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Peer-to-Peer Connections

From its early days of Napster back in 2000 to the days where Megaupload and The Pirate Bay were crowned kings of file sharing in 2010, Peer-to-Peer software has been a controversial topic that many industries claim has caused more damage than good. Peer-to-Peer file sharing has had many different platforms over the years, and each one has been shut down by governments all around the world. The content found on Peer-to-Peer file sharing websites range from harmless files and private documents, to copyrighted movies, virus infected software, and illegal content. The proposed question then is, who should be responsible for the content found on file sharing software?

There are no restrictions to the content that can be uploaded to Peer-to-Peer software. Anybody can upload their own private documents, their newly purchased songs, their own copy of a video game they just downloaded, even files that may be disguised as something else to trick the downloader. Since anything can be uploaded, many people have fallen victim to virus attacks, scams, and identity theft. Seattle born Gregory Kopiloff was sentenced to four years in jail after pleading guilty of using Peer-to-Peer file sharing software, stealing the identity of over 50 people (Musil, 2008). The most common case on file sharing software however, is copyrighted or illegal content. In a lawsuit against the file sharing software LimeWire, it was alleged by the Recording Industry Association of America (RIAA) that over 93% of LimeWire’s file sharing was copyrighted material (Kravets, Limewire facing billion-dollar damages trail, 2011). This brings us to our main question, whether the users, the downloaders and uploaders, that are distributing material or the Peer-to-Peer software owners who make content easily accessible for users to share their files be the ones responsible for policing what gets put out there.

For many users uploading copyrighted content, their main ideas are to share what may be expensive or hard to get for others. The people uploading content online provide music, movies, software, and games to people who otherwise would not spend their hard-earned cash or would otherwise never experience the material. And for those like Kopiloff, they are looking for loopholes and an easy way to make money. In the government eyes, going after the users who upload the content is calling for a Claim of Values breach since the material shared infringes copyright laws. Peer-to-Peer software developers want to provide a forum in which people all over the world can share files between each other without the need of content being stored on a server. Since this opens the ability to connect one to one and share whatever users would like, the government can impose a Claim of Cause when going after the developers, because it is through this software that they are able to achieve this level of sharing.

The current laws put in place by the government cover the copyrighted material only if the author enforces it, since downloading material online via the use of a Peer-to-Peer connection is not illegal. The copyright laws of the United States say that the owner of the material holds an exclusive right to institute an action of infringement against any person claimed to willingly distribute the material (Chapter 5: copyright notice, deposit, and registration, 2016). Joel Tenenbaum was a Boston University student when federal court issued a ruling for him to pay $650,000 dollars in damages to record labels for sharing and downloading copyrighted music using Peer-to-Peer software (Lavoie, 2009). In another case an infamous file sharer by the name of Jammie Thomas-Rasset, was initially was charged with a $1.5 million dollars fine, which was lowered down to $222,000 dollars, for sharing 24 copyrighted songs on Kazaa, a shut-down file sharing software (Kravets, Supreme court oks $222K verdict for sharing 24 songs, 2013). Because of this, many users involved in the usage of Peer-to-peer software have opted to hide their identity with Virtual Private Networks (VPN) which provides the luxury to browse, upload and download files without detection. VPNs enables users to disguise their online traffic by encrypting the data transfer between clients and shows a single connection to a VPN server; only a VPN server with the proper decryption keys will have access to the raw data that has been transferred (Mason, 2017). VPNs allow users to upload hours and hours of copyrighted material or download hundreds of movies and shows without having to worry about being traced back. However, this tactic allows users to attack unsuspecting people by infecting them with spyware, installing viruses and backdoors that can provide access to private files and ransomware to get make quick money. We are subject to these attacks, since early 2019 a new ransomware was detected in Peer-to-peer software dressed as a game to trick users to download it (Sjouwerman, 2019). Because of the simplicity of disguising files as things that they are not, people have accidentally gotten a hold of illegal content such as child pornography when using file sharing software. Mathew White came across some of this content while browsing files on LimeWire and immediately deleted it from his computer; however, a year later, the FBI seized his computer and inspected it. “The FBI admitted that White had no access to the file he had long deleted, but since the file still resided on his hard drive, it was evidence that at one time he had possessed child pornography” (Chetson, 2017), cases like these gave bad reputation to Peer-to-Peer software’s already questionable position. In the case of people sharing content for the mere ease of access for others, users share an ethical value of Utilitarianism as they provide each other with things that will bring happiness. But on the case of people sharing malicious software and tricking them, they live with an ethical hedonism outlook in life, looking for self-pleasure from targeting others.

Peer-to-Peer software developers have been blamed for damages done to the music, movie and gaming industries, causing the companies to go after them and shut down their business. This is due to a research done by the International Federation of the Phonographic Industry that showed 95% of all music downloaded back in 2010 was illegal (Bracetti, 2012). The first major case of companies being targeted was when Napster, one of the first popular Peer-to-Peer music sharing software, and the owner Parker had to pay $26 million dollars in damages and $10 million for advance licensing issues (Bracetti, 2012). The biggest court case in history of file sharing was with LimeWire, where the RIAA announced they were suing the company for $75 trillion dollars and settled for $105 million (Bracetti, 2012), because of how easy LimeWire made finding files and sharing them. The primary intent of these software however was not for sharing illegal content, as shown in the case against Grokster in 2002 when the judge for the case stated they were no different than a video recorder or copy machine company, both of which can be used for both legal and illegal content (Borland, 2003); it is up to the users for employing it either way. However, three years later, the case was revisited and ruled against Grokster stating that as if the service advertises the means to get free copies of media it can be sued and put out of business (Hesseldahl, 2005). It is due to all these steep court settling cases that many innovative advancements have been halted on this industry, new file sharing pioneers are too weary to jump into the technology. Developers of these software share a Utilitarianism ethical point of view by trying to develop technology that benefit most people.

