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Adinoél Sebastião /// Inglês – Tradução Livre 39/2012

## TEXTO

### **Gay porn films on BitTorrent: Flava Works gets huge damages**

An American man has been hit with a \$1.5m (£932,000) fine for pirating 10 gay porn movies via BitTorrent.

A federal court in Illinois awarded the damages of \$150,000 per movie to Flava Works - the creator of the pornographic films.

The figure is believed to be the biggest awarded in a file-sharing case.

The award is thought to be so large because the accused, Kywan Fisher, did not defend himself against claims that he pirated the movies.

In court, Flava Works presented evidence which it said demonstrated that Mr Fisher was the person who put copies of its films on a BitTorrent site.

In its evidence, Flava revealed that it had embedded unique codes in the copies of its films that customers pay to view. Digital detective work connected the code in the pirated films back to Mr Fisher, who had earlier signed up as a customer of Flava and paid to view the movies.

Once shared via BitTorrent the films were downloaded or viewed 3,449 times, said Flava during its court statements.

Flava claimed Mr Fisher had exhibited "wilful copyright infringement" and violated the terms and conditions of the pay-to-view video service he signed up for.

US Judge John Lee noted Flava's evidence in his summary and said in light of that and the lack of any defence or objection by Mr Fisher, he had no choice but to issue a default judgement in favour of the adult movie maker.

It is not clear whether Mr Fisher will appeal against the judgement or whether he can pay the fine.

Mr Fisher was one of 15 people that Flava pursued for pirating its movies. However, the cases against all the others were dropped earlier this year for lack of evidence.

Many content creators, including movie studios and record labels, have pursued pirates in the courts using net, or IP, addresses as evidence.

However, many of these cases have been dropped as in May, a US federal judge ruled that an IP address was not sufficient evidence to accuse a person of being a pirate.

Fonte: <http://www.bbc.co.uk/news/technology-20178171>

## Tradução Livre

### Gay porn films on BitTorrent: Flava Works gets huge damages

Filme pornô gay no BitTorrent: Flava Works leva grande prejuízos

An American man has been hit with a \$1.5m (£932,000) fine for pirating 10 gay porn movies via BitTorrent.

Um homem americano foi atingido com uma multa de 1,5 milhão de dólares por piratear 10 filmes pornôs gay via BitTorrent.

A federal court in Illinois awarded the damages of \$150,000 per movie to Flava Works - the creator of the pornographic films.

Uma corte federal em Illinois recompensou os prejuízos de 150.000 dólares por filme para Flava Works – o criador dos filmes pornográficos.

The figure is believed to be the biggest awarded in a file-sharing case.

Os números são acreditados como a maior recompensa em um caso de compartilhamento de arquivos.

The award is thought to be so large because the accused, Kywan Fisher, did not defend himself against claims that he pirated the movies.

A recompensa (indenização) é “pensada” para ser grande porque o acusado, Kywan Fisher, não se defendeu contra as alegações de que ele pirateou os filmes.

In court, Flava Works presented evidence which it said demonstrated that Mr Fisher was the person who put copies of its films on a BitTorrent site.

Na corte, Flava Works apresentou evidências pelas quais demonstrou que o Senhor Fisher fora a pessoa que colocara as cópias dos seus filmes no site BitTorrent.

In its evidence, Flava revealed that it had embedded unique codes in the copies of its films that customers pay to view. Digital detective work connected the code in the pirated films back to Mr Fisher, who had earlier signed up as a customer of Flava and paid to view the movies.

Nas suas evidências, Flava revelou que tinha colocado códigos únicos nas cópias de seus filmes que os consumidores pagam para ver. O trabalho de um detetive digital conectou o código nos filmes pirateados com os do Senhor Fisher, que tinha antes assinado como um consumidor do Flava e pago para ver os filmes.

Once shared via BitTorrent the films were downloaded or viewed 3,449 times, said Flava during its court statements.

Uma vez compartilhado via BitTorrent os filmes foram baixados ou vistos 3.449 vezes, disse Flava durante seus pronunciamentos na corte.

Flava claimed Mr Fisher had exhibited "wilful copyright infringement" and violated the terms and conditions of the pay-to-view video service he signed up for.

Flava alegou que o Senhor Fisher tinha exibido “infringindo os direitos autorais” e violado os termos e condições do serviço de vídeo “pay-to-view” que ele assinara.

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US Judge John Lee noted Flava's evidence in his summary and said in light of that and the lack of any defence or objection by Mr Fisher, he had no choice but to issue a default judgement in favour of the adult movie maker.

John Lee, juiz dos Estados Unidos, anotou as evidências de Flava em seu sumário e disse na luz dos fatos e na falta de qualquer defesa ou objeção pelo Senhor Fisher, ele não tinha escolha a não ser emitir um julgamento à revelia em favor do autor do filme adulto.

It is not clear whether Mr Fisher will appeal against the judgement or whether he can pay the fine.

Não está claro se o Senhor Fisher apelará contra o julgamento ou se ele pode pagar a multa.

Mr Fisher was one of 15 people that Flava pursued for pirating its movies. However, the cases against all the others were dropped earlier this year for lack of evidence.

O Senhor Fisher foi uma das 15 pessoas que Flava perseguiu por piratear seus filmes. Contudo, os casos contra todos os outros foram baixados no início do ano por falta de evidências.

Many content creators, including movie studios and record labels, have pursued pirates in the courts using net, or IP, addresses as evidence.

Muitos criadores de conteúdo, incluindo os estúdios de filmes e gravadoras de discos, têm perseguido os piratas nas cortes usando os endereços da internet, ou IP, como evidências.

However, many of these cases have been dropped as in May, a US federal judge ruled that an IP address was not sufficient evidence to accuse a person of being a pirate.

Contudo, muitos desses casos têm sido baixados como em maio, um juiz federal dos Estados Unidos sentenciou que um endereço IP não era suficiente evidência para acusar uma pessoa de ser pirata.