[GB] Another Copyright Infringement Action Decision

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Previous issues of IRIS have reported on several copyright infringement cases decided in the English Courts, (see, IRIS 2010-3: 1/26, IRIS 2010-3: 1/27, IRIS 2010-4: 1/26).

Another case has been decided recently in an action brought by a number of film studios, Twentieth Century Fox, Universal, Warner Bros., Paramount, Disney, Columbia Pictures, against Newzbin Ltd., a Usenet indexer. That company was found liable for copyright infringement. Company accounts for 2009 indicate that Newzbin Ltd was a sizeable operation, with around 700,000 members, a turnover in excess of GBP 1 million, a profit of more than GBP 360,000 and dividends on ordinary shares of GBP 415,000.

The judge in the High Court hearing, Mr Justice Kitchin, said that Newzbin "encouraged its editors (members) to report and has assisted its users to gain access" to copies of infringing films. The Judge took into consideration Newzbin's structure - its categorisation of content and the fact that its "editors" were encouraged to report films. Accordingly, he had no doubt that Newzbin knew that "the vast majority of films in the Movies category of Newzbin are commercial and so very likely to be protected by copyright, and that members of Newzbin who use its NZB facility to download those materials, including the claimants' films, are infringing that copyright."

However, Mr Justice Kitchin said that the remedy sought by the film studios (an injunction preventing Newzbin from including any infringing material in their index) was too broad and that he would only be prepared to issue a narrower injunction, which would prevent Newzbin infringing the copyrights of the films to which the plaintiffs own the copyright.

Twentieth Century Fox Film Corporation & Anor v. Newzbin Ltd [2010] EWHC 608 (Ch) (29 March 2010)

http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Ch/2010/608.html&query=newzbin&method=boolean

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