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Music Industry Wins Approval of Subpoenas

Sat Jul 19, 6:16 PM ET

By TED BRIDIS, AP Technology Writer

WASHINGTON - The music industry has issued at least 871 federal subpoenas against computer users this month suspected of illegally sharing music files on the Internet, with roughly 75 new subpoenas being approved each day, U.S. court officials said Friday.

The effort represents early steps in the music industry's contentious plan to file civil lawsuits aimed at crippling online piracy.

Subpoenas reviewed by The Associated Press show the industry compelling some of the largest Internet providers, such as Verizon Communications Inc. and Comcast Cable Communications Inc., and some universities to provide names and mailing addresses for users on their networks known online by nicknames such as "fox3j," "soccerdog33," "clover77" or "indepunk74."

The Recording Industry Association of America ([news](#) - [web sites](#)) has said it expects to file at least several hundred lawsuits seeking financial damages within the next eight weeks. U.S. copyright laws allow for damages of \$750 to \$150,000 for each song offered illegally on a person's computer, but the RIAA has said it would be open to settlement proposals from defendants.

The campaign comes just weeks after U.S. appeals court rulings requiring Internet providers to readily identify subscribers suspected of illegally sharing music and movie files. The 1998 Digital Millennium Copyright Act ([news](#) - [web sites](#)) permits music companies to force Internet providers to turn over the names of suspected music pirates upon subpoena from any U.S. District Court clerk's office, without a judge's signature required.

In some cases, subpoenas cite as few as five songs as "representative recordings" of music files available for downloading from these users. The trade group for the largest music labels, the Washington-based RIAA, previously indicated its lawyers would target Internet users who offer substantial collections of MP3 song files but declined to say how many songs might qualify for a lawsuit.

"We would have to look at historic trends, but that is a very high number," said Alan Davidson of the Center for Democracy and Technology, a civil liberties group that has argued against the subpoenas. "It doesn't sound like they're just going after a few big fish."

Music fans are fighting back with technology, using new software designed specifically to stymie monitoring of their online activities by the major record labels.

A new version of "Kazaa Lite," free software that provides access to the service operated by Sharman Networks Ltd., can prevent anyone from listing all music files on an individual's machine and purports to block scans from Internet addresses believed to be associated with the RIAA.

Many of the subpoenas reviewed by the AP identified songs from the same few artists, including Avril Lavigne ([news](#)), Snoop Dogg and Michael Jackson ([news](#)). It was impossible to determine whether industry lawyers were searching the Internet specifically for songs by these artists or whether they were commonly popular among the roughly 60 million users of file-sharing services.

The RIAA's subpoenas are so prolific that the U.S. District Court in Washington, already suffering staff shortages, has been forced to reassign employees from elsewhere in the clerk's office to help process paperwork, said Angela Caesar-Mobley, the clerk's operations manager.

The RIAA declined to comment on the numbers of subpoenas it issued.

"We are identifying substantial infringers and we're going to whatever entity is providing (Internet) service for that potential infringer," said Matt Oppenheim, the group's senior vice president of business and legal affairs. "From there we'll be in a position to begin bringing lawsuits."

A spokeswoman for the Administrative Office of the U.S. Courts said the clerk's office here was "functioning more like a clearing house, issuing subpoenas for all over the country." Any civil lawsuits would likely be transferred to a different jurisdiction, spokeswoman Karen Redmond said.

Verizon, which has fought the RIAA over the subpoenas with continued legal appeals, said it received at least 150 subpoenas during the last two weeks. There were no subpoenas on file sent to AOL Time Warner Inc., the nation's largest Internet provider and also parent company of Warner Music Group. Earthlink Inc., another of the largest Internet providers, said it has received only three new subpoenas.

Depaul University in Chicago was among the few colleges that received such subpoenas; the RIAA asked Depaul on July 2 to track down a user known as "anon39023" who was allegedly offering at least eight songs. The recording group sent two subpoenas to Boston College to identify "TheLastReal7" and "Prtythug23."

There was some evidence the threat of an expensive lawsuit was discouraging online music sharing. Nielsen NetRatings, which monitors Internet usage, earlier this week reported a decline for traffic on the Kazaa network of one million users, with similarly large drops across other services.

On the Net:

RIAA: www.riaa.com

Kazaa: www.kazaa.com