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# How Porn Copyright Lawyer John Steele Has Made A 'Few Million Dollars' Pursuing (Sometimes Innocent) 'Porn Pirates'

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The rather long list of “People Most Hated By The Internet” — that guy who sued the Oatmeal, RIAA, Hunter Moore, Julia Allison, Violentacrez... — would be incomplete were it not to include John Steele. Steele is a lawyer who has partnered with the pornography industry to go after “pirates” who download their XXX films without paying for them. He has filed over 350 of these suits, and says he is currently suing approximately 20,000 people.

The tactic is similar to the one employed by the recording industry years ago to sue people who were amassing huge music libraries through peer-to-peer sharing rather than buying CDs. But where RIAA wanted to scare people out of illegal downloads by getting massive, scary judgments in highly publicized cases against individual Napster users, Steele and the lawyers like him are content to get relatively small settlements from individuals who pay up quietly to avoid being linked by name in public court filings for allegedly watching a film such as “[Illegal Ass 2](http://www.thesmokinggun.com/documents/college/purdue-illegal-ass-2-728193) (<http://www.thesmokinggun.com/documents/college/purdue-illegal-ass-2-728193>).”



(<http://blogs-images.forbes.com/kashmirhill/files/2012/10/John-Steele-lawyer-for-adult-entertainment-companies8.jpg>)

*Attorney John Steele is currently suing approximately 20,000 Internet users.*

“I’m considered the original copyright troll,” says John Steele, almost proudly. “At least my wife loves me. When I read about myself on the Internet, I think, ‘Who is this jerk?’”

Attorneys like Steele identify allegedly guilty parties by monitoring file-sharing on BitTorrent (an increasingly surveilled place (<http://thenextweb.com/insider/2012/09/04/new-research-most-top-torrents-monitored-ip-address-logged-within-three-hours/>)) and capturing the IP addresses of people sharing movies made by their porn producing clients. They then name the IP addresses as John Does in a copyright infringement lawsuit, and get a judge to force an ISP to reveal



(<http://blogs-images.forbes.com/kashmirhill/files/2012/10/illegal-ass-2.jpg>)

*Unless you're Sasha Grey, you probably don't want your name publicly linked with this movie.*

the paying customers behind the IP addresses. They sometimes sue hundreds of people at a time this way. Those people then get a letter from the lawyer informing them that they're accused of downloading a particular movie and that they have the opportunity to pay a settlement (usually around \$3,000) to make the legal matter go away, or risk being taken to court. Steele's tactics are controversial, and have inspired a huge online backlash with critical stories from Ars Technica, TechDirt, and specialized sites such as DieTrollDie. Those who believe that everything should be free online are especially vocal.

Buzzfeed did a rather long piece (<http://www.buzzfeed.com/reghan/the-pirates-and-trolls-of-porn-valley>) laying out why Steele's suits inspire such criticism. To boil it down to two reasons:

- **ONE:** The paying customer behind the IP address may not be the person who downloaded "Tranny Donkey Porn From Mars." A judge overseeing a lawsuit in New York (<http://www.forbes.com/places/ny/new-york/>) against 176 John Does accused of downloading "My Little Panties 2" expressed concerns after the lawyer representing Digital Sin in the suit "estimated that 30% of the names turned over by ISPs are not those of individuals who actually downloaded or shared copyrighted material. Counsel stated that the true offender is often the 'teenaged son ... or the boyfriend if it's a lady.' Alternatively, the perpetrator might turn out to be a neighbor in an apartment building that uses shared IP addresses or a dormitory that uses shared wireless networks," wrote Judge Alison Nathan, in an order giving the John Does and the ISPs 60 days to try to quash the subpoena.

"Just because wrong person arrested for murder doesn't mean murder shouldn't be a crime," quips Steele. "We assess the situation and try to get the facts. There's certain fact patterns that suggest it's not the right person."

He doesn't elaborate on what fact patterns suggest the person they're suing isn't a porn lover but says most of their targets tend to be "20 to 40-something males."

Still Steele says even if the person isn't the porn perp, he thinks the person still plays a role in the crime. "Don't let people commit criminal acts on your network," he says. "If you lend your gun to someone who commits a crime, you're responsible." (Ed. Note: Probably not in a court of law though.)

- **TWO:** Some criticize the suits as a perversion of the justice system, and some of the judges asked to force ISPs to turn over the information are expressing discomfort about being asked to do so. "[T]he potential for abuse is very high. The infringed work is a pornographic film. To save himself from embarrassment, even if he is not the infringer, the subscriber will very likely pay the settlement price," wrote Judge Otis Wright in a California case (<http://fightcopyrighttrolls.com/2012/07/04/judge-wright-is-so-right-copyright-trolling-is-essentially-an-extortion-scheme/>) against 10 John Does accused of illegally downloading "Blonde Ambition." Critics say that the lawyers bringing these suits have no plan to take them to trial, but simply want to get identifying information for alleged copyright infringers and then shame them into paying a few thousand dollars to make the problem go away – whether they did the downloading or not. "The Court will not idly watch what is essentially an extortion scheme, for a case that plaintiff has no intention of bringing to trial," wrote Wright in a June order that asked Cox Communications to out John Doe 1 to porn company Malibu Media, but said that Malibu needed to sue the rest of its John Does individually (making the mass outing and settlement request process much harder and more expensive, as they can't sue hundreds of people at one time).

Steele, who was previously a family law attorney handling divorce cases before discovering the exciting world of porn copyright law, says his firm, Steele Hansmeier, was one of the first to partner with the porn industry and start filing these suits; he filed his first porn case in 2010. He claims to have come up with the idea of pursuing people for illegal downloads while in law school at the University of Minnesota (from which he graduated in 2006).

