



AUSTRALIAN FEDERATION AGAINST COPYRIGHT THEFT

## MEDIA RELEASE

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### **Film industry disappointed by Federal Court ruling on online copyright infringement**

[Sydney] 34 film companies representing the Australian and US film industries today expressed their disappointment that the Federal Court found that iiNet was not liable for the copyright infringements by its customers on its network.

The Federal Court of Australia today found that despite findings of copyright infringement by iiNet customers, iiNet did not authorise the acts of its customers.

The ruling came after film companies including Village Roadshow, Universal Pictures, Warner Bros Entertainment, Paramount Pictures, Sony Pictures Entertainment, Twentieth Century Fox Film Corporation, Disney Enterprises, Inc. and the Seven Network, the Australian licensee of some of the infringed works, filed a legal action against iiNet in November 2008.

They commenced action against iiNet following a 5 month investigation that uncovered instances of copyright infringements by users of iiNet's services.

Speaking on behalf of the Australian and US film companies that launched the action, Australian Federation Against Copyright Theft Executive Director Neil Gane said he was disappointed by the Court's decision.

"Today's decision is set back for the 50,000 Australians employed in the film industry," he said.

"But we believe this decision was based on a technical finding centred on the court's interpretation of the how infringement's occur and the ISPs ability to control them.

"We are confident that the Government does not intend a policy outcome where rampant copyright infringement is allowed to continue unaddressed and unabated via the iiNet network.

"We will now take the time to review the decision before making further comment on next steps," he said. ENDS

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## **About the case**

Thirty four parties representing Australian and US film companies and the Seven Network, filed a legal action against iiNet in November 2008

The launching of a legal action followed a 5 month investigation by AFACT with weekly notices sent to iiNet identifying the IP addresses of those customers who had infringed the film companies' copyright.

The hearing of the case commenced in the Federal Court on 6 October 2009 and ran for a total of 20 days before Justice Cowdroy in Sydney.

## **About AFACT**

AFACT works closely with industry, government, police and educational institutions to address copyright theft and protect the interests of the film and television industry as well as the interests of Australian movie fans.

In 2009, State and Federal Police conducted 69 raids involving movie piracy and seized 194,233 pirated DVDs. They also seized 749 burners capable of producing over 18 million pirated DVDs a year with a potential street value of over \$94million.

Australia's copyright industries are the 3rd largest contributors as a percentage of GDP in the world, second only to the US and UK.

In 2006/07 they contributed 10.3% GDP to Australia's economy [up 66% since 1996], represented 8% of our employment and generated 4.1% of total exports.

The film and TV industry in Australia alone contributed \$4.4 billion to GDP and supports 50,000 jobs, including small businesses under threat from movie and TV piracy, and independent cinemas, video rental stores and film and television producers across the country.

In 2007, the film and TV sector contributed an estimated \$1.8 billion in tax to the Australian Government.