

## Media Release

### iiNet asks Federal Court to reaffirm and strengthen copyright judgment

**18 March 2010** – iiNet has responded to the Hollywood studios’ appeal against Justice Cowdroy’s decision last month clearing the company of copyright breaches.

iiNet today filed a Notice of Contention in the Federal Court seeking not only to reaffirm the Court’s earlier decision, but also to overturn the few aspects of the case where the Court did not find in iiNet’s favour.

Mr Malone said he was again extremely confident of iiNet’s legal position.

“We go into this latest legal round anticipating we will come out in an even stronger position than when we won last month,” Mr Malone said.

“Justice Cowdroy’s judgment was unequivocal and we are confident the Full Court will confirm his ruling and strengthen it.

iiNet’s Notice of Contention specifically seeks to have the Full Federal Court reconsider two aspects of the original decision.

First, in relation to Section 112E of the Copyright Act 1968, Justice Cowdroy expressly indicated he was “sympathetic” to iiNet’s arguments, but that he was “bound to follow the Full Court’s interpretation” from the 2006 Cooper case.

iiNet’s Notice of Contention seeks the Full Federal Court to distinguish or overrule the 2006 Cooper case and thereby confirm that iiNet, as a carriage service provider, is not taken to have authorized any infringement of copyright by people who used its facilities.

Second, while Justice Cowdroy confirmed iiNet was correct in claiming that the Telecommunications Act prohibited the use and disclosure of information in the manner AFACT had demanded, iiNet is seeking to have the Full Federal Court reverse Justice Cowdroy’s finding that exceptions applied which meant that iiNet could use the information in some circumstances.

This would provide an additional basis for finding that iiNet did not have “the power to prevent” an infringement of copyright and that it would not have been “reasonable” for iiNet to take steps demanded by AFACT that were inconsistent with that prohibition.



**WINNER**

Commitment to Customer Service – Consumer

ACOMMS Communications Alliance & CommsDay Awards 2009



**WINNER**

- Australian Service Excellence Award
  - WA Call Centre Manager of the Year
  - National Customer Service CEO of the Year
- Customer Service Institute of Australia (CSIA)



**WINNER**

- Best Broadband Service (Fixed or Wireless)
  - Chief Executive of the Year
- Australian Telecom Awards 2009



“Neither the original case nor the Hollywood studios’ appeal will stop piracy – even if they were to win the appeal,” Mr Malone said.

“More legal proceedings are not the solution, but we have filed our Notice of Contention to secure and strengthen the original judgment.”

“New approaches and models, like Hulu and Freezone, are the most effective solution to the problem, not more court hearings.

“Again, we stand ready to work with the film and television industry to develop, implement and promote these new approaches and models,” Mr Malone said.

**ENDS -**

**For further information or interviews, please contact:**

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**About iiNet**

iiNet was established in 1993 and listed on the ASX in 1999, growing from a small Perth business into the third largest Internet Service Provider in Australia. The company now supports around 800,000 broadband, telephony and dialup services nationwide, with revenues of over \$450m, and proudly employs over 1200 people in Perth, Sydney, Auckland and Cape Town.

iiNet’s goal is to lead the market with the best internet access products and then differentiate with genuine, plain speaking customer service. The company has its own high speed ADSL2+ network reaching around 4million households across Australia, the largest Voice over IP network in the country, and is delighted to have led yet again with Naked DSL, recognised by PC User Magazine as the 2007 Product of the Year along with taking out the Australian Telecommunications User Group’s coveted ‘Carrier of the Year Award’ in 2010 for the second time.

[2009 Annual Report](#)