



Federal Court of Australia
District Registry: New South Wales
Division: General

No: NSD498/2018

FOXTEL MANAGEMENT PTY LTD (ACN 068 671 938)
Applicant

TPG INTERNET PTY LTD (ACN 068 383 737) and others named in the schedule
First Respondent

ORDER

JUDGE: JUSTICE NICHOLAS

DATE OF ORDER: 19 June 2018

WHERE MADE: Sydney

In these orders, the following terms have the following meanings:

- (a) **Domain Name** means a name formed by the rules and procedures of the **Domain Name System (DNS)** and includes subdomains.
- (b) **DNS Blocking** means a system by which any user of a Respondent's service who attempts to use a DNS resolver that is operated by or on behalf of that Respondent to access a Target Online Location is prevented from receiving a DNS response other than a redirection as referred to in order 5.
- (c) **IP Address** means an Internet Protocol address.
- (d) **Optus** means the twenty second to thirty first Respondents.
- (e) **Target Online Locations** means the online locations:
 - (i) referred to in Schedule 1 to these orders as HDO, HDEuropix, 123Hulu, Watch32, Sockshare, NewEpisodes, 1Movies, 5Movies, WatchFreeMovies, SeriesTop, ETTV, MagnetDL, Torrent Download, Torrent Room, and Torrents; or



(ii) the primary purpose of which is to facilitate access to URLs, IP Addresses or Domain Names at which the online locations referred to in Schedule 1 to these orders as HDO, HDEuropix, 123Hulu, Watch32, Sockshare, NewEpisodes, 1Movies, 5Movies, WatchFreeMovies, SeriesTop, ETTV, MagnetDL, Torrent Download, Torrent Room, and Torrents can be accessed,

and that are or were accessible:

(A) at the IP Addresses listed in Schedule 1 to this order (together, the **Target IP Addresses**); and

(B) at the Domain Names listed in Schedule 1 to this order (together, the **Target Domain Names**).

(f) **Telstra** means the nineteenth to twenty first Respondents.

(g) **TPG** means the first to eighteenth Respondents.

(h) **URL** means a Uniform Resource Locator.

(i) **Vocus** means the thirty second to forty ninth Respondents.

THE COURT ORDERS THAT:

1. The requirement under s 115A(4) of the *Copyright Act 1968* (Cth) that the Applicant give notice of its application to the persons who operate the Target Online Locations be dispensed with in so far as any such notice has not already been given.
2. Each Respondent must, within 15 business days of these orders, take reasonable steps to disable access to the Target Online Locations.
3. Order 2 is taken to have been complied with by a Respondent if that Respondent implements any one or more of the following steps:
 - (a) DNS Blocking in respect of the Target Domain Names;
 - (b) IP Address blocking or re-routing in respect of the Target IP Addresses;
 - (c) URL blocking in respect of the Target URLs and the Target Domain Names, if Target URLs are listed in Schedule 1 to this order; or
 - (d) any alternative technical means for disabling access to the Target Online Locations as agreed in writing between the Applicant and a Respondent.



4. If a Respondent in complying with order 2 does not implement one of the steps referred to in order 3, that Respondent must, within 15 business days of these orders, notify the Applicant of the step or steps it has implemented.
5. Each Respondent must redirect any communication by a user of its service seeking access to a Target Online Location which has been disabled pursuant to order 2 to a webpage established, maintained and hosted by either:
 - (a) the Applicant, or its nominee, pursuant to order 6; or
 - (b) that Respondent or its nominee.

The Applicant's obligations pursuant to orders 6 and 7 only arise if a Respondent notifies the Applicant that the Respondent will redirect a communication pursuant to order 5(a) and for so long as at least one Respondent redirects communications to that webpage.

