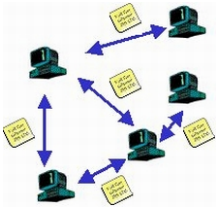


12 July 2005



By:

[Dutch Judge Rules Against Privacy Violation](#)

Because of mistake in collecting evidence

It seems the Dutch judges are not as ruthless against illegal file swappers as their American counterparts. Tuesday, a Dutch judge decided that Internet service providers would not have to hand over names or addresses of customers who may be illegally swapping films, music and other copyright-protected files. Brein, the Dutch organization that filed the lawsuit, represents 52 media and entertainment companies and had acquired unique computer identification numbers, so-called IP addresses, of file swappers and requested personal details behind these IP addresses from five large Internet service providers: UPC, Essent, Tiscali, Wanadoo and KPN. The court ruled that BREIN made a crucial mistake in collecting evidence against the individuals. Apparently the company only looked at shared folders of Kazaa, but these folders may also have contained files for personal use, the court argues. There is not enough proof that these particular files were uploaded. "Brein has sought help from a research company, which has looked at the shared folders on computers of the file swappers. In that process it may have accessed private files," the judge said in the court ruling. "The judge does not deem this correct, because according to Dutch law, privacy is insufficiently protected in the United States," the ruling said.