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Subject: Save L3f7H4nd3d!

Posted by [warranto](#) on Mon, 03 Nov 2003 02:18:53 GMT

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Basically it's like this. If you have been caught downloading illegal materials, Companies CAN NOT go to your ISP and ask for information unless they go through a law enforcement agency (police, lawyer etc.) and get a warrant. Once that is done, however, they can get personal information, and when given another warrant, they can search your PC. If all they have is the fact you downloaded something, they can not pursue charges if they did not find the downloaded material in your possession (either on your computer or already transferred to a CD). The big issue here though is the means they are going about to get that information. I have not confirmed this, but what I have heard is that they are offering a music/file sharing program that is spyware (once again, I have NOT confirmed this, so don't quote me on it). This is illegal unless it has been sanctioned by the courts (The same reason the police can not tap your phone without a warrant). They can try all they want, but without the actual file to go on, the chances of you getting charged is very low, though not impossible. If you downloaded a song simply to sample it (Hint, hint: possible legal defence alert) and then delete it, it could be successfully argued that the artist lost no money, and in fact have the possibility to gain money now that you know you will enjoy the song once purchased. Keep in mind though, they have your IP and can get you on copyright infringement for simply downloading it, but without the program in your possession the severity of the charge, if any will most likely be lower.

If anyone finds any problems, please post as I may have missed a point.

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