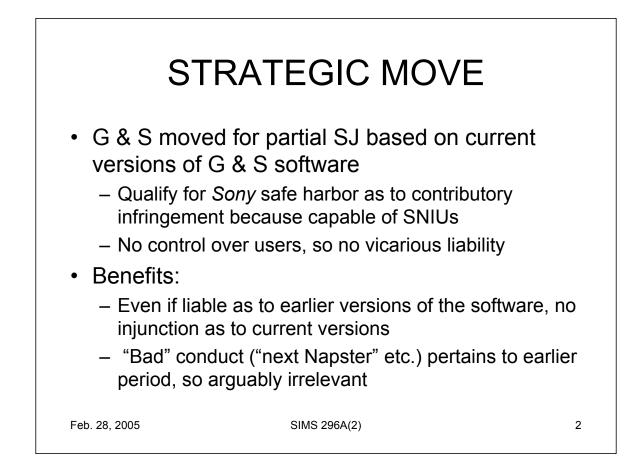
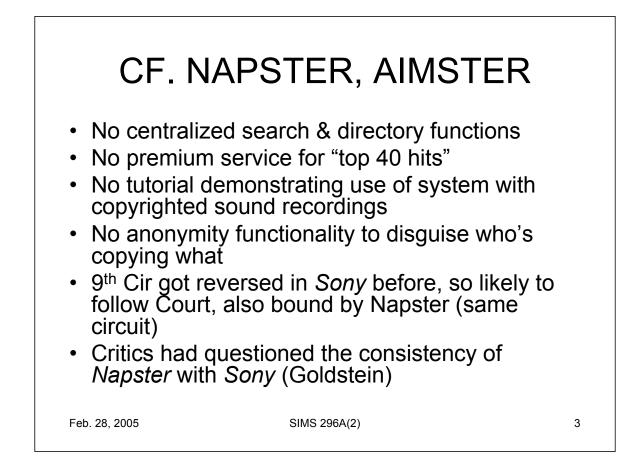
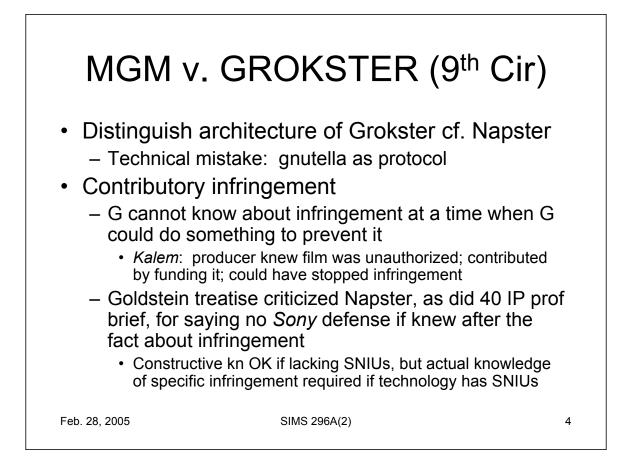
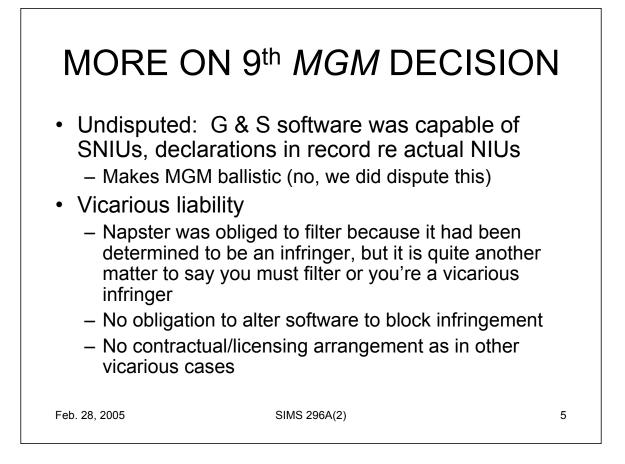
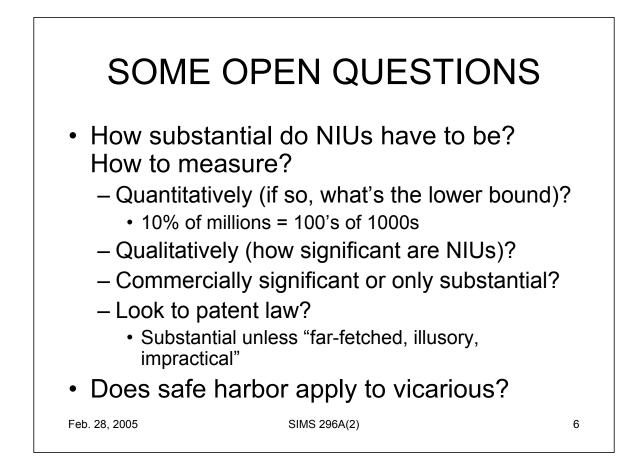
	MGM v. GROKSTER		
Pamela Samuelson, UC Berkeley SIMS 296A(2) Feb. 28, 2005		/	
	Feb. 28, 2005	SIMS 296A(2)	1

