

COPYRIGHT ENFORCEMENT ON THE INTERNET IN HUNGARY

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**CONFERENCE NATIONAL POLICIES OF PARTNERSHIP ON
COPYRIGHT ENFORCEMENT ON THE INTERNET BETWEEN
RIGHTHOLDERS AND INTERNET SERVICE PROVIDERS**

Athens, New Acropolis Museum

Friday, 28 September - Saturday, 29 September 2012



Facts and figures

Population:	~ 10 M
Broadband internet :	~ 20 %
Prices: cinema ticket	~ 5 €
CD	~ 18 €
Average net. salary:	~ 550 €
Legal online services:	very few
Global rank in p2p:	16th

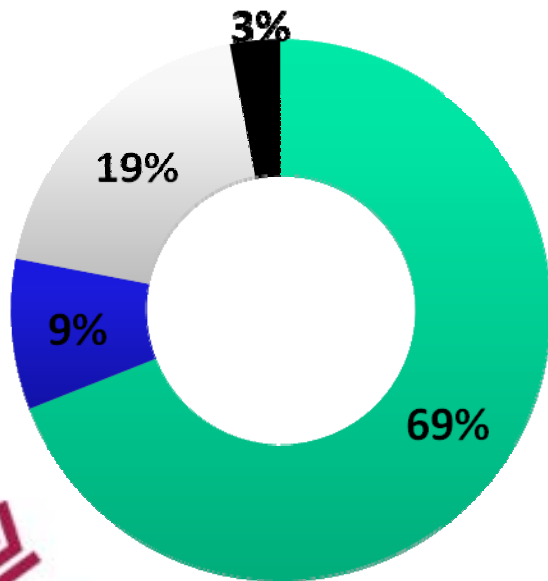


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Online survey among secondary school students

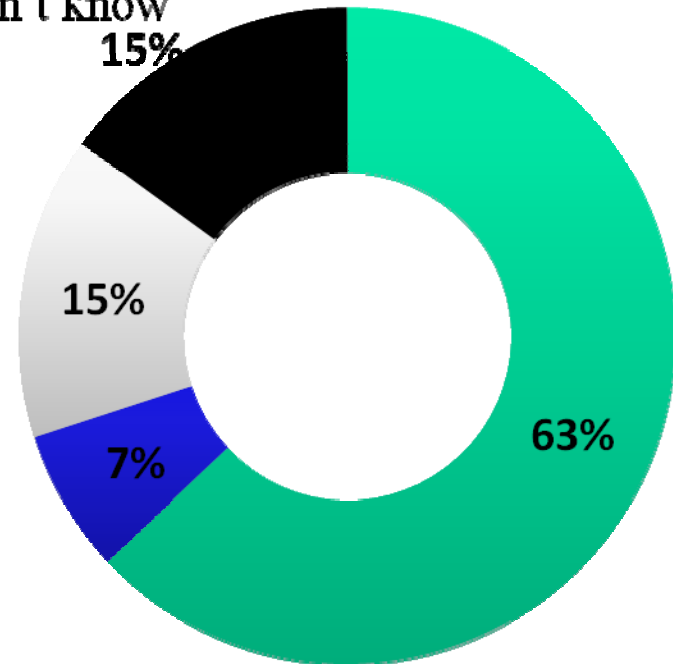
Would you pay for downloading content (music, film, e-book) from the Internet?

- No, if I can buy it for free
- No, it does not matter whether it is legal
- Yes, but only if it is cheap
- Yes



Should musicians get money (royalty) for their songs?

- Yes
- No, they should not make music for money
- No, they should make money at concerts
- Don't know



The three ways of online enforcement in Hungary



Civil law enforcement

- The legal framework is set out in the 1999. LXXVI Act on Copyright (implements 2004/48/EC)
- Art. 94 (1) If his rights are infringed, the author may – in accordance with the circumstances of the case – have recourse to the civil law remedies as follows, claiming:
 - *b) that the infringement and acts directly threatening with infringement **be ceased** and to enjoin the infringer from any further infringement;*
 - *blocking*
 - *d) that the **infringer provide information on parties taking part in the production, distribution or performance of goods or services affected by the infringement, as well as on business relationships established for the infringing acts;***
 - *gaining IP addresses*
- (2) In the event of copyright infringement, the **author may demand compensation for damages** in accordance with the provisions on tort liability.

Main features

- Not capable to fully handle online infringements
 - Blockings are not used
 - IP addresses cannot be obtained (no parallel e-commerce or communication law duties on ISP-s)
- In addition:
 - Costly
 - Time taking
 - Ambiguities in interpretation (e.g. damages)

The e-commerce way: Notice and Takedown Procedure (Act 2001/108)

NOTICE

with full probative force

(information and facts on the infringement and the rightholders' data)

acceptable

within 12 hours

ISP disables access

within 3 workdays

ISP sends written notice to the recipient

within 8 workdays

objection from the recipient

ISP makes the content accessible

ISP notifies rightholder

rightholder

within 10 days

submits claim

files criminal report

ISP disables access

within 12 hours

not acceptable

ISP leaves the content intact

no objection

ISP maintains the effect



HIPO

Main features

- Optimal to stop infringements
 - Fast
 - Efficient (in 98% of notices the content is taken down)
 - Involves no costs from rightholders

Widely used in Hungary

- However:
 - Damages cannot be claimed
 - There are no sanctions of the infringement
 - There are no preventive effects

Criminal enforcement (Act 1978/4)

- Infringement of Copyright and Certain Rights Related to Copyright
 - *329/A (1) A person who infringes a right of the author of [..]work, for the purpose of financial gain or advantage and/or thereby causing financial injury, is guilty of a misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.*
- From 2011.01.01. all cases of such type and the necessary expertise are in one hand
 - Criminal Directorate **IT Division** for high value online copyright infringement cases
 - **CiNEDUB case**
 - extent of the illegal content found on the seized servers were 20000 films, 9000 songs, 12000 software, computer games and books.

Main features

- Often used: authorities do the „hard job”
 - 2011: 5140 cases (10 M EUR)
 - 2012 first half: 966 cases
- However:
 - Still not adequate infrastructure to execute it properly
 - Time taking (often years)
 - No damages may be claimed just through civil remedies

Overall



- lack of business models

- poor IP culture

- lack of proper civil remedies (criminal and e-commerce related solutions are outweighed)

JUST BE DEVELOPED AT THE SAME TIME

National Board Against Counterfeiting (NBAC)

- cooperation of the public and the private sector
- consultative and advisory body

Strategy

- Three main pillars:
 - Statistics
 - Awareness raising
 - Enforcement of IPRs

Objectives

- To reduce the rate of IPR infringements
- Develop more effective measures against infringements
- Raise public awareness

Thank you for your attention!

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