

# Dutch court lifts 'ineffective' Pirate Bay ban (Update 2)

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Gottfrid Svartholm Varg (C) and Peter Sundin, (R) from The Pirate Bay, an online piracy site meet the press in Stockholm, Sweden on February 15, 2009

A Dutch court on Tuesday lifted a ban on notorious file-sharing website The Pirate Bay that had forced two major Internet service providers to block access, calling the measure "ineffective".

The decision on appeal slapped down an original January 2011 ruling by another court ordering popular ISPs Ziggo and XS4All to deny access to

The Pirate Bay site.

"Service providers Ziggo and XS4All cannot be forced to block The Pirate Bay," The Hague Appeals Court said in a statement, explaining that most web users simply dodged the blocking measures.

"The service providers' subscribers in any case mainly use proxies or resort to other torrent sites," the court added.

"The blockade is therefore ineffective," it added.

Ziggo and XS4All were dragged to court three years ago by the Brein Foundation, which defends copyright owners in the Netherlands.

Both service providers appealed but subscribers were blocked from accessing The Pirate Bay.

"It was clear from the start that the measures were ineffective," Ziggo spokesman Erik van Doeselaar told AFP.

"We think the court made the right decision," he said.

XS4All added it was relieved by the appeals decision.

"We are pleased with the appeals court's decision to uphold the freedom of information and the rights of Dutch citizens," it said in a statement.

The Pirate Bay is one of the world's foremost file-sharing and download sites and has been repeatedly found guilty of copyright violations in the Netherlands and Sweden.

Although the appeals court ruled in Ziggo and XS4All's favour, it warned: "It is very important that the service providers don't themselves

violate copyright restrictions."

The Brein Foundation which has to pay Ziggo and XS4All's costs of between 300,000 and 400,000 euros (\$410,000 and \$550,000), said it was considering taking the case to the country's highest court.

"The court's judgement is to the detriment of the development of the legal online market, which needs protection against illegal competition," Brein Foundation director Tim Kuik said in a statement.

"It also goes against decisions by judges in other European countries," the Brein Foundation added. The Pirate Bay has been blocked in several countries, including Britain.

Founded in 2003, The Pirate Bay—which boasts more than 30 million users—makes it possible to skirt copyright fees and share music, film and other files using bit torrent technology, or peer-to-peer links offered on the site.

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