

Australia clamps down on web pirates in 'Dallas Buyers Club' ruling (Update)

April 7 2015

An Australian court Tuesday ordered six Internet service providers to release the details of customers who shared the Hollywood film "Dallas Buyers Club" online in a ruling that could set a precedent for crackdowns on online piracy.

The Federal Court of Australia said the Internet service providers (ISPs), the most prominent being iiNet—which has almost one million broadband customers—had to hand over the names and physical addresses of the customers associated with 4,726 Internet protocol (IP) addresses.

The IP addresses—unique labels applied to each device connected to the Internet—were supplied by the owners of the 2013 Hollywood film starring American actor Matthew McConaughey, Dallas Buyers Club LLC.

They told the court the IP addresses were used to share their film online using BitTorrent, a peer-to-peer file-sharing network.

"I will impose upon the applicants a condition that this information only be used for the purposes of recovering compensation for the infringements and is not otherwise to be disclosed without the leave of this court," Justice Nye Perram said in his ruling.

"I will also impose a condition on the applicants that they are to submit to me a draft of any letter they propose to send to account holders

associated with the IP addresses which have been identified."

However Perram also ruled Dallas Buyers Club LLC had to pay the costs of the proceedings and the ISPs' costs of handing over customers' details. The judge added that customers' email addresses should not be released.

"The next step is identifying the users, and then what we do after that hasn't been decided," Michael Bradley of Marque Lawyers, who represented Dallas Buyers Club LLC, told reporters, the Australian Associated Press reported.

"I don't know what impact it will have on piracy. Certainly, Australia is one of the jurisdictions with the highest rate of unauthorised downloading and this is a first step from a copyright owner to try to change that balance."

Illegal downloads

iiNet also welcomed the decision and said the conditions outlined by the judge had "significant safeguards... in place to protect Australian customers".

"The result is pleasingly what we expected. By going through the process we've been able to ensure that our customers will be treated fairly and won't be subjected to the bullying that we have seen happen elsewhere," iiNet's chief executive David Buckingham said in a statement.

"We're very happy with Justice Perram's judgment and his balanced approach to both the studio's and consumers' rights."

Australia is one of the world's top illegal downloaders of television shows such as "Game of Thrones".

The government is seeking to crack down on online pirates. It introduced a bill last month that would allow copyright holders to force ISPs through a court order to block websites that give access to infringing content.

The government in December also gave ISPs 120 days to develop an industry code that includes issuing warnings to consumers who breach copyright laws. Otherwise, providers will be hit with binding rules imposed by the government.

The code is due this week.

Telecommunications analyst Paul Budde said the ruling was disappointing and represented a power shift towards copyright holders and away from consumers, without addressing the reasons why people were downloading content.

"We are living in a digital world and the reason why people are breaching... copyright is not that they want to be criminals but that the content providers are not providing the sorts of services that customers want," Budde told AFP.

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