

Update: Blogger Pleads Guilty for Leaking Guns N' Roses Songs

A blogger who was arrested and charged by federal agents with illegally streaming nine tracks from the then-forthcoming Guns N' Roses album "Chinese Democracy" pleaded guilty to one misdemeanor count of copyright infringement as part of a deal with prosecutors. He is scheduled for sentencing on March 17, 2009.

Kevin Cogill, a regular contributor at the music blog Antiquiet under the alias "Skwerl," entered his plea in a federal district court in Los Angeles on Dec. 10, 2008. He was arrested by FBI agents last August after the RIAA notified the Department of Justice that the tracks had been leaked. (See "Blogger Arrested for Posting Unreleased Guns N' Roses Songs" in the Fall 2008 *Silha Bulletin*).

In the plea agreement, signed Oct. 16, 2008, Cogill pleaded guilty to violating 17 U.S.C. § 506(a)(1)(A) and 18 U.S.C. § 2319, two statutes that define criminal copyright infringement. Cogill admitted that he acted willfully to infringe a known copyright and that he "acted for the purpose of commercial advantage or private financial gain," because he knew the songs would drive additional traffic to his site and increase advertising revenues.

Under the plea agreement, Cogill faces a maximum one-year prison sentence and a fine of \$100,000.

Cogill was originally charged with a felony under 17 U.S.C. § 506(a)(1)(C), which implements the copyright amendments included in the Family Entertainment and Copyright Act of 2005. The felony charged was punishable by up to three years in prison and up to \$250,000 in fines.

According to a Feb. 6, 2009 story in the *Los Angeles Times*, "Chinese Democracy" has sold 2.6 million copies worldwide since its release on Nov. 23, 2008, and peaked at No. 3 on the U.S. charts.

In a February 6 interview with *Billboard* magazine, Guns N' Roses front-man Axl Rose was asked his reaction to the leak. "Having someone jeopardize your efforts so cavalierly is pretty much a nightmare," Rose said. "I don't know that it hurt us though, at least as one might think."

Cogill still faces the threat of a potential civil suit for streaming the songs.

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