

UK Now Seizing Music Blogs (With American Domains) Over Copyright Claims

from the *how-nice dept*

Mike Masnick, Tue, Feb 14th 2012 11:44 am

Last year, we wrote about how the UK was following in the footsteps of the US's Homeland Security/ICE domain seizures. As we noted, the process there is even *less* rigorous than in the US -- often without a court being involved at all. Law enforcement just had to ask, and Nominet would take down the domain. Still, we hadn't heard about any specific domains that were seized -- and we hadn't heard of any non-Nominet (which handle .co.uk domains) being subject to UK claims.

Until now.

Dajaz1 -- who, of course, had its own issues with bogus domain seizures -- has a story up about how the site rnbxclusive.com appears to have been seized via UK law enforcement, who put up a splash page even more ridiculous (though with fewer eagles) than the ICE splash page:

**WARNING****SOCA has taken control of this domain name.**

The individuals behind this website have been arrested for fraud.

The majority of music files that were available via this site were stolen from the artists.

If you have downloaded music using this website you may have committed a criminal offence which carries a maximum penalty of up to 10 years imprisonment and an unlimited fine under UK law.

Your IP	Your Browser	Your OS	Time / Date
	Firefox	WinNT	15:13:25 14/02/2012

The above information can be used to identify you and your location.

SOCA has the capability to monitor and investigate you, and can inform your internet service provider of these infringements.

You may be liable for prosecution and the fact that you have received this message does not preclude you from prosecution.

As a result of illegal downloads young, emerging artists may have had their careers damaged. If you have illegally downloaded music you will have damaged the future of the music industry.

Visit pro-music.org for a list of legal music sites on the web.

The site, like many music blogs, did post various videos and commentary about new music. Perhaps some were infringing, but you'd think that there would be a trial first. This takedown is apparently happening via SOCA, the Serious Organized Crime Agency in the UK -- who, amusingly, puts a copyright symbol on their takedown splash page. There are all sorts of issues to be raised here.

1. First and foremost, as mentioned, this is the first time we've heard of a foreign country seizing a .com -- which the US DOJ/DHS appear to claim as their own jurisdiction. While perhaps this was done in concert with US law enforcement, it seems pretty questionable that the US would allow what they insist are "domestic" domains to be seized by foreign countries. Think of the precedent that sets for... say... Iran. The operators of the site appear to have been in the UK, so that may be the reasoning behind this, but it still raises significant jurisdictional questions about just who can seize a .com.
2. Second, the big red warning at the top is insane. Merely downloading music wouldn't be a criminal offense with a possibility of 10 years imprisonment. While I'm not as familiar with the differences between civil and criminal infringement when it comes to UK copyright law, I believe it's not *that* different than the US, where merely downloading is going to be civil, not criminal. A quick review of UK law suggests that it can only be a criminal issue if it's done at commercial scale, and doesn't seem to apply at all to personal downloads. In fact, the UK explicitly fought the idea of expanding criminal sanctions to file sharing. So, SOCA is basically lying.

3. Next, the splash page claims that the music was "stolen" from artists. While the copies may be infringing, it's doubtful that the music was literally stolen.
4. The scare tactic of displaying your IP address and pretending that this suggests they're coming after any visitor to the site. This is, again, insane. The RIAA tried this years ago when it got the Grokster site and it was just as silly then as it is now. Merely visiting a site is not breaking the law, and splashing your IP address next to a message suggesting visitors are about to be put in jail is insane hyperbole.
5. Further, claiming that SOCA has the ability to "monitor" you is also an exaggeration. While it may be able to monitor certain transactions, it seems to be implying that it's watching your every move.
6. Claiming that "young, emerging artists may have had their careers damaged" because of this site is pretty silly. Most young, emerging artists are actively leaking their works to such sites so *they can emerge*. They know that obscurity is a much bigger threat than piracy ever was or will be.
7. Saying that downloading music means you have (absolutley) "damaged the future of the music industry" is again insane hyperbole. The music industry has continued to grow pretty consistently over the past decade. It's just one segment -- the direct sales of music - that has stumbled, and that was the part that rarely pays artists very much anyway.

This whole thing is pretty crazy, and I'm surprised such blatant censorship by UK law enforcement of a "US" domain hasn't received more attention yet.