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For Immediate Release

Pirate Party Australia Welcomes Decision in iiNet Trial

The Pirate Party Australia welcomes the decision of Justice Cowdroy in the Federal Court today, and whilst AFACT will most probably appeal this decision, we take it as a victory for common sense.

"This is a good decision by Justice Cowdroy, and reflects that there is no legal basis or obligation for any ISP to act in the interest of copyright holders, or to expect that they should disconnect any entity upon allegation of infringement without judicial oversight and due process. Essentially an ISP should be considered similar to the postal service - they simply carry data in the form of packets, and that communication should be considered private." said Rodney Serkowski, Party Secretary.

He continued "We still believe that reforms of the Copyright Act are necessary in order to make them more representative of the realities of the digital paradigm, and better reflect the way in which we relate to information, culture and knowledge."

While this judgment may be a step in the right direction for the rights of Australians, there is still further work to be done in regards to preventing further injustices from occurring in regards to data security and cases involving file sharing.

Spectre of Three Strikes

Senator Conroy has previously indicated that the Australian government seeks to expand the war on sharing, and the Department of Foreign Affairs and Trade is currently engaged in secretive negotiations of the Anti-Counterfeiting Trade Agreement (ACTA). ACTA has been shown in leaked documentation to contain requirements that could ultimately lead to 'graduated response' or 'three

strikes' type regulation.¹ Pirate Party Australia completely rejects these kinds of regulation as a reasonable response to internet file sharing.

"The internet has been woven into the everyday lives of Australians. We are dependent on it socially, culturally and economically. It is simply unacceptable to disconnect an entire household from such an important medium of communication, upon often baseless and incorrect allegations from industry-related associations, without due process. An example of the sloppiness of such allegations includes take down notices sent to a network printer at the University of Washington for illicit file sharing."² said Rodney Serkowski, Party Secretary.

It would place a regulatory burden on Internet Service Providers, meaning increased costs for consumers, and in many respects is simply not feasible without gross violations of privacy.

Moves to 'Three Strikes' type regulations will likely mean that in an attempt to either keep their communications private or to avoid detection, many people will turn to encryption. Law enforcement agencies in Britain have stated that such regulation would subsequently increase costs of prosecution and make investigation more difficult.³

"The use of a 'graduated response' or 'three strikes' technique to lower piracy rates is flawed. Disconnecting an entire household for often unprovable claims without a fair trial is not what I'd consider to be representative of a democratic and just society." said David Crafti, President.

A 'graduated response' mechanism is a threat to the privacy of every Australian. Pirate Party Australia is entirely against the implementation of such a scheme and welcomes the public to join us against any development of such legislation.

About Pirate Party Australia

The Pirate Party Australia is a forming political party, currently seeking membership for the purposes of registration with the Australian Electoral Commission and intends to contest the next Australian federal election if successful.

Pirate Party Australia has an interest in reforming legislation and policy surrounding culture, innovation and the protection of civil liberties, with sister organisations fully registered, seeking registration or otherwise active in over 30 countries throughout the world.

The Swedish Piratpartiet have two elected sitting Members of the European Parliament, after the 2009 European Elections, in which they attained 7.1% of the vote.

¹ <http://www.michaelgeist.ca/content/view/4575/125/>

² http://dmca.cs.washington.edu/dmca_hotsec08.pdf

³ <http://www.timesonline.co.uk/tol/news/uk/crime/article6885923.ece>

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