**Music, Movie Industry to Warn Copyright Infringers**

*ABC OTUS News – Tue, Feb 26, 2013*

Internet users who illegally share music, movies or TV shows online may soon get warning notices from their service providers that they are violating copyright law. Ignore the notices, and violators could face an Internet slow-down for 48 hours. Those who claim they're innocent can protest — for a fee.

For the first time since a spate of aggressive and unpopular lawsuits almost a decade ago, the music and movie industries are going after Internet users they accuse of swapping copyrighted files online. But unlike the lawsuits from the mid-2000s — which swept up everyone from young kids to the elderly with sometimes ruinous financial penalties and court costs — the latest effort is aimed at educating casual Internet pirates and convincing them to stop. There are multiple chances to make amends and no immediate legal consequences under the program if they don't.

"There's a bunch of questions that need to be answered because there are ways that this could end up causing problems for Internet users," such as the bureaucratic headache of being falsely accused, said David Sohn, general counsel for the Center for Democracy and Technology, a Washington-based civil liberties group. But he added: "There's also the potential for this to have an impact in reducing piracy in ways that don't carry a lot of collateral damage."

The Copyright Alert System was put into effect this week by the nation's five biggest Internet service providers — Verizon, AT&T, Time Warner Cable, Comcast and Cablevision — and the two major associations representing industry — the Motion Picture Association of America and the Recording Industry Association of America.

Under the new program, the industry will monitor "peer-to-peer" software services for evidence of copyrighted files being shared. Each complaint will prompt a customer's Internet provider to notify the customer that their Internet address has been detected sharing files illegally. Depending on the service provider, the first couple of alerts will likely be an email warning. Subsequent alerts might require a person to acknowledge receipt or review educational materials. If a final warning is ignored, a person could be subject to speed-throttling for 48 hours or another similar "mitigation measure."

After five or six "strikes," however, the person won't face any repercussions under the program and is likely to be ignored. It's unclear whether such repeat offenders would be more likely at that point to face an expensive lawsuit. While proponents say it's not the intention of the program, it's possible the alert system will be used to initiate lawsuits.

The number of Internet users subject to the new system is a sizable chunk of the U.S. population. Verizon and AT&T alone supply more than 23 million customers.

For the recording industry, which blames online piracy for contributing to a dramatic drop in profits and sales during the past decade, the new alert system is a better alternative than lawsuits. In December 2008, the Recording Industry Association of America announced it had discontinued that practice — which had been deeply unpopular with the American public — and would begin working with the Internet providers on the alert system instead.

"We think there is a positive impact of (alert) programs like this, and that they can put money in the pocket of artists and labels," said Jonathan Lamy, a spokesman for the trade group.

The Motion Picture Association of America estimates some 29 million people have downloaded or watched unauthorized movies or TV shows online, mostly using technology such as BitTorrent, a popular peer-to-peer protocol. Like its counterparts in the music industry, the MPAA says it believes people will stop when they understand it's illegal and are redirected to legal ways of paying for downloads.

The alert system "will help ensure an Internet that works for everyone by alerting families of illegal activity that has occurred over peer-to-peer networks using their Internet accounts and educate them on how they can prevent such activity from happening again," Michael O'Leary, an executive for the MPAA, said in a statement Tuesday.

A primary question is whether the system will generate a significant number of "false positives," or cases in which people are accused of sharing illegal content but aren't. One scenario is if a person doesn't encrypt their wireless connection, leaving it open to a neighbor or malicious hacker that swaps illegal files. Another example might be if a person uploads a "mashup" of songs or brief scenes from a movie — content that wouldn't necessarily violate the law but could get flagged by the system.

The Center for Copyright Information, which created the alert system, is responsible for producing the methods that companies will be allowed to use to catch pirates, but it said Tuesday it won't release those details publicly. It said the system will rely on humans to review the entire content of every file to make sure it qualifies as material protected under copyright laws.

"This is an imperfect science," said Yoshi Kohno, an associate professor of computer science and engineering at the University of Washington. "The likelihood of a false positive depends on the diligence of the party doing the investigation."

Bartees Cox, a spokesman for the consumer watchdog group Public Knowledge, says it will watching to ensure the program doesn't evolve into imposing harsher punishments by Internet providers, such as terminating a person's Internet access altogether if they are accused of being a prolific violator.

If a person believes they've been wrongly accused, they will have multiple chances to delete the material and move on without any repercussion. If the problem is chronic, they can pay $35 to appeal — a charge intended to deter frivolous appeals but also one that can be waived. The center says it won't require proof that a person is financially strapped.

The center's director, Jill Lesser, said the goal is to educate the average Internet user, rather than punish them, and no one will see their Internet access cut off.

"This is the first time the focus has been on education and awareness and redirection to legal and authorized services and not on punitive measures or a carrot-and-stick approach," she said.

Sohn said the effort will be a significant test whether voluntary measures can reduce copyright infringement.

"The long-term challenge here is getting users to change their attitudes and behaviors and views toward copyright infringement, because the technology that enables infringement — computers, digital technology and the Internet — that stuff isn't going away," he said.

