

# Intellectual Property: conviction for uploading pre-release version of film to internet

A character in *The Love Guru* is compared to Tiger Woods, and then in a fall from grace, said to go "from role model to dating models." But it was not the prescient comment that brings the film into the news this week: it's that someone got their hands on a pre-release media copy and uploaded it to the 'net.

The extent to which organised crime has found its way into not just distribution but even production of films was shown by the illegal DVDs circulating of *Wolverine* - with the CGI missing and white-outs where they were due to be inserted.

But not all criminal copying and distribution is part of the global counterfeit DVD industry: some is just someone acting alone or in concert with other amateur criminals - and not intending or expecting any or any significant profit.

Introducing Mischa Wynhausen. Wynhausen is the second person charged in relation to the theft of the pre-release version which was produced by an agent on behalf of Paramount Pictures for promotion on a TV programme called "The Tonight Show" and its subsequent posting on the Internet. Earlier this year, Jack Yates, 28, of Porter Ranch, was sentenced to six months in prison after pleading guilty to a misdemeanor offense of criminal copyright infringement. Yates, who at the time was an employee of the company producing the copy, illegally made an additional copy of the film.

Yates later distributed the copy of the film to others, who provided the movie to Wynhausen. Wynhausen uploaded the movie on 19 and 20 June, 2008. Wynhausen's conduct led to the movie being made available to Internet users.

31 year old Wynhausen uploaded it to a file-sharing website.

But although the maximum sentence for the offence is three years' jail, prosecutors have agreed to a deal under which he pleads guilty and receives three years' probation in the light of his co-operation in the investigation.