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**Statement of Public Knowledge on the Recent Ruling in *RIAA v. Verizon Internet Services***

The district court did not adequately consider the critical constitutional issues raised in this case. We are confident that had it had done so, it would have determined that computer users' Due Process rights and First Amendment rights to privacy and anonymous speech are violated by the broad subpoena power granted to copyright holders under Section 512(h) of the Digital Millennium Copyright Act. Public Knowledge supports enforcement of existing copyright laws to limit illegal file trading over P2P networks. But these laws should not be enforced without due process. By allowing copyright holders to obtain the names of Internet users without a judicial determination that Internet users are likely engaged in illegal conduct, this ruling permits virtual "witch hunts" for defendants presenting the worst facts or having profiles least likely to garner public or judicial sympathy. Even worse is the prospect that anyone claiming to be a copyright owner apparently has a unilateral, scarcely constrained right to obtain identifying information about any Internet user. Such unconstrained process, which lacks any significant judicial oversight, presents a grave risk of abuse.

What this case highlights is that a substantial revision of the DMCA is long overdue. Since its passage in 1998, it has burdened scientific researchers, librarians, creative artists, computer scientists and other individuals seeking to make lawful use of digital content. Now it is burdening service providers by forcing them to become copyright police. We call upon Congress to act swiftly to cure the constitutional ills of this law.

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**Public Knowledge** is a public interest organization that seeks to promote a balanced approach to copyright law and technology policy that reflects the "cultural bargain" intended by the framers of the Constitution. With other organizations, Public Knowledge filed an *amicus curiae* brief in *RIAA v. Verizon Internet Services*.