Going after the Peer-to-Peer companies would put a stop on the illegal file sharing content using this route altogether and solve the issue by discouraging companies from creating software for the platform. Whereas going after the users who use it for illegal content would let companies who create Peer-to-Peer software keep advancing technologically; however, this could take very long, be very costly and users who hide their tracks would be very hard to find and tried. Despite the difficulty in going after the users who handle and distribute the illegal content would be, it still would seem a better option, as they are the ones committing the crime.

Peer-to-Peer software is a handy tool when used correctly. It is very easy for people to download large file since if a peer drops from the connection another one can take their place and the larger the group of peers the faster the download speeds. An example of a legal and great use of Peer-to-Peer connections can be seen with the game company Blizzard, who uses Peer-to-Peer connection between their game downloads for their large game files. Technological advances like this makes downloading content faster and cheaper than if they would do it via their own servers, avoiding having to have hosts all over the world (Neagu, 2017). In this case Peer-to-Peer connections end up saving money and resources with the technological advances it provides, when used properly, and users of the service should be the ones held responsible for the uploading and downloading of files.

As compared above, Peer-to-Peer a technology can be similar to media recording devices. In 1974, Sony was sued by Universal and Disney, Universal claimed that Sony’s Betamax, a cassette recording and copying device, facilitated the infringement of copyright laws. In 1984 the court ruled on Sony’s favor and Byellin (2014) summarized the case as, “… a company was not liable for manufacturing a technology that some customers may use for copyright-infringing purposes, so long as the technology is capable of substantial ‘noninfringing uses.’” Which help pave the way for new technology in the recording industry to be developed, because otherwise inventors would have been off put by the lawsuits before going down the route of new rewritable disc technology. This case was also applied during Grokster’s first hearings. While the service provided does not advocate the copyright infringement usage, in the eyes of the government, Peer-to-Peer software continues to be a legal resource for all people.

In contrast, users continue to be the downfall for the file sharing companies. Users exploit the fact that they can disguise files by changing their names, and previous and this caused people to trick others. One interesting case involves singer “Soulja Boy” who in 2010 became popular due to one of his singles, and in 2016 accredited the fame to him uploading his single renamed to match famous songs of the era and tricking people into listening to him instead to gather fans (Hunt, 2017). But just because he used this in his advantage in a certainly legal way because he is the copyright owner and shared his own material, doesn’t mean other users have not used this same tactic to install viruses, ransomware, and even illegal explicit content. In a study made by the Computer Science Department of Indiana University downloaded 78 thousand files from LimeWire and 35.5% of the distinct files contain some type of malware (Acharya, Gupta, & Kalafut, 2006). Some of the malware involved were downloaders, backdoors, worms, adware, and keyloggers, tools that Kopiloff used to steal the identity of his victims. Although the individuals should be the ones being reprimanded for illegal content that gets put on the file sharing software, the hefty fines that are imposed by the government run a bit outrageous. Both Tenenbaum and Thomas-Rasset had to file for bankruptcy after their cases due to them not having the hefty amount to pay their settlements. While laws that let charges of up to $150,000 dollars per each song downloaded illegally be a staple that scare people from doing it, the users targeted will end up with ruined lives. If this route were to be taken the law imposed would have to be reviewed to impose a more sensible sentence.

To compare this issue with an even bigger controversial topic of similar nature, gun manufacturers were getting sued a few years back because of their guns being mishandled and used in crimes, and in 2005 a law was passed that protected these industries as long as they followed proper protocol (Kopel, 2016). While not a perfect law, this provides protection to the industry from being targeted and retaliated by what people may do with their products, which helps them continue their research into new technologies without fearing of being terminated by a lawsuit. This fits the criteria to what some Peer-to-Peer file sharing companies could benefit from since they could continue developing and discovering new services that they could provide without being scared and hiding their identities and locations. Of course, these companies would have to specify protocol, such as endorsing the usage of copyrighted material or illegal explicit content and removing such from their service, to benefit from the suggested protection. Since in the most common Peer-to-Peer file sharing services it is the users who divulge the content and handle it however they please.

To paraphrase the Senator of Vermont Bernie Sanders on one of his speeches when running for presidency, we wouldn’t hold hammer companies responsible if a person goes and commits a crime with one of their hammers (Keith, 2015), in the same light we shouldn’t hold a company that creates a Peer-to-Peer file sharing service accountable if one of their users decides to use it for illegal purposes. The people that are stealing, whether it would be someone’s identity, removing access unless a monetary transaction is made, or tricking people into watching explicit illegal content should be the ones held responsible for their own actions, as long as the companies do not condone this behavior.

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