

Piracy crackdown roils legal eagles

By SUSAN CRABTREE

WASHINGTON — The piracy vs. privacy battle shows no signs of taking a late summer hiatus.

Both sides claimed to be gaining ground late Thursday when Sacramento lawyers filed a motion challenging a recording industry subpoena, and the Justice Dept. announced a guilty plea in a major criminal online music file-swapping case.

Glenn Peterson and Dan Ballard, lawyers with the Sacramento-based law firm of McDonough, Holland & Allen, filed a motion in D.C. District Court challenging the subpoena on behalf of a "Jane Doe" subscriber to an Internet service provider. It was the first time an ISP sub has fought a Recording Industry Assn. of America subpoena on privacy claims.

"The recent efforts of the music industry to root out piracy have addressed a uniquely contemporary problem with draconian methods — good old-fashioned intimidation combined with access to personal information that would make George Orwell blush," Peterson argued.

An RIAA spokesman said the lawyers were simply trying to hand their client a free pass to upload music online illegally.

Two months ago the RIAA unleashed an aggressive campaign to crack down on online music swappers, slapping more than 1,000 individuals with subpoenas alleging that they had illegally swapped music files or made files available for other swappers.

Sen. Norm Coleman (R-Minn.) has since launched an investigation into whether the RIAA has been too heavy-handed in its

RIAA subpoena challenge set as pirate pleads guilty

legal tactics, targeting unwary consumers and abusing constitutional privacy laws in the process.

RIAA has a powerful ally in the Justice Dept. The feds announced Thursday that Mark Shumaker, 21, of Orlando, Fla., pleaded guilty to distributing music, software and gaming software. He faces a maximum sentence of five years in jail and a fine of \$250,000.

Advance distributing

Shumaker is the former leader of an online music piracy group known as Apocalypse Crew, which made a business out of distributing advance copies of digital music before its commercial release. The group's tentacles reached far into the music industry, as it recruited radio DJs and employees of music

magazine publishers in order to obtain pre-release copies of CDs.

According to U.S. Attorney Paul McNulty, once these advance copies hit the Internet, they found their way onto peer-to-peer file-sharing sites such as Kazaa and Morpheus.

"This plea shows that those who steal copyrighted music from artists and believe they are doing so anonymously on the Internet are sadly mistaken," McNulty said. "We can find you, we will find you, and we will prosecute you."

Shumaker is one of more than 22 defendants who have been convicted to date on charges of felony copyright infringement as a result of Operation Buccaneer, an international investigation run by the Justice Dept.'s Computer Crime and Intellectual Property Section.