

UK Govt Issues Advice on Dealing With Copyright Trolls

April 8, 2016 by **Andy Maxwell**

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The UK government has just published advice for people receiving cash demands from so-called copyright trolls. The Intellectual Property Office says that bill payers who are not necessarily infringers are receiving these letters and it is for the copyright holder to prove who committed the alleged offenses.

In 2007, copyright trolls landed on UK shores. Targeting alleged downloaders of the video game [Dream Pinball 3D](#), more than 500 people received demands for cash in exchange for making imaginary court cases go away.

After [several disasters](#) at the turn of the decade, trolls are now back in the UK in force ([1,2](#)) with tuned-up business models designed to intimidate.

Instead of hiring lawyers who are open to scrutiny, they employ [middlemen](#) who cannot be investigated by the Solicitors Regulatory Authority. This leaves their targets with little protection, and a dilemma of whether to [fight the trolls alone](#) or [hire a lawyer](#).

Interestingly the UK government has now indicated an interest in these cases. In an advisory notice just published by the Intellectual Property Office, the government offers guidance on how copyright trolls operate and how people should handle them.

Outlining the problem

“You may have received a letter if the copyright owner believes someone has used your internet connection to download copyright protected material, such as a film, if the material was downloaded without their permission. For example from a file sharing website,” the IPO begins.

“Rights holders may seek compensation for the financial loss they have suffered. Companies such as Golden Eye, TCYK LLC and Mircom have taken action to get compensation in recent years.”

What all of these companies have in common is that when they correspond with the bill payer they insist that person must be either directly responsible for the infringement or must have had a hand in it. The Intellectual Property Office quite rightly points out that these assertions are not necessarily true.

“It’s important to understand that the copyright owner can only take action against the person who actually committed the infringement. This may not be you. Your internet service provider (ISP) can only provide them with details of the internet account holder. Who may not be the actual infringer,” the IPO notes.

Government advice

The first pointer provided by the government is for people not to bury their heads in the sand.

“Don’t ignore the letter. Even if you believe that you or anyone with access to your internet connection hasn’t downloaded the copyright protected material. You should respond, even if you request more time to seek advice before you provide a more detailed response,” the IPO says.

“If you didn’t know anything about the alleged copyright infringement check the letter is genuine. There are scams operating where letters are sent to try and gain compensation

from you when you might not have to pay.”

Checking with people who have access to your Internet

At this point the IPO suggest that letter recipients should check with friends or family who have had access to their Internet.

“They may have downloaded or uploaded the copyright protected material. They may be responsible for the alleged infringement,” the IPO says.

While that may indeed be the case, there is no requirement of a bill payer to go around playing detective on behalf of copyright trolls. If these companies know who is guilty of the infringement they should say so up front. If they don’t they are simply on a fishing exercise and without using the same words, the government seems to agree.

“It is the responsibility of the copyright owner to prove who has committed the infringement. This may not be the internet account holder,” the IPO says.

In closing the Intellectual Property Office [suggests](#) that letter recipients could contact Citizens Advice or speak with a solicitor. Those seeking to do the latter can speak with [Michael Coyle at Lawdit Solicitors](#) in Southampton who handles these cases for less than £100.

It’s not clear why the government has suddenly taken an interest in the activities of copyright trolls in the UK, but the intervention of Ian Austin MP may have been factor. Austin says he was “[disgusted](#)” to hear that an 82-year-old woman had been accused of pirating a movie by troll outfit TCYK LLC. He vowed to raise the matter in Parliament.

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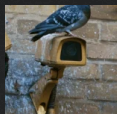


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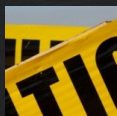
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