

## Obama Backs RIAA with \$150,000 Per Track Punishment

"Barack Obama's Department of Justice (DOJ) has sided with the Recording Industry Ass. of America (RIAA) in its lawsuit against a Massachusetts man accused of illegally downloading seven songs."

"This case needs a little history lesson, and El Reg thoughtfully provides us with one. In 2003, Tannenbaum (then 16) received a letter which accused him of downloading 7 songs from a P2P network, and the option to avoid further problems by paying a fine of USD 3500. Tenebaum made a counteroffer of 500 USD, but was denied. Nothing happened until 2007, when several recording companies took him to court, where Tenenbaum offered USD 5000 - the RIAA demanded 10500. No agreement was reached.

The case was never settled, and it still ongoing. Tenebaum is now a Physics grad student at Boston University, and is represented by law students from Harvard Law, mentored by Professor Charles Nesson. This is where things get complicated: the law students are not arguing against copyright, nor that Tenebaum has not violated it - they are arguing against what they call unconstitutionally heavy-handed damages that come from the Digital Theft Deterrence and Copyright Damages Improvement Act of 1999, which states that for each willful act of copyright violation, damages of up to USD 150000 can be awarded.

Obama's DOJ has now sided unquestionably with the RIAA. The DOJ's task is to weigh in on constitutional questions, and it has rejected all of the defendant's claims. The law students argue that the RIAA is acting as a civil enforcement entity, denying citizens of their right of due process. They argue that the RIAA should act like the private party that it is. The DOJ disagrees."

"The new Obama administration is shaping up to be a disaster for Copyfighters everywhere. In particular the new Department of Justice is stacked with lawyers who've been on the wrong side of copyright and intellectual property lawsuits for the last eight years. "