Music Download Warning List

by David Sohn [1]
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Beware of Potentially Deceptive Fee-Based Download Services

Thinking of signing up and paying money to a music download service that looks legitimate and perhaps even claims to be "legal?"

Check our list first.

Unfortunately, some sites may be happy to take your money, and may leave you with the impression that they are legal sources of a full range of music - including the top performers and music labels - but they are not licensed distributors of at least a substantial quantity of mainstream music. In particular, the sites on our list promote themselves in ways that suggest their music catalog is relatively comprehensive, when in fact they appear to have done nothing to license or otherwise ensure the legality of any downloads from the major music labels. Even where these sites include â€œlegal informationâ€? cautioning users against illegal downloading, that information is not sufficiently clear, or prominent, or specific to prevent users from mistakenly perceiving the sites as sources of lawful copies of most mainstream music.

In short, if you are an Internet user in the United States and you pay money to one of these services with the intention of being a lawful online music user, you may get less than you bargained for.

Background CDT Complaint and FTC Case

In March 2005, CDT filed a complaint at the Federal Trade Commission (FTC) alleging that two download Web sites were deceptively claiming to offer "100% legal" music and video downloads in exchange for a subscription fee. The complaint [2] alleged that users were led to believe that the subscription fee entitled them to make downloads legally, when in truth the sites merely provided software and instructions for using free file-sharing networks on which copyright infringement is common. CDT noted that this kind of duplicitous practice can both mislead individual consumers and, by sowing confusion, undermine the marketplace for legitimate digital download services.

The Federal Trade Commission brought charges against one of the Web sites, mp3downloadcity.com, obtained an injunction in federal court, and ultimately reached a settlement [3] with the Web site operator in May 2006. The settlement required the operator to make refunds to customers, to refrain from further misleading claims, and to disclose the legal risks of downloading copyrighted material from peer-to-peer networks.

While the FTC case only addressed the practices of mp3downloadcity.com, a variety of other Web sites appear to continue to engage in behavior that raises similar concerns. Although these sites now avoid overt claims such as "100% legal," their promotional materials and any discussion of legal issues still offer limited, confusing, or misleading information about the true legal status of the downloads they purport to offer.

CDT's Music Download Services "Warning List"

(last updated July 2008)

Below, CDT lists the Web addresses of a number of services that, on the surface, may resemble fully

licensed music download or subscription services â€“ but upon more careful inspection, appear to advertise or at least imply the availability of music to which they have not secured the rights. Thus, U.S.-based subscribers/customers of these Web sites download copyrighted music or other content at their own risk. (We have not investigated whether these sites have licensed or otherwise obtained rights to distribute mainstream music in other countries.)

Specifically, each Web site on this list:

1. Advertises, describes, or promotes itself in ways that either state or imply that its offerings include music from the major record labels;
2. Charges fees to users;
3. Creates a risk of consumer misunderstanding about the legal status of music downloads available through the site - either through statements or omissions in the way it characterizes its service or legal status, or by making important legal disclosures too obscure or hard to find to be useful;
4. Does not appear, according to the Recording Industry Association of America, to be authorized to distribute major label music in the United States - and as best we can tell does not disclose that fact prominently to potential users; and
5. Failed to provide a satisfactory response to a letter from CDT, mailed to the address associated with the Web site's domain name registration, providing an opportunity to explain why the Web site should not be placed on this list.

Here's the list of Web sites:

- allcoolmusic.com [more information [4]]
- allmusicdownloads.com [more information [5]]
- e-mp3now.com [more information [6]]
- easymusicdownload.com [more information [7]]
- ezmp3s.com [more information [8]]
- free-music-downloads.cc [more information [9]]
- freeaccessmp3.com [more information [10]]
- freemusicnow.cc [more information [11]]
- howdoiwin.com/recommends/Movies [more information [12]]
- imp3download.com [more information [13]]
- imp3download.com/www3/index.asp?revid=rapidburn&gclid=CPDR8Pi7344CFQ0ggAodx3nZNg [more information [14]]
- imp3search.com [more information [15]]
- imusicaccess.com/index.asp [more information [16]]
- imusicsearch.com [more information [17]]
- imusicshare.com [more information [18]]
- internetdownloads.org [more information [19]]
- ipodcomet.com [more information [20]]
- ipodtunesdownloads.com [more information [21]]
- klitetk.com [more information [22]]
- mimp3musica.com [more information [23]]
- mimusicamp3.com [more information [24]]
- mp3-all-free.com [more information [25]]
- mp3-download-lyrics.com [more information [26]]
- mp3-freebie.com [more information [27]]
- mp3-freedom.com [more information [28]]
- mp3-source.net [more information [29]]
- mp3downloadhq.com/me/index.asp?source=&kw= [more information [30]]
- mp3downloadingnet.com [more information [31]]
- mp3downloadnet.com [more information [32]]
- mp3downloadsnow.com [more information [33]]

