HELSINKI COURT OF APPEAL

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Helsinki Court of Appeal has confirmed that an administrator of the website The Pirate Bay infringed the related rights of recording labels and prohibited the defendant from repeating the infringements under threat of a fine (Case S 18/1850).

The Court of Appeal found it proven that the defendant had acted as an administrator of The Pirate Bay – a peer-to-peer file sharing service – from 1 July 2005 until 3 August 2009 and had in the said capacity played a significant role in the unlawful distribution of recordings via the website. The defendant was found to have remained in a position that was essential for the operation of the site until 3 August 2009 and therefore responsible for the infringements of the claimant companies' related rights committed via the service. However, the Court did not find it proven that the defendant had been involved in the operation after 3 August 2009. The defendant was prohibited from repeating the infringements under threat of a fine of EUR 35,000. The Court of Appeal found that it was competent to also hear the case in respect of the distribution of recordings via Swedish telecommunications operators on the grounds that the defendant was domiciled in Finland and the recordings had been available in Finland.

Both the defendant and the claimant companies had appealed against Helsinki District Court's judgment of 11 June 2018. The defendant asked the Court of Appeal, primarily, to rule the claimant companies' case inadmissible without considering its merits and, secondarily, to dismiss their claims in their entirety. The claimant companies asked the Court to confirm that the defendant had infringed their related rights from 1 July 2005 onwards and to prohibit the defendant from proceeding with or repeating the act under threat of a fine of EUR 1,000,000.

The ruling was delivered by Court of Appeal Justices Mirjami Paso and Jukka Loiva (chairperson) and Senior Assistant Judge Matti Pyöriä. For more information, contact Assistant Judge Sini Majlander (tel. +358 (0)29 564 0518 or sini.majlander@oikeus.fi). Copies of the judgment (in Finnish) can be requested from Helsinki Court of Appeal's registry (tel. +358 (0)29 564 0789 or helsinki.hel@oikeus.fi).

The Market Court has been the competent court for hearing copyright disputes and claims since 2013. This case was heard in the general courts due to the underlying facts having first been brought before Helsinki District Court back in 2011.