



For Immediate Release

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**SUPREME COURT URGED TO HEAR
INTERNET COPYRIGHT CASE
(*Metro-Goldwyn-Mayer Studios v. Grokster*)**

The Washington Legal Foundation (WLF) filed a brief in the U.S. Supreme Court urging it to review a decision by the U.S. Court of Appeals for the Ninth Circuit ruling that held that a company whose file-sharing software allows others to illegally copy and disseminate copyrighted music and films on the Internet, does not itself violate the copyright law. The decision reached by the Ninth Circuit in *Metro-Goldwyn-Mayer Studios v. Grokster* is in conflict with another recent decision from the Seventh Circuit, *In re Aimster Copyright Litigation*, which reached the opposite conclusion.

Copyright laws protect owners of the copyrighted work from having their music or films downloaded without paying the owner a royalty fee. With the exploding growth of the Internet and technological advances, methods have been developed to make this easier. Grokster enables computer users to share music and film files between each other utilizing so-called "peer-to-peer" services, the vast majority of which violates the copyright laws. Consequently, major motion picture studios and record companies sued Grokster, instead of the users, to stop the service that allows the illegal file sharing on the theory that Grokster is guilty of contributory infringement rather than direct copyright infringement.

The Ninth Circuit ruled in favor of Grokster ruling that the file-sharing technology was capable of substantial noninfringing uses, and therefore, was in accord with the Supreme Court's 1984 *Sony-Betamax* case. That decision held that videotape recorders did not violate the copyright laws because users could use them for lawful uses that did not violate the copyright laws. WLF urged the Court to hear the case to clarify the confusion in this area of the law, especially in the context of the First Amendment and the growth of legitimate technology services.

WLF's brief was drafted with the *pro bono* assistance of Herbert L. Fenster, a partner in both the Washington, D.C. and Denver offices of McKenna Long & Aldridge LLP.

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For information, contact WLF Senior Executive Counsel Paul Kamenar at 202-588-0302. WLF's brief is available on its website at www.wlf.org.