

# Kazaa distributors file suit over software program use

Sharman Networks files a claim against entertainment companies it claims used an unauthorized program

By Caron Alarab  
News Reporter

In the Recording Industry Association of America's war against music file pirates, one targeted software distributor is striking back.

Sharman Networks, distributor of popular file sharing software Kazaa, filed an amended counterclaim on Sept. 23 in the U.S. District Court of California against snooping entertainment companies.

The federal countersuit claims that certain entertainment companies accessed the Kazaa network with an unauthorized version of the free software, known as Kazaa Lite, to look for user information. In their hunt for music file pirates, the entertainment companies allegedly violated Kazaa's copyright by using a replica of Kazaa devoid of advertisements, which are Sharman's chief source of revenue.

"We take little pleasure in moving this next step to place the spotlight on the entertainment industry's behavior," Sharman Networks CEO Nikki Hemming said in an e-mail.

The Kazaa Media Desktop software is the leading peer-to-peer application that allows users to search, download, organize and interact with a variety of file types.

Senior Roger Gerke used the desktop for about a month before he lost his patience with the software's advertisements.

"I didn't like using Kazaa because of the constant pop-ups," he said.

Although he has never tried Kazaa Lite, Gerke said some of his friends have used the pop-up-free version to avoid advertisement distractions. Another annoyance that Gerke found while using Kazaa stemmed from promising music files that stopped short.

"The song would be fine for the first 20 seconds," he said. "Then it would just be gone."

Gerke's experience involves another issue that Kazaa addressed in the counterclaim. Kazaa accuses the entertainment companies of sharing bogus versions of copyrighted works and sending instant messages to harass users, both of which violate the terms for using the network.

Although Gerke stopped downloading music files through Kazaa, he is also frustrated with the weak quality of mass-produced music CDs.

"If I buy a CD for \$15 and it gets scratched, I want to know why record companies won't give me a

new one," he said.

Sharman claims it wants to provide legal music files to music consumers like Gerke, but executives at Vivendi Universal's Universal Music Group and AOL Time Warner Inc.'s Warner Music Group refused to permit their copyrighted songs to be distributed through Sharman's partner, Altnet Inc., according to the countersuit.

"The industry has lost its way, choosing a path of endless litigation rather than accepting a solution to copyright infringement that is available now and a technology that is inexorable," Hemming said.

Universal and Warner have declined to comment on the issue.

RIAA spokeswoman Amanda Collins refused to directly answer any of the Emerald's questions about the countersuit. Instead, she provided an official RIAA comment.

"Sharman's newfound admiration for the importance of copyright law is ironic to say the least," she said. "Too bad this self-serving respect stops at its headquarters' door and doesn't extend to preventing the rampant piracy on its networks or lifting a finger to educate its users about the consequences of illegal file sharing."

Contact the business/science/  
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## MISS OREGON

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Now a seasoned beauty queen with more than 20 pageants under her belt, McKenzie said she continues to live the pageant life because it's a way to have an impact on people's lives and set a positive example, especially for her family.

"It's important to be a role model for the younger people in my family," she said.

Unlike McKenzie, Meyers has never competed in a pageant before. Her lack of stage time, however, isn't going to stop her from going all out.

"This year, just one door after another has opened up," she said. "It's incredible to see all the pieces fall into place."

Meyers is competing for more than the crown. She said she wants to be in the pageant because it is a great opportunity to reach out to the community and help people. She is currently working on making sexual harassment awareness pamphlets for high school students, and she thinks the publicity from a pageant would help promote that cause.

"If people have the knowledge, there is something they can do," she said, adding that her other soapbox issue is to encourage others to set high goals for themselves.

Meyers started her college career at Linn-Benton Community College before transferring to Lane Community College. Last year was her first at the University, but through all three colleges she has known what she wants to do with her life: real estate.

McKenzie has taken a different path to the University's School of Journalism and Communication. Majoring in electronic media, she hopes to be a news anchor once she graduates. A Portland native, McKenzie comes from a large family, most of whom still live in Portland. With grandparents, parents, four brothers and sisters, three nieces and nephews and 40 cousins, McKenzie

said she loved having her family's support for the pageants.

"Everything I do, I try to include them," she said. "If it's something I want to do, my mom supports me 100 percent. My dad, too — he's my nutritional guru."

Her mom has sewn all of her dresses and swimsuits since McKenzie started participating in pageants, and she also did McKenzie's makeup for her when she was younger.

"My mom is at home right now, sewing beads on my dress," McKenzie said with a smile. "If (my parents) weren't able to help, I don't know if I could do this."

Meyers said her parents have never approved of pageants.

"They have disagreed since I wanted to do it," she said.

Her father, Dan Meyers, said he and his wife are excited to see their daughter compete in the Miss Oregon pageant, but said they have never been through anything "quite like this."

McKenzie admitted she was critical of pageants when she was younger. Then she entered her first pageant and realized there was "much more to it."

"It's not the person who's the prettiest or who has the best dress," she said. "It's the whole package."

The Miss Oregon pageant will take place Oct. 24 through Oct. 26 at the Portland Airport Holiday Inn Hotel. The winner will go on to compete for the title of Miss USA.

Both Meyers and McKenzie are excited to compete against each other and the 18 other girls in the pageant.

"I've met some of the girls, and they're all wonderful," Meyers said. "Sweet, gorgeous — it was really neat meeting them."

McKenzie said she really enjoyed meeting Meyers, adding that it's great that they attend the same school.

"It'll be really interesting competing against (Meyers)," she said.

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