6. The Applicant, or its nominee, must establish, maintain and host a webpage which informs users of a Respondent's service who have been redirected to the webpage pursuant to order 5 that access to the website has been disabled because this Court has determined that it infringes or facilitates the infringement of copyright.
7. Within 5 business days of these orders, the Applicant will notify each of the Respondents in writing of the URL of the webpage established, maintained and hosted under order 6 and, if the webpage ceases to operate for any reason, will notify each of the Respondents in writing of a different URL that complies with order 6.
8. If, in complying with order 5, a Respondent redirects any communication by a user of its service to a webpage established, maintained and hosted by it, that Respondent or its nominee must ensure that the webpage informs the user of that Respondent's service that access to the website has been disabled because this Court has determined that it infringes or facilitates the infringement of copyright.
9. In the event that the Applicant has a good faith belief that:
 - (a) any Target URL, Target IP Address or Target Domain Name which is subject to these orders has permanently ceased to enable or facilitate access to a Target Online Location; or



- (b) any Target URL, Target IP Address or Target Domain Name has permanently ceased to have the primary purpose of infringing or facilitating the infringement of copyright,

a representative of the Applicant must, within 15 business days of the Applicant forming such a good faith belief, notify each Respondent of that fact in writing, in which case the Respondents shall no longer be required to take steps pursuant to order 2 to disable access to the relevant Target URL, Target IP Address or Target Domain Name that is the subject of the notice.

10. A Respondent will not be in breach of order 2 if it temporarily declines or temporarily ceases to take the steps ordered in order 2 (either in whole or in part) upon forming the view, on reasonable grounds, that suspension is necessary to:

- (a) maintain the integrity of its network or systems, or functioning of its blocking system;
- (b) upgrade, troubleshoot or maintain its blocking system;
- (c) avert or respond to an imminent security threat to its network or system; or
- (d) ensure the reliable operation of its ability to block access to online locations associated with criminal content if it reasonably considers that such operation is likely to be impaired, or otherwise to comply with its legal obligations (other than any contractual obligations to its customers) including under section 313(3) of the *Telecommunications Act 1997* (Cth) or otherwise,

provided that:

- (a) unless precluded by law, it notifies the Applicant or their legal representative(s) of such suspension, including the reasons and the expected duration of such suspension by 5.00 pm on the next business day; and
- (b) such suspension lasts no longer than is reasonably necessary and, in any case, no longer than 3 business days or such longer period as the Applicant may agree in writing or the Court may allow.

11. The owner or operator of any of the Target Online Locations and the owner or operator of any website who claims to be affected by these orders may apply on 3 days' written notice, including notice to all parties, to vary or discharge these orders, with any such application to:



- (a) set out the orders sought by the owner or operator of the Target Online Locations or affected website; and
 - (b) be supported by evidence as to:
 - (i) the status of the owner or operator of the Target Online Locations or affected website; and
 - (ii) the basis upon which the variation or discharge is sought.
12. The parties have liberty to apply on 3 days' written notice, including, without limitation, for the purpose of any application:
- (a) for further orders to give effect to the terms of these orders;
 - (b) for further orders in the event of any material change of circumstances including, without limitation, in respect of the costs, consequences for the parties and effectiveness of the technical methods under order 3; and/or
 - (c) for orders relating to other means of accessing the Target Online Locations not already covered by these orders.
13. If a website the subject of any of the Target Online Locations is at any time during the operation of these orders provided from a different Domain Name, IP Address or URL:
- (a) the Applicant may file and serve:
 - (i) an affidavit which:
 - (A) identifies the different Domain Name, IP Address or URL;
 - (B) states that, in the good faith belief of the deponent, the website operated from the different Domain Name, IP Address or URL is a new location outside Australia for the Target Online Locations the subject of these orders and brief reasons therefor; and
 - (ii) proposed short minutes of order to the effect that:
 - (A) the definition of Target Online Locations in these orders is amended to include the different Domain Name, IP Address or URL; and



- (B) the time period in order 2 of these orders starts to run in relation to the different Domain Name, IP Address or URL upon service in accordance with order 17(d) of the orders as made.
14. These orders are to operate for a period of 3 years from the date of these orders.
15. Six months prior to the expiry of these orders:
- (a) the Applicant may file and serve:
- (i) an affidavit which states that, in the good faith belief of the deponent, that some or all of the Target Online Locations continue to have the primary purpose of infringing or facilitating the infringement of copyright; and
- (ii) short minutes of order extending the operation of these orders in relation to the relevant Target Online Locations for a further 3 year period; and
- (b) the process contained in order 17 shall apply.
16. The affidavits referred to in orders 13 and 15 are to be given by a deponent duly authorised to give evidence on behalf of the Applicant and may be given by its solicitor.
17. If an affidavit and short minutes of order are filed and served in accordance with orders 13 or 15:
- (a) within 7 business days, the Respondents must notify the Applicant and the Court if they object to the orders being made in accordance with the short minutes of orders served by the Applicant;
- (b) if any Respondent gives notice of any objection, or the Court otherwise thinks fit, the proceeding will be relisted for further directions;
- (c) if no Respondent gives notice of any objection and the Court does not otherwise require the proceeding to be relisted, then the Court may make orders in terms of the short minutes of orders served by the Applicant without any further hearing; and
- (d) the Applicant must serve on the Respondents any such orders made.



