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Recording Industry Sues Napster for Copyright Infringement

Washington, DC - The RIAA announced today that, acting on behalf of its member companies, it has filed suit against Napster, a company the RIAA has alleged is operating as a haven for music piracy on the Internet. "We love the idea of using technology to build artist communities, but that's not what Napster is all about. Napster is about facilitating piracy, and trying to build a business on the backs of artists and copyright owners," said Cary Sherman, Senior Executive Vice President and General Counsel, RIAA.

The lawsuit, filed in the U.S. District Court, Northern District of California, charges Napster with contributory and vicarious copyright infringement and related state laws. RIAA alleges in its filing that Napster has created, and is operating, a haven for music piracy on an unprecedented scale. By its own admission, the company is responsible for making millions of MP3 files widely available to countless Napster users around the world. As alleged by the RIAA in its complaint, the overwhelming majority of those recordings are pirated.

Napster has claimed it is trying to promote unknown artists, but its own Web site advertised that, with Napster, "you can forget wading through page after page of unknown artists" and "you'll never come up empty handed when searching for your favorite artist again!"

"Many companies on the Internet are promoting artists without also trading in pirated music files," Sherman said. "Companies like UBL, IUMA, Farm Club and MP3.com prove that there are many creative ways to promote new artists online without infringing on the rights of artists and copyright owners." Pirated copies of the recordings of every artist on the current Billboard charts can be located and downloaded from Napster.

According to the complaint, Napster is similar to a giant online pirate bazaar: users log onto Napster servers and make their previously personal MP3 collections available for download by other Napster users who are logged on at the same time. Napster provides its users with all the facilities and means to engage in massive copyright infringement. For example, Napster provides users with a hub of central computer servers to which they connect; a continuously updated database of "links" to millions of pirated recordings; software that allows fast, efficient identification, copying and distribution of the pirated recordings; and a host of other services -- all of which enable and encourage Napster users to download millions of pirated songs as well as make available their own music library for others to copy. Because Napster creates its links from the personal MP3 collections of Napster users, without Napster, these infringements would not be taking place at all. In exchange for free service and facilities to its users, Napster is building an extensive user base presumably in an effort to attract advertising and investment dollars.

"Litigation is never our first choice," Sherman said. "After a random sampling of thousands of recordings available on Napster revealed that the overwhelming majority of recordings Napster was making available were pirated, we contacted the company a number of times, including in writing. But the same recordings we advised Napster were infringing then, are still available today. Online or offline, a business model based on pirated music is simply not

fair. No other service on the Net has generated as many calls of outrage from artists, managers and artists' representatives and others representing the music community's interests."

The RIAA is a trade association whose members create, manufacture and/or distribute approximately 90% of all legitimate sound recordings produced and sold in the United States. One of the organization's primary missions is to safeguard the intellectual property rights of recording artists and member companies.

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Editor's Note: Statements of support from artists and managers are attached below.

ARTIST/MANAGER QUOTES REGARDING NAPSTER

"It is the single most insidious website I've ever seen... it's like a burglar's tool." -- Ron Stone, Gold Mountain Management (represents Bonnie Raitt, Tracy Chapman, Ziggy Marley and other artists)

"Everyone I know is excited about all the possibilities the Internet has to offer. As a musician, the Internet has made it possible for me to share my music with people that could have never been reached by conventional methods. It has been taboo for artists to speak out concerning the business side of their music. The fear has been that the buying public, as well as other artists, would perceive this concern as greed, and that the artists' sole purpose for creating was the money. This perception has silenced many artists concerning MP3 and Napster. The silence must end. As a child I created music to express my inner thoughts and feelings, and that purity has stayed with me throughout. The day I decided to share my music with the world, was the day I decided to walk the fine line between art and commerce. I have been blessed in that I do what I love and can support my family with what I create. When my music is given away, as taboo as it is for me to say, it is stealing. I need not defend my motives for making music, but the distribution of my music has made me business conscious. I have decided to sell my music to anyone who wants it, that is how I feed my family, just like a doctor, lawyer, judge, or teacher. Not to insult anyone's intelligence, but my music is like my home. Napster is sneaking in the back door and robbing me blind." -- Scott Stapp, lead singer/lyricist for Creed

"With the increasing accessibility of on the Internet, and the new technology available on it, there must be a matching increase in responsibility. Without public accountability, this responsibility reverts to groups like the RIAA to seek out those who are misusing the advances in technology and to the courts to adapt and enforce the law. Napster is allowing people to disregard copyright laws because they were not written in the spirit of today's technology. These copyright laws are the only things that protect what musicians do for a living; write songs. Napster is allowing people to steal these songs." -- Jeff Cameron, Jeff Hanson Management & Promotions (represents Creed and other artists)

"I couldn't believe it when I found out that this Napster was linking thousands of people to the new Notorious BIG album "Born Again," a week before it even hit the streets. This album is a labor of love from Notorious BIG's friends to the man, his kids, the rest of his family and everyone else whose lives will never be the same since BIG passed. BIG and every other artist Napster abuses deserve respect for what they give us." -- Sean "Puffy" Combs, CEO, Bad Boy Entertainment, Inc.

Dixie Chicks and Senior Management are huge fans of the Internet and its possibilities. While there are great efforts being made to ensure that the rights of the artists and songwriters are protected, Napster's apparent way of doing business sets those efforts way back. If the Internet thieves are not stopped or better regulated, it not only robs current artists but might have even more serious repercussions for the next batch of artists. I support and applaud the RIAA on their efforts to make sure that Internet companies are not stealing the rights of the people who make the music. -- Simon Renshaw, Senior Management (personal manager of the Dixie Chicks)

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