

PUBLICATION

BitTorrent Copyright Infringement Lawsuits Gaining Momentum in Middle Tennessee

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It is no secret that record companies, music publishers, motion picture production companies and other copyright owners have been targeting individuals for illegal downloading on peer-to-peer (P2P) file-sharing websites, but now these lawsuits are hitting closer to home.

On November 9, 2012, Inseparable Prez LLC. (IP LLC) commenced a mass litigation suit in the United States District Court for the Middle District of Tennessee, against 81 unknown Doe defendants. The Complaint alleges that these Doe defendants have committed willful copyright infringement through their use of BitTorrent protocol in P2P file-sharing to distribute copies of a motion picture entitled "Inseparable," to which IP LLC owns the exclusive copyrights.

BitTorrent and other file-sharing litigation has been initiated in other federal districts, but the IP LLC lawsuit is one of the first to hit Tennessee. The key to these lawsuits is simple: sheer volume. By joining numerous defendants (sometimes more than a thousand), plaintiffs can settle for less money with each individual defendant and still collect a substantial aggregate sum. Litigating a suit against multiple defendants can be costly and unmanageable. From a business perspective, defendants often are more likely to be able to settle in an amount that is low enough that the defendant would not consider hiring an attorney. The amount for which a plaintiff offers to settle may vary depending on the defendant, and in some cases, settling may be the best business decision. In other cases, depending on the terms of the settlement, it may make more sense to defend against a claim of willful copyright infringement. Consulting with an attorney can help you explore your options in the event you find yourself embroiled in a copyright infringement suit.

If you have any questions or need further information, please contact one of the authors of this article or any of our other members of our Intellectual Property Litigation Group.