

Student details

Ebenezer Duah
PhD Student
Aberystwyth University, UK
Email: ead09@aber.ac.uk

Stream

Intellectual Property

Title

Copyright Industry's Partnership with ISPs: Has the BitTorrent Technology Strengthened the Recent Focus?

Abstract

With the original Napster and most of its succeeding peer-to-peer (P2P) systems successfully shut down in the past decade or so for contributing to end-user copyright infringement, the copyright industry seem not to have relented in its efforts to tackle the prevalence of illicit file-sharing usually sustained by advances in technologies. In terms of the P2P programmes in circulation, BitTorrent is still the most widely used programme to date. By 2007, its usage had been estimated to account for between 55 and 67 percent of overall global internet traffic with more than 150 million installations claimed worldwide. Although, not all of BitTorrent users engage in illegal activities owing to its remarkable non-infringing capabilities, the technology has been very ideal for the easy and unauthorised distribution or file-sharing of large digital files including software and movies where other P2P networks have struggled to cope, hence a target of the copyright industry. Interestingly, it has also been documented that since its development in 2002, there has been no known legal action taken against a BitTorrent software provider for the infringement of its users, with some suggestions pointing at the type of programme source code as potentially challenging the application of law in this area. This paper will examine the liabilities of the BitTorrent software providers, and whether or not in the light of any legal complexities, the ISP partnership had perhaps been the compelling alternative in the fight against file-sharing.
