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Kenyon & Kenyon

Mel Gibson fights against internet piracy of controversial film

Mel Gibson's film *The Passion of the Christ* is not only embroiled in public debate over its controversial subject matter, it is also involved in a legal battle concerning copyright infringement. Although officially released on February 25 this year, the film has been copied and widely distributed online since Autumn 2003. Gibson's production company Icon Distribution Inc has filed a civil lawsuit in the US District Court for the Central District of California against [Lightning Media](#) and certain of its employees.

Lightning Media is a post-production company hired by Icon to make a specific number of copies of the master version of the film. In October 2003 an article - ironically about movie piracy - on [FilmStew](#) referenced an anonymous source who had obtained an unauthorized copy of *The Passion* and included a link through which a three-minute sample of the movie could be downloaded. In November the *New York Post* published a review of the movie based on a full-length unauthorized video copy. In both instances, the illegal copies could allegedly be traced back to Lightning Media. The complaint also alleges that unauthorized copies were "wrongfully produced, distributed and made publicly available on various internet sites, such as [Morpheus](#) and [KaZaA](#)".

Icon's lawsuit alleges federal copyright and contributory infringement (17 USC Sections [106](#) and [501](#)), and common law conversion. Icon is demanding an injunction as well as seizure of the illegal copies, actual or statutory damages, and lost profits.

The civil lawsuit comes on the heels of an investigation by the [Federal Bureau of Investigation's](#) Los Angeles Cybercrime Squad and a criminal complaint filed in the same court against three employees of Lightning Media. The employees have been charged with conspiracy to violate federal copyright laws for allegedly making and distributing illegal copies of a pre-released master version of *The Passion* and other films.

As evidenced by Gibson's case and the increase in scrutiny by federal investigators, movie pirates may find themselves in the same hot seat as music downloaders. According to the [Motion Picture Association of America](#), piracy causes the US motion picture industry to lose an estimated \$3 billion a year. Notwithstanding these piracy hurdles, *The Passion* is said to have made more than \$350 million to date.

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