# [NL] Summary Judgment in Pirate Bay Case Confirmed

**IRIS 2010-8:1/37**

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On 16 June 2010, the Amsterdam District Court ordered the three operators of The Pirate Bay to stop all their activities in the Netherlands and make their websites inaccessible for users in the country, under penalty of EUR 50,000 per day, the maximum possible fine being EUR 500,000.

The Amsterdam District Court hereby confirms in the proceedings on the merits its earlier decision in summary proceedings that the Bescherming Rechten Entertainment Industrie Nederland (Entertainment Industry Rights Protection Netherlands - BREIN), the Dutch rightsholders representative, had initiated against the three operators of The Pirate Bay. On 30 July 2009, the Court had sentenced the three operators to make their websites inaccessible for Internet users in the Netherlands, because The Pirate Bay was found to have infringed the intellectual property rights of the Dutch rightsholders, represented by BREIN (see IRIS 2009-9:14/22).

The three operators appealed this decision. On 22 October 2009, the Court ruled that The Pirate Bay itself was not necessarily guilty of copyright infringement, but that it did act unlawfully towards BREIN, because it assisted in copyright infringement by allowing and encouraging its users to share torrents. It sentenced the operators to remove a list of torrents that link to copyright-protected works in the Netherlands and to make these torrents inaccessible on The Pirate Bay's websites for Internet users in the Netherlands, under penalty of EUR 5,000 per day with a maximum of EUR 3,000,000 (see IRIS 2010-1: 1/32).

In both the summary proceedings and the case on the merits, the defendants did not appear in Court, nor did they defend themselves, and were sentenced by default. On appeal, they were represented by a lawyer who argued that it was not the defendants who were the owners of the site, but a Seychelles-based company named Reservella. The Court rejected this defense and concluded that the three defendants were responsible for the site.

BREIN has subsequently initiated summary proceedings against Ziggo, a Dutch ISP, in which it demanded that Ziggo block access to The Pirate Bay website for all its users. In its decision of 19 July 2010, the District Court of The Hague denied this request.

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***Uitspraak vonnis Rechtbank Amsterdam (eerste aanleg), LJN: BN1626, 448310 / HA ZA 10-158***

http://www.rechtspraak.nl/ljn.asp?ljn=bn1626

*Decision of the Amsterdam District Court, 16 June 2010, LJN: BN1626, 448310 / HA ZA 10-158*

***Uitspraak vonnis Rechtbank 's-Gravenhage (kort geding), LJN: BN1445, 365643 / KG ZA 10-573***

http://www.rechtspraak.nl/ljn.asp?ljn=bn1445

*Summary judgment of Decision of the District Court of The Hague, 19 July 2010, LJN: BN1445, 365643 / KG ZA 10-573*

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