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## Bad news for Newzbin2, Hollywood triumphs

A significant ruling against BT in a High Court test case is likely to cause major headaches for Internet Service Providers.

The case was brought against BT by a collection of Hollywood film studios belonging to the Motion Picture Association of America Inc. As a result of this test case they have successfully secured an injunction which forces BT to prohibit and block access to the website Newzbin2. The Newzbin2 website offers for download copyright infringing materials by way of films and music to those who subscribe. Proceedings had previously been brought directly against a website named Newzbin and an injunction granted. However within days of the injunction Newzbin2 appeared offering the same services with servers based outside the jurisdiction. The film studios therefore decided to target the ISP to block access to the website.

### The decision

Justice Arnold decided in the claimant's favour, granting an injunction under section 97A Copyright Designs and Patents Act 1988. He rejected outright all of BT's arguments, including arguments that the court failed to have jurisdiction to make the order.

BT were found to have actual knowledge that some of their customers were using its services to subscribe to the site in question, knowing that copyright infringement was taking place and that some of this infringement related to copyright owned by the claimants.

### Why so important?

Now that an injunction has been granted against an ISP which forces a copyright infringing website to be blocked by them in specific circumstances, it could lead to a growth in similar cases being brought. It could be far easier for content providers to bring these types of claims rather than bringing proceedings directly against the infringer.

### Implications

There are many practical questions that will need to be resolved. Will content owners have sufficient resources to bring repetitive actions against a multitude of ISPs? Will the website owners at the heart of the problem merely circumvent the system by simply setting up new infringing websites? The decision places a great deal of responsibility on ISPs. The exact terms of the Court order and injunction are to be handed down in October. It will be interesting to see what happens in the interim period.

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