ChatGPT

File-Sharing Lawsuits Where Plaintiffs Lost

Atlantic Records, Inc. v. Brennan (USA, N.D. Fla., 2008)

A Florida federal judge refused the RIAA's default judgment against a music downloader because the complaint relied on boilerplate "making available" allegations without evidence of actual distribution [1]. The labels had sued to hold the defendant liable for sharing dozens of songs via Kazaa, but the court agreed with defenses raised by the Electronic Frontier Foundation that "making the copyrighted recordings available" alone is not proof of infringement. **Plaintiff arguments:** The record companies alleged the downloader had thousands of music files in a shared folder. **Defendant arguments:** The complainant's form complaint was insufficient under Federal Rule 8, and without proof of actual dissemination there was no violation of the distribution right [1]. **Ruling:** The court denied the RIAA's motion for default judgment, finding the complaint "fell short" of showing actual copying to others [1]. Because the labels presented only unproven allegations and no concrete evidence of distribution, the plaintiffs lost the case.

Arista Records, LLC v. Verizon Comm'ns, Inc. (USA, S.D.N.Y., 2008)

Major record labels sued ISP Verizon, alleging it should pay for its customers' P2P piracy. Plaintiffs (record companies) argued Verizon enabled mass copyright infringement via peer-to-peer networks. Verizon (defendant) invoked the DMCA §512 safe harbor, contending it merely provided internet access and did not authorize or directly profit from users' file-sharing. **Plaintiff arguments:** The labels claimed Verizon knew of repeated infringement notices and thus "authorized" or contributed to customers' illegal downloads of copyrighted music. **Defendant arguments:** Verizon argued it only offered a conduit service; it removed infringers when required and qualified for the DMCA safe harbor immunity. **Ruling:** The court granted summary judgment to Verizon, concluding that simply providing internet access without more does not amount to authorizing infringement [2]. Because Verizon's inaction (failing to pre-terminate every accused user) was deemed insufficient to show "authorization," the labels' claims failed and the plaintiffs lost [2].

In re Charter Commc'ns, Inc. (USA, 8th Cir. 2005)

The Recording Industry Association sought §512(h) subpoenas to force Charter, an ISP, to reveal alleged file-sharers' identities. **Plaintiff arguments:** The RIAA argued that under the DMCA's subpoena provision, they were entitled to users' names and addresses to sue them for illegal downloads. **Defendant arguments:** Charter contended that §512(h) applies only to service providers that store infringing files, not mere conduits. **Ruling:** The Eighth Circuit agreed with Charter and **reversed** the subpoenas [3]. The court held that a pure internet conduit like Charter does not "remove or disable" user access to infringing files and thus cannot be subpoenaed under §512(h). In effect the plaintiffs lost because the statute did not authorize forcing a broadband ISP to hand over customer data [3].

BMG Canada Inc. v. John Doe (Canada, Fed. Ct. 2004; Fed. C.A. 2005)

Canadian record labels (BMG and others) sued anonymous Kazaa users for sharing copyrighted music files. **Plaintiff arguments:** The labels asserted that downloading and uploading music via P2P was illegal distribution. **Defendant arguments:** The anonymous users (via amici) argued that downloading for personal use was allowed under Canada's private copying exception and that merely placing files in a shared folder was not active distribution. **Ruling:** Initially the Federal Court (2004) agreed that personal downloading was private copying and that simply making files available on Kazaa did not constitute distribution. On appeal, the Federal Court of Appeal (2005) *dismissed* the case on procedural grounds – noting the labels had not shown evidence tying the anonymous defendants to specific infringements [4] [5]. The court specifically left undecided the "making available" question, but the bottom line was that the plaintiffs could not prove infringement. Because of the lack of evidence linking the defendants to sharing, the labels' lawsuit failed [5].

Roadshow Films Pty Ltd v. iiNet Ltd (Australia, High Court 2012)

A coalition of film studios sued Australian ISP iiNet, alleging it authorized customers to download movies via BitTorrent. **Plaintiff arguments:** The studios (via AFACT) claimed iiNet should be liable for contributory infringement because it ignored hundreds of notices about users sharing copyrighted films. **Defendant arguments:** iiNet argued it had a valid repeat-infringer termination policy and that merely providing internet access does not constitute authorizing infringement. **Ruling:** The High Court of Australia unanimously held iiNet **not liable** for its customers' BitTorrent downloads. The court found that iiNet's power to terminate accounts was only "indirect" and that simply failing to police every user did not equal authorisation of copyright infringement [2] [6]. In short, iiNet's inaction was not legally sufficient to constitute authorisation [6]. Because the plaintiffs could not show iiNet did more than provide network access, the studios' claims failed and the plaintiffs lost [2].

