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## IceTV wins High Court decision

APRIL 22ND, 2009—The High Court of Australia has today ruled in favour of IceTV in what has been a three year legal battle with the Nine Network.

Six months after the appeal was heard by the High Court and 3 years since the case originally began the High Court has today in Canberra, allowed IceTV's appeal from the decision of the Full Court of the Federal Court. A comment as to the High Court findings will follow shortly.

In an official statement made immediately following today's judgment, **IceTV's Chairman** and major shareholder, **Mr. Colin O'Brien** said the following;

*"I would like to thank all our shareholders, our staff, our customers and our business partners. Without their support during the last three years IceTV would not have survived. IceTV now looks forward to a successful future bringing both Free-To-Air TV and content via various partners to viewers in a way that satisfies viewer demand, whilst embracing the future of digital Free-To-Air television in Australia."*

**IceTV's General Manager, Mr. Matt Kossatz** commented *"Today's decision is the news that we (IceTV), our staff and our loyal subscribers have waited 3 long years to hear. We would like to thank everyone for their continued support."*

The case was originally brought against IceTV, Australia's leading independent EPG provider, in May 2006 by the Nine Network alleging that IceTV's electronic program guide (EPG) infringed copyright in its television schedule.

A claim IceTV strenuously denied. Interestingly, this litigation was commenced only months after the Nine Network had purchased HWW, a company that aggregates and supplies TV Guide information to Foxtel and most print and online media.

IceTV successfully defended Network Nine's allegations in a judgment handed down in August 2007 by her Honour Justice Bennett in the Federal Court after some eight months of deliberation.

The Nine Network then appealed the decision and the matter was heard by the Full Court of the Federal Court in February, 2008. In May 2008, the ruling made by Justice Bennett was overturned by the Full Court. IceTV immediately complied with the Court ruling, modifying its compilation practices as required and continues to provide a professional EPG service, including scheduling information for Channel Nine.



IceTV immediately sought and was granted special leave to appeal to the High Court of Australia and the case was vigorously defended in Canberra in October 2008.

*"It is a very exciting time for digital television in Australia. We are seeing more and more content becoming available and being an independent company not a TV Network, means we will always have the ability to put the interest's of the consumer first"* said **Mr. Kossatz**.

Since it's incorporation in 2005 IceTV has had one aim: To give TV viewers the freedom to record and manage their TV shows as they choose. To record what they want, skip what they want and watch it at a time that suits them. No longer do viewers have to watch their chosen shows when the Networks tell them or to watch content they would rather skip through. IceTV gives them this choice.

This win today is also a win for our many subscribers who enjoy the benefits of simpler, smarter TV viewing.

A copy of the High Court's Judgment is expected to be made publicly available later this week. A copy of the High Court's Summary of Findings will be made available via IceTV's website as soon as possible.

### **About IceTV**

IceTV provides an independent Australian free-to-air electronic program guide (EPG) and other services for the leading brands of Media Center PCs, Macs and personal video recorders (PVRs). Since the launch of its EPG service in April 2005, IceTV has been at the forefront of TV recording, recommendation and search technology in Australia.

