

Pro-Napster protesters vandalise web sites

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17 August 2000

According to a report by *Newsbytes.com* on August 15, Internet vandals have defaced a number of web sites around the world in protest at the court action being taken against music file-swapping service Napster.

The protesters are said to have infiltrated a number of sites, including the National Library of France, Norway Post, Bank International Indonesia, Models Network International, Thai Students Online, TDK USA Corp and Nike Taiwan. The scale of the attack suggests the work of more than one person.

Newsbytes says the front page of the National Library of France web site was replaced with a message that read, "To Metallica: Filing a law suit against Napster has probably made you lose your image, fans, and sales.... If you haven't realized you have also caused a chain reaction of other problems. Software developers looking for the same fame Napster got ... making your so called 'problems' even worse."

The author claims not to be a Napster user, but an Internet user speaking out against injustice. The message goes on to criticise the profit-driven motives of the major music labels and lists other sites that have been defaced. Not wishing to appear malicious, the hackers left a message for the web site administrator that reads, "To the System Admin of this Server: This server has not been harmed in any way. If you would like to know how to patch the vulnerability in this server then mail me at ..."

As a company that allows Internet users to connect with one another and share MP3 music files on each other's hard drives, Napster has been dogged with controversy since its creation. Last month the company was placed under a temporary injunction, ordering it to prevent the downloading of copyrighted songs. When the company argued that it was technically impossible to do this without shutting down its services altogether, the ruling was put on hold pending a trial.

However, Judge Marilyn Hall Patel made clear in her

rulings that she favours the arguments of the recording industry. In a written ruling presented just four days prior to the cyber attacks, the judge expanded on her initial verdict.

"Given the vast scale of Napster use among anonymous individuals, the court finds that downloading and uploading MP3 music files with the assistance of Napster are not private users. Moreover, the fact that Napster users get for free something they would ordinarily have to buy suggests that they reap economic advantages from Napster use."

If the jury agrees with Patel's ruling, which says the record industry will suffer "irreparable harm" if Napster continues, then the injunction will probably be reinstated, forcing Napster to close down.

In itself, such an action would not end the distribution of free music downloads. Since the emergence of Napster, a number of programmes have been developed which perform a similar function. These include Gnutella, software that allows users to exchange files without a central database and are thus extremely difficult to close down or regulate.

The Napster case raises more widespread concerns over the increasing commercial control of the Internet. It was reported last week that one of the world's largest Internet service providers, America Online (AOL), are to block access to MP3 files for their users, a move many believe is bound up with AOL's merger with media giants *Time Warner*. By contrast, Internet portal *Yahoo!* has established a new category on its site named "Digital Distribution" listing a number of sites where music can be downloaded, including napster.com.

There are legitimate concerns raised by artists over the implications of these new distribution channels for the control of intellectual property. While a minority, led by rock band Metallica, have lined up with the recording industry and demand the shutting down of

Napster, others are speaking in favour of the new technology but demand regulation to ensure they remain in control of their own works.

Whatever the opinions of those responsible for the reported attacks, acts of Internet vandalism such as this can only play a negative role in this debate. They will do nothing to halt the legal action against Napster and will help discredit those seeking to oppose the commercialisation of the Internet.

Far from securing Internet freedom, such defacement of others web sites will lead to a further tightening of the corporate grip upon this new medium. As with previous hacker attacks, this will only invoke renewed calls for tougher legislation and ever-closer state surveillance of Internet users.



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