
Subject: file sharing, LEGAL w/ friends?

Posted by [warranto](#) on Sun, 21 Sep 2003 04:41:42 GMT

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Legally speaking, (and being explicit with what the law states) No it's not legal. Copyright law states that willful infringement...

1) for purposes of commercial advantage or private financial gain, or

(2) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than \$1,000,

can have legal consequences.

HOWEVER....

when dealing with sound recordings and such, the law differs...

1101. Unauthorized fixation and trafficking in sound recordings and music videos

(1) fixes the sounds or sounds and images of a live musical performance in a copy or phonorecord, or reproduces copies or phonorecords of such a performance from an unauthorized fixation,

(2) transmits or otherwise communicates to the public the sounds or sounds and images of a live musical performance, or

(3) distributes or offers to distribute, sells or offers to sell, rents or offers to rent, or traffics in any copy or phonorecord fixed as described in paragraph (1), regardless of whether the fixations occurred in the United States,

This basically states that recording a song to your hard drive (and yes downloading a song is considered to be recording onto your hard drive), or distributes a song can have legal action... regardless if you live in the United States or not.

Edit: this was taken straight from the US copyright office, located here

<http://www.loc.gov/copyright/title17/>

Edit2: a phonorecord is any medium the recording is made onto. (CD, Audio Tape video tape, Vinal Record, et cetera)
