[GB] Distributing Music over the Internet Ruled Illegal

IRIS 2006-3:1/25

David Goldberg
deeJgee Research/Consultancy

The English High Court has made two summary judgements ruling that the two men involved cease using peer-to-peer software facilitating the illegal sharing of music files.

The identity of one was obtained after a court order had been served on an Internet Service Provider.

The decisions are the first cases to be heard on this issue in a UK court. Many cases (150 cases launched since October 2004) have been settled out of court - for up to GBP 6 500.

The file-sharing constitutes an infringing act under the Copyright Designs and Patents Act of 1988.

One man was ordered to make an immediate payment of GBP 5,000 to the British Phonographic Industry and the other GBP 1,500. In addition, each has to pay costs and also damages, when determined.

In one case, the defence argued that there was no evidence of infringement; the court declined to accept it. In the other case, the defence argued that the person involved did not know that what he was doing was illegal. Judge Lawrence Collins ruled that "Ignorance is not a defence".

51 more file-sharers have been given until 31 January to settle their cases out of court.

Copyright Designs and Patent Act 1988

http://www.opsi.gov.uk/acts/acts1988/Ukpga_19880048_en_1.htm

Polydor Ltd and others v. Woodhouse and others, November 2005 High Court - Chancery Division

"UK Courts rule file-sharers liable in landmark legal cases", 27 January 2006

http://www.bpi.co.uk/index.asp?Page=news/legal/news_content_file_975.shtml

© European Audiovisual Observatory (Council of Europe) 2026

"Court rules against song-swappers"

http://news.bbc.co.uk/go/pr/fr/-/1/hi/entertainment/4653662.stm

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026