"When we were in law school, we could look at the router and see people ripping movies and songs. We thought, 'Wouldn't it be amazing if we could find a way to identify these people and go after them?'" he says. "Adult entertainment companies were only ones that would work with us."

Now there are many lawyers and porn companies – who have been struggling in the age of free salacious Internet content — seeking to make profits this way. Hundreds of these cases have made or are making their way through court systems around the country, and tens of thousands John Does have been sued. (Surprise! Lots of people watch porn on the Internet.) Steele says he files 20 lawsuits a month, and would like to increase this to 300.

"[Copyrighted porn being downloaded for free] is a huge problem," says Steele. "I think we've made a difference. Otherwise, we wouldn't have made so many people so mad."

“Critics say we never actually file suit against people, just get their information, then pressure them to settle. But we’re prepared to fight if you don’t want to settle,” says Steele. In the “early stages,” they didn’t do this, but Steele says they are now willing to name names and take these cases to trial, bringing to bear other evidence, gathered from inspecting the accused’s computer and hard drive and interviewing friends and family about their porn habits. “We collect quite a bit of info about the Does.”

He points the finger at “other attorneys” who are abusing the process to get John Does to pay up without due process, whether they’re guilty of illegal porn consumption or not.

“Almost everyone who has not settled, we have sued,” says Steele. “There’s a backlog right now.”

Steele has never taken one of his John Does to court though he says he relishes the opportunity for a trial. “If I have judgments in my hands, wouldn’t that be a wonderful thing to show everyone to make other people settle?” he says.

I asked Steele, who works with approximately two dozen “adult entertainment clients” how many of these cases he has settled. He says a “fair number” would be 5,000.

These firms generally ask people to settle by paying them \$3,000. Doing the math, I suggest Steele has made \$15 million settling these suits.

“Maybe a little less. We don’t track the amount we’ve recovered. More than a few million,” he says, declining to offer exact numbers. “We’ve done reductions based on people’s situations. We decided we’re not going after people in the military or active service.”

There is trouble on the horizon, though. As mentioned before, some judges have expressed skepticism about these suits and are trying to make it harder for lawyers to file them en masse against hundreds of John Does.

Steele expresses annoyance at this: “When we sue 100 Does, we don’t always get 100 names. Sometimes, it just ends up being 40 people,” he says. “In one case, 27 ‘Doe’ IP addresses all belonged to one person.”

“When one side trying to find procedural loopholes, it speaks to the strength of their case,” he continues.

Steele’s other problem is that ISPs are starting to push back against complying with these subpoenas. In Chicago (<http://www.forbes.com/places>

[/il/chicago/](#)), Comcast (<http://www.forbes.com/companies/comcast/>) intervened in a case that involved some of its subscribers saying that porn company AF Holdings was abusing the legal system “to shake down the Doe defendants,” getting their identifying information in order to embarrass and harass them into paying a settlement. In that case, the judge quashed the subpoenas (<http://paidcontent.org/2012/06/20/comcast-crushes-porn-owners-shakedown-of-subscribers/>).

“Comcast has objected to 30 or 40 of our subpoenas. Couple they’ve won and couple where they’ve lost. We have great relationships with many ISPS, but not with Comcast,” says Steele. “It’s a business decision for them. They don’t want to lose their clients. But if you step into shoes of your subscribers, you become responsible. Comcast is sheltering people so they can make money.”

In August, Prenda Law (<http://www.forbes.com/law/>), another firm that pursues these types of case, filed a lawsuit in Illinois against AT&T, Comcast Cable Communications and their corporate executives “for aiding hackers targeting adult content” by refusing to turn over identifying information in these suits.

“It’s really simple,” says Steele. “We caught someone stealing.”

Some of those accused of stealing porn movies are starting to fight back. In addition to creating online forums with instructions as to how to fight these suits, some innocent parties have sued porn companies and their lawyers in return. Earlier this year, California woman Liuxia Wong sued Hard Drive Productions (<http://www.courthousenews.com/2012/04/18/45736.htm>) (represented by John Steele) for trying to extort her, accusing her of illegally downloading “Amateur Allure Jen” and requesting \$3,4000 from her to settle the suit. She and her husband had an open Wi-Fi network and said they had no idea who might have downloaded the movie. Steele settled the suit for an undisclosed amount.

“We’re very comfortable with who came out ahead in the case,” he says. “The way it ended caused us no pain.”

Other possible roadblocks: This summer, a class action lawsuit (<http://www.wired.com/threatlevel/2012/07/porn-studios-screw-fans/>) popped up in Kentucky accusing a bunch of porn companies of racketeering, fraud and defamation for their attempts to get people to pay for illegal downloads. Steele says he’s unconcerned. Eight state attorney generals have called him about extortion claims. “Once I explain, they’re reassured,” he says.

This fall, various ISPS announced plans to collaborate in a deal negotiated by copyright holders and the Obama administration: a “six strikes” program in which ISPs will issue warnings to their customers when they see them infringing on copyrights. I ask Steele if he’s worried that will effectively stop illegal downloads (and thus negate the need for porn companies to go after downloaders in court, making him unnecessary).

“I doubt the effectiveness of this,” he says. “Little pop-up windows? I don’t see the downside of getting caught. If consumer groups agree with it, can’t be that bad.”

Steele says part of the problem is the culture of the Internet: people thinking content is and should be free there. “Eighteen-year-olds call us [after receiving settlement letters], confused,” he says. “They don’t know they’re doing anything wrong.”

Asked about the criticism inherent in shaming people into paying settlements by threatening to associate them with dirty movies they’ve watched, Steele is unapologetic.

“People don’t like to get caught doing anything wrong,” he says. “They should be embarrassed about the stealing.”



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