



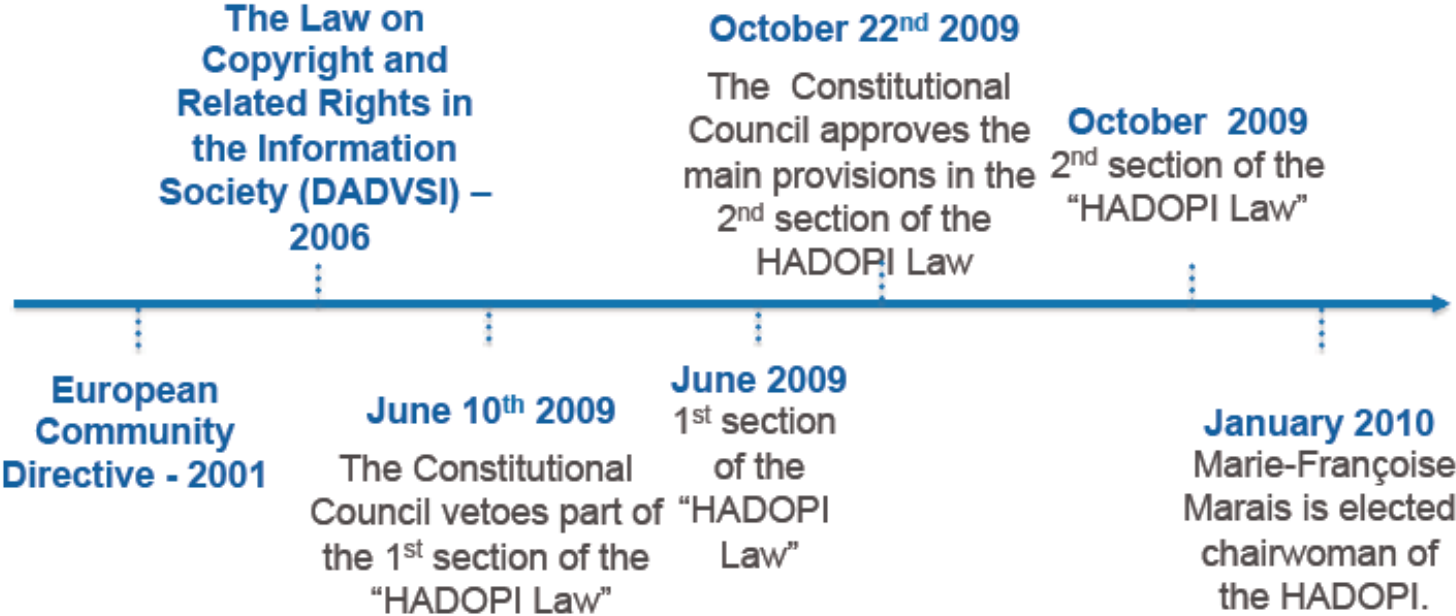
Athens. September 28th, 2012

National policies of partnership on copyright enforcement on the internet
between rightholders and internet service providers

hadopi.fr
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THE HADOPI LAW

Historical background

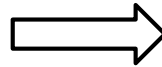


THE HADOPI LAW

Historical background

Hadopi Law I

- Graduated fightback
- Penalty issued by the Hadopi
- Constitutional veto



• Hadopi Law II

- Graduated response
- Persistent negligence
- Penalty handed down by a judge

THE HADOPI LAW

In accordance with Article L.331-13 of the Intellectual Property Code enacted by the Law of June 12th 2009 promoting the broadcasting and protection of works created on the internet, the High Authority provides :

- an initiative to **encourage the development of legal distribution** and to monitor the legal and illegal use of works and items to which a copyright or a related right is attached on electronic communications networks used for the supply of communication services to the online public;
- an initiative to **protect works from any infringement to the rights** attached to them committed on electronic communication networks;
- **a regulation and supervisory initiative focusing on technical measures** for protecting and identifying works and items protected by a copyright or related right (private copying levy, guarantee of interoperability, etc.)

