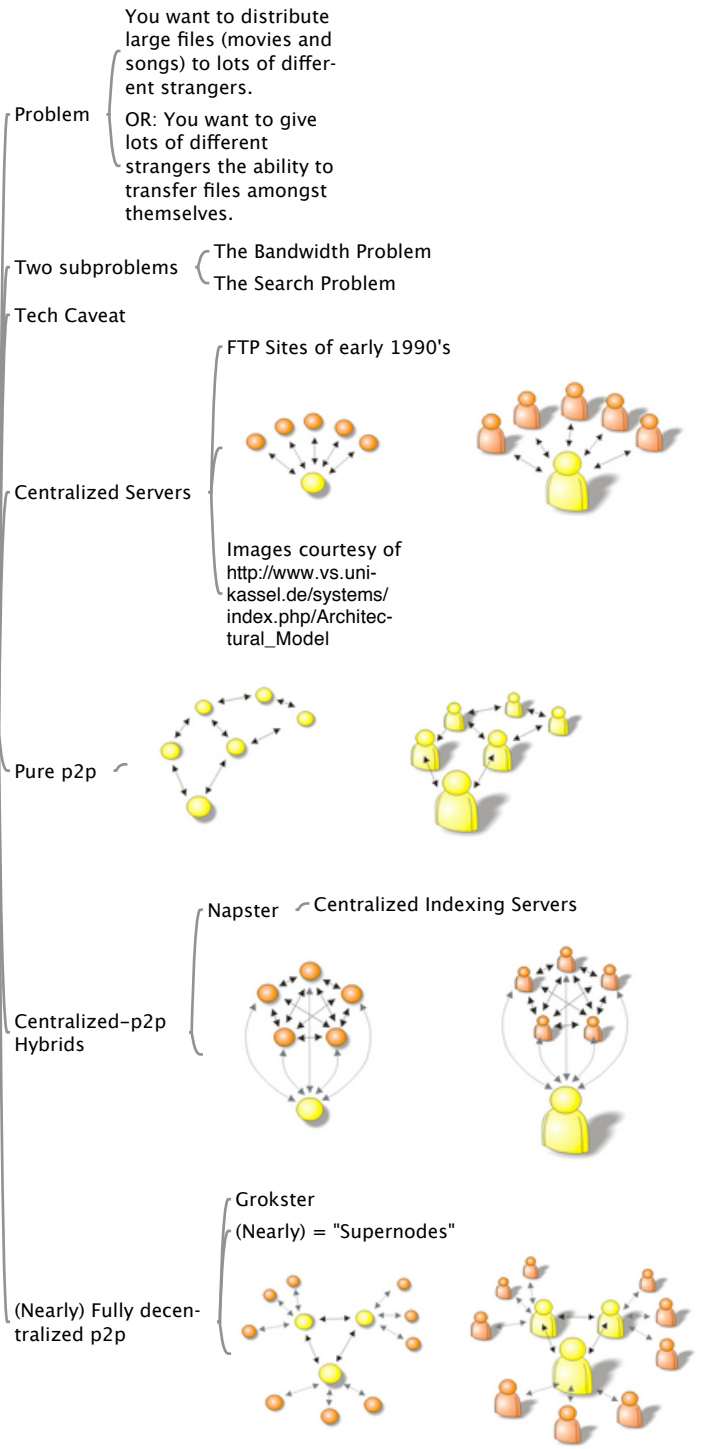


Class 19: Grokster

Grokster

P2P Network Technology Primer



Class 19: Grokster

Grokster

Grokster v. MGM

Basic Facts

Over 100 million copies of software distributed

Billions of files shared
"The probable scope of copyright infringement is staggering"

Evidence of Intent

Streamcast

Targeted Napster's orphans

Internal e-mails admitting intent.
Press kit about attempt to capture Napster
"Bridge" application
OpenNap
Banner Ads for OpenNap
Proposed Ads - Not clear whether they were released.

Grokster

"Sparser, but revealing"

Snaptor "Bridge"
Used metatags
Their name

Non-Infringing Uses

Breyer: 10% noninfringing

Ginsburg contradicts in FN3: The 10% are merely files for which there is "not enough information to form reasonable conclusions"

Sony: Survey's of how users used VCRs

75%: Time-shifting
96%: Caught a show I would've missed.
70% of total programs only watched once.

Note: figure is files shared, not files traded.

Does that matter?

Examples of noninfringing uses

Shakespeare (non-copyrighted)
Authorization (Wilco, Pearl Jam)

Held

Reasoning

First, attempts to clarify/recast Sony
New way to establish contributory infringement: Inducement of infringement