

Usenet provider News-Service.com further sinks its teeth into Brein lawsuit

Amsterdam, 21 May 2010 – In a preliminary ruling announced on 12 May 2010 the Court of Amsterdam decided, among other things, that both parties in the Stichting Brein versus Usenet provider News-Service.com case should have one more chance to submit their views in writing, as the Court deems this exchange of written documents necessary for a proper understanding of the case.

The claim was filed by Stichting Brein, who claimed that News-Service.com unlawfully stores and shares material that is protected by copyright. News-Service.com completely disagrees with Brein's claims, since it only arranges the technical transfer in accordance with the procedures applying to Usenet, and has no involvement whatsoever with the nature or content of the messages exchanged by Usenet users. The law (Article 6:196c of the Dutch Civil Code), which is based on the European E-commerce Directive, explicitly exempts service providers such as News-Service.com from liability.

Reply or rejoinder

To reach a final verdict, the Court ruled on 12 May that both parties should be offered the opportunity to lodge a reply or rejoinder. On 23 June, Brein will reply to News-Service.com's statement of defence against the summons. On 4 August, News-Service.com will, in turn, lodge a rejoinder to Brein's response.

Absolutely confident

"Brein's demand that we refrain from unlawfully storing and sharing copyrighted content without the consent of the copyright owners is unrealistic. Considering the extreme volumes, it is both technically and economically completely undoable to check the content of the 15 to 20 million messages exchanged daily. Added to which, no filter is available that is able to identify all copyrighted material for obtained permission. We feel absolutely confident about the remainder of the case," said Patrick Schreurs, the Technical Director of News-Service.com in response to the preliminary ruling.

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.

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