- mp3favorites.com [more information [34]]
- mp3musichq.com [more information [35]]
- mp3rocket.com [more information [36]]
- mp3section.com [more information [37]]
- musicjustfree.com [more information [38]]
- my-free-songs.com [more information [39]]
- my-music-now.com [more information [40]]
- mykazaagold.com [more information [41]]
- myipodaccess.com [more information [42]]
- mymusicinc.com [more information [43]]
- netmusicaccess.com [more information [44]]
- netmusicsite.com [more information [45]]
- realmusicnow.com [more information [46]]
- snappy-music.com [more information [47]]
- unlimiteddownloadcenter.com [more information [48]]
- zunedownloadszone.com [more information [49]]
- zunedownloadzone.com [more information [50]]

Important Further Information About This List

Please note that CDT has not scoured the Internet for all Web sites that would meet the criteria for the list. If you want to call our attention to other potential examples, please do so at warninglist@cdt.org [51]. In addition, please be aware that the mere fact that a Web site does not appear on the list does not necessarily mean that the Web site is a reliable source of fully licensed, legal downloads.

In compiling this list, CDT has focused primarily on whether Web sites are legally authorized to deliver major label music in the United States. Some Web sites may be based in other countries, and may claim that their offerings are legal under their home countries' copyright laws. For Internet users in the United States, however, the legality of a download depends on U.S. copyright law, regardless of where the Web site offering the download is based.

Some Web sites on the list may offer access to and/or instructions for peer-to-peer file-sharing services. Both peer-to-peer services and instructions for such services have legitimate and lawful uses. The concern with the Web sites on the list is not their promotion of or relationship (if any) with peer-to-peer services, but rather the sites' potential to confuse Internet users seeking lawful, fully licensed online music. CDT's goal here is simply to alert potential users that the fees for the sites on the list do not necessarily ensure that subsequent downloads are legal.

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Source URL: https://www.cdt.org/copyright/warninglist

Links:
[1] https://www.cdt.org/personnel/david-sohn
[2] http://cdt.org/copyright/20050308complaint.pdf
[3] http://ftc.gov/opa/2006/05/p2p.htm
[4] http://www.cdt.org/copyright/warninglist/details.php#1
[5] http://www.cdt.org/copyright/warninglist/details.php#2
[6] http://www.cdt.org/copyright/warninglist/details.php#3
[7] http://www.cdt.org/copyright/warninglist/details.php#29
[8] http://www.cdt.org/copyright/warninglist/details.php#4
[9] http://www.cdt.org/copyright/warninglist/details.php#8
[10] http://www.cdt.org/copyright/warninglist/details.php#5
[11] http://www.cdt.org/copyright/warninglist/details.php#6
[12] http://www.cdt.org/copyright/warninglist/details.php#30

[13] http://www.cdt.org/copyright/warninglist/details.php#9
[14] http://www.cdt.org/copyright/warninglist/details.php#10
[15] http://www.cdt.org/copyright/warninglist/details.php#35
[16] http://www.cdt.org/copyright/warninglist/details.php#11
[17] http://www.cdt.org/copyright/warninglist/details.php#12
[18] http://www.cdt.org/copyright/warninglist/details.php#36
[19] http://www.cdt.org/copyright/warninglist/details.php#37
[20] http://www.cdt.org/copyright/warninglist/details.php#38
[21] http://www.cdt.org/copyright/warninglist/details.php#39
[22] http://www.cdt.org/copyright/warninglist/details.php#31
[23] http://www.cdt.org/copyright/warninglist/details.php#40
[24] http://www.cdt.org/copyright/warninglist/details.php#23
[25] http://www.cdt.org/copyright/warninglist/details.php#32
[26] http://www.cdt.org/copyright/warninglist/details.php#14
[27] http://www.cdt.org/copyright/warninglist/details.php#17
[28] http://www.cdt.org/copyright/warninglist/details.php#21
[29] http://www.cdt.org/copyright/warninglist/details.php#43
[30] http://www.cdt.org/copyright/warninglist/details.php#13
[31] http://www.cdt.org/copyright/warninglist/details.php#41
[32] http://www.cdt.org/copyright/warninglist/details.php#15
[33] http://www.cdt.org/copyright/warninglist/details.php#16
[34] http://www.cdt.org/copyright/warninglist/details.php#33
[35] http://www.cdt.org/copyright/warninglist/details.php#18
[36] http://www.cdt.org/copyright/warninglist/details.php#34
[37] http://www.cdt.org/copyright/warninglist/details.php#42
[38] http://www.cdt.org/copyright/warninglist/details.php#19
[39] http://www.cdt.org/copyright/warninglist/details.php#7
[40] http://www.cdt.org/copyright/warninglist/details.php#22
[41] http://www.cdt.org/copyright/warninglist/details.php#44
[42] http://www.cdt.org/copyright/warninglist/details.php#20
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[46] http://www.cdt.org/copyright/warninglist/details.php#27
[47] http://www.cdt.org/copyright/warninglist/details.php#45
[48] http://www.cdt.org/copyright/warninglist/details.php#28
[49] http://www.cdt.org/copyright/warninglist/details.php#46
[50] http://www.cdt.org/copyright/warninglist/details.php#47
[51] mailto:warninglist@cdt.org