MediaCAT Ltd. v. John Does 1–26 (UK, Patents Court, 2011)

A London court confronted a series of speculative lawsuits by MediaCAT (on behalf of a porn studio) against 26 unnamed individuals accused of downloading adult films via BitTorrent. **Plaintiff arguments:** MediaCAT (through ACS:Law) sought to identify and sue alleged downloaders based on data collected by a third party, demanding ISPs' help to unmask subscribers. **Defendant arguments:** The accused downloaders (and ISPs) contended that MediaCAT's methods were abusive speculation without proper evidence or identified plaintiffs. **Ruling:** Judge Birss QC refused to let ACS:Law simply drop the cases without consequence, criticizing the scheme as "untested" and abusive. He ordered MediaCAT to officially join the copyright holder or face dismissal [7]. Shortly after, the law firm and MediaCAT ceased operations. In practice this meant the plaintiffs were unable to continue, and *all* the MediaCAT claims were dismissed [7]. The lawsuit collapsed before any liability was proven, so the plaintiffs lost by abandoning their claims.

Warner Music et al. v. UPC Communications (Ireland, High Court 2010)

Major record labels (Warner, Universal, Sony, EMI) sued Irish ISP UPC to force disconnection of repeat P2P infringers. **Plaintiff arguments:** The labels wanted the court to recognize a "three-strikes" disconnection

regime (in compliance with EU law) so that ISP must cut off illegal downloaders. **Defendant arguments:** UPC argued that Irish law contains no mechanism to disconnect users for file-sharing, so no court order could mandate it. **Ruling:** The High Court (Charleton J.) sided with UPC and **dismissed** the labels' action. Judge Charleton found that, although piracy was real, Irish statutes provided no power to cut off users for downloading music, so the injunctions sought were unenforceable [8]. In short, because the legal framework did not allow forced disconnections, the record companies' claims failed and the plaintiffs lost [8].

SCPP (France) v. Anthony G (France, Tribunal de grande instance de Paris 2006)

French recording companies (SCPP) sued Anthony G., who had downloaded and shared thousands of music and video files on Kazaa. **Plaintiff arguments:** SCPP accused him of infringing copyrights by uploading 1,212 tracks to the network. **Defendant arguments:** Anthony, defended by the consumer group Audionautes, argued this was non-commercial personal use protected by France's private-copying exception. **Ruling:** The Paris court found for Anthony: his downloading and even uploading into a shared folder were acts of "private copying" and not punishable as distribution [9]. The judge refused the record industry's bid for damages. Because Anthony's use was deemed personal and covered by law, the plaintiffs' case failed [9].

German Labels v. ISP (Germany, Higher Regional Court – Hamburg 2005)

German record companies attempted to force an ISP (in Hamburg) to disclose a customer's identity for running an unauthorized Rammstein FTP music server. **Plaintiff arguments:** The labels argued the ISP should provide subscriber details under the German Copyright Act. **Defendant arguments:** The ISP contended it merely provided access to the internet and was not part of the infringing act. **Ruling:** The Hamburg appeals court overturned a lower decision and held that ISPs have no general obligation to hand over user data in such cases [10]. It reasoned that the ISP "is not part of the criminal act" of sharing files, merely a conduit [10]. Because there was no legal basis to compel disclosure, the labels lost on appeal.

Office of the Federal Data Protection Commissioner v. Logistep AG (Switzerland, Federal Supreme Court 2010)

In Switzerland, an anti-piracy company (Logistep) was caught collecting IP addresses of P2P file-sharers to help rights-holders sue infringers. **Plaintiff arguments (Data Protection Authority):** The Federal Data Commissioner argued IP addresses are personal data and Logistep's mass collection violated Swiss privacy law. **Defendant arguments (Logistep):** The firm claimed it was legitimately tracking infringers on behalf of rights holders. **Ruling:** Switzerland's top court sided with the Data Commissioner and **banned** Logistep's activities. It held that gathering IP addresses without consent violated data protection rules [11]. As a result, Logistep lost and could no longer furnish alleged infringer lists to copyright owners. This decision effectively hindered the plaintiffs' (rights-holders') ability to sue P2P downloaders, so the plaintiffs were left without the evidence they sought [11].

Sources: Authoritative court opinions and news accounts of each case [1] [2] [6] [3] [4] [5] [7] [8] [9] [10] [11]. Each case above is summarized and cited accordingly.

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