

Could the federal court possibly put an end to our beloved Napster?

Lisa McChristian

The Pendulum

Napster may no longer be making sweet music with its millions of users. On Monday a federal court ended a stay granted to Napster by the 9th US Circuit Court of Appeals six months ago. In short, Napster must block its

users from the trading of copyrighted music without permission and the company will be found liable if trading continues.

The appeals court found that, "Napster has knowledge, both actual and constructive, of direct infringement."

Napster plans to appeal the decision, and has the right to take the case to the U.S. Supreme Court. There is no guarantee that the

court will review the case and the road to the Supreme Court will also take several months.

Many view this decision

found liable if they use a device covered in the AHRA, devices that's primary purpose is to record (dictation machines, answering

2000 Media estimated that 4.9 million people had used the service. Napster, Inc. states that the client software has been downloaded 28 million times, the software has been modified several times and has been downloaded several times by the same client.

In the days leading up to the verdict, millions swamped the company's computer server fearing a company shutdown and the loss of obtaining music for free. Webnoize, a company that monitors the digital entertainment economy, estimated that 250 million songs were downloaded using Napster over the past weekend.

Over 100 college campuses have banned the site, including Elon College in 1999, because students' downloads slowed down the schools' computer networks. Last year over 20 colleges and universities, including Duke and Princeton, rejected requests from Metallica and Dr. Dre to band the site.

BMG and Napster alliance

Jason Chick

A&E Editor

In a groundbreaking move, RCA Records has given The Dave Matthews' Band permission to release their new single "I Did It" on Napster.

This unprecedented move is a step in a new direction between the joined forces of Napster and BMG, which owns RCA Records.

The Bertelsmann Music Group, BMG, agreed last October to create an alliance with the controversial song-swapping service. BMG's mega label, the fourth largest of the five giants, contains such artists as Santana, Christina Aguilera, Whitney Houston and TLC.

Experts expect this to help Napster promote themselves as a label and as an artist-friendly envi-

ronment, while encouraging the other four giants, AOL Time Warner, Sony, EMI and Universal, to drop their lawsuits; however, the media, music conglomerate AOL Time Warner said the partnership was positive, yet the other companies will go forward with their lawsuits.

Under BMG's e-commerce group BeCG the company will work with Napster to create a business model while providing a loan to the company in return for a portion of Napster's equity. Eventually BMG plans to offer its entire music catalog on Napster, and recently announced that it has plans to expand its current retail digital-music offering to include more than 2,900 tracks.

BMG's overall goal is to reshape Napster into a "membership-based" service to allow song-swapping while providing royalties to artists.

as the swan song for Napster, whose copyright infringement case with the Recording Industry Association of America is still pending.

Napsters' main defense stems from the 1992 Audio Home Recording Act, which stemmed from the threat audiotapes made to the recording industry. The AHRA states that consumers making noncommercial "digital audio copied recordings" will not be

machines, professional model products). This defense may work against Napster because a computer is not a recognized by the court as a recording device.

Shawn Fanning, a former Northeastern University student, created Napster, Inc. when he was 18. The software made its debut in September 1999 and became such a big hit that a report by Media Matrix released on September 11,



STYLE WATCH Our own "Queen of Sweats"

Alyssa "the Queen of Sweat pants" Martin is writing a fashion column. That indeed was my very own glamour shot in last week's issue of the Pendulum and yes, I do know a thing or two about shopping. I can understand your confusion, "Why is she writing about fashion when I see her everyday strutting around campus in her sweat pants and PJs?" Well, I thought I should clear up some of this confusion and answer a few questions before I continued with my weekly column.

First of all, sleep is of the utmost importance to me. Sleeping is up there on my list next to eating chocolate-covered gummi bears as my favorite all time activity. I enjoy being comfortable, and I have to get changed into my softball clothes every day anyway so it isn't worth the effort to look all spiffy for class. Most importantly though, I think sweat pant-wear-

ing gives any girl an amazing amount of power. You know those girls who come to class at 8:00 every morning with perfectly groomed, curled hair, makeup done (including liquid eyeliner), and great looking outfits that look like they took hours to pick out. Well, sometimes those girls get glares from others in class who are jealous because they don't look perfect, or even worse, their class-

mates are intimidated by them because they look so fabulous. No one is ever jealous or intimidated by the girl who wears sweat pants. Looking terrible all week long has its benefits. If you don't wear makeup all week and you scrub around campus in your workout clothes, imag-

ine how surprisingly and strikingly beautiful you will look on Friday night when you actually brush your hair and put on mascara. In the back of your mind you know secretly that you are a gorgeous person, just in a nerd disguise all week.

Whenever you feel like you want to shake things up a little bit, all you gotta do is climb into that little saucy number in your closet, spritz a little perfume and walla! It looks like the fairy godmother paid you a visit and you have transformed into Cinder-sexy-rella. I completely believe that positive transformation is a great thing. So if you have to roll out of bed one morning (or every morning) and go to class looking like you got wasted and had insanely wild, hair-rattling, mascara-smearing, body bruising sex the night before it is OK. You look horrible that morning, but just think about how amazing you will look the day after in comparison. morning, but just think about how amazing you will look the day after.



Alyssa Martin
Columnist

Top 10 Reasons...

How you know your kids' school is too crowded

10. Kid comes home happy saying, "I got to ride inside the bus today!"
9. Principal sends warning — he's not skipping class enough
8. Teacher needs a U-Haul to bring home the book reports
7. Losing 60 to 70 kids on class trip is considered "successful"
6. School play is "The Ten Commandments"—there are enough kids to play all 100,000 Hebrews
5. Class photo taken using government weather satellite
4. The teacher calls out, "Gus Van Rauschenbach" and 17 kids say, "Here"
3. Last spring's school bake sale brought in one and a quarter million
2. There's a waiting list to get your ass kicked by the school bully
1. The kids actually outnumber the rats