

## Internet suspension for file sharing infringers

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The Copyright (Infringing File Sharing) Amendment Bill purported to introduce a new civil remedy, allowing a District Court to order an Internet Service Provider to suspend an account for up to six months. This measure brought support and criticism in equal share.

The internet suspension provision would only be activated if an account holder continues to infringe copyright after receiving detection and warning notices. It was seen as a secondary measure of last resort for more serious infringers, with the primary avenue being recourse to the Copyright Tribunal.

Internet suspension is seen by supporters as the only adequate deterrent for serious copyright infringers and without it, the notice system would be without weight. Critics have argued that internet suspension would be ineffective, disproportionate to the harm caused by the infringers and it would unduly affect the contractual rights and obligations of Internet Service Providers and their account holders.

The Commerce Select Committee has recently reported back on the Bill and proffered a compromise. The provisions relating to internet suspension are retained in the Bill, but they will not be brought into force unless activated by an Order in Council. This means that internet suspension will only become a remedy if the notice process and the Copyright Tribunal prove to be ineffective.

This is an appropriate compromise. The notice system and the Copyright Tribunal remedy is targeted at low level copyright infringers, many of whom will be deterred by the fact that their actions have been identified. If this does not deter the more serious infringers, then it is doubtful whether internet suspension would either.