

# DOWNLOAD DOS AND DON'TS

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ILLUSTRATION: ERIC ROCA



► **Lee Sze Yong**  
MEDIA REPORTER

It's a chilling scenario for any music lover who has been surfing the Net blithely for free clips and sharing them with like-minded fans.

Last Sunday, seven people had to face the music for downloading and sharing copyrighted songs over the Internet.

These are four students, a housewife, a technician and a self-employed man, aged between 14 and 32, who are now assisting the police with investigations.

The homes were raided by the police following a tip-off by the Record Industry Association of Singapore (RIAS).

Ms Liew Woon Yin, director-general of the Intellectual Property Office of Singapore (Ipos), says that action had to be taken because the infringements were significant. Preliminary police investigations revealed that the seven had some 18,000 songs that were downloaded illegally.

Since the Copyright Act was amended early last year, two have been jailed for illegally distributing hundreds of MP3 files online. A 16-year-old was also caught but let off with a warning because of his age.

As RIAS chief executive officer Edward Neubronner tells LifeStyle: "People tend to believe that because nobody is around when they are using the computer, they can do whatever they want.

"Let me just say that you are not anonymous in cyberspace."

He declines to reveal how it tracks down offenders, but said that it monitors closely file-sharing networks where most downloading of songs takes place.

Ms Liew has this advice: "Just as we don't want others to rip off our works without permission and not be given due recognition, likewise, we should also respect the rights of others."

So, don't want to get on the wrong side of law? We

ask experts — Ipos, Rias, the police, lawyer Lam Chung Nian of legal firm Lee & Lee, and consumer product marketing manager Phil Hickey of software company Symantec Asia Pacific — to answer the burning questions you should be asking.

**Are the police monitoring whenever I'm surfing the web?**  
The police will start investigations only when information is received or a report is made.

**I thought only people who distribute music files break the law. I only download. Why am I flouting the law?**

While your actions alone may not hurt the copyright owner, if thousands think like you, collectively your actions may hurt him and his business.

Singapore's Copyright Act was amended last year to make it a criminal offence for individuals to infringe copyright wilfully.

If you are found guilty, you could be fined up to \$20,000 and/or jailed up to six months. The line between downloading and distribution is actually not that distinct. When you use a file-sharing network such as BitTorrent, as you are downloading from other users' folders, others can download from you too.

**How many songs can I download before I get into trouble?**

Although one or two songs may not constitute a scale that warrants a criminal offence, it can still attract civil liabilities when infringement is established. Go online at [statutes.agc.gov.sg](http://statutes.agc.gov.sg) for more detailed information.

**I had, um, downloaded music before the Copyright Act was amended last year. Am I safe?**

Amendments to the law do not have retroactive effect. However, you may still face civil suits from the copyright owners. Whether there will be criminal liability depends on whether you continue to break the law.

**My friend was the one who downloaded the music on my computer, not me. When the men in blue come, who gets into trouble?**

The court will ascertain whether your friend had your permission to use your computer, and if you are aware of his activities, whether you have taken any steps to prevent him from doing so.

**I hear some people get a warning letter first before legal action takes place. Is this true?**  
RIAS may send legal letters to you through your Internet Service Provider, or instant warning messages if you are on a file-sharing network.

However, just as alerts are not given before a gambling raid, there is no legal requirement to warn you before the law enforcers come knocking on your door.

That said, for many years, Ipos and rights owners have been raising awareness through educational programmes and advertisements to highlight that piracy is a crime. In effect, you have been warned.

**Can the police check my MP3 player for illegal music clips?**

The law is not device-specific. The police can seize any device believed to contain evidence of the crime for examination.

**I'm trying to turn over a new leaf, but I'm afraid my past will come back and haunt me. Should I reformat my hard disk?**

Simply deleting the music files or even reformatting your hard disk is not enough. Computer forensics experts can use sophisticated file recovery programmes to locate "deleted" content.

To clear the hard disk, use a file-wiping programme such as Norton SystemWorks 2006. File-wiping programmes work by over-writing the original data with layers of numbers or random characters.

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## Free ware

### ► Jill Alphonso

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But for those willing to hunt down rarer and more unusual tracks, here are some of the best free sites you can go to.

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This 13-year-old San Francisco-based site has over 72,400 free MP3s. Its download portal officially opened in 1996 and it also offers software downloads and music streaming. While CNet offers everything from rock to hip-hop and classical music, not all tracks are downloadable.

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