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copyright

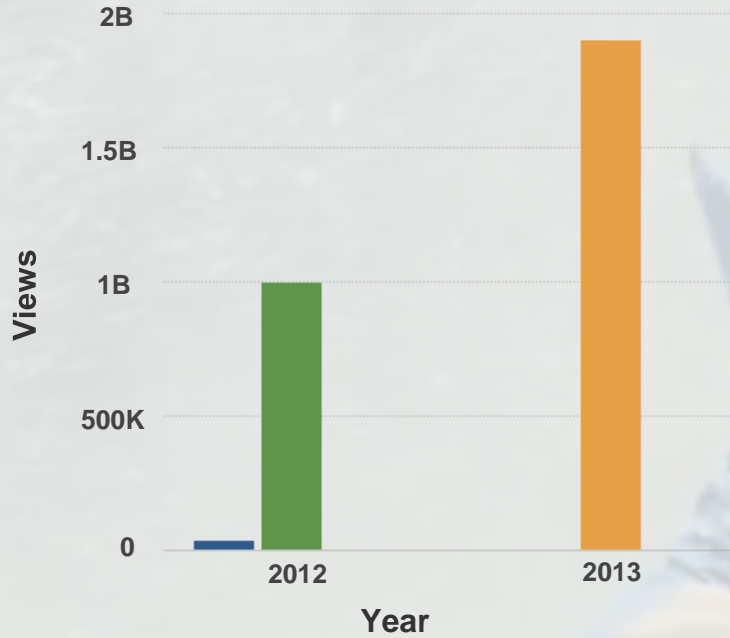


Strengthening and balancing copyright. Of enforcement on the internet

Dr. Cédric Manara, Copyright Counsel



PSY "Gangnam Style"



Creativity is booming

Creative industries are growing

Google is helping



The dollars are following

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\$15 billion



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Annual e-book sales jumped **43%** in 2012



... But also 165 million euros in revenues for bad guys

Datum 8 mei 2014

Onderwerp Antwoorden kamervragen over het bericht dat torrentsites een omzet halen van **165 miljoen euro**

In antwoord op uw brief van 13 maart 2014, nr. 2014Z04671, deel ik u mede dat de vragen van het lid Oskam (CDA) van uw Kamer over het bericht dat torrentsites een omzet halen van 165 miljoen euro worden beantwoord zoals aangegeven in de bijlage bij deze brief.

De Staatssecretaris van Veiligheid en Justitie,

F. Teeven



How to fight against the bad guys?



The question of online enforcement

Fight against the effects (1)

... or fight against the cause? (2)



1.1. Content Removals?



1.2. Site Blocking?

2001 Copyright Directive

possible “injunction against intermediaries whose services are used by a third party to infringe” copyright

article 8.3

Application to

Internet Access Providers

Telekabel Ruling, C-314/12 (March 2014)



Blocking measures: lack of efficiency



“it is possible that [a blocking injunction] will not lead to a complete cessation of the infringements of the intellectual property right of the persons concerned”

Telekabel, § 58



Blocking measures: legal limits

Risks of

“affecting internet users who are using the provider’s services in order to lawfully access information”

Telekabel, § 56

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EU human rights guidelines on freedom of expression online and offline

(May 2014)

“Blocking access to websites on the grounds of copyright protection could constitute a disproportionate restriction of freedom of opinion and expression”



2. Follow the money!

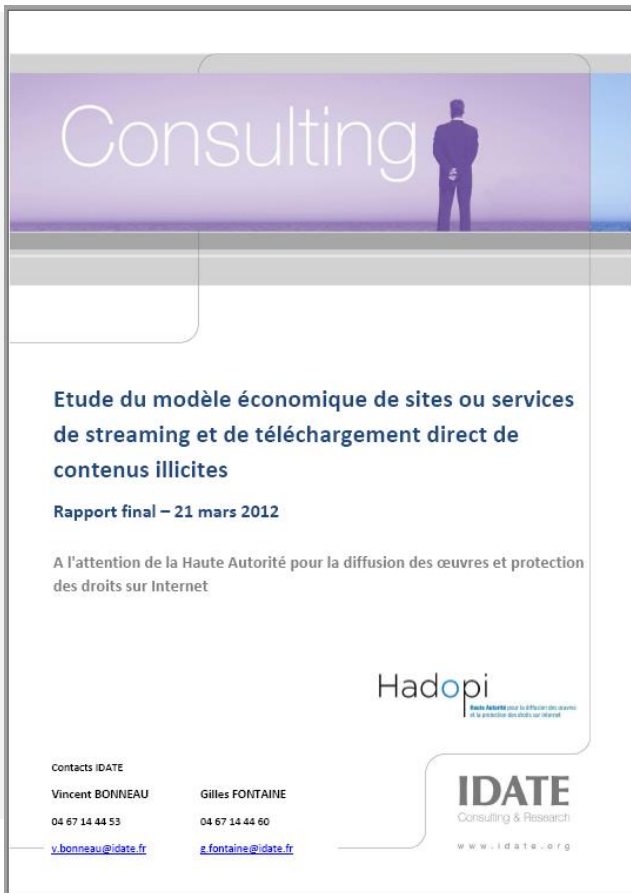
2001 Copyright Directive

injunctions against the intermediaries which are “**best placed**” to bring infringing activities to an end

Recital 59



Direct and indirect revenues



Consulting

Etude du modèle économique de sites ou services de streaming et de téléchargement direct de contenus illicites

Rapport final – 21 mars 2012

A l'attention de la Haute Autorité pour la diffusion des œuvres et protection des droits sur internet

Hadopi
Haute Autorité pour la diffusion des œuvres et la protection des droits sur internet

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The six business models for copyright infringement

A data-driven study of websites considered to be infringing copyright

A Google & PRS for Music commissioned report with research conducted by BAE Systems Delica. 27th June 2012

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Solutions?

“In any event, we must find solutions that protect and improve the operation of the internal market, stressing the fight against infringements on a commercial scale in accordance with the principle of “follow the money”” - Commissioner Barnier, SPEECH/13/54, Jan. 27, 2013



Thank You