18. The Applicant pay Telstra's, Optus', Vocus' and TPG's compliance costs calculated at the rate of \$50 per Domain Name the subject of DNS Blocking undertaken for the purposes of complying with order 2 hereof.
19. There be no other order as to costs.

Date that entry is stamped: 19 June 2018

Warrick Soden
Registrar



Schedule 1

1. HDO

	Domain Name	IP address
1.	hdo.to	104.25.11.35 104.25.10.35
2.	hdonline.eu	104.24.122.76 104.24.123.76
3.	hdonline.to	104.18.54.83 104.18.55.83
4.	hdonline.is	104.25.11.35 104.25.10.35
5.	hdonlines.com	104.28.24.168 104.28.25.168

2. HDEuropix

	Domain Name	IP address
1.	hdeuropix.io	104.18.60.38 104.18.61.38
2.	hdeuropix.com	104.27.148.147 104.27.149.147
3.	123europix.net	104.18.60.42 104.18.61.42

3. 123Hulu

	Domain Name	IP address
1.	123hulu.com	104.27.241.247 104.27.240.247

4. Watch32

	Domain Name	IP address
1.	watch32.is	104.27.215.28 104.27.214.28
2.	watch32.la	104.27.183.14 104.27.182.14
3.	<u>watch32.com</u>	<u>104.27.210.30</u> <u>104.27.211.30</u>
4.	<u>watch32.as</u>	<u>104.31.69.241</u> <u>104.31.68.241</u>

5. Sockshare

	Domain Name	IP address
1.	sockshare.net	104.27.213.30 104.27.212.30
2.	sockshare.bz	104.31.67.240 104.31.66.240
3.	sockshares.stream	104.27.146.53 104.27.147.53

6. NewEpisodes

	Domain Name	IP address
1.	newepisodes.co	104.27.137.246 104.27.136.246



7. 1Movies

	Domain Name	IP address
1.	1movies.se	104.27.190.90 104.27.191.90
2.	1movies.to	104.18.41.176 104.18.40.176

8. 5Movies

	Domain Name	IP address
1.	5movies.to	104.27.215.28 104.27.214.28

9. WatchFreeMovies

	Domain Name	IP address
1.	watchfreemovies.ch	104.31.16.3 104.31.17.3

10. SeriesTop

	Domain Name	IP address
1.	seriestop.online	104.27.128.237 104.27.129.237
2.	seriestop.co	104.18.60.76 104.18.61.76

