

Abstract

Piracy of online contents through Bittorrent : Issues and resolutions

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Within the relationship between users who are searching for free data online and those who are trying to make a profit by supplying information to these users, torrent sites are continuously increasing, leading to increased copyright violations. Torrents are basically individual users connected through the internet who are sharing data, which is fundamentally the same system as P2P, with the only difference being that torrents incorporate a unique technology that takes whole files and partition them into seed files to be shared. There are currently no legal discussions in regards to this unique type of data transferring in torrent sharing, and thus there is a need to examine the legal issues between the previous P2P cases and the current torrent situation to figure out what legal issues may exist.

The position of foreign precedents in regards to torrents is that it is fundamentally the same as previous P2P systems, with no significant technological difference, and therefore torrents should be judged based on similar logical structures of past judgments that P2P systems received. If such foreign judgments are accepted, domestic judgments on torrents would examine the issue of copyright violation based on similar logical structures that were used for P2P cases. However, there is the question of whether or not the foreign judgments should be accepted when considering the blatant disregard for the difference in technologies between torrents and P2P systems. Torrents, unlike P2P systems, utilize seed files to download the original files, and therefore a unique form of copyright violation only seen in torrents may arise. Legal discussions regarding this matter are necessary.

A technical and legal response to the illegal sharing of copyrighted material through torrents is imperative. Possible solutions may be the monitoring of torrent sites by

government agencies such as the Copyright Protection Center, or enhanced filtering and copy protection techniques for copyrighted material. In addition, preparing the legal foundation and evidence to control and prosecute torrents, which is the systematically new form of the older P2P system, is the way to establish a standard on the thoughtless violating and illegal sharing of copyrighted material.

Compared to the previous P2P systems, the appearance and widespread usage of torrents arise from the ground-breaking technological advantages that torrents possess. Torrents are faster, more stable, more effective, and more efficient than previous P2P systems. Therefore, instead of focusing only on how to judge torrents for the copyright violations they are causing, efforts should be made to not only find a way to neutralize the illegal transferring of data, but at the same time utilize the positive properties that torrents can provide as well, ultimately creating a balance of regulation and technological advancement.

Keywords : Torrent, Copyright violations, Seed files, Legal issues, P2P systems, Possible solutions, Illegal sharing.