

Minnesota woman loses music downloading appeal

September 11 2012, by Steve Karnowski

(AP)—A woman accused of sharing songs online owes record companies \$222,000 for willful copyright violations, a federal appeals court said Tuesday, reversing a lower court's ruling in a long-running lawsuit over music downloading.

A three-judge appeals panel ruled that Chief U.S. [District Judge](#) Michael Davis erred when he cut the award against Jammie Thomas-Rasset to \$54,000.

The Minnesota woman's case was one of only two [lawsuits](#) to go to trial out of more than 30,000 filed by the [recording industry](#) in a drive to stop the unauthorized free downloading of copyrighted music, which the industry says has cut deeply into its revenues. The vast majority settled for about \$3,500 apiece. The U.S. Supreme Court in May refused to hear an appeal by former Boston University student Joel Tenenbaum of a \$675,000 award in the other case, but he has vowed to keep fighting.

Juries ruled against Thomas-Rasset in three separate trials since the industry sued her in 2006. Davis said the last award, of \$1.5 million dollars, was "severe and oppressive."

But the appeals court said the high award was not unreasonable. It sent the case back to Davis for an order that she pay \$222,000—the award from her original trial—and for an injunction barring her from making the plaintiffs' recordings available to the public via online media distribution systems in the future.

Thomas-Rasset said she plans to appeal again as long as her attorneys remain with her for the long haul, and they've assured her they are. She has said she can't afford to pay anyway.

The industry presented evidence that Thomas-Rasset made available over 1,700 songs to other computer users via the file sharing service [Kazaa](#), though the lawsuit targeted only 24 songs.

For tactical reasons, the appeals court noted, the industry didn't seek reinstatement of the third jury's award and were content with the original \$222,000—\$2,250 per song—from her 2007 trial.

Thomas-Rasset got a second trial in 2009 after Davis concluded he made a legal error in her first. After Davis cut the second [jury's](#) \$1.92 million award to \$54,000, the industry won a third trial that resulted in a \$1.5 million award, which Davis again cut to \$54,000.

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