

FOR IMMEDIATE RELEASE

Friday, 20 April 2012

Roadshow V iiNet: High Court shows way for Government action

The decision by the High Court to dismiss the appeal in Roadshow V iiNet provides much needed clarity on what steps the Government must now take to deal with Peer-2-Peer Internet infringements.

“Whilst the loss is obviously disappointing, the judges found that the current laws can not deal with issues related to Peer -2-Peer (P2P) file infringements which was the basis of this case,” AHEDA CEO Simon Bush said.

“The High Court judgment in fact suggests that the logical next step to deal with this matter is by *“specially targeted legislative schemes, some of which incorporate co-operative industry protocols...(para 79)”*.

“AHEDA is of the view that the best way to resolve these matters is for Government to develop a clear policy framework backed by legislation to restrict such undesirable behaviours.

“We now look forward to working with the Gillard Government and Attorney-General Nicola Roxon to develop a legislative solution dealing with P2P and copyright Internet infringements that keep pace with technological developments.

“A legislative solution provides certainty for both content owners and ISPs thereby enhancing innovation in the digital economy”, Mr Bush said.

Section 79 of the High Court Judgment:

79 This final conclusion shows that the concept and the principles of the statutory tort of authorisation of copyright infringement are not readily suited to enforcing the rights of copyright owners in respect of widespread infringements occasioned by peer-to-peer file sharing, as occurs with the BitTorrent system.

The difficulties of enforcement which such infringements pose for copyright owners have been addressed elsewhere, in constitutional settings different from our own, by specially targeted legislative schemes, some of which incorporate co-operative industry protocols⁸⁴, some of which require judicial involvement in the termination of internet accounts, and some of which provide for the sharing of enforcement costs between ISPs and copyright owners.

About AHEDA:

The Australian Home Entertainment Distributors Association (AHEDA) represents the \$1.3 billion Australian film and TV home entertainment industry covering both packaged goods (DVD and Blu-ray Disc) and digital content.

In 2011, AHEDA members moved over 67 million titles worth \$1.2 billion in wholesale DVD and Blu-ray sales. These figures do not include retail or digital sales.

The Association speaks and acts on behalf of its members on issues that affect the industry as a whole such as: intellectual property theft and enforcement, classification, media access, technology challenges, copyright and media convergence.

The Association currently has 10 members including all the major Hollywood film distribution companies through to wholly owned Australian companies such as Roadshow Entertainment, Madman Entertainment, Hopscotch Entertainment, Fremantle Media Australia and Anchor Bay Home Entertainment.

www.aheda.com.au

For comment: Simon Bush 0417 642 200