
Subject: file sharing, LEGAL w/ friends?

Posted by [dufis791](#) on Sun, 21 Sep 2003 01:32:44 GMT

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ive heard that sharing files (mainly music) with friends is LEGAL, is it? (1 "no" or "yes" is not enough, i need alot of replies to this 1!!)

Subject: file sharing, LEGAL w/ friends?

Posted by [boma57](#) on Sun, 21 Sep 2003 01:46:54 GMT

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Sharing as in letting your friend borrow a CD = Yes

Sharing as in burning CDs and giving (or selling) them to your friends = No

Also, File Sharing isn't illegal. It's reproduction of Copyrighted items that is.

Subject: file sharing, LEGAL w/ friends?

Posted by [dufis791](#) on Sun, 21 Sep 2003 01:48:10 GMT

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k.....

YES=1

NO=1

keep 'em coming, some proof would b nice! (a sitestating the answer ect)

Subject: file sharing, LEGAL w/ friends?

Posted by [boma57](#) on Sun, 21 Sep 2003 02:18:15 GMT

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Just for the record, I was stating the facts, not my opinion

I think file sharing of any sort should be legal, once you buy that CD it's yours to do what you want with as long as you don't infringe upon the rights of others. Copyright? Pffft. It's not infringing on a Copyright. Yeah, it's being redistributed. So? What do you call selling CDs at a yard sale if not redistribution? A used CD store? I'd like to see the RIAA go after those next and get a nice big giant government foot up their ass.

Subject: file sharing, LEGAL w/ friends?

Posted by [dufis791](#) on Sun, 21 Sep 2003 02:22:32 GMT

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lol!! true.... not that i dont belive you at all, though, just u dont hve ne proof to back it up.

check this out: <http://www.geocities.com/aimshare>
its a work in progress. im looking for proof of either direction 4 "them"

Subject: file sharing, LEGAL w/ friends?
Posted by [boma57](#) on Sun, 21 Sep 2003 02:38:33 GMT
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Well, I'm too lazy to look up actual proof, but I can tell you that "Ever noticed that P2P applications, that alow you to downoad FREE music, movies, ect, are ILLEGAL?" isn't true.

Napster was illegal, yes. So it got shut down.

Kazaa and all the remaining P2P programs work differently, and are not illegal. It's how you use them that can be.

For a metaphor, lets think of Kazaa as a car. You drive it around town, having fun (downloading legal files), but then you intentionally hit someone (download an illegal file). What you did was illegal, owning or using the car was not, though. Could someone go after the car manufacturer because you killed someone with their car? No, of course not.

Napster functioned differently, though. It would be the equivalent of a car specifically designed for killing people.

Subject: file sharing, LEGAL w/ friends?
Posted by [dufis791](#) on Sun, 21 Sep 2003 02:41:59 GMT
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lol, i knew that 1 already, and good metaphor.

the lisencc agreement 4 KaZaA states that u may not use it for d/l ing or sharing illegal content (i d/l ed it just to read the agreement), but it is obvios they knew thats what it was going to mainly b used for

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)

Subject: file sharing, LEGAL w/ friends?

Posted by [MonkeyPhonic](#) on Sun, 21 Sep 2003 11:36:37 GMT

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The difference is that by file sharing you are keeping the recording AND passing it on. A second hand CD is ONLY passing it on. File sharing is more like taking a load of copies and selling them at a yard sale, which is infringing on other peoples rights and just as illgal. Everybody likes free stuff, I've seen movies, listened to songs from file sharing progs. Just don't try and make out like it's your right.

TaximesI think file sharing of any sort should be legal, once you buy that CD it's yours to do what you want with as long as you don't infringe upon the rights of others. Copyright? Pffft. It's not infringing on a Copyright. Yeah, it's being redistributed. So? What do you call selling CDs at a yard sale if not redistribution? A used CD store? I'd like to see the RIAA go after those next and get a nice big giant government foot up their ass.

Subject: file sharing, LEGAL w/ friends?

Posted by [warranto](#) on Sun, 21 Sep 2003 15:52:52 GMT

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MonkeyPhonicThe difference is that by file sharing you are keeping the recording AND passing it on. A second hand CD is ONLY passing it on. File sharing is more like taking a load of copies and selling them at a yard sale, which is infringing on other peoples rights and just as illigal. Everybody likes free stuff, I've seen movies, listened to songs from file sharing progs. Just don't try and make out like it's your right.

