[NL] Ex parte injunction granted against video-content BitTorrent release group

IRIS 2015-9:1/20

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In a series of three ex parte decisions, the Dutch District Courts of Noord-Holland and Limburg have granted injunctions against three uploaders of copyright-protected works via the BitTorrent network. Stichting BREIN (Bescherming Rechten Entertainment Industrie Nederland) (Protection of Dutch Entertainment Industry Rights), a foundation that seeks to protect the rights of the Dutch entertainment industry, filed a suit against the 'Dutch Release Team' in ex parte proceedings. The proceedings were successful, as both district courts granted injunctions against the three leaders of the organisation: anonymised as 'V', 'D' and 'A'.

The Dutch Release Team is the Netherlands' most well-known 'release group' that illegally makes copyright-protected video content available online via the BitTorrent network. As its name implies, the release group's target audience is the Dutch market, with the films and series it uploads being subtitled in Dutch.

Also worth noting is the role of the website HetMultimediaCafe.nl. This website was a forum that - until recently - was used by the members of the Dutch Release Team to review movies and series uploaded by the release group on other BitTorrent websites. In an attempt to stay outside of copyright infringement's boundaries, thus hoping to guarantee the continuity of the website, no direct links to the actual torrent files were posted on the forum. However, each review did contain a sufficiently specific title to immediately find the torrent file in question upon entering that title in a search engine.

Interim relief judges of the District Courts of Noord-Holland (10 and 15 April 2015) and Limburg (13 April 2015) granted an injunction against leaders V, A and D respectively. In all three cases, the judge did so in ex parte proceedings, as Stichting BREIN argued it had a pressing interest in obtaining an expedient injunction against the Dutch Release Team. V, D and A were all ordered to cease and desist all copyright infringement on penalty of EUR 2,000 per day or per upload, provided that the penalty was capped at EUR 50,000. That order included stopping the 'services' provided on HetMultimediaCafe.nl.

In the meantime, all three leaders have reached a settlement with Stichting BREIN. Not only did V, D and A agree to remove the torrents that were already uploaded, they also paid a settlement fee, disclosed information about other

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members of the release group, and signed a cease and desist declaration.

Beschikking voorzieningenrechter Rechtbank Noord-Holland 10 april 2015, IEF 1516, Stichting BREIN v. Dutch Release Team V

http://www.ie-forum.nl/backoffice/uploads/file/IE-Forum_nl%20Beschikking%20Vzr_%20Rechtbank%20Noord-Holland%2010%20april%202015,%20IEF%2015168%20(Stichting%20BREIN%20tegen%20Dutch%20Releas%20Team%20-%20V).pdf

Decision of the interim relief judge of the District Court of Noord-Holland 10 April 2015, IEF1516, Stichting BREIN v. Dutch Release Team V

Beschikking voorzieningenrechter Rechtbank Limburg 13 april 2015, IEF15168, Stichting BREIN v. Dutch Release Team A

http://www.ie-forum.nl/backoffice/uploads/file/IE-Forum_nl%20Beschikking%20Vzr_%20Rechtbank%20Noord-Holland%2015%20april%202015,%20IEF%2015168%20(Stichting%20BREIN%20tegen%20Dutch%20Release%20Team%20-%20A).pdf

Decision of the interim relief judge of the District Court of Limburg 13 April 2015, IEF15168, Stichting BREIN v. Dutch Release Team A

Beschikking voorzieningenrechter Rechtbank Noord-Holland 15 april 2015, IEF 1516, Stichting BREIN v. Dutch Release Team D

http://www.ie-forum.nl/backoffice/uploads/file/IE-Forum_nl%20Beschikking%20Vzr_%20Rechtbank%20Limburg%2013%20april%202015,%20IEF%2015168%20(Stichting%20BREIN%20tegen%20Dutch%20Release%20Team%20-%20d).pdf

Decision of the interim relief judge of the District Court of Noord-Holland 15 April 2015, IEF1516, Stichting BREIN v. Dutch Release Team D

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