



Music and Motion Picture Groups Move For Ruling In Case Against MusicCity and Others

NEW YORK, NY, September 9, 2002, --Music and Motion Picture Groups Move For Ruling In Copyright Infringement Case Against Kazaa, MusicCity and Grokster

Three leading organizations representing the music publishers, and record and motion picture companies, today filed a motion in a Los Angeles federal court asking for an expedited ruling in their ongoing copyright infringement case against the online file sharing services Kazaa, Grokster and MusicCity.

After having gathered evidence for the last several months, the Motion Picture Association of America (MPAA), Recording Industry Association of America (RIAA) and National Music Publishers Association (NMPA), moved for summary judgment in United States District Court for the Central District of California. The three organizations charge that the massive "vicarious and contributory copyright infringement" facilitated by the Kazaa, Grokster and MusicCity services is abundantly clear and an accelerated ruling on the merits of the case is warranted. The initial lawsuit was filed last October.

In deference to the confidential evidence designated by defendants, the plaintiffs' summary judgment brief has been filed confidentially, under seal. The three organizations will seek to work out an appropriate process to unseal the briefs. In short, the motion claims that Kazaa, Grokster and MusicCity:

- built their networks to emulate Napster in almost every respect. They succeeded beyond their wildest dreams. Having begun with Napster technology and a Napster business model, they have marketed their service to Napster users and argued the same legal defenses as Napster;

- have built their networks into candy stores of infringement that allow a user to find the most popular music and movies of our time without paying any of the rights holders;

- § are earning millions of dollars from the service;

- § are acutely aware that the services are being used to facilitate copyright infringement on a massive scale for movies and music;

- § built and controlled the networks in a way that they could easily prevent the copyright infringements from occurring. The defendants' principal defense that they have no ability to control the network is belied by a myriad of facts, including the fact that Kazaa demonstrated its ability to turn off the Morpheus system at whim;

- § have been engaged in much more activity than merely distributing software as they claim. Rather, they were the genesis of and continue to be the sustainer of their networks.

Said Mark Litvack, MPAA Vice President and Director of Legal Affairs: "This is Cybernetic shoplifting. The Defendants have used the Internet to enrich themselves and deprive creators and copyright holders of their right to be compensated for their works,

thereby perpetuating the false mentality that stealing is an acceptable form of behavior." "The Defendants' business model is premised on legal theories that have been soundly rejected by both the Napster and Aimster courts." said Matt Oppenheim, Senior Vice President, Business and Legal Affairs. "This is a case about choice -- creators should not be forced to give away the results of their effort for free. They should have the choice of whether to give it away or sell it."

"These services were designed with one overriding purpose -- to exploit the value in copyrighted music for their own profit without compensating the creators," said Edward P. Murphy, President & CEO of the National Music Publishers' Association. "That is the reality -- the defenses thrown up to disguise it cannot survive the cold light of day. We are confident that the court will protect the rights of the creators against such brazen predatory conduct."

Also included in the filing is the testimony of several expert witnesses, including Leonard Kleinrock, widely regarded as one of the original founders of the Internet. Kleinrock describes how the defendant's file sharing system works and how they could easily control and prevent the massive copyright infringement from occurring.

#####

About the National Music Publishers' Association: The National Music Publishers' Association, Inc., founded in 1917, works to protect and advance the interests of the music publishing industry. With over 900 members, the NMPA represents the most important and influential music publishing firms throughout the United States.

The Recording Industry Association of America is the trade group that represents the U.S. recording industry. Its mission is to foster a business and legal climate that supports and promotes our members' creative and financial vitality. Its members are the record companies that comprise the most vibrant national music industry in the world. RIAA® members create, manufacture and/or distribute approximately 90% of all legitimate sound recordings produced and sold in the United States. In support of this mission, the RIAA works to protect intellectual property rights worldwide and the First Amendment rights of artists; conduct consumer industry and technical research; and monitor and review - - state and federal laws, regulations and policies. The RIAA® also certifies Gold®, Platinum®, Multi-Platinum™, and Diamond sales awards, Los Premios De Oro y Platino™, an award celebrating Latin music sales.

The Motion Picture Association of America (MPAA) serves as the voice and advocate of the American motion picture, home video and television industries from its offices in Los Angeles and Washington, D.C. On its board of directors are the Chairmen and Presidents of the seven major producers and distributors of motion picture and television programs in the United States. These members include: Walt Disney Company; Sony Pictures Entertainment, Inc.; Metro-Goldwyn-Mayer Inc.; Paramount Pictures Corporation; Twentieth Century Fox Film Corp.; Universal Studios, Inc.; and Warner Bros.