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## Business

### 'Jane Doe' fights subpoena issued by recording firms

#### Says orders violate right to privacy

NEWS.COM

An anonymous California computer user went to court yesterday to challenge the recording industry's file-trading subpoenas, charging that they are unconstitutional and violate her right to privacy.

The legal motion, filed in Washington, D.C., federal court by a "Jane Doe" Internet service subscriber, is the first from an individual whose personal information has been subpoenaed by the Recording Industry Association of America in recent months.

The RIAA has used court orders to try to identify more than 1,000 computer users it alleges have been offering copyrighted songs on file-trading networks. It plans to use the information to file copyright lawsuits against the individuals.

The motion was filed by a pair of Sacramento attorneys, who said the RIAA had gone too far in its effort to protect its online copyrights.

"This is more invasive than someone having secret access to the library books you check out or the videos you rent," said Glenn Peterson, one of the attorneys, in a statement. "The recent efforts of the music industry to root out piracy have addressed a uniquely contemporary problem with Draconian methods — good old fash-

ioned intimidation combined with access to personal information that would make George Orwell blush."

The Jane Doe motion comes as the first individual legal response to the RIAA's effort to sue large numbers of file swappers. It follows similar legal challenges from several Internet service providers (ISPs) and colleges, including Pacific Bell Internet Services, an SBC Communications subsidiary.

A Massachusetts federal court has already ruled that some of the group's subpoenas, submitted to

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ATTORNEY GLENN  
PETERSON

the Massachusetts Institute of Technology and Boston College, had not followed the correct legal process and were therefore invalid. That court left open the possibility that the RIAA could simply refile those subpoenas properly, however.

An RIAA spokesman could not immediately be reached for comment on yesterday's legal action. Previously, attorneys for the group have noted that the subpoenas are aimed at the ISPs that hold subscriber information, not subscribers themselves, and therefore individuals had little or no legal standing to challenge them.

Critics of the unconventional subpoena process have noted that individuals whose information has been sought in other subpoena processes, such as potential libel cases, are given the legal opportunity to challenge the request for their personal information, however.