Talking Points – Richard O'Dwyer – TVshack
July 19, 2012

Basic Talking Points for Media Interviews

- Richard O'Dwyer created TVShack.net, offering thousands of stolen movies and other pirated content to viewers in violation of both U.S. and U.K. law. In fact, O'Dwyer actively advertised the amount of money users would save by illegally streaming content via TVShack rather than by acquiring it legitimately. At the same time, he profited handsomely from advertizing on the site.

- After U.S. Immigration and Customs Enforcement seized TVShack.net for violating the law, he re-launched the site under a new domain name, TVShack.cc, in order to continue doing business and making profits despite the clear warning that what he was doing was illegal.

- TVShack had a simple purpose, and it wasn't search – it was to provide pirated content almost exclusively to viewers. As a FAQ sheet on the site reminded users: "please keep in mind that you're watching videos for free as opposed to spending over 20 dollars at the movie theater or purchasing a show." The FAQ sheet also extolled how easy TVShack made finding illegal movies and provided guidance on how to avoid pop-ups and improve viewing experience. Sites that intentionally act as clearinghouses for stolen content have absolutely nothing in common with genuine search engines.

- This case isn't about Internet freedom. It's about a man profiting from theft. However, we do welcome a larger discussion about how best to protect intellectual property online while ensuring an Internet that works for everyone.

- Copyright law is a tool to protect the work of creators and makers, not censorship. The motion picture industry wouldn't exist without freedom of speech and expression, which have been among our "time-honoured" core values for over a hundred years.

- Our studios and independent filmmakers are constantly partnering and innovating new ways for audiences to watch the movies and TV shows they love. There are more legitimate avenues available today to watch movies and TV shows online than ever before. At the end of the day, stealing shows and movies out of convenience still harms the people who work hard to make them.

Questions and Answers (background for reporter briefing)

What's your response to Jimmy Wales, the founder of Wikipedia, mounting a campaign and petition to halt the extradition?

- We think it's presumptuous of Mr. Wales to claim to speak for the "general public." That's because the "general public" includes the hundreds of thousands of creators and makers who create and make the compelling entertainment and content that virtually all of us enjoy on a daily basis. Their hard work deserves to be protected. The "general public" also includes the millions of Internet users who care about privacy and security, which are often compromised by illegal sites.

  We don't believe in unlimited copyright, as Mr. Wales suggests. We do believe, deeply, that our values don't change just because technology improves. And that people's values don't change whether we are online or off. We also believe in an Internet that works for everyone, one where the creative property of hundreds of thousands of hard working people is protected, along with the privacy and security of its users.

Wasn't O'Dwyer just a middleman? He hosted no illegal content directly on his site.

- O'Dwyer was not a mere "middleman." He knowingly set up a site with the purpose of acting as a clearinghouse for infringing content – he advertised his site as a place to find movies that were still in theatres and in-season tv shows. He profited heavily from this activity. To call him a "middleman" suggests a lack of involvement in the illegal activity, which is simply not the case.

Richard O'Dwyer seems just to be a regular college student who likes playing with computers. Why go to such extremes in prosecution?

- Being 24, posing for newspaper photo shoots in a cartoon sweatshirt, and having your mother and Jimmy Wales speak for you, does not mean you are incapable for breaking the law.

How popular was TVShack and how much money was earned through advertizing?

- TVShack was one of the more popular websites in the world (1,616 Global Alexa ranked), providing links to 6,000 movies and 1,200 TV shows in February 2010, earning more than $230,000 in advertizing revenue.

When was the site seized?

- TVShack.net was seized by ICE and the Department of Justice in the 1st round of Operation in Our Sites in June 2010. The website came back online shortly after the seizure under the new domain TVShack.cc. In November 2010, another round of Operation in Our Sites domain seizure, ICE seized TVShack.cc.

When was Richard O'Dwyer arrested, what were the charges and was there anybody else involved in the operation of TVShack?

