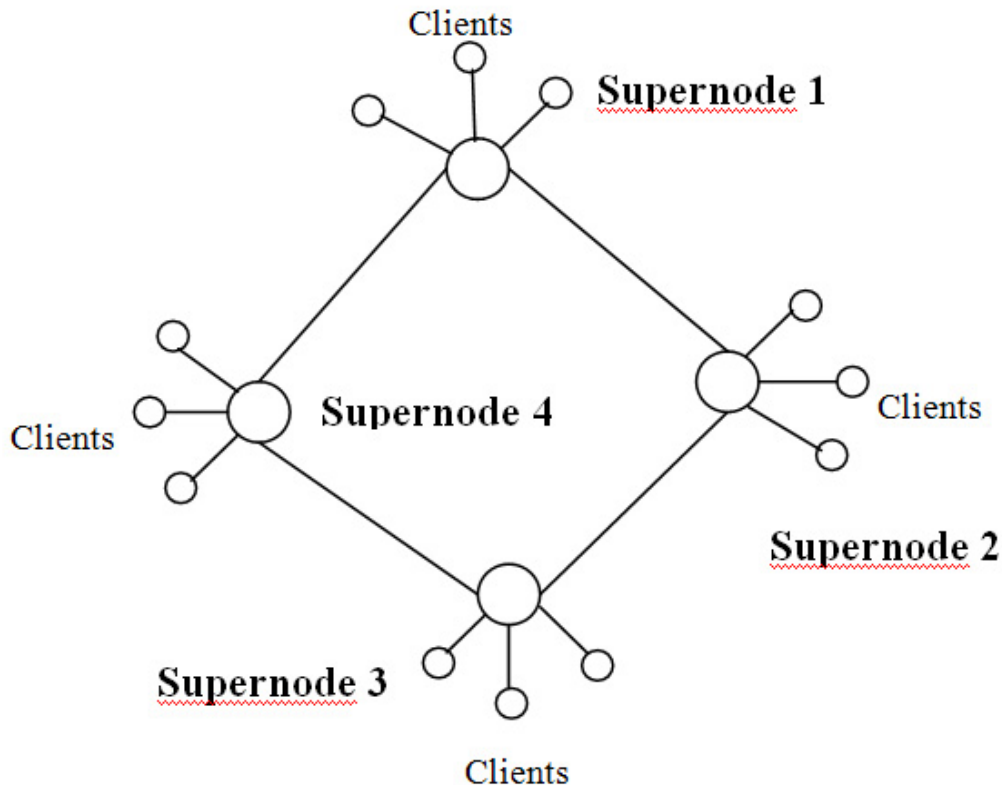


# MGM v. Grokster

- Peer-to-peer technology



- Who is the direct infringer?

# *MGM v. Grokster*

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- Vicarious infringement?
  - profit from infringement?
  - right and ability to control?
- Contributory infringement?
  - Knowledge?
  - not “capable of substantial noninfringing uses” *Sony*
    - What is “substantial”?
    - What role does “capable” play?

# *MGM v. Grokster*

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- What about “statements or actions directed to promoting infringement”?
  - Intent to induce infringement
  - Evidence of inducement
    - Target likely infringers
    - Not try to prevent/control infringement
    - Made money from infringement
- So if capable of noninfringing use, can you still induce?

# Copyright Indirect Infringement

*Problem IV-38.* Industrial Music Co. (IM) develops and produces the DJ Remixer, a digital music computer for home and personal use. The DJ Remixer allows individuals to edit and “remix” sound clips—their own and those derived from copyrighted sound recordings—to produce mashups. IM markets its device for amateur and professional DJs who want to edit their own works, but IM knows that many, if not most, of the devices it sells are used for “sampling” or otherwise copying copyrighted works without authorization. In fact, it has come to IM’s attention that Girl Talk (*see Problem 4-26*) uses a DJ Remixer device. Is IM guilty of contributory infringement? If so, with every sale, or only with some sales? What if IM were to advertise that Girl Talk uses a DJ Remixer? Can the sale of the DJ Remixer be enjoined?

