

MEDIA RELEASE

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High Court refuses Cooper Appeal

The High Court of Australia today refused to grant leave to hear an appeal by Stephen Cooper, the operator of the MP3s4free.net website and his Internet Service Provider who had earlier been found guilty of copyright infringement. Mr Cooper's website was described in an earlier Federal Court decision as a "carefully structured and highly organised site" which included hyperlinks to facilitate the downloading of infringing copies of recorded music.

The High Court rejected Mr Cooper's application stating that it had insufficient prospects of success to warrant a grant of special leave. The refusal reinforces the decision of the trial judge and Full Federal Court who held that Mr Cooper had authorised copyright infringement. The Full Court had also found that the ISP, E-Talk/ Com-Cen, and its director, Liam Bal- labelled the "controlling mind"- had failed to take reasonable steps to prevent copyright infringement and instead had sought to achieve a "commercial advantage" from advertising on MP3s4free.net.

Sabiene Heindl, General Manager of Music Industry Piracy Investigations (MIPI) described the refusal to grant leave as a reaffirmation that the operators of websites and their hosting ISPs need to take steps to ensure that users of their sites and networks are not engaging in copyright infringement, particularly in circumstances where they are put on notice of such infringement and fail to act.

Cooper, E-Talk/ Com-Cen and Bal have been ordered to pay the costs of the record companies for both the original proceedings, the appeal and the special leave application in the High Court.

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About MIPI

Music Industry Piracy Investigations Pty Ltd (www.mipi.com.au) is an organisation that provides investigative and intellectual property right enforcement related services to the Australian music industry and engages in anti-piracy education in Australia. MIPI members include Sony BMG, Universal Music, EMI Music, Warner Music, APRA | AMCOS and many small Australian music labels.