[GB] High Court Orders Internet Service Providers to Block Access to The Pirate Bay

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On 2 May 2012, the English High Court made an order under the Copyright, Designs and Patents Act 1988 to require the major internet service providers to block customer access to The Pirate Bay peer-to-peer file sharing website. The Act (as amended) implements the 2001 Information Society Directive 2001/29/EC. The case was brought by record companies on their own behalf and on behalf of the British Recorded Music Industry and Phonographic Performance Ltd.

The Act empowers the High Court to grant an order against a service provider where the latter has 'actual knowledge' of another person using their service to infringe copyright. The court had already made such an order in relation to the website Newzbin2, and in an earlier decision had determined that both the users and operators of The Pirate Bay infringed the copyrights of those seeking the orders (see IRIS 2011-9/21 and IRIS 2012-4/28). In this case, it considered that the ISPs had actual knowledge of the copyright infringement as this had been given to them by the record companies and in the earlier judgment. To grant the order would not be contrary to Art. 10 of the European Convention on Human Rights or Art. 11 of the Charter of Fundamental Rights of the European Union. The orders would represent a proportionate response as their terms had in fact been negotiated between the parties, who were professionally represented, and were proportionate in relation to the users of the ISP services for reasons given in the earlier cases. Thus orders were granted to require IP address blocking, which was feasible as The Pirate Bay did not share an address with anyone else.

Dramatico Entertainment et al v. Brisith Sky Broadcasting et al, [2012] EWHC 1152 (Ch)

http://www.bailii.org/ew/cases/EWHC/Ch/2012/1152.html

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