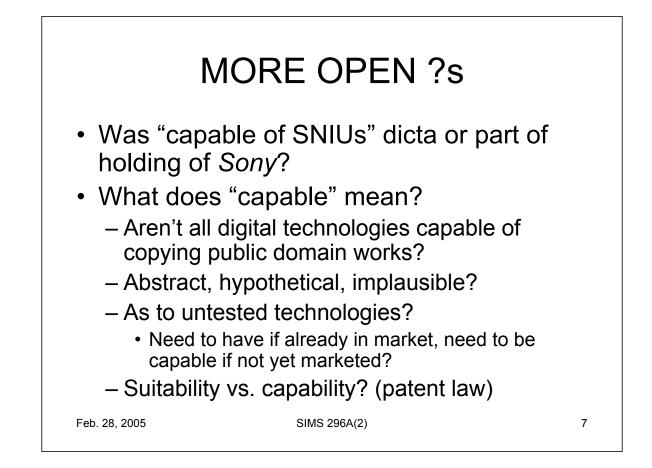


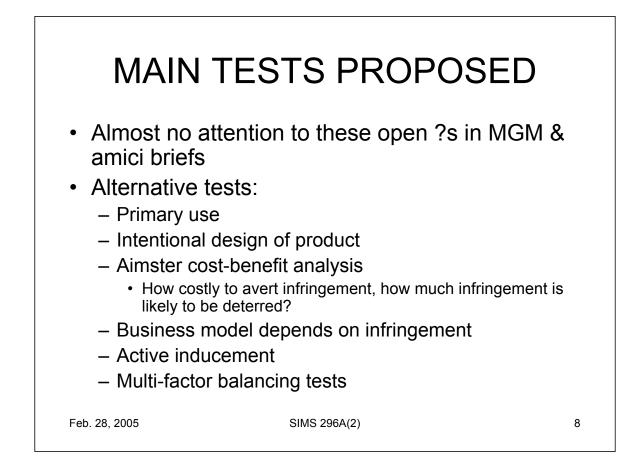


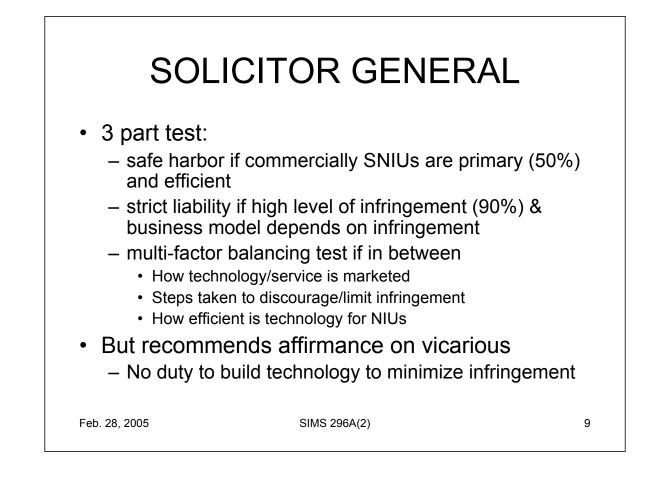


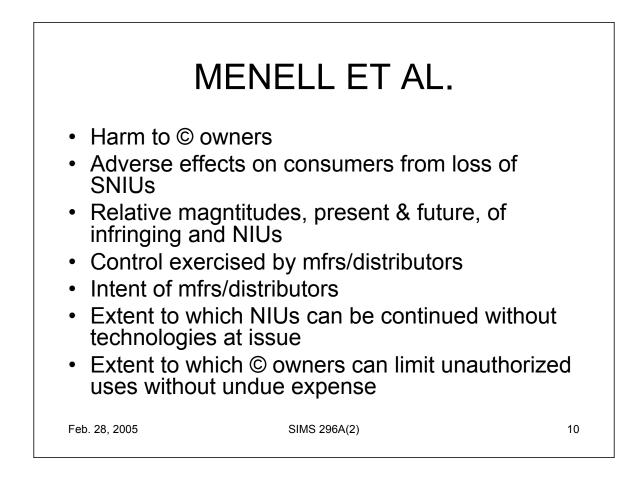












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- Knowledge by defendants about infringing uses
- Purposeful design of technology to evade liability
- · Extent to which infringement affects market
- Cost & efficiency of enforcing vs. direct infringers
- Extent to which © owners trying to get monopoly control over new markets
- Impacts of potential remedies on infringing & NIUs
- Other considerations as appropriate

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STRONG POINTS FOR MGM?

- High volume of infringing uses
- Impacts on CD sales, lost sales of movies
- Harm to authorized online services (hard to compete with "free")
- Volume of infringement related to ad revenues
- Ongoing relationship with users (ability to feed them ads, updates of sw)
- Impracticality of suing individual users
- Fairness; "effective" v. "symbolic" protection

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