

**UNIVERSAL MUSIC AUSTRALIA PTY LIMITED**  
(ACN 000 158 592)

First Appellant

**FESTIVAL RECORDS PTY LIMITED (ACN 000 111 197) AND MUSHROOM RECORDS PTY LIMITED (ACN 005 594 043) TRADING AS FESTIVAL MUSHROOM RECORDS**

Second Appellant

**EMI MUSIC AUSTRALIA PTY LIMITED**  
(ACN 000 070 235)

Third Appellant

**SONY MUSIC ENTERTAINMENT (AUSTRALIA) LIMITED (ACN 000 033 581)**

Fourth Appellant

**WARNER MUSIC AUSTRALIA PTY LIMITED**  
(ACN 000 815 565)

Fifth Appellant

**BMG AUSTRALIA LIMITED**  
(ACN 004 157 564)

Sixth Appellant

**UMG RECORDINGS, INC.**

Seventh Appellant

**SHADY RECORDS, INC./INTERSCOPE RECORDS**

Eighth Appellant

**AFTERMATH RECORDS**

Ninth Appellant

**REAL HORRORSHOW PTY LIMITED (ACN 102 610 739)**

Tenth Appellant

**THE LIVING END PTY LIMITED (ABN 500 777 126 48)**

Eleventh Appellant

**VIRGIN RECORDS AMERICA, INC.**

Twelfth Appellant

**EMI RECORDS LIMITED**

Thirteenth Appellant

**CAPITOL RECORDS, INC.**

Fourteenth Appellant

**ARISTA RECORDS, LLC (FORMERLY KNOWN AS ARISTA RECORDS, INC.)**

Fifteenth Appellant

**CIRCA RECORDS LIMITED**

Filed on behalf of the Appellants by:

**GILBERT + TOBIN**

Lawyers

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Ref MJW:SJS:251746

Sixteenth Appellant  
**CHRYSLIS RECORDS LIMITED**

Seventeenth Appellant  
**SONY MUSIC (AUSTRALIA) PTY LIMITED  
(ACN 107 133 184)**

Eighteenth Appellant  
**SONY MUSIC ENTERTAINMENT (CANADA),  
INC.**

Nineteenth Appellant  
**SONY BMG MUSIC ENTERTAINMENT**

Twentieth Appellant  
**MAYER MUSIC LLC**

Twenty-First Appellant  
**TIMOTHY JAMES FREEDMAN**

Twenty-Second Appellant  
**WARNER BROS. RECORDS INC.**

Twenty-Third Appellant  
**ATLANTIC RECORDING CORPORATION**

Twenty-Fourth Appellant  
**WARNER MUSIC UK LIMITED**

Twenty-Fifth Appellant  
**J. RUBY PRODUCTIONS, INC. DBA SLASH  
RECORDS**

Twenty-Sixth Appellant  
**ZOMBA RECORDING LLC (FORMERLY  
KNOWN AS ZOMBA RECORDING  
CORPORATION)**

Twenty-Seventh Appellant  
**BMG MUSIC (BMG MUSIC DBA THE RCA  
RECORDS LABEL, A UNIT OF BMG  
ENTERTAINMENT)**

Twenty-Eighth Appellant  
**BMG UK AND IRELAND LIMITED**

Twenty-Ninth Appellant  
**LAFACE RECORDS**

Thirtieth Appellant

**SHARMAN LICENSE HOLDINGS LIMITED**

First Respondent

**SHARMAN NETWORKS LIMITED**

Second Respondent

**LEF INTERACTIVE PTY LIMITED (ACN 099  
675 242)**

Third Respondent

**NICOLA ANNE HEMMING**

Fourth Respondent

**PHILIP MORLE**

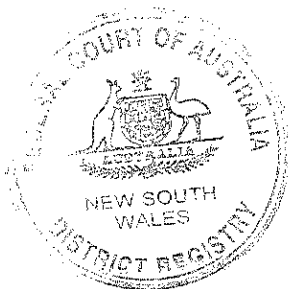
Fifth Respondent

**ALTNET INC**

Sixth Respondent

**BRILLIANT DIGITAL ENTERTAINMENT INC**

Seventh Respondent



**BRILLIANT DIGITAL ENTERTAINMENT PTY  
LIMITED**

Eighth Respondent

**KEVIN GLEN BERMEISTER**

Ninth Respondent

**ANTHONY ROSE**

Tenth Respondent

**ORDER**

**JUDGE: JUSTICE BRANSON**  
**DATE OF ORDERS: 31 OCTOBER 2006**  
**WHERE MADE: SYDNEY**

**BY CONSENT AND WITHOUT ADMISSIONS:**

In these orders:

**"Copyrighted Works"** means any and all sound recordings, whether now in existence or later created, of which any Record Company Party (including its parents, subsidiaries, affiliates, or distributed labels) is the owner or exclusive licensee under the Copyright Act 1968 (Cth).

**"Kazaa Parties"** means the respondents in Proceedings NSD 1809 of 2005 other than the fifth respondent (Philip Morle) and the tenth respondent (Anthony Rose).

**"Kazaa System and Software"** means the software distributed under the name "Kazaa" or the "Kazaa Media Desktop" or "KMD" or "Kazaa Plus" (the "Kazaa Software"), the computer servers operated by any of the Kazaa Parties, and other activities in which any of the Kazaa Parties engaged, including operating the "kazaa.com" website, to allow users of the Kazaa Software ("Users") to connect to and use computer networks consisting, inter alia, of other users of Kazaa Software, to reproduce and distribute digital files.

**"Record Company Party"** and **"Record Company Parties"** means the appellants in Proceedings NSD 1809 of 2005.

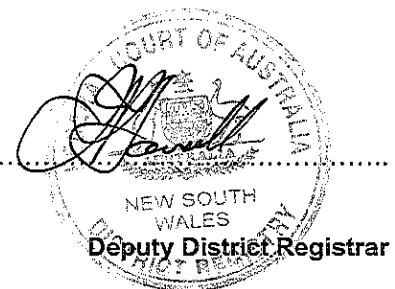
Proceedings NSD 1809 of 2005

1. The Court notes the undertaking of the fifth respondent, Philip Morle, by himself, his servants and agents in the course of his employment by, or pursuant to his engagement as a consultant or contractor to, any of the Kazaa Parties or any entity or any person involved in the operation, maintenance or supply of the Kazaa System and Software, not to solicit, authorize or induce users of the Kazaa System and Software to reproduce or communicate to

the public (whether by making available online or electronically transmitting) any of the Copyrighted Works without the licence of the relevant copyright owner.

2. So long as the Fifth Respondent is employed, or engaged as a consultant or contractor to, any of the Kazaa Parties, the Fifth Respondent will be deemed not to be in breach of the undertaking at paragraph 1 above in any circumstance which is not a breach of the orders made on 4 August 2006 in Proceedings No. NSD 1665, NSD 1666, NSD 1667 and NSD 1809 of 2005 by that Kazaa Party for which he is an employee, consultant or contractor.
3. Each of the Record Company Parties and the Fifth Respondent bear their own costs in relation to the proceedings at first instance (including any interlocutory orders) and the appeal proceedings and all existing costs orders as between the Record Company Parties and the Fifth Respondent be vacated.
4. ~~The Appeal~~ otherwise be dismissed as against the Fifth Respondent.

Date that entry is stamped: - 1 NOV 2006



**TAKE NOTICE** that failure to comply with this Order may make you liable to imprisonment or to sequestration of property for contempt of Court.