[FR] Internet User Fined for Making Music Files Available to the Public on a Peer-to-peer Network

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The regional court in Le Havre has fined an Internet user EUR 500 for making music files available to the public on a peer-to-peer network. This was in line with the sentence proposed by the State prosecutor under the “court appearance with prior admission of guilt” procedure - more commonly called the “pleading guilty” procedure - introduced by the Act of 9 March 2004 adapting court procedure to changes in criminality, under whichthe person admits the facts held against him and accepts the sentence(s) proposed by the State prosecutor. In the present case, the accused admitted having offered to share 14,797 files and agreed to pay the EUR 500 fine. In view of the very large number of files involved, the court also ordered the Internet user to pay EUR 3,000 in damages to the Société des auteurs, compositeurs et éditeurs de musique (French society of music authors, composers and editors- SACEM) and to have an announcement placed in two newspapers or magazines, for a total cost not exceeding EUR 2,000. It is important to note that the State prosecutor in Le Havre did not refer to the offence of reproducing the files (downloading), but only to the offence of making them available (uploading). In a judgment on 2 February 2005, the regional court in Pontoise, however, fined an Internet user EUR 3,000 in his capacity as both the administrator of a server dedicated to the sharing of files of musical works (uploading) and the originator of the reproduction of works in the absence of the originals (downloading), for counterfeiting by editing and reproducing musical works with no regard for copyright. This is one of the matters that will be covered when the bill on copyright and neighbouring rights in the information society is debated in Parliament in December. Lively discussions are already under way at the Conseil supérieur de la propriété littéraire et artistique (council for literary and artistic property).

Tribunal de grande instance du Havre, Comparution sur reconnaissance préalable de culpabilité, Ordonnance d'homologation, 20 septembre 2005

http://www.legalis.net/jurisprudence-decision.php3?id_article=1500

Regional court in Le Havre, court appearance with prior admission of guilt - ratification order of 20 September 2005

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Tribunal de grande instance de Pontoise 6è chambre 3 - collégiale - financière Jugement du 2 février 2005, Alain O. / Sacem, Sdrm, Sppf, Scpp

http://www.legalis.net/jurisprudence-decision.php3?id_article=1403

Regional court in Pontoise, 6th chamber (3 - collegiate - financial), judgment of 2 February 2005, Alain O. v. SACEM, SDRM, SPPF and SCPP

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