<http://news.yahoo.com/music-movie-industry-warn-copyright-infringers-001806931.html>

**Capitol Records Inc. et al v. Thomas-Rasset** (2012)

A U.S. Court of Appeals reinstated a reinstated a $222,000 jury verdict against Jammie Thomas-Rasset, rejecting her arguments that the damages award was excessive and violated her due process rights under the U.S. Constitution.

Thomas-Rasset was one of 18,000 individuals sued by the Recording Industry Association of America between 2003 and 2008 in a legal assault meant to discourage people from illegally downloading songs from sites like Kazaa.

The decision addressed the music industry's ability to use the Copyright Act to pursue individuals who illegally download music from the Internet. The law allows copyright owners to recover damages between $750 and $150,000 per infringed work.

**Postal Service Turns to Six-Hour Shifts to Reduce Costs**

By [Eric Katz](http://www.govexec.com/voices/eric-katz/6739/)  March 13, 2013

Packages wait to be sorted in a Post Office as U.S. Postal Service letter carrier of 19 years, Michael McDonald, gathers mail to load into his truck before making his delivery run. David Goldman/AP

Six has been a critical number for the U.S. Postal Service lately. In February, the Postmaster General announced USPS was cutting Saturday mail delivery, going from a six-day to a five-day schedule. The House passed a government funding bill Wednesday that included the rider “six-day delivery…shall continue,” [calling into question](http://www.govexec.com/oversight/2013/03/continuing-resolution-muddies-usps-plan-end-saturday-delivery/61744/) the Postal Service’s legal authority to make the change.

Now the Postal Service is facing a new six: Six-hour shifts. The cash-strapped agency recently posted more than 1,000 job openings with the shortened schedule. A USPS spokesman called the six-hour rather than eight-hour shifts “one of many strategies the Postal Service has put in place to better align our work hours with the workload.”

The shifts will align the employees' work schedule with the Postal Service's POSt Plan, which [limits operating hours](http://www.govexec.com/management/2012/08/usps-begin-cutting-hours-13000-post-offices/57766/) at thousands of Post Offices to two, four or six hours per day in an effort to reduce costs while not completely shutting the offices down."

The Postal Service recently [bought out](http://www.govexec.com/pay-benefits/2013/01/26500-employees-accept-postal-service-buyout/60597/) 26,500 employees and plans to reduce its workforce by 150,000 by 2015. The new positions are for local postmasters and the initial hiring period began on March 5 and will continue through March 20. The jobs were originally [posted](http://postalemployeenetwork.com/news/2013/03/more-than-one-thousand-6-hour-postmaster-vacancies-posted-from-march-5-20-2013/) on the Postal Employee Network.

<http://www.govexec.com/pay-benefits/2013/03/postal-service-turns-six-hour-shifts-reduce-costs/61863/>

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| **Continuing Resolution Muddies USPS Plan to End Saturday Delivery** By [Eric Katz](http://www.govexec.com/voices/eric-katz/6739/) March 7, 2013  The House has included a provision in the continuing resolution to fund government for the remainder of fiscal 2013 to mandate six-day mail delivery, posing a possible snag in the U.S. Postal Service’s plan to eliminate Saturday letter delivery.  The continuing resolution, which [the House](http://www.govexec.com/pay-benefits/2013/03/house-extends-pay-freeze-upholds-sequester/61714/) passed Wednesday, made reference to a rider included in every spending bill and continuing resolution since 1983, requiring USPS to deliver the mail six days a week in order to receive approximately $90 million in appropriations.  “Provided further, that six-day delivery and rural delivery of mail shall continue at not less than the 1983 level,” the provision reads.  Though the Postal Service generally relies on sales from its own business to generate revenue, it receives some federal funding to reimburse the agency for free services such as overseas voting and mail for the blind.  Most lawmakers acknowledged the rider would force the Postal Service to continue Saturday delivery. A spokeswoman for House Oversight and Government Reform Committee Ranking Member Elijah Cummings, D-Md. -- who [opposed](http://www.govexec.com/management/2013/02/postal-service-announces-plan-end-saturday-mail-delivery/61135/) the postmaster general’s decision to unilaterally end Saturday delivery -- said the continuing resolution “maintains the status quo” of six-day delivery.  But Rep. Darrell Issa, R-Calif., chairman of the oversight committee, said he believes the Postal Service still would have room to adjust its delivery schedule, despite the inclusion of the rider. Issa took to the House floor to call the postmaster general’s planned change a “modified six-day delivery schedule,” as packages would continue to be delivered on Saturdays.  “USPS has the authority to implement the modified Saturday delivery plan under current law and retains that authority if this provision were to be continued in its current form,” said Ali Ahmad, an Issa spokesman.  Ahmad added that the planned change is not without precedent, as it is similar to other adjustments made to Saturday delivery since 1983, such as rate hikes and product changes.  “In the view of the Oversight Committee -- which is the authorizing committee with House jurisdiction over policies affecting the Postal Service -- this is a commonsense shift within the bounds of current law that reflects a change in Americans' use of mail and the flexibility Congress has wanted the Postal Service to have that allowed other changes since 1983 to occur.”  A spokesman for the Postal Service did not directly state whether his agency shares Issa’s view, but said the Postal Service will not defy Congress.  “We will, of course, obey the law,” David Partenheimer, the spokesman, said.  Partenheimer emphasized the new delivery plan is a “responsible and reasonable approach” to address USPS’ financial crisis, noting it will save the agency $2 billion annually.  Should the matter ultimately be brought to court and ruled in favor of a six-day mandate, Ahmad said the Postal Service could simply reject its appropriations and move ahead with its new schedule, calling the hypothetical decision a “wise business decision” given the potential savings.  <http://www.govexec.com/oversight/2013/03/continuing-resolution-muddies-usps-plan-end-saturday-delivery/61744/> Eminent Domain & What It Means To You |
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Homeowners are currently facing a growing problem. The government is gaining more leeway in what types of property they can obtain through eminent domain and what types of properties they can construct on that land.

