Software, Music and Movie Pirates Keelhauling

by M. E. Kabay, PhD, CISSP-ISSMP
Associate Professor, Information Assurance
Norwich University, Northfield VT

Keelhauling was a dreadful punishment from the days of commercial sailing ships consisting of dragging someone underwater under the hull of a ship and across the keel – usually encrusted with razor-sharp barnacles. The equivalent for intellectual-property (IP) pirates might be to drag them to department stores and force them to buy legal copies of all the IP they’ve stolen – during the pre-Christmas rush – one item at a time – while having to listen to the same cheery Christmas carols on the canned-music loop.

In the meantime, this year has been bad news for a variety of IP pirates.

- In January, ten British Internet Service Providers (ISPs) were ordered by the High Court to divulge the identities of 150 suspects in a massive investigation of software piracy organized by the UK Federation Against Software Theft (FAST). [http://www.fast.org.uk/tracker.asp] The ISPs’ cooperation was needed to unmask file-sharers using pseudonyms and peer-to-peer (P2P) networks.

- In August, one of the millionaire owners of the BUYUSA.COM software-piracy Web site, Danner Ferrer, was sentenced to six years in federal prison as well as being forced to pay $4.1M in restitution. [http://www.cybercrime.gov/ferrerSent.htm] In September, his fellow criminal Nathan L. Peterson was sentenced to seven years in prison and $5.4M in restitution. [http://www.cybercrime.gov/petersonSent.htm] The BUYSUSA.COM Web site was taken offline and a nice red warning sign is all that’s left on the Web. [http://149.101.1.51/]

- Operation Fastlink, a massive international and nation-wide law-enforcement attack on online software, music and video piracy gangs, convicted yet another criminal in September. [http://www.cybercrime.gov/abellSent.htm]

- By August, the FBI’s Operation Copycat had resulted in 32 convictions for IP piracy, including capture and conviction of film critics who systematically sold review copies of DVDs to movie pirates for illegal distribution. [http://www.cybercrime.gov/jacobsonplea.htm]

- Nicholas Hunter, a 40 year-old man from Bristol, England, was jailed after pleading guilty to 17 counts of violations under the Trade Marks Act for making and selling hundreds of titles of video games and some business software with a street value of over £58,000 (US$110,000). The BBC reported that investigators “discovered copying equipment capable of producing 16 fake CDs every seven minutes, packaging materials and hundreds of illegally-copied games.” [http://news.bbc.co.uk/2/hi/uk_news/england/bristol/somerset/4795633.stm?is>]

- Frederick Banks, also known as “Frederick Von Hamilton” and as “Vampire Nation,” lost his appeal against his 2004 “conviction and sentence for mail fraud, criminal
copyright infringement, and related charges stemming from his sales of pirated software." <http://caselaw.lp.findlaw.com/data2/circs/3rd/051715p.pdf> Banks had sold unauthorized copies of Microsoft products for over $300,000 via Amazon.com until he was reported to the FBI. <http://www.internetcases.com/archives/computer_crime/index.html>

- The British High Court ruled in favor of the British Phonographic Industry in January in fining several defendants thousands of pounds in penalties for having posted 9,000 songs illegally via P2P networks. The ruling was hailed by the recording industry as a “massive step forward” in the fight against illegal file exchanges. <http://news.bbc.co.uk/2/hi/entertainment/4653662.stm>

If you would like to see what some kids are reading and downloading, check out warez.com and especially the astounding example of hypocrisy at the its legal disclaimer page. These people have a copy of Microsoft Office v12 beta online for download; think about what children are learning about honesty by mixing with the people who use this site. <http://www.warez.com/content/docs/legal/disclaimer.html>

Let teachers and parents know about the cases summarized in this article; maybe we can keep a few more kids off the P2P warez (stolen IP) scene by talking to the ones whose frontal lobes are myelinated enough to let them listen and learn. <http://www.sciencenews.org/articles/20040508/bob9.asp>

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M. E. Kabay, PhD, CISSP-ISSMP is Program Director of the Master of Science in Information Assurance <http://www.msia.norwich.edu> at Norwich University in Northfield, VT. Mich can be reached by e-mail at <mailto:mekabay@gmail.com>; Web site at <http://www.mekabay.com/index.htm>.

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