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### Congress Flunks P2P Test

By [Roy Mark](#)

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Congress still has knotted knickers over illegal peer-to-peer (P2P) file sharing, once again showing how utterly out of touch lawmakers can be in a rapidly changing digital world.

So when Hollywood began bleating about the high rate of online piracy at colleges and universities, Congress decided to do something about it.

Our lawmakers seem utterly baffled that the widespread theft of copyrighted music didn't immediately cease following the 2005 Supreme Court [Grokster](#) decision ruling P2P services that induce users to infringe are illegal business models.

Of course, these are the same people who are still scratching their heads over why the CAN-SPAM Act has failed to staunch the tide of unsolicited e-mail. They are the same lawmakers whose attempts to curb pornography on the Internet are routinely rejected by the courts as violating the most basic of free-speech rights. And they are the same people whose campaign coffers are regularly filled by the entertainment industry.

As is the case when Congress tries to do something about a problem it can't control, troubled logic becomes epidemic. It started this time with the [bashing](#) of college officials as being soft on intellectual property theft.

What got Congress riled up this time is a study by the University of Richmond's Intellectual Property Institute claiming more than half of all college students download music and movies illegally. Another report from the research firm NPD said college students get more of their music from illegal peer-to-peer (P2P) services than the rest of the population.

Therefore, Congress reasoned as the Recording Industry Association of America (RIAA) whispered in its ear, colleges and universities are running a virtual bazaar in stolen music and movies.

"Unfortunately, many schools have turned a blind eye to piracy," Hollywood Howard Berman (D-Calif.), chairman of the House Subcommittee on Intellectual Property, admonished administrators at a recent hearing. "Current law isn't giving universities enough incentive to comply."

Rep. John Conyers (D-Mich.), chairman of the House Judiciary Committee, complained campus piracy is still "rampant and widespread" and "too many schools do little or nothing about it. That's an unacceptable response."

Berman and Conyers, in their new turns as committee chairmen, seem as in the dark as their Republican predecessors. And not because campus piracy isn't a problem -- it is. But because colleges and universities are not to blame.

When the graduating classes of 2007 began college, schools were already incorporating copyright-infringement issues as part of basic orientations. Student codes of conduct had already been written to expel infringers. Systems administrators were already shaping bandwidth by type of traffic to limit possible illegal P2P activity.

The schools are hardly paying mere lip service to campus piracy, willingly facilitating the RIAA's thousands of copyright-infringement lawsuits filed against students over the last few years.

What Congress can't seem to grasp is this one simple truth: colleges and universities can't do much about the piracy because large chunks of the illegal activity takes place off campus. At most colleges and universities, the majority of students connect to the Internet using non-school computers and Internet service providers.

Lawmakers, though, must think every college student is using school systems to swap music files. After all, that's what the RIAA told them at the last campaign fundraiser.

But not to fear, at least one lawmaker has a solution. Rep. Ric Keller, a Florida Republican, [proposed](#) this week to allow colleges and universities to apply for expensive filtering funding from the government. The systems can cost more than \$1 million up front and require licensing fees of \$250,000 or more annually.

There's no real proof any of these systems work with any great efficiency. So as Rep. Keller would have it, millions of taxpayer dollars would be spent on filtering technology that may or may not work to use on systems that most students don't use in the first place to swap tunes.

That knots my knickers.

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