11. ETTV

	Domain Name	IP address
1.	ettv.tv	104.25.7.44 104.25.8.44

12. MagnetDL

	Domain Name	IP address
1.	magnetdl.com	89.185.229.3

13. Torrent Download

	Domain Name	IP address
1.	torrentdownload.ch	104.24.101.208 104.24.100.208

14. Torrent Room

	Domain Name	IP address
1.	torrentroom.com	104.24.123.69 104.24.122.69

15. Torrents

	Domain Name	IP address
1.	torrents.me	104.25.77.32 104.25.76.32



Schedule

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Second Respondent	IINET LTD ACN 068 628 937
Third Respondent	TPG NETWORK PTY LTD ACN 003 064 328
Fourth Respondent	FTTB WHOLESALE PTY LTD ACN 087 533 328
Fifth Respondent	CHARIOT PTY LTD ACN 088 377 860
Sixth Respondent	SOUL PATTISON TELECOMMUNICATIONS PTY LTD ACN 001 726 192
Seventh Respondent	SPT TELECOMMUNICATIONS PTY LIMITED ACN 099 173 770
Eighth Respondent	SPTCOM PTY LIMITED ACN 111 578 897
Ninth Respondent	SOUL COMMUNICATIONS PTY LTD ACN 085 089 970
Tenth Respondent	PIPE NETWORKS PTY LTD ACN 099 104 122
Eleventh Respondent	INTRAPOWER TERRESTRIAL PTY LTD ACN 081 193 259
Twelfth Respondent	INTERNODE PTY LTD ABN 82 052 008 581
Thirteenth Respondent	TRANSACT CAPITAL COMMUNICATIONS PTY LTD ACN 093 966 888
Fourteenth Respondent	TRANSACT VICTORIA COMMUNICATIONS PTY LTD ACN 063 024 475
Fifteenth Respondent	WESTNET PLY LTD ACN 086 416 908
Sixteenth Respondent	ADAM INTERNET PTY LTD ACN 055 495 853
Seventeenth Respondent	AAPT LTD (ACN 052 082 416)
Eighteenth Respondent	REQUEST BROADBAND PTY LTD (ACN 091 530 586)
Nineteenth Respondent	TELSTRA CORPORATION LIMITED ABN 33 051 775 556



Twentieth Respondent	PACNET INTERNET (A) PTY LTD (ACN 085 213 690)
Twenty First Respondent	PACNET SERVICES (A) PTY LTD ACN 056 783 852
Twenty Second Respondent	OPTUS MOBILE PTY LTD ACN 054 365 696
Twenty Third Respondent	OPTUS NETWORKS PTY LIMITED ACN 008 570 330
Twenty Fourth Respondent	OPTUS ADSL PTY LTD ACN 138 676 356
Twenty Fifth Respondent	OPTUS SATELLITE PTY LTD ACN 091 790 313
Twenty Sixth Respondent	UECOMM OPERATIONS PTY LTD ACN 093 504 100
Twenty Seventh Respondent	VIVIDWIRELESS PTY LTD ACN 137 696 461
Twenty Eighth Respondent	OPTUS INTERNET PTY LTD ACN 083 164 532
Twenty Ninth Respondent	VIRGIN MOBILE AUSTRALIA PTY LTD (ACN 092 726 442)
Thirtieth Respondent	ALPHAWEST SERVICES PTY LIMITED (ACN 009 196 347)
Thirty First Respondent	OPTUS WHOLESALE PTY LTD ACN 092 227 551
Thirty Second Respondent	M2 WHOLESALE PTY LTD ABN 99 119 220 843
Thirty Third Respondent	M2 WHOLESALE SERVICES PTY LTD ACN 071 659 348
Thirty Fourth Respondent	M2 COMMANDER PTY LTD ACN 136 950 082
Thirty Fifth Respondent	PRIMUS NETWORK (AUSTRALIA) PTY LTD (ACN 109 142 216)
Thirty Sixth Respondent	PRIMUS TELECOMMUNICATIONS PTY. LTD. (ACN 071 191 396)
Thirty Seventh	PRIMUS TELECOMMUNICATIONS (AUST) PTY LTD ACN



Respondent	061 754 943
Thirty Eighth Respondent	DODO SERVICES PTY LTD ACN 158 289 331
Thirty Ninth Respondent	ENGIN PTY LTD ACN 080 250 371
Fortieth Respondent	EFTEL CORPORATE PTY LTD ACN 154 634 054
Forty First Respondent	EFTEL PTY LTD ACN 092 667 126
Forty Second Respondent	EFTEL WHOLESALE PTY LTD ACN 123 409 058
Forty Third Respondent	CLUBTELCO PTY LTD ACN 144 488 620
Forty Fourth Respondent	WHOLESALE COMMUNICATIONS GROUP PTY LTD ACN 109 626 011
Forty Fifth Respondent	2TALK PTY LTD ACN 161 656 499
Forty Sixth Respondent	VOCUS PTY LTD (ACN 127 842 853)
Forty Seventh Respondent	AMCOM IP TEL PTY LTD (ACN 065 092 962)
Forty Eighth Respondent	AMNET BROADBAND PTY LTD (ACN 092 472 350)
Forty Ninth Respondent	NEXTGEN NETWORKS PTY LTD (ACN 094 147 403)