I refer you to the first half of my post. As long as he doesn't sell it for more than he bought it (Financial gain), use it as a begining for his music distribution company (commercial advantage) and doesn't distribute the same CD (different purchased copy) enough times to total more than \$1000 during a 180 day period, he's fine and nothing legal can happen to him.

There was a reason I put both in. Though I admit a clarification of the second half should have stated that the law pertains to unoffical recordings only.

Subject: file sharing, LEGAL w/ friends?

Posted by [MonkeyPhonic](#) on Sun, 21 Sep 2003 16:57:08 GMT

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Is that US law? I'm sure it's different over here in the UK.

and for the purpose of comercial advantage or private gain is nice n vague.

The law is behind electronic distribution, it's to new a medium and law takes a long time to catch up.

My point was that moraly speaking, file sharing is a form of theft. You can dress it up all you want with proclamations of how record companies are huge greedy and corrupt, and so on. But like it or not, piracy screws the industry. The more you pirate, the more a record company takes losses, the more they take losses the more they go for safe main stream and ultra bland options and the chances of new and interesting music being supported becomes even more minimal.

A small amount of piracy in some ways can be beneficial, but pirating on the current scale as more and more people have access to broad band will give us a top 40 that sounds like being stuck in a permanent lift/elevator.

It may seem like it now, but believe me it could get worse.

Subject: file sharing, LEGAL w/ friends?

Posted by [MonkeyPhonic](#) on Sun, 21 Sep 2003 17:06:14 GMT

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Tho when they do stuff like that whole Maraya Scary thing and throw millions away it's hard to have much sympathy

Subject: file sharing, LEGAL w/ friends?

Posted by [Sir Phoenixx](#) on Sun, 21 Sep 2003 17:13:18 GMT

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MonkeyPhonics that US law? I'm sure it's different over here in the UK.

The copyright laws default to the country in which the copyrighted object in question was copyrighted in. For example, if a video game, or music cd was created/copyrighted in America, the American copyright laws are used, doesn't matter if you're in America, or the UK. If the video game or music was created or copyrighted in the UK, the UK copyright laws are used, even if you live in America.

If you live in the UK, and you're ripping tracks from American music CDs (or downloading and redistributing tracks originally from American music CDs), you are subject to American copyright laws, in this case.

Subject: file sharing, LEGAL w/ friends?

Posted by [dufis791](#) on Sun, 21 Sep 2003 17:19:20 GMT

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can yall tell me if this is corect: <http://www.geocities.com/aimshare/> ???
is that legal?

Subject: file sharing, LEGAL w/ friends?

Posted by [Sir Phoenixx](#) on Sun, 21 Sep 2003 17:34:19 GMT

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Quote:Now the logic behind this:

Who do you put on your buddy list? FRIENDS

Who are you alowd to share music and such with? FRIENDS

Lol, now that's some pretty fucked up logic.

Who do you put on your buddy list? Not just friends, but Anyone. The reason for the buddy list is to let you know when that person is online. You can put your friends on it, or just people who you need to talk to as soon as they get online. If you just found out that your worst enemy has aim, and you know how to hack people through aim and really mess them up, and you put him on your

buddy list so you know when he comes on so you can screw with him... Does this make him your friend?

And where exactly does it say that it's perfectly legal to rip tracks from CDs, and distribute them to everyone you consider your friend online?

Subject: file sharing, LEGAL w/ friends?

Posted by [warranto](#) on Sun, 21 Sep 2003 18:02:53 GMT

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dufis791 can yall tell me if this is corect: <http://www.geocities.com/aimshare/> ???
is that legal?

It's a perversion of what stated by the law. The law had no problem with you sharing with friends, or anyone else for that matter as long as it's THE ORIGINAL HARD COPY (refer to my two previous posts on what limitations the law states exactly). To point it out again anyways... as long as it's not for financial gain, or commercial advantage (and yes, renting a game/CD to a friend is considered financial gain), and is the original hard copy, feel free to give/lend/share it with whomever you want.

Subject: file sharing, LEGAL w/ friends?

Posted by [dufis791](#) on Sun, 21 Sep 2003 19:07:40 GMT

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so tecnically geting/sharing files through AIM is LEGAL?

and 1 more thing, i dont put ne1 but friends (or aquantances) on my buddy list.

and thanx for yalls help.

SOME MORE PROOF WOULD BE REALY NICE!!!

Subject: file sharing, LEGAL w/ friends?

Posted by [MonkeyPhonic](#) on Sun, 21 Sep 2003 19:59:31 GMT

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I don't know about the music industry, but in games the distribution is via the publisher and the copyright is their issue, any big publisher has teretorial coverage, so EA europ deals with european release, EA US deals with US and so on, so in games this is either not the case, or games publishers are very cautious. IE Renegade is released under european copy write in europe and US copywrite in the US.

