

## **Usenet provider News-Service.com: “Brein Foundation legal action is unwarranted”**

**Amsterdam, 28 April 2010** - News-Service.com, a Dutch B2B Usenet provider, received a summons in 2009 from the Dutch music and film industry trade association, Stichting Brein. Brein claims the company stores and shares copyrighted content without consent. The oral procedure took place on 19 April 2010; the Court expects to pronounce preliminary ruling on 12 May 2010. News-Service.com, which has a staff of seven, completely rejects Brein’s assertions.

News-Service.com provides access to Usenet, a technological communication network designed for exchanging messages between users. Customers of the company provide their end-users with Usenet access. News-Service.com only makes the technology available, and has no involvement whatsoever with the nature or content of the messages exchanged by Usenet users. Insofar as these messages represent material posted on Usenet without the consent of the copyright owners, News-Service.com maintains the opinion that it can bear no blame since it only arranges the technical transfer in accordance with the procedures applying to Usenet. The law (Article 6:196c of the Dutch Civil Code), which is based on the European E-commerce Directive, explicitly excludes service providers such as News-Service.com from liability.

### **No involvement in content**

Patrick Schreurs, technical director of News-Service.com, responds to the Brein summons: “We facilitate access to Usenet, and are not in any way involved in the content of the articles on Usenet. Brein’s claim can be compared to charging the postal service for handling a package containing dubious contents.”

Schreurs: “Stichting Brein demands that we do not store and share copyrighted data without the consent of the copyright owners, and demands a penalty of €50,000 for every day that we do not comply with this fully. Besides the fact that we are not involved with the content, given the extreme volumes it is completely undoable to check the content of the 15 to 20 million messages exchanged daily. Neither is this possible through automation, since no filter is available on the market that is able to identify all copyrighted material for obtained permission. If the Brein action is upheld, this effectively means we will have to shut down Usenet access.”

### **Notice & takedown procedure for the industry**

Last year, News-Service.com implemented a notice & takedown (NTD) procedure for the quick removal or blocking of access to articles containing unauthorised content. Schreurs: “We assume our responsibility and even go one step further by ensuring that articles for which we receive legitimate complaints will be removed and stay removed.”

To underline the importance of the notice & take down procedure, News-Service.com has made it available to other Usenet providers without charge. “We believed that this procedure would be sufficient for Brein and that we were working jointly towards a solution. We regret that Brein is now taking a completely different course with this summons.”

### **About News-Service.com**

News-Service.com is the trade name of News-Service Europe B.V. The company provides access to the worldwide Usenet for exchanging messages between users. Founded in 1979, Usenet was one of the earliest forms of internet. It is used to exchange text messages and files through newsgroups in an email-like way. News-Service.com was founded in 2004 and is based in Amsterdam. News-Service.com is managed by Wierd Bonthuis and Patrick Schreurs. For more information, please visit [www.news-service.com](http://www.news-service.com).

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