Napster Case — Student Handout

Name____________________________

“The right to private property is the social-political principle that adult human beings may not be prohibited or prevented by anyone from acquiring, holding and trading (with willing parties) valued items not already owned by others.” Source: The Internet Encyclopedia of Philosophy

Napster was a Web site that offered downloads of copyrighted music at no cost. In February 2001, the court ruled that Napster must cease operation. More court cases followed, but the decision was upheld. Some facts about Napster that came up in the court case included the following:

- In six months, 3,600,000,000 (3.6 billion) pieces of music were downloaded
- 90 percent of that music was copyrighted
- There were 100 users per second at Napster
- There was a six-month growth from 200,000 pieces downloaded to 20 million pieces downloaded
- No royalties were paid to the artists

The artists appealed to the government that their property was being stolen. Artists were not being paid for the creation, production and publication of their work. The following statement was made by Hilary Rosen, president and CEO of the Recording Industry Association of America.

“Given the overwhelming nature of this court’s and the Ninth Circuit’s earlier conclusions that Napster violates copyright laws, we’re confident that ultimately this will pave the way for a legitimate online music market to take hold and flourish.”


As a class, answer the following questions:

1. What is the basic issue of the Napster case?
2. Who benefited from the use of Napster and what was that benefit?
3. Who had a loss from the use of Napster and what was that loss?
4. How did the government become involved?
5. What was the role of the government in the case?

Your job is to write a paper on the following topic:

This case involved intellectual or artistic property. How does it compare to government intervention in real-property cases? Give an example.