

CONSUMER ADVICE

Court Orders Napster to Stay Shut

Court Orders Napster to Stay Shut Appeals court rejects company's request to overturn shutdown order. Sam Costello, IDG News Service

Napster fans have little to sing about as the service that allowed users to swap music files will remain shuttered for the time being.

The U.S. Ninth Circuit Court of Appeals today rejected a motion by Napster to have its court-imposed shutdown order overturned.

Napster had no immediate comment on the ruling. In a written statement, the Recording Industry Association of America (RIAA), a trade group representing the major record companies, called the ruling a "strong endorsement" of its position on file blocking and praised the court's decision.

The Rise and Fall of Free Napster

In July 2001, Napster closed the doors on its MP3 file-trading network, which at its height claimed as many as 60 million users, after a barrage of lawsuits from record companies and their trade group, the RIAA. The suits led to a court order requiring the shutdown until Napster could stop the trading of copyrighted work.


Prior to its shutdown and as a result of those suits, the company had been engaged in a series of attempts to filter copyrighted works from its service and had wrangled in court with the record companies over how the RIAA would deliver to Napster information about which files would have to be filtered out.

Monday's ruling came on Napster's appeal of U.S. District Judge Marilyn Hall Patel's order last year to continue its file blocking. Napster had argued to the appeals court that Patel's ruling was vague and that the court lacked the authority to modify its initial injunction against the company.

The company also argued that the shutdown order was too harsh and that Patel used a technical advisor inappropriately in arriving at the ruling. In order to overturn Patel's rulings, the appeals court would have had to find that she committed legal errors.

The court denied all of Napster's motions, writing, "the terms of the preliminary injunction are not vague and properly reflect the relevant law on vicarious and contributory copyright infringement. The shut down order was a proper exercise of the district court's power."

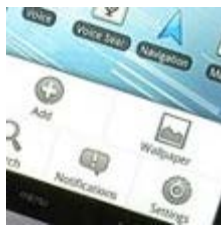
In January, Napster began beta testing a new service, one in which users pay for access and trade copy-protected songs. It's unclear, however, how many of Napster's former users would be willing to pay for the

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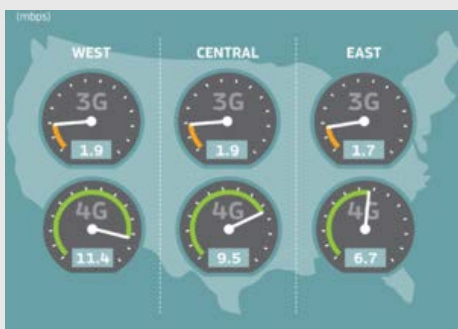
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