



**NELSONS ACTS IN UK-WIDE ACTION AGAINST
CRACKED AUDIO SOFTWARE USERS**

East Midlands' law firm, Nelsons has issued court proceedings in the first copyright infringement case against UK professional recording studios for Waves Audio Limited, the world's leading developer and supplier of software-based audio signal processing tools.

Stewart Vandermark, litigation partner and intellectual property specialist at Nelsons comments: "Waves and BanPiracy, a company formed to provide copyright education and enforcement services globally for the professional audio software industry, undertook a world-wide operation in 2006/7 to research and identify studios using software illegally, including obtaining filmed evidence.

"The operation exposed over 50% of all commercial studios use illegally-obtained, unlicensed software. These facilities are profiting from the use of illegal goods, and in doing so are exposing themselves to financial liability and criminal litigation. Waves decided to take legal action against these copyright infringers, appointing Nelsons to act in the UK to seek the remedies the company is entitled to by law."

Following the requirements of the Civil Procedures Rules 1998 and the Pre-Action Protocols which parties are expected to comply with, a letter before action outlining Waves' case and the remedies it is entitled to was issued by Nelsons in June 2007 with an invitation for studios to respond. This was sent with a without prejudice letter setting out what Waves would accept to settle in preference to pursuing the matter through the Courts.

Mr Vandermark continues: “In line with the many pro audio and other industry copyright actions being brought world-wide, the settlement proposal was calculated to be fair and reasonable, designed to compensate Waves for its losses and to give the studio a license to use the software as an authorised user. Counter offers were considered on a case by case basis.

“A final letter with draft Court proceedings papers was then sent in January this year to those studios which had not yet settled, giving them a final opportunity to resolve matters without the need to issue Court proceedings. I can confirm that court proceedings have now been issued against the first of those studios which failed to settle.”

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