

Grokster, BitTorrent, Copyright Infringement, and Inducement: How *Modus Operandi* Can Provide a Functional Standard for Future File-Sharing Cases

BY

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ABSTRACT

Frequently in criminal cases, particularly drug cases, prosecutions rely on a theory of modus operandi. Modus operandi is “[a] method of operating or a manner of procedure; especially a pattern of criminal behavior so distinctive that investigators attribute it to the work of the same person.” While modus operandi is currently in the sole domain of criminal law, in a world of ever evolving technology and digital file-sharing operations, modus operandi would be a valuable tool in copyright infringement law as well. Applying the modus operandi concept to copyright infringement cases is a way to refine the legal standard for file-sharing providers as these services adapt their systems to avoid liability as they provide copyrighted material to users and profit from such illegal use.

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* J.D., George Mason University School of Law, 2008. B.A., James Madison University, 1999. The author would like to thank Michael Shapiro at the U.S. Patent and Trademark Office, and Tom Sydnor of The Progress and Freedom Foundation for their invaluable assistance in drafting this comment, as well as Professor Pamela Samuelson at University of California, Berkeley, who also provided her knowledge and expertise. He would further like to thank Kerri Howland-Kruse at Broadcast Music International, Jody Zucker at Warner Brothers, and Pam Schecter at NBC Universal for their guidance in the field of entertainment law. Finally, he would like to thank Judges Stanley P. Klein and Gaylord L. Finch for their legal mentoring, and most importantly; his wife Stephanie, and the Gregorian, Safoyan, Kramer, and Grossman families for their unwavering support.