

File Sharers Beware - Your Activities are Anything but Private

January 4, 2013 - It has been quite a while since we've done any stories about online file sharing. Never mind the fact that if you software that works with Bit Torrent, you could be opening up your computer to hackers and thieves. The real issue with a lot of file sharing is that it involves copyrighted works; the sharing of which is illegal. With that said, use of Bit Torrent clients is probably as big as it has ever been. And one of the primary reasons for this is that many of those engaged in large scale file sharing - meaning that they are responsible for sharing thousands of files - have hidden behind some countries strict privacy laws. But those laws are cracking as a result of court rulings. And eventually, those rulings are likely to lead overseas ISP's to start sharing information on American copyright infringers with law enforcement agencies here in the United States.

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Copyright infringement costs American companies billions of dollars annually. So it isn't surprising that these companies have gone to great lengths to put a stop to it. A few years ago, the Recording Industry Association of America (RIAA) began suing those who engaged in file sharing. They used a carrot and stick approach in their law suits. They told infringers to settle with them for a few thousand dollars or face a trial and the possibility of significantly larger fines from the courts.

Those who were unwise enough to call RIAA's bluff have found that many courts are completely unsympathetic to their plight and been hit with hundreds of thousands of dollars in fines.

But even with these successes by industry, the RIAA eventually backed off in filing new suits. This was probably because of the horrible publicity they got for suing people who at least from most of the studies that I've looked at were also some of their best customers. These studies often show that those who engage in file sharing are also some of the most

avid legal purchasers of music. Ironic, isn't it?

Even when the RIAA stopped suing new people, it continued to move forward with suits already filed. Some of these are still making their way through the court system. In addition to the RIAA, you have book publishers, the Motion Picture Association of America (MPAA), the Business Software Alliance (BSA) and a variety of other groups that are still filing new suits against consumers for violating copyright laws. And while these groups are focused on large violators, there is absolutely no reason to believe that they won't go after low hanging fruit when it presents itself. That's where some of the overseas court rulings are likely to come into play.

Of particular interest here are some recent Supreme Court rulings out of Sweden; a country that has had strict online privacy laws. Two days before Christmas, the court issued a ruling that affected two cases. As a result of the ruling, two ISPs have been ordered to hand over the names of customers operating servers which stored thousands of copyrighted files. One of the cases involved book publishers and the other involved motion pictures. That alone probably doesn't threaten anyone here in the United States. But based on some of the reading that I've done, it also looks like the court ordered the release of information for registered users of the SweTorrents website. And that could be a big problem for people all over the globe. It would mean that instead of simply turning over an IP address, something which could be difficult or even impossible to determine which people were actually involved in file sharing, civil authorities would have access to registration information of the sites users. At the very least, this probably means an email address. And that is probably enough to identify most of the services users.

As interesting as the Swedish ruling is, it isn't the entire story. The case was reviewed by the European Court of Justice prior to the ruling. That court sanctioned the actions of the Swedish court. This in turn means that other European privacy laws are going to be similarly degraded.

The bottom line here is that if you have been using a file sharing service, now would probably be a very good time to stop. There is a very good chance that if you are identified by law enforcement in another country, that information will eventually wind up with authorities here. And that could result in both civil and criminal penalties.

by Jim Malmberg

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