Balance of missions

The Board

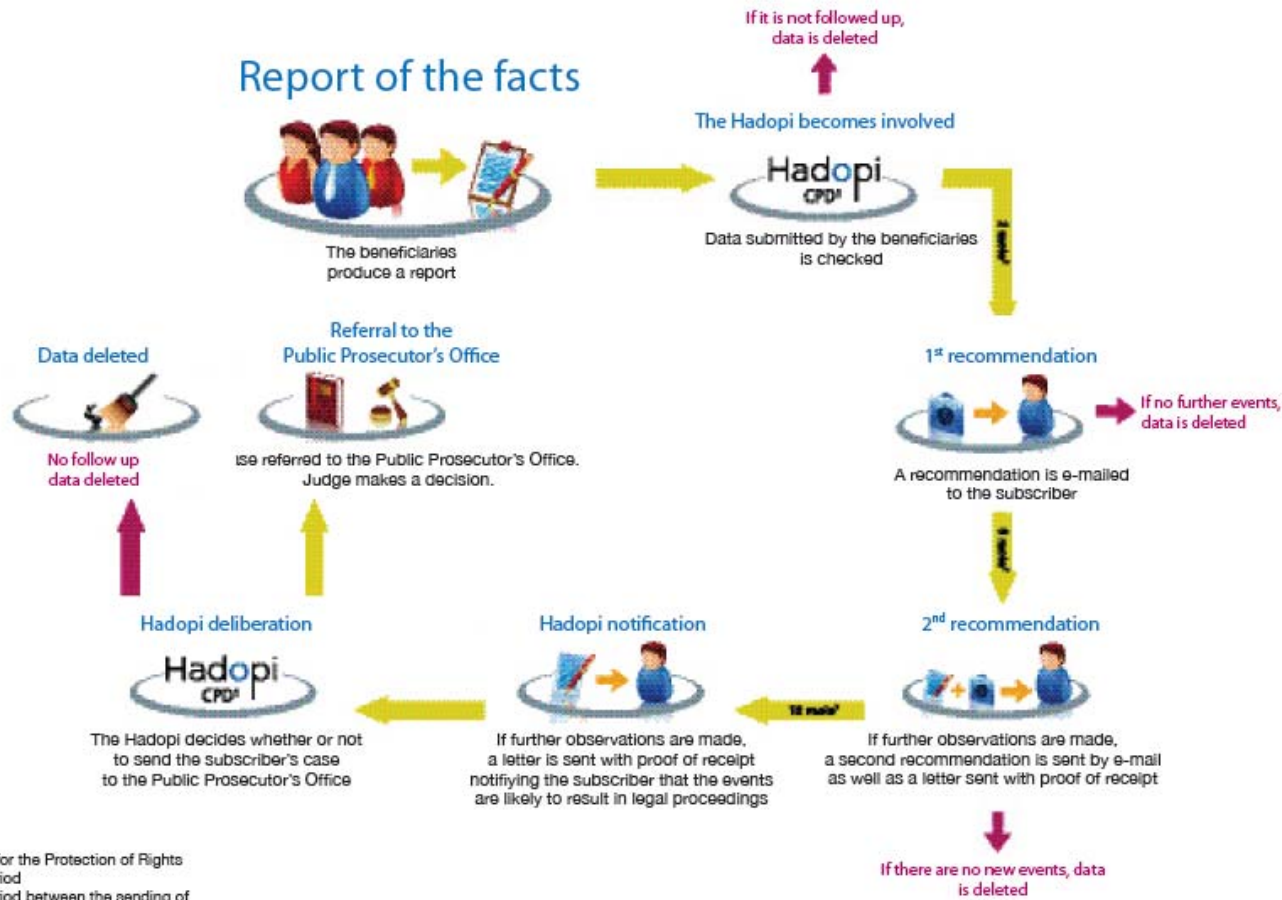
- It encourages the development of legal distribution
- It monitors the legal and illegal use of works on the Internet
- It promotes the protection of works from infringement of the rights attached to them (except for the graduated response initiative, which is the responsibility of the Commission for the Protection of Rights (CPD))
- It regulates the use of technical protection measures

Commission for the protection of rights

- The Commission for the protection of rights (CPR) is responsible for implementing the mechanism that warns persons with access to the internet whose access has been used to infringe rights
- This process is called a "graduated response"
- Only members of the Commission for the Protection of Rights and sworn agents from the Department for the Protection of Rights may access internet users' personal data

