

## Minimal damages sought in Mass. song-download case

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Joel Tenenbaum, a graduate student from Providence, R.I., poses outside federal court, after taking the stand in his defense in his copyright-infringement trial, Thursday, July 30, 2009, in Boston. Tenenbaum is accused of illegally swapping music through an online file-sharing network. (AP Photo/Bizuayehu Tesfaye)

(AP) -- A lawyer for a Boston University student who admitted illegally downloading and sharing music urged a federal jury Friday to "send a message" to the music industry by awarding only minimal damages.

After Joel Tenenbaum admitted he is liable for damages for 30 songs at issue in the case, U.S. District [Judge](#) Nancy Gertner ruled that the jury must now consider only whether his infringement was willful and how much in damages to award four [recording labels](#) that sued him over the

illegal file-sharing.

In his closing statement Friday, Tenenbaum's lawyer, Harvard Law School professor Charles Nesson, described his client as a "kid in his bedroom clicking on a computer screen."

But a lawyer for the recording labels called Tenenbaum a "hardcore, habitual, long-term infringer" who knew what he was doing was wrong.

The jury was expected to begin deliberations later Friday.

Tenenbaum, 25, of Providence, R.I., admitted Thursday that he downloaded and shared hundreds of songs by Nirvana, Green Day, The Smashing Pumpkins and other artists. The [recording industry](#) focused on only 30 songs in the case, the nation's second [music-downloading](#) lawsuit against an individual to go to trial.

"Tenenbaum's statement plainly admits liability on both downloading and distributing, does so in the very language of the statute ... and does so with respect to each and every sound recording at issue here," Gertner wrote in her ruling late Thursday.

Under federal law, the recording companies are entitled to \$750 to \$30,000 per infringement but the law allows the jury to raise that to as much as \$150,000 per track if it finds the infringements were willful. That means a maximum penalty of \$4.5 million.

Last month, a federal jury in Minneapolis ruled a Minnesota woman must pay \$1.92 million, or \$80,000 on each of 24 songs, after concluding Jammie Thomas-Rasset, 32, willfully violated the copyrights on those tunes.

The music industry has typically offered to settle such cases for about

\$5,000, though it has said that it stopped filing such lawsuits last August and is instead working with Internet service providers to fight the worst offenders. Cases already filed, however, are proceeding to trial.

If the jury awards the minimum of \$750 per infringement, damages would come to \$22,500, or more than four times the typical settlement.

Tenenbaum admitted on the witness stand Thursday that he had downloaded more than 800 songs from 1999 to 2007. He testified that he had lied in pretrial depositions when he said his two sisters, friends and others may have been responsible for downloading the songs to his computer.

Under questioning from his own lawyer, Tenenbaum said he now takes responsibility for the illegal swapping.

"I used the computer. I uploaded, I downloaded music ... I did it," Tenenbaum said.

His testimony contrasted with the tactic used by Thomas-Rasset. Even after the jury's verdict, she declared, "There's no way they're ever going to get that."

The four recording labels involved in the Tenenbaum case are subsidiaries of Universal Music Group, Warner Music Group Corp. and Sony Corp.

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