IFA©T-GC

INTERNATIONAL FEDERATION AGAINST COPYRIGHT THEFT – GREATER CHINA

For Immediate Release
May 18, 2007

HONG KONG'S TOP COURT CONFIRMS PIRACY CONVICTION IN WORLD'S FIRST CRIMINAL BITTORENT CASE

Self-styled "Big Crook" Today Begins Three Month Jail Sentence for Attempting to Illegally Distribute Three Movies Over the Internet

Hong Kong – The Hong Kong Court of Final Appeal today published its judgement of its ruling confirming that 38-year-old Chan Nai-ming was guilty of violating Hong Kong's Copyright Ordinance for the attempted distribution of illegal copies of three Motion Picture Association (MPA) member company titles via BitTorrent, a peer-to-peer (P2P) network forum.

Chan, who had been free on bail awaiting his appeal to Hong Kong's highest court, was taken into custody after the court's ruling to begin serving three months in prison. (Chan was actually sentenced to three, three month terms of imprisonment, one for each offence he committed. The fact that the court ordered that the sentences be served concurrently means he will spend a maximum of three months in prison.)The case was the world's first in which criminal charges were filed against a user of BitTorrent (BT) technology.

The Court decision clarified two important legal issues in relation to protecting copyright. Firstly, the law recognizes that electronic copies, independent of the medium they are stored on, have protection under the law. Secondly, uploading BT files and making them available to others constitutes 'distribution'. Chan's lawyer had argued that Chan's conduct did not amount to 'distribution' and that his 'passive' role meant that he had simply made the material available for others to download. Rejecting this argument, Mr. Justice Ribeiro PJ said ""Distribution"" in its ordinary meaning, is clearly capable of encompassing a process in which the distributor first takes necessary steps to make the item available and the recipient then takes steps of his own to obtain it. A simple example involves distribution of soft drinks or other consumer items by means of coin-operated vending machines."

Sam Ho, Executive Director and General Manager of IFA©T-GC praised the efforts of the Customs and Excise Departments' investigating officers and the prosecutors responsible for the case. "As a Hong Kong citizen I am proud of the leadership our law enforcement authorities have shown in successfully prosecuting the first piracy case involving BitTorrent software. IFA©T-GC will use the Court of Final Appeal's unanimous ruling in our education outreach as it is critical that we provide consumers as much information as possible about the law and the Court's ruling. I sincerely hope it will dissuade people, especially youngsters, from engaging in this type of unlawful activity in the future," Ho continued "But,

when necessary, we will pursue all avenues – including prosecution – to protect our clients' products from theft.

Following three weeks of intensive investigation, on January 12, 2005, the Intellectual Property Investigations Bureau (IPIB) of the Hong Kong Customs and Excise Department arrested Chan, launching Hong Kong's first prosecution for copyright violations involving the illegal distribution of motion pictures through the Internet.

# # #

About the MPA: *The Motion Picture Association (MPA) represents the interests of major motion picture companies in the global marketplace. On behalf of its member companies, the MPA conducts investigations around the world, assists with the criminal and civil litigation generated by such cases, and conducts education outreach programs to teach movie fans around the world about the harmful effects of piracy. The MPA directs its worldwide anti-piracy operations from its headquarters based in Los Angeles, California and has regional offices located in Brussels (Europe, Middle East and Africa), São Paulo (Latin America), Montreal (Canada) and Singapore (Asia-Pacific). The MPA's anti-piracy activities have helped to transform entire markets from pirate to legitimate, benefiting video distributors, retailers, and foreign and local filmmakers alike. The MPA member companies include: Buena Vista International, Inc.; Paramount Pictures Corporation; Sony Pictures Releasing International Corporation; Twentieth Century Fox International Corporation; Universal International Films, Inc.; and Warner Bros. Pictures International, a division of Warner Bros. Pictures Inc.*

About the IFA©T-GC: *The International Federation Against Copyright Theft was established in 2006 by the Motion Picture Association to protect the film industry in the Greater China region from the adverse impact of copyright theft. IFA©T-GC works closely with its members, government and enforcement authorities to protect the Greater China film and television industry, retailers and movie fans.*

For more information, contact:

Margaret Fu
IFA©T-GC
852-2785-8677