

millions 'wasted' on software piracy convictions

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Earlier this month sentences were handed down to UK members of DrinkorDie, the international software piracy "warez" group. The judge, the National Hi-Tech Crime Unit (NHTCU) and the Crown Prosecution Service (CPS) all stressed the amount of damage they thought the group had caused.

This was one of the first of NHTCU's really complex cases to achieve completion. It cost the criminal justice system - funded by the tax-payer - several million pounds, but was it a good use of resources?

The original investigation was carried out by the US Customs Service as Operation Buccaneer and it was entirely right that NHTCU should pick up the UK leads in what was alleged to be a global activity by many interrelated warez groups.

However, it soon became clear that UK DrinkorDie members were motivated by the glory of being the first to "get out" new software with the copy protection removed, rather than by direct financial reward. This was a crime that required organisation but it was not, as NHTCU and CPS press releases hinted, traditional organised crime in the sense of extended criminal families engaged in illegal activity to make a profit.

The CPS had a choice: charge each suspect individually with substantive offences under trade mark or copyright law, or go for the much more ambitious and glamorous "conspiracy" indictment.

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