If what you say is true then if you copied a US version of Renegade in the UK then the US copywrite would be in effect. At which point you start to realise the reason that copywrite lawyers

drive expensive cars. Complicated laws lead to well fed lawyers.

Sir Phoenixx

The copyright laws default to the country in which the copyrighted object in question was copyrighted in. For example, if a video game, or music cd was created/copyrighted in America, the American copyright laws are used, doesn't matter if you're in America, or the UK. If the video game or music was created or copyrighted in the UK, the UK copyright laws are used, even if you live in America.

If you live in the UK, and you're ripping tracks from American music CDs (or downloading and redistributing tracks originally from American music CDs), you are subject to American copyright laws, in this case.

Subject: file sharing, LEGAL w/ friends?
Posted by [warranto](#) on Sun, 21 Sep 2003 21:54:09 GMT
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dufis791so technically geting/sharing files through AIM is LEGAL?

and 1 more thing, i dont put ne1 but friends (or aquantances) on my buddy list.

and thanx for yalls help.

SOME MORE PROOF WOULD BE REALY NICE!!!

No it is ILLEGAL. Where did I say it was legal? NO music company distributes music on the internet, so how can the original hard copy be on your computer in the first place? It can't. So transferring music, or any other copyrighted material through any sort of program, whether it be a peer to peer program like kazaa, or an IM program like AIM is not legal in any way shape or form.

The only way you can share copyrighted material with someone is to give them the original hard copy while following the restrictions I supplied in my first post.

Subject: file sharing, LEGAL w/ friends?
Posted by [Sir Phoenixx](#) on Sun, 21 Sep 2003 22:54:35 GMT
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Example:

It is legal for you to give or lend your friend your [insert name of band here] music CD. (Unless

you charge them.)

It is not legal to burn your [insert name of band here] music CD, and give your friend that.

It is not legal to rip the tracks off of your [insert name of band here] music CD, and give that to people over the internet.

Subject: file sharing, LEGAL w/ friends?

Posted by [warranto](#) on Sun, 21 Sep 2003 23:00:21 GMT

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Sir PhoenixxExample:

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It is not legal to rip the tracks off of your [insert name of band here] music CD, and give that to people over the internet.

Bah... thanks. Sometimes I forget that I need to simplify the technical terms with most people.

Subject: file sharing, LEGAL w/ friends?

Posted by [dufis791](#) on Tue, 23 Sep 2003 00:15:14 GMT

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thanx for ur help yall..... the site has been fixed, AND HAS GROWN!!!!!!

check it out! <http://www.geocities.com/aimshare/>

Subject: file sharing, LEGAL w/ friends?

Posted by [General Havoc](#) on Tue, 23 Sep 2003 13:48:46 GMT

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Sir PhoenixxExample:

It is legal for you to give or lend your friend your [insert name of band here] music CD.

It is not legal to burn your [insert name of band here] music CD, and give your friend that. (Unless you charge them.)

It is not legal to rip the tracks off of your [insert name of band here] music CD, and give that to people over the internet.

I take it you messed that up first time as the second point is saying it is legal to give your friend a backup of your music CD if you charge them.

Subject: file sharing, LEGAL w/ friends?

Posted by [NoX](#) on Tue, 23 Sep 2003 14:32:15 GMT

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Taximes

Sharing as in burning CDs and giving (or selling) them to your friends = No

Sharing as in copying a CD and giving (not selling) them to your friends (AND destroying the original) is legal in my country

Subject: file sharing, LEGAL w/ friends?

Posted by [warranto](#) on Tue, 23 Sep 2003 17:54:37 GMT

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General HavocSir PhoenixxExample:

It is legal for you to give or lend your friend your [insert name of band here] music CD.

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Uhh.. even I missed that point of his. :oops: What he should have said was... (sorry for the unrequested correction Sir. Phoinexx, but as stated it's wrong)

It is not legal to burn your [insert name of band here] music CD, and give your friend that. Regardless if you charge them or not.

However, once again, if you choose to sell them the original CD, as long as you don't make a profit from it, feel free to do so.

Subject: file sharing, LEGAL w/ friends?

Posted by [Sir Phoenixx](#) on Tue, 23 Sep 2003 21:57:21 GMT

warrantoGeneral HavocSir PhoenixxExample:

It is legal for you to give or lend your friend your [insert name of band here] music CD.

