

FEATURES

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A US federal jury ruled on Thursday that Jammie Thomas-Rasset willfully violated the copyrights on 24 songs, and awarded recording companies US\$1.92 million, or \$80,000 per song.

The US\$1.92 million verdict against a woman accused of sharing 24 songs over the Internet could ratchet up the pressure on other defendants to settle with the recording industry — if the big fine can withstand an appeal.

“Normally in our American legal system, we say the punishment should fit the crime,” said Ken Port, director of the Intellectual Property Institute at William Mitchell College of Law in St. Paul. “Now she’s being ordered to pay, in some ways, an incomprehensible amount of damages.”

Port has closely watched the recording industry’s case against Jammie Thomas-Rasset, 32, of Brainerd and wrote a brief that helped persuade the judge in her first trial in 2007 to grant her the retrial that ended on Thursday.

In the latest trial, a federal jury in Minneapolis ruled that she must pay US\$1.92 million for willful infringement of the recording industry’s copyrights by posting the music on the file-sharing site Kazaa.

Under US federal law, the recording companies are entitled to US\$750 to US\$30,000 per infringement but the law allows the jury to raise that to as much as US\$150,000 per track if it finds the infringements were willful. The jury decided on US\$80,000 per song.

“They now have a verdict they can use in other cases around America,” Port said of the recording industry. “The prices that they will charge for settling is going to go up.”

Thomas-Rasset is the first and only music file-sharing defendant to have been tried.

The music industry has threatened about 35,000 people with charges of copyright infringement over the past five years, typically offering to settle the cases for US\$3,000 to US\$5,000. The recording industry estimates that a few hundred of those cases remain unresolved, with fewer than 10 defendants actively fighting them.

In December, the industry said it dropped its strategy of going after individuals to instead focus on Internet service providers.

Cara Duckworth, a spokeswoman for the Recording Industry Association of America, said on Friday that the verdict should remind those who share music illegally about the penalties in copyright law.

“For the few existing cases, this verdict is a reminder of the clarity of the law,” she said.

She noted that the US\$1.92 million was not a figure requested by the industry. “That was not our number, that was what 12 regular folks rendered,” she said of the jury, adding that the industry remains open to settling the case with Thomas-Rasset.

Kiwi Camara, one of Thomas-Rasset’s attorneys, said his client planned to appeal the ruling, but the legal team would take a few days to settle on its legal arguments. The damage award will probably be part of it.

“There really is a problem with the statute, because she’s been fined US\$1.9 million for stealing 24 songs that went for about US\$1.99 on iTunes,” he said, slightly overstating the cost of songs on the site. “There’s no way that can be the correct result.”

Even the presiding judge in the case might find the US\$1.9 million excessive. When Judge Michael Davis ordered the retrial, he also implored Congress to change copyright laws after Thomas-Rasset was ordered to pay US\$222,000 in



Left: The proprietary software used to access the Kazaa Internet service, through which Jammie Thomas-Rasset shared music files.

PHOTO: BLOOMBERG

Big fine could be big trouble in downloading case

Jammie Thomas-Rasset, the first — and so far only — music file-sharing defendant to go to trial, was ordered to pay a US\$1.92 million fine

BY CHRIS WILLIAMS
AP, MINNEAPOLIS



Below: Proponents of Internet file sharing march in front of the US Supreme Court on March 29, 2005.

PHOTO: BLOOMBERG



PLANET POP



Edison Chen isn't ready for the big time, yet. PHOTO: AP

Hong Kong actor-singer Edison Chen (陳冠希) says he is not yet ready for a high profile return to show business after a sex scandal last year that shocked the Chinese-speaking entertainment industry.

“I still don’t know if I am comfortable with that. Honestly, I don’t know if people

are comfortable with me doing that,” the *Sunday Star* quoted him as saying during a visit to Kuala Lumpur on Saturday.

Last year, photos of Chen having sex with female Hong Kong stars were widely circulated on the Internet. A Hong Kong computer technician was sentenced to more than eight months in jail last month for stealing the photos from Chen’s laptop during repairs.

Chen said he’s still producing films and albums for several artists.

“I’m there but not really there. Maybe I’m there in the background instead of being in the front now ... but at this point I love my job,” the 28-year-old Chinese-Canadian said at the launch of his first Juice streetwear store, which he co-owns, outside of Hong Kong.

Perhaps Chen could take a lesson in extroversion from Sacha Baron Cohen, who in his latest incarnation as a gay Austrian fashion reporter, jet skied down a canal into Amsterdam’s red light district on Friday to open a brothel full of men in thongs

ahead of the Dutch premiere of *Bruno*. “For too long, guys coming here from around the world have been forced to have sex with women,” Cohen said, standing in front of a pink-lit brothel building in the Dutch capital as surprised tourists and stag partygoers looked on.

Former Bond girl Michelle Yeoh (楊紫瓊) said yesterday that she will star in an upcoming kung fu movie directed by John Woo (吳宇森), adding that she’s not avoiding action movies despite a recent break from the genre.

The *Tomorrow Never Dies* and *Crouching Tiger, Hidden Dragon* (臥虎藏龍) actress told a press conference at the 12th Shanghai International Film Festival that the Chinese-language film will start shooting in China in September.

She said Woo will share directing duties on the film — tentatively called *The Sword and the Martial Arts World* — with Taiwanese filmmaker Su Chao-pin (蘇照彬), who directed the horror film *Silk* (鬼絲). She declined to give further details.

Yeoh is a former beauty queen who first made her name as an action star in Hong Kong. Her recent roles in *Memoirs of a Geisha* (2005) and *Far North* (2007) have veered toward drama, but the 46-year-old actress said she still feels fit enough to handle action.

“I have felt physically stronger the past few years. I don’t let age limit me,” Yeoh said, adding that she chose her recent projects because she enjoyed the stories — not because they were less physically taxing.

The film with Yeoh is Woo’s first new project since his US\$80 million two-part historical epic *Red Cliff* (赤壁). The Hong Kong native was supposed to next direct *1949* — an epic romance set against the Chinese Civil War in that year — but the project fell through because of a dispute with its Taiwanese investors.

South Korean pop star and actor Rain has settled a civil suit over a canceled concert in the US, reports said Wednesday.

The June 2007 concert for the

performer — who has been called the “Justin Timberlake of Asia” — was canceled with just a few days’ notice, disappointing fans who paid up to US\$300 for a ticket and flew to Hawaii from as far as away as Japan and South Korea. It was supposed to be the first stop on the Rain’s Coming US tour.

Earlier this year, a federal jury ordered Rain and his former managers to pay a Hawaii promoter more than US\$8 million in damages. It said Rain, his former agency JYP Entertainment Co and two South Korean promotion companies breached a contract to perform and defrauded Click Entertainment Inc.

Rain settled the suit in Hawaii, South Korea’s *Kookmin Ilbo* newspaper said, citing

a US court document. No details on financial compensation were given.

The star is scheduled to appear in the upcoming Hollywood action film *Ninja Assassin*.

— AGENCIES

Sacha Baron Cohen, right, struck a blow for tourists in Amsterdam.

PHOTO: EPA

