

[AT] Operator of Illegal Download Server Sentenced

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According to media reports, on 22 June 2010, the Austrian Landesgericht für Strafsachen Wien (Vienna district criminal court) imposed a suspended three-month prison sentence on the German operator of a subscription-based download server.

Subscribers could download pirate copies of current music, films and TV series via the operator's FTP server. He advertised his service in relevant forums and offered the choice of two download tariffs. A limited download service was available for EUR 15, whereas unlimited access cost EUR 20.

The Austrian Verein für Anti-Piraterie der Film- und Videobranche e. V. (film and video anti-piracy association - VAP) became aware of the service after seeing an advertisement. It appointed private investigators to gather evidence and, with the help of the German Gesellschaft zur Verfolgung von Urheberrechtsverletzungen (federation against copyright theft - GVU), they were able to identify the operator from his bank account details.

The defendant did not respond to a caution, but withdrew the service. Although he continued to deny all the allegations at the first oral hearing, he failed to appear at the second hearing and was sentenced in absentia. The sentence was suspended.