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However, once again, if you choose to sell them the original CD, as long as you don't make a profit from it, feel free to do so.

I seen that, and fixed it before these last few replies, I meant to paste that onto the first one and not the second one.

Subject: file sharing, LEGAL w/ friends?

Posted by [setstyle](#) on Thu, 25 Sep 2003 20:49:05 GMT

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TaximesI think file sharing of any sort should be legal, once you buy that CD it's yours to do what you want with as long as you don't infringe upon the rights of others. Copyright? Pffft. It's not infringing on a Copyright. Yeah, it's being redistributed. So? What do you call selling CDs at a yard sale if not redistribution? A used CD store? I'd like to see the RIAA go after those next and get a nice big giant government foot up their ass.

Put yourself in the shoes of a band that is still struggling to make ends meet.

First of all, selling a CD requires selling, whereas freely distributing that music online or through burnt CDs isn't. The guy selling CD-A at a summer yard sale still gets money, which he could possibly spend on another CD from the company he bought CD-A from. Even if he rips CD-A before he gives it away, there is no money lost yet. But when he rips it and puts it on the Kazaa table or onto another disk, he steps around being payed, and the company essentially has a CD stolen. I haven't researched copyrights too deeply, but I know that stealing isn't legal.

Subject: file sharing, LEGAL w/ friends?
Posted by [Xtrm2Matt](#) on Thu, 25 Sep 2003 20:50:52 GMT
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Gah gah gah.. RIAA is stupid and gay.

Subject: file sharing, LEGAL w/ friends?
Posted by [setstyle](#) on Thu, 25 Sep 2003 20:55:00 GMT
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Xtrm2MattGah gah gah.. RIAA is stupid and gay.

That doesn't even need an arguement to support it.

Subject: file sharing, LEGAL w/ friends?
Posted by [Nodbugger](#) on Thu, 25 Sep 2003 22:00:08 GMT
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Ive noticed that on all copyright things it says for public viewing or selling. So you can give anything away that you want to. Thats why file sharing shouldnt be illegal.

Subject: file sharing, LEGAL w/ friends?
Posted by [dufis791](#) on Thu, 25 Sep 2003 22:21:32 GMT
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lets say this: YOU bought it, its YOURS, y cant u give it to ppl?

Subject: file sharing, LEGAL w/ friends?
Posted by [ohmybad](#) on Thu, 25 Sep 2003 22:41:42 GMT
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dufis791lets say this: YOU bought it, its YOURS, y cant u give it to ppl?

Lets say you give your cd to someone then they give it to their freinds and then their freinds give it to their freinds ect... All the people that dont buy the cd is less money the companies make. So they get pissed, and sue for loss in profiets. Which is resonable.

Subject: file sharing, LEGAL w/ friends?
Posted by [lmdgr8one](#) on Thu, 25 Sep 2003 22:45:05 GMT
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Is Kazaa Lite safe?

Subject: file sharing, LEGAL w/ friends?

Posted by [warranto](#) on Thu, 25 Sep 2003 23:00:04 GMT

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dufis791lets say this: YOU bought it, its YOURS, y cant u give it to ppl?

If you bought it, you can give the copy you bought to whomever you want, for whatever you want, as long as you don't make a monetary profit off of it. As long as you don't make a copy first.

Quote:Lets say you give your cd to someone then they give it to their freinds and then their freinds give it to their freinds ect... All the people that dont buy the cd is less money the companies make. So they get pissed, and sue for loss in profiets. Which is resonable.

They wont sue. All they care about is getting the money required for all copis sold. If you give it to your friend, the company makes no loss because they still have the money for that copy. However if you make a copy, they will sue because thats one copy that they won't make any money off of.

Subject: file sharing, LEGAL w/ friends?

Posted by [dufis791](#) on Thu, 25 Sep 2003 23:12:50 GMT

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artist gets: 25% record company: 75%

whats wrong w/ that? they really arnt losing money, they just aint getting ne....
(the record companies)

y dont the artists sell their cds themselves? it would endu up A) cheeper, and B) fairer

Subject: file sharing, LEGAL w/ friends?

Posted by [warranto](#) on Thu, 25 Sep 2003 23:17:27 GMT

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a loss in income is still a loss, no matter how little it is, and businesses don't like that.

Artists could sell the CD's themselves, but they won't be able to use any recording company to make them. The recording company usually gains sole distribution rights (not to mention the artist can usually only use that same recording company for all future recordings) when the artists sign on with them. If the artist decided to use a recording company, and then distribute the CD themselves, unless the contract allowed it, the artist could be in legal trouble.