## What Is Eminent Domain?

Eminent domain is the ability of the government to take private property for it's own public use. According to the Fifth Amendment, "private property [shall not] be taken for public use, without just compensation" ([US Const., amend. V](http://www.law.cornell.edu/constitution/constitution.billofrights.html#amendmentv)). Eminent domain has been around since the United States has been in existence. The Fifth Amendment only introduced the concept of just compensation. Without this Amendment, the government could take whatever property they wanted without compensation.

## What Is Public Use?

Public use, throughout history, has transitioned. It was previously "synonymous with 'use by the public' and that if [the public was not going to have the] right to use or enjoy the property taken, the taking was invalid" ([Clark v. Nash](http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=198&invol=361)). Roads, schools, parks, military bases, and police stations were essential public facilities that took priority over individual property rights. Private real estate transactions, on the other hand, were always voluntary agreements between individuals.

Redevelopment has changed all that. Today, public use is "[equated]... with the police power in the furtherance of the public interest" ([Berman v. Parker](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0348_0026_ZS.html)). Through redevelopment, the term "public use" now includes privately owned shopping centers, auto malls and movie theaters. "Public use" is now anything a favored developer wants to do with another individual's land. Eminent domain is used in what once were purely private transactions.

## Case Studies

### New London, Connecticut

Susette Kelo did not consider the resort hotel and conference center, new state park, 80-100 new residence, research, office and rental space, that the city of New London, Connecticut was proposing to construct where her house was, as public use. The Supreme Court of Connecticut, however, disagreed. They found that if an economic project creates new jobs, increases tax and other city revenues, and revitalizes a depressed urban area, it qualifies as public use ([Kelo v. New London 2004](http://www.jud.ct.gov/external/supapp/Cases/AROcr/CR268/268cr152.pdf)). The case was then appealed to the United States Supreme Court. Kelo had spent time and money doing extensive improvements to her house, which she “prize[d] for its water view,” and did not want to have all of her hard work demolished. The final decision, which decided that New London’s plans were, in fact, considered public use, came on June 23, 2005 ([Kelo v. New London 2005](http://www.supremecourtus.gov/opinions/04pdf/04-108.pdf)).

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## Pros

### Traditional Public Use

Eminent domain as a whole is not all bad. When your community is looking to build something that will be available for its citizens as a whole, such as a school, road, park, etc., then it comes time to consider what will benefit the town, as well as you, more: your current house or a publicly used property. You can always find a new house, but there may only be one or two locations appropriate for a school, library, town hall, etc. There will mostly likely be only one way for a new road to go. These "traditional" uses of eminent domain are considered a pro because they help you and the community grow together.

### The New "Public" Use

As much as you don't want a new building full of townhouses and restaurants to take the place of your house, you have to consider how they will affect the town where you live. They will probably bring in more money and people. They may make your town more popular and in demand, making your *new* house worth more in the long run than your old house would have been. Not only the monetary benefits should be considered, but also the new beautification and enjoyment of being in your town. Say the new restaurants that replaced your house brought more people to the area and encouraged citizens to walk around, in turn giving people more opportunities to get to know each other. This may seem like a small thing, but living in a friendly town where you can get to know the other citizens, instead of them knowing you as the person who wouldn't sell their house, can make a big difference.

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## Cons

The main con here is that you have to move and sell your house. Not only sell it, but it will be demolished for someone else's benefit. You will have to settle with the government, hopefully coming to a sum that you consider "just compensation." You will have to pack and move all your belongings. You will have to find a new house in the area, if you want to stay there. You will have to move in there and deal with all the hassles of moving.

If the government that is taking your property isn't offering what you consider just compensation, there are many more cons. You will likely need a lawyer if you want to fight the government about the price they're offering.

It isn't just the hassle of moving that is a con of today's eminent domain. Knowing that your private property is going to another private owner doesn't seem right. The ability of the government to basically give your land to someone else to use is now legal. This abuse of eminent domain is explained in the next section.

http://www.indiana.edu/~tgfolio/projects/davisl/eminentdomain.html