[IE] ISPs Ordered to Disclose Details of File-Sharers

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The High Court on 24 January made an order requiring three ISPs to hand over to four record companies the names, addresses and telephone numbers of 49 alleged file-sharers. The first such order had been made by the Court in July 2005 (see IRIS 2005-10: 15). The file-sharers in the recent case were all alleged to have downloaded between 500 and 5,000 files, in breach of s.140 of the Copyright and Related Rights Act 2000 (see IRIS 2000-8: 13). The music companies intend to take infringement proceedings against the file-sharers. Mr. Justice Kelly described the activity as a modern form of thieving. He said it had been in operation "on a very substantial scale over a lengthy period of time" and that the record companies had no other way of getting the information.

He acknowledged the rights to privacy and confidentiality but said that those rights had to be weighed against the wrongful activities perpetrated against the record companies. The ISPs did not oppose the making of the order but did seek, and were given, undertakings by the record companies that they would use the information only for the specific purposes for which it was given. The record companies accepted that the ISPs were innocent parties in the case and that, therefore, their reasonable costs, including the costs involved in extracting the required information, should be paid by the plaintiffs. Since the first High Court order of July 2005, the Irish Recorded Music Association (IRMA) has settled with a number of file-sharers for an average of EUR 2,500 and is suing a few others.

EMI Records (Ireland) Ltd, Sony BMG Entertainment (IRL) Ltd, Universal Music Ireland Ltd and Warner Music Ireland Ltd v Eircom Ltd, BT Communications Ireland Ltd and Irish Broadband Internet Services Ltd, High Court, Kelly J., 24 January 2006

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