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CYBERBUNKER PROHIBITED FROM PROVIDING INTERNET ACCESS TO THE PIRATE BAY

Brussels — The Hamburg District Court has ordered an injunction against CB3Rob Ltd & Co KG (Cyberbunker) and its operator, Mr. Sven Olaf Kamphuis, restraining them from connecting The Pirate Bay site to the Internet. The injunction application was brought by the Motion Picture Association's member companies.

If the defendants fail to comply with the order, they will be subject to a fine of up to € 250,000 for each instance of infringement or, if this cannot be enforced, up to two years imprisonment for the operators of Cyberbunker.

This landmark decision is the first time a German court has confirmed that a provider of Internet routing services can be held responsible for copyright infringement. The court ruled that Cyberbunker could reasonably be expected, following warning notices from the MPA, to prevent access to The Pirate Bay.

The court further ruled that provisions of the E-Commerce Directive on which Cyberbunker sought to rely (the 'mere conduit' defense) were not available in the circumstances.

This injunction against Cyberbunker usefully supplements the criminal conviction last year of The Pirate Bay operators for copyright infringement in their home territory of Sweden. Litigation is continuing against other facilitators in Sweden who are hosting trackers.

About the MPA: *The Motion Picture Association (MPA) serves the interests of major motion picture companies, home video and television industries in the global marketplace: Paramount Pictures Corporation, Sony Pictures Entertainment Inc, Twentieth Century Fox Film Corporation, Universal City Studios LLLP, The Walt Disney Studios and Warner Bros. Entertainment Inc.*

The MPA investigates and reports on activities infringing intellectual property rights, assists with the resulting criminal and civil litigation to protect their copyrights, and conducts educational

outreach programs to teach movie fans around the world about the harmful effects of copyright theft. These film studios in aggregate are the largest investors in the UK film industry, making such major films as Harry Potter, Sherlock Holmes and Alice in Wonderland in the UK as well as carrying out a wide array of post-production work here. These activities generate thousands of jobs each year in the UK.

For more information about the MPA, please visit www.mpaa.org.

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