Department of Justice

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NINJAVIDEO WEBSITE OPERATORS CHARGED WITH CRIMINAL COPYRIGHT CONSPIRACY

WASHINGTON - A federal grand jury has returned an indictment in Alexandria, Va., charging five individuals with one count of conspiracy and five substantive copyright infringement counts for their involvement with the Internet website NinjaVideo.net, announced Assistant Attorney General Lanny A. Breuer of the Justice Department's Criminal Division, U.S. Attorney Neil H. MacBride for the Eastern District of Virginia and U.S. Immigration and Customs Enforcement (ICE) Director John Morton.

According to the indictment returned yesterday, the NinjaVideo website operated from February 2008 until it was shut down by law enforcement in June 2010. NinjaVideo allegedly provided millions of website visitors with the ability to illegally download infringing copies of copyright-protected movies and television programs in high-quality formats. Many of the movies offered on the website were still playing in theaters, while others had not yet been released. The website allegedly offered many copyrighted movies and television shows free of charge, and offered access to a greater selection of copyrighted content for a "donation" of at least $25. The website also generated significant revenue through advertising. The defendants allegedly collected more than $500,000 during the website's two-and-a-half years of operation and facilitated the infringement of millions of dollars of copyrighted movies, television programs and software products.

The indictment charges the following individuals: Hana Amal Beshara, 29, of North Brunswick, N.J., and Matthew David Howard Smith, 23, of Raleigh, N.C. , identified in the indictment as founders and administrators of NinjaVideo; Joshua David Evans, 34, of North Bend, Wash., and Zoi Mertzanis, 36, a resident of Greece, alleged to be two of the most active uploaders of copyrighted material to the site; and Jeremy Lynn Andrew, 33, of Eugene, Ore., the alleged head of security for the website.

The defendants are scheduled to be arraigned on Sept. 16, 2011, at 9:00 a.m. before U.S. District Judge Anthony J. Trenga in the Eastern District of Virginia.

Criminal indictments are only charges and are not evidence of guilt. A defendant is presumed to be innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

The case is being prosecuted by Assistant U.S. Attorneys Jay V. Prabhu and Lindsay A. Kelly, and Trial Attorney Glenn Alexander of the Criminal Division's Computer Crime & Intellectual Property Section.

The investigation was conducted by ICE's Homeland Security Investigations-led National Intellectual Property Rights Coordination Center (IPR Center). This IPR Center is one of the U.S. government's key weapons in the fight against criminal counterfeiting and piracy. As a task force, the IPR Center uses the expertise of its 19 member agencies to share information, develop initiatives, coordinate enforcement actions, and conduct investigations related to IP theft. Through this strategic interagency partnership, the IPR Center protects the public's health and safety, the U.S. economy and the war fighters.

To report IP theft or to learn more about the IPR Center, visit www.IPRCenter.gov.

The indictment announced today is an example of efforts being undertaken by the Department of Justice Task Force on Intellectual Property (IP Task Force). Attorney General Eric Holder created the IP Task Force to combat the growing number of domestic and international intellectual property crimes, protect the health and safety of American consumers, and safeguard the nation's economic security against those who seek to profit illegally from American creativity, innovation and hard work. The IP Task Force seeks to strengthen intellectual property rights protection through heightened criminal and civil enforcement, greater coordination among federal, state and local law enforcement partners, and increased focus on international enforcement efforts, including reinforcing relationships with key foreign partners and U.S. industry leaders. To learn more about the IP Task Force, go to www.justice.gov/dag/iptaskforce.

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