

PRESS RELEASE

for Immediate Release

Pirate Party Disapproves of Eircom Blocking Pirate Bay

The Pirate Party is deeply concerned by news that eircom is to block access from its subscribers to thepiratebay.org. The Pirate bay is a website that provides listings of content hosted by people all around the world that can be searched and downloaded via peer-to-peer technology. It hosts absolutely no copyrighted material itself, only links.

The Pirate Party, which has no connection to the Pirate Bay, is extremely disappointed that the site will be blocked for Eircom customers from September 1st 2009. The Party, which is opposed to censorship and stands for the protection of individual privacy, finds this action wholly disturbing and believes it should not go ahead.

The block is as a result of pressure from IRMA (the Irish Recorded Music Association, representing the "big four" major record labels). The Party notes that there are a significant amount of independent artists and labels, in competition with those that IRMA represents, who use the Pirate Bay as a distribution platform for their work. They will be adversely affected by this block.

The Pirate Party believes that this block will set a precedent not only for further monitoring of Internet users, censorship and general debilitation of Internet services in Ireland, but also for similar action against other Irish companies providing Internet services, such as BT Ireland, Smart Telecom, Perlico and UPC (two of which have already been similarly threatened), severely damaging competition in this sector and curtailing efficient broadband rollout.

In recent weeks, copies of the Pirate Bay have appeared at different locations all over the web. The Pirate Party wonders if blocking the website will be at all effective in a world where copies of the website can be set up in a couple of hours. When the Pirate Bay was blocked in Denmark, traffic to the website grew by 12%.

Dick Doyle of IRMA has made references to Section 40 Sub-section 4 of the Irish Copyright and Related Rights Act, 2000 in order to support his position:

(4) "Without prejudice to subsection (3), where a person who provides facilities referred to in that subsection is notified by the owner of the copyright in the work concerned that those facilities are being used to infringe the copyright in that work and that person fails to remove that infringing material as soon as practicable thereafter that person shall also be liable for the infringement."

Subsection 4 however clearly references subsection 3 which is rarely, if ever, mentioned.

Subsection 3 states:

(3) "Subject to subsection (4), the provision of facilities for enabling the making available to the public of copies of a work shall not of itself constitute an act of making available to the public of copies of the work."

Not only does subsection 3 state that Eircom's (or any ISP's) position "shall not of itself constitute and act of making available" - subsection 4 also makes specific reference to "removal of materials". Neither the Pirate Bay, nor Eircom, store any copyrighted materials on any of their servers or within their service infrastructure. Also since the law specifically refers to singular works this section of the law cannot be used against an entire site or service.

The Pirate Party of Ireland is part of a global movement in more than 35 countries worldwide dedicated to protecting peoples' rights and personal liberties in the digital age. The Party made headlines when it was elected to the European Parliament in Sweden, with popular support from

younger voters. Its website is <http://www.piratepartyireland.com>

Email: info@piratepartyireland.com

ENDS.