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CONNECTICUT MAN SENTENCED TO 30 MONTHS IN PRISON FOR CRIMINAL COPYRIGHT INFRINGEMENT

Forty Defendants Convicted in Operation Copycat to Date

WASHINGTON – David M. Fish, 26, of Woodbury, Conn., was sentenced yesterday in U.S. District Court in San Jose, Calif., to 30 months in prison on charges of criminal copyright infringement and circumvention, Assistant Attorney General Alice S. Fisher of the Criminal Division and U.S. Attorney for the Northern District of California Joseph P. Russoniello announced today.

Fish was also sentenced by U.S. District Judge Ronald M. Whyte to a three year term of supervised release following his release from prison, a mandatory special assessment of \$500, and the forfeiture of computer and other equipment used in committing the copyright offenses.

The case is part of Operation Copycat, an investigation by the FBI and the U.S. Attorney's Office targeting online warez groups, which illegally distribute newly-released movies, games, software and music online. Operation Copycat has resulted in 40 convictions thus far and is part of a larger federal crackdown against the illegal online distribution of copyrighted materials known as Operation Site Down.

On Feb. 27, 2006, Fish pleaded guilty to five counts in federal court in San Jose, including four counts in the Northern District of California case for conspiracy to commit criminal copyright infringement; distribution of technology primarily designed to circumvent encryption technology protecting a right of a copyright owner and aiding and abetting; circumventing a technological measure that protects a copyright work and aiding and abetting; copyright infringement by electronic means and aiding and abetting. On the same day, Fish also pleaded guilty to one count of criminal infringement of a copyright in the Southern District of Iowa. The two cases involved separate investigations and conduct in both jurisdictions. The charges were consolidated and prosecuted by the U.S. Attorney's Office for the Northern District of California.

In the Northern District of California case, according to court documents and information presented at the sentencing hearing, from approximately August 2004 to July 2005, Fish served as the site operator as well as a scripter, equipment supplier, broker and encoder for warez sites. As a site operator, he built and managed the warez site and controlled the daily operations of the site and server. Fish also circumvented technology measures designed to protect or limit access

to copyrighted materials. Without circumvention, many of the copyrighted works could not be reproduced and made available to others. Once the DVDs were circumvented, they were uploaded onto the warez site and downloaded and accessed by hundreds of other warez participants.

Scripters for warez sites create, program and help build the sites. Suppliers provide an unauthorized copyrighted movie, game or software while equipment suppliers provide hardware (such as hard drives, computer parts, and computer servers) to the warez site. Brokers find groups to participate on the warez site and encoders circumvent the technological measures and protections of copyrighted works on the DVDs designed to prevent unauthorized access and copying.

In the Southern District of Iowa case, Fish participated in a separate warez site from Jan. 21, 2003, through April 21, 2004. The warez server used in this case was determined to contain approximately 13,000 pirated software titles including movies, games, utility software and music. Transfer logs confirm that defendant Fish assisted in the uploading of 131 software titles and downloading 373 software titles to and from the warez FTP server between Aug. 16, 2003, and March 29, 2004. The Iowa case resulted from an earlier national initiative against online piracy known as Operation FastLink.

Operation Site Down and Operation FastLink are the largest and most successful global criminal enforcement actions ever taken against the organized piracy groups which are responsible for most of the initial illegal distribution of copyrighted movies, software, games and music on the Internet. Consisting of multiple FBI undercover investigations, these two operations have so far resulted in a total of 108 felony convictions; more than 200 search warrants executed in 15 countries; the confiscation of hundreds of computers and illegal online distribution hubs; and the removal of more than 100 million dollars worth of illegally-copied copyrighted software, games, movies and music from illicit distribution channels. Countries participating in these U.S.-led operations include: France, Canada, Sweden, Denmark, the Netherlands, the United Kingdom, Portugal, Hungary, Israel, Spain, Australia, Singapore, Belgium and Germany.

Assistant U.S. Attorney Mark Krotoski, currently at the Criminal Division's Computer Crime and Intellectual Property Section (CCIPS) prosecuted the case with the support of Paralegal Lauri Gomez. Assistant U.S. Attorneys Hanley Chew and Shawna Yen have also assisted on the prosecution of other defendants convicted in Operation Copycat. CCIPS Assistant Deputy Chief Clem McGovern and Assistant U.S. Attorney Richard Richards prosecuted the Southern District of Iowa case with the assistance of the FBI.

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