- Richard O'Dwyer, now 24, the operator of the site, was arrested on May 23, 2011 based on a U.S. complaint charging him with two offenses: Conspiracy to Commit Copyright Infringement and Criminal Infringement of Copyright. According to an affidavit in support of the extradition, O'Dwyer had two co-conspirators in the U.S. who assisted in the operations of the TVShack.net website. They have not been publicly named.

Why extradition and what is its status?

- Governments and law enforcement agencies make these decisions and we are not in a position to comment on the specifics of the extradition proceedings. This case came to the attention of U.S. law enforcement authorities, who pursued it because of the egregious nature of O'Dwyer's misconduct, and their responsibility to enforce the law. They decided to charge Mr. O'Dwyer, and to seek his extradition to the United States, to answer for his alleged violations of U.S. law. Judge Purdy of the Westminster Magistrates' Court held in his January 13, 2012 order that O'Dwyer should be extradited and also noted that the conduct in which O'Dwyer is alleged to have engaged also constitutes a violation of British law – a finding that is necessary before someone can be extradited.

  On March 13, 2012 the Home Secretary, Theresa May approved the extradition. O'Dwyers' lawyers have lodged an appeal against his extradition with the High Court. Recently, O'Dwyer was told that his appeal against the decision, which was due to take place in July at the High Court, would be delayed. No new date has been scheduled. Media reports indicate it could be in October.

Has there been any similar convictions in the U.K. for operating such sites?

- Anton Vickerman, a website owner who created and ran a similar "leeching site" was convicted by a jury of his peers last month at Newcastle Crown Court. Vickerman set up the website surfthechannel.com to provide viewers ready access to stolen copies of movies and TV. The site attracted more than 400,000 visitors per day, ranking amongst the top 500 websites globally, and generating over $500,000 a year. The verdict reaffirmed the fact that intentionally distributing stolen content is stealing, regardless of where the content is hosted. This is not right or legal under either U.S. or U.K. law.

Wasn't this a search engine just like Google or Yahoo?

- The O'Dwyers and their supporters argue that TVShack was similar to Google and Yahoo – which is false – TVShack was not a search engine. It was a site dedicated almost exclusively to making infringing content publicly available. Sites that act as clearinghouses for stolen content have absolutely nothing in common with genuine search engines.

How did TVShack operate?

- For the more popular titles, TVShack offered multiple links leading to different hosting sites for the same movie or TV show title. After identifying the content, a user would be able to click on the link provided and stream the content immediately. While it might appear to the user that the movie or TV show was being streamed directly from the TVShack website, in reality it was hosted on one of these third party sites, including MegaUpload.com, DivxDen.com, NovaMov.com and VideoWeed.com. Multiple sites were designated to increase the chances that a user could reliably view stream the selected content.

- On June 14, 2010 TVShack.net's homepage listed seven movies as the "Most Popular Movies Today," all of which were available for streaming through TVShack.net. Each of them had been viewed thousands or tens of thousands of times by individuals throughout the world, including the United States. At that time, all seven films were playing in cinemas, all were copyrighted, and the copyright holders had not authorized the films for third party distribution over the Internet by TVShack.net or any other website.

- TVShack.net encouraged its users to add links to infringing content. A step by step guide called "How to Add a Link to TVShack" was included in "Site Help Rules". The guide instructed users that "only full movies and full TV episodes are accepted". The website did not accept trailers or promotional material. The users who uploaded the most links each week would be listed on the front page of TVShack.net as a sign of recognition –an honors list. The top user was featured on the right portion of the site.

- The "FAQ" or "Frequently Asked Questions" portion of the TVShack.net website contained an admonishment to users who complained about delays streaming content from a popular cyberlocker website linked to TVShack.net. Specifically, TVShack.net reminded its users about the amount of money that they were saving by viewing the movies and television programs via the TVShack.net website. In particular, TVShack.net reminded its users: "you're saving quite a lot of money (especially when putting several visits to the theatre or seasons together) by having to wait a little bit of time" to access infringing content through the website. He additionally reminded his viewers: "Also, please keep in mind that you're watching videos for free as opposed to spending over 20 dollars at the movie theater or purchasing a show." And he provided hints on how to avoid pop-ups while viewing movies.