



CDT Calls for FTC Action Against Deceptive Download Sites

For Immediate Release
March 8, 2004

In a complaint to be filed today, the Center for Democracy & Technology called on the Federal Trade Commission to take action against websites deceptively claiming to offer “100% Legal” music and video downloads.

In the complaint, CDT names two sites—Mp3DownloadCity.com and MyMusicInc.com—that claim to offer legal downloads of music and videos in exchange for a subscription fee. In fact, the sites merely point users to free file-sharing software and provide instructions on its use to download unlicensed popular works. CDT’s complaint states that these offers are clearly deceptive and therefore a violation of federal law.

A third website, Mp3DownloadHQ.com, agreed on Monday to remove claims to be “100% legal” from its website in response to a letter from CDT. A company called Active Publishing owns the site, along with several others that redirect users to the same location (e.g. MusicNirvana.com, MovieDownloadHQ.com, Mp3-DownloadHQ.com). CDT is reviewing the changes and awaiting a response on whether the changes will apply to all Active Publishing websites and advertising to determine whether to proceed with a complaint against the company.

“We want to see the marketplace for content flourish online,” said CDT president Jerry Berman “In order to sustain businesses offering legal downloads, protect the free flow of information online, and avoid broader anti-piracy measures that could harm the Internet itself, we have to go after bad behavior like these deceptive offers.”

CDT’s complaint explains how “users are led to believe that they are purchasing a license to download and use songs and movies—much like they would on a licensed subscription service like Rhapsody or the new Napster. In fact, users are provided no such license, and if they follow the sites’ explicit invitations to download ‘movies still in theatres’ or music by the Beatles and the Rolling Stones, they may face severe legal liability.”

“Buyers beware: many so-called “100% legal” download services are anything but completely legal. If used as directed, these services are neither licensed nor lawful and could lead to serious legal liability,” said Associate Director Alan Davidson. “Many consumers cannot reasonably distinguish between a monthly subscription to

Napster.com, where they can download top songs legally, and one of these sites, which give every appearance of being licensed until you get to the fine print. The sites we targeted today prey on honest consumers trying to navigate the confusing new market for legal digital downloads. Their promotions are clearly deceptive, and we hope the FTC takes strong action.”

CDT’s complaint points out that many websites make claims similar to those found on the two specifically mentioned in the complaint. Many of these sites appear to be related to each other or affiliates of one another. CDT calls on the FTC to investigate the affiliate relationships among such websites, to enjoin the three named websites and any affiliates and other responsible parties from further deceptive advertising, and to seek damages and other relief as appropriate.

CDT’s Complaint is available at:

Active Publishing’s letter to CDT is available at:

For more information contact:

Alan Davidson, Associate Director

202-637-9800

##