyright holder. The user must be given the right by the university to appeal the shutoff. According to Mr. Arnold Lutzker, an attorney for the American Library Association, if a university meets the above requirements, in all likelihood, it will avoid liability for any given infringement.

"I'm no fan of the recording industry," said Mr. Fowler of Carnegie Mellon, "but our students need to understand they're probably going to be out there creating software some day that's going to make them a million dollars." If that software winds up in some shared community," Mr. Fowler observed, "their livelihood is jeopardized." "So why should we not afford the same opportunities to make a living to other members of our community?", asked Mr. Fowler.

Question: Was the action taken this fall by Carnegie-Mellon University in regard to the students who the University concluded had illegally copied MP3's morally justifiable? If so, why? If not, why not?