

Legal Scholars, Recording Artists Speak Out for Consumer Privacy

The recent decision from the U.S. District Court for the District of Columbia to force Verizon to turn over the name of one of its subscribers to the Recording Industry Association of America is a serious blow to online privacy everywhere. The judge's order opens the door for anyone who makes an allegation of copyright infringement to obtain the name, address and telephone number of private Internet users without the due process protections afforded by the courts. Legal scholars and recording artists agree that this is bad law and bad policy.

“Common sense has once again taken a back seat to Hollywood's political muscle. In the tradition of the RIAA's opposition to new technology, the industry's power now trumps that of Internet users in a grave and historic way, and now undercuts the most basic right of all Americans: the right to privacy.”

Cindy Cohn, Legal Director of the Electronic Frontier Foundation, January 29, 2003

“Purported copyright owners should not have the right to violate protected, anonymous speech with what amounts to a single snap of the fingers.”

Amicus brief filed on behalf of Electronic Privacy Information Center, Alliance for Public Technology, National Consumers League, Public Knowledge, Consumer Alert and others, August 30, 2002

“DMCA does not create a class of property that is superior to tangible property. The property interests of RIAA are no less significant constitutionally and statutorily than that of Verizon's own property rights and the property rights of its customers. The ramifications are immense -- affecting the privacy rights of millions of everyday Internet users. If RIAA is granted their request, the court will be making a sweeping legal precedent that would not only establish a hierarchy for property rights, but also endanger consumers' privacy rights.”

Morgan Hayley Long, Director, ALEC's Telecommunications and Information Technology Task Force, September 26, 2002

“The record companies say this decision will protect artists, and generate more income for us, but they have it backwards. The downloaded music they're arbitrarily shutting off actually creates sales, by exposing artists to new fans. If this ruling stands, many of the new musicians they say they're ‘protecting’ will be hurt financially, and some will be pushed out of the music business altogether. Which may be the whole point, from a record company standpoint.”

Janis Ian, recording artist, January 29, 2003

“I'm concerned about the number of enforcement actions that don't ever get to court. It's one thing to say I want this person's identity so I can file suit. It's another thing to say I want this person's identity so I can interfere with their connectivity to the Internet.”

Jessica Litman, author of "Digital Copyright" (Prometheus, 2001) and law professor at Wayne State University, quoted in the *New York Times*, “Verizon Ordered to Give Identity of Net Subscriber,” January 22, 2003

“The constitutional protection of Internet users is being compromised on the say-so of record labels, without any court review whatsoever. There's no need for them to go into court and have to make a showing that their case is legitimate. And that's entirely at odds with the way we treat other forms of unlawful speech.”

Fred von Lohmann, copyright lawyer for Electronic Frontier Foundation, quoted in *San Jose Mercury-News*, “Verizon Ordered to Name Subscriber,” January 22, 2003
