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## Copyright Silliness on Campus

By Fred von Lohmann  
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What do Columbia, Vanderbilt, Duke, Howard and UCLA have in common? Apparently, leaders in Congress think that they aren't expelling enough students for illegally swapping music and movies.

The House committees responsible for copyright and education wrote a joint letter May 1 scolding the presidents of 19 major American universities, demanding that each school respond to a six-page questionnaire detailing steps it has taken to curtail illegal music and movie file-sharing on campus. One of the questions -- "Does your institution expel violating students?" -- shows just how out-of-control the futile battle against campus downloading has become.

As universities are pressured to punish students and install expensive "filtering" technologies to monitor their computer networks, the entertainment industry has ramped up its student shakedown campaign. The Recording Industry Association of America has targeted more than 1,600 individual students in the past four months, demanding that each pay \$3,000 for file-sharing transgressions or face a federal lawsuit. In total, the music and movie industries have brought more than 20,000 federal lawsuits against individual Americans in the past three years.

History is sure to judge harshly everyone responsible for this absurd state of affairs. Our universities have far better things to spend money on than bullying students. Artists deserve to be fairly compensated, but are we really prepared to sue and expel every college student who has made an illegal copy? No one who takes privacy and civil liberties seriously can believe that the installation of surveillance technologies on university computer networks is a sensible solution.

It's not an effective solution, either. Short of appointing a copyright hall monitor for every dorm room, there is no way digital copying will be meaningfully reduced. Technical efforts to block file-sharing will be met with clever countermeasures from sharp computer science majors. Even if students were completely cut off from the Internet, they would continue to copy CDs, swap hard drives and pool their laptops.

Already, a hard drive capable of storing more than 80,000 songs can be had for \$100. Blank DVDs, each capable of holding more than a first-generation iPod, now sell for a quarter apiece. Students are going to copy what they want, when they want, from whom they want.

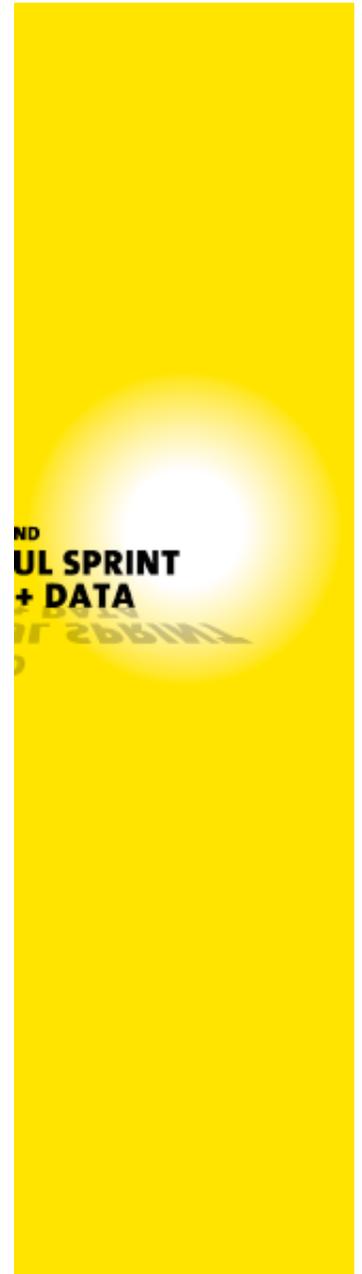
So universities can't stop file-sharing. But they can still help artists get paid for it. How? By putting some cash on the bar.

Universities already pay blanket fees so that student a cappella groups can perform on campus, and they also pay for cable TV subscriptions and site licenses for software. By the same token, they could collect a reasonable amount from their students for "all you can eat" downloading.

The recording industry is already willing to offer unlimited downloads with subscription plans for \$10 to \$15 per month through services such as Napster and Rhapsody. But these services have been a failure on campuses, for a number of reasons, including these: They don't work with the iPod, they cause downloaded music to "expire" after students leave the school, and they don't include all the music students want.

The only solution is a blanket license that permits students to get unrestricted music and movies from sources of their choosing.

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**At its heart, this is a fight about money, not about morality. We should have the universities collect the cash, pay it to the entertainment industry and let the students do what they are going to do anyway. In exchange, the entertainment industry should call off the lawyers and lobbyists, leaving our nation's universities to focus on the real challenges facing America's next generation of leaders.**

*The writer is a senior staff attorney with the Electronic Frontier Foundation. He represented one of the defendants in MGM v. Grokster, a landmark case concerning peer-to-peer file sharing.*

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