

Internet Connection Slow? It Could be Your ISP and Hollywood Spying On you

February 26, 2013 - Over the years, we've done a number of articles on file-sharing. We've covered the lengths that people will go to to download copyrighted material. And we've covered the ramifications that people face when they get caught. Now there is a new effort between copyright owners and ISP's to stop illegal file sharing, and it has some very creepy undertones. Moreover, there is a real possibility that people not involved in copyright infringement will get caught up in this effort.

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})();
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Just imagine this. You are minding your own business, surfing the net and pulling your email. Suddenly, you get a message accusing you of illegally downloading files. You ignore it. A few days later, you get another. You ignore that too. Over a period of time, you find that your computer browser is being redirected to an internet site discussing the evils of copyright infringement. Then a few days later, your internet access speed slows to a crawl.

Welcome to the policy of "six strikes". It is a new system being called the Copyright Alert System, or CAS for short. And it is being brought to you by software companies, Hollywood studios, record companies, and five of the nation's largest ISP's; AT&T, Cablevision, Comcast, Time Warner, and Verizon

Here is the way that it works. Copyright holders hire companies to monitor the internet for illegal files and to look for people downloading them. When they see a file that they think is illegal - normally because of the file name - they copy the IP addresses that are downloading the file and then notify the ISP that services those addresses.

The CAS is using a policy called "six strikes". The first two times that you are suspected of downloading, you get an

email and a voice mail message warning you about the activity that has been detected on your connection. You are also told how to find and remove any file sharing software from your computer systems.

On your supposed third and fourth infringement times, you'll find your computer browser being redirected to an anti-file sharing website. When you get there, you will have to acknowledge that you have received prior warnings and that you understand them.

After that, anyone suspected of downloading copyrighted material a fifth and sixth time will find that their internet speed is slowed dramatically.

Sounds simple enough but there are some real problems with this model.

First, the ISP is taking action against you based on what someone else is telling them. They have no proof that you have downloaded anything illegal and the party giving them the information has no law enforcement authority. So, if you're children dress up in Star Wars costumes for Halloween, you take a video of them and post it to be shared using the name Star Wars, you run the very real risk of getting caught up in this little scheme.

A second problem is that if you maintain a portion of your home or business network as open - meaning that you provide internet access to anyone - then you are at real risk here. The way that the CAS system is structured, network providers are apparently responsible for any activity that takes place on their networks. Just think about what that means to companies like Starbucks or to hotels. It is a significant issue.

Third, if you do find yourself caught up in CAS, then if you want to appeal any finding, you'll have to pay \$35 for the privilege but have no assurance of the outcome. Since CAS is not government authorized and does not have any legal authority, appeals can't really expect to have true due process rights.

If you are paying your ISP for a particular speed of service, I would think that you might have grounds to sue them if your service is throttled back. Unless the ISP is going to reduce its bill to you for providing substandard service - something which I sincerely doubt is in the current plan - then you won't be getting what you pay for.

But the thing that may be most bothersome here is the fact that your ISP is cooperating with other companies to monitor what you do online. Yes, they may be doing this to uphold the law but since I know of no ISP that has been deputized, what business do they have getting involved in this? And what is to say that they won't invade your privacy in other ways? It is all very unsettling to anyone who is privacy conscious.

byJim Malmberg

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