

High court decision in MGM vs. Grokster file-sharing case imminent

June 23 2005

A much-anticipated Supreme Court decision in the *MGM vs. Grokster* file-sharing case is expected as soon as Thursday, 23 June, but not later than the week of 27 June. The case will affect the public's access to the Internet and the development of future technologies, as well as determine how Americans receive their entertainment, according to IEEE-USA experts interviewed in a TODAY'S ENGINEER ONLINE *Extra* published this evening.

IEEE-USA Intellectual Property Committee Chair Andy Greenberg and IEEE-USA President-Elect Ralph Wyndrum responded to questions about the facts of the case, the rationale for IEEE-USA to file an amicus brief, the potential public impact of the decision, as well as what effect different rulings could have on the entertainment and software industries.

TODAY'S ENGINEER notes that "the case hinges on a lawsuit brought by entertainment companies against Grokster and StreamCast Networks, two companies that offer peer-to-peer file-sharing software. The suit claimed that operators of file-sharing systems should be held responsible when their users copy music, movies and other protected works without permission." IEEE-USA contends that "providers of technologies capable of both good and ill -- such as a VCR or a file-sharing system -- should not be liable for the copyright infringements of users unless the provider has actively encouraged its users to infringe."

IEEE-USA's Andy Greenberg, who is a lawyer, engineer and game

designer, frames the issue: "The technology on the Internet is one big copy machine; realistically, that's what we have. On the other hand, who would ever suggest that the Internet should have been foreshortened, stopped or stalled because it could be used to infringe?" Greenberg concluded: "We can't allow restrictions on technology to suit a few interests, but we also have to protect the content owners against intentional and active exploitation of that content as seed capital for a new venture."

Looking ahead at whatever rule the Court might adopt, Greenberg projected: "A rule that's too rigid, that allows companies to exploit a tendency to take things for free, would be a problem for the public as a whole." Alternatively, he said: "A rule too loose, one that allows the studios to sue and control -- or a threat of control, would stifle working technology."

Source: IEEE-USA

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