

# Eighth Circuit Adopts ISP Position on Limited Scope of DMCA Subpoenas

January 6, 2005

On January 4, 2005, the Eighth Circuit Court of Appeals issued its decision in *Recording Industry Association of America, Inc. v. Charter Communications, Inc.* No. 03-3802. In a 2-1 decision, the court of appeals reversed the district court, holding that the Digital Millennium Copyright Act of 1998 did not authorize the issuance of subpoenas to Internet Service Providers requiring them to reveal the identities of individual subscribers engaged in peer-to-peer file sharing. In so ruling, the Eighth Circuit followed the earlier reasoning of a unanimous panel of the D.C. Circuit in *Recording Industry Ass'n of Am., Inc. v. Verizon Internet Services Inc.*, 351 F.3d 1229 (D.C. Cir. 2003), cert. denied, No. 03-1579 (U.S. Oct. 12, 2004).

Wiley Rein & Fielding LLP represented a group of Internet Service Providers and Internet trade associations in the case. WRF partner Andrew G. McBride presented oral argument in the case on behalf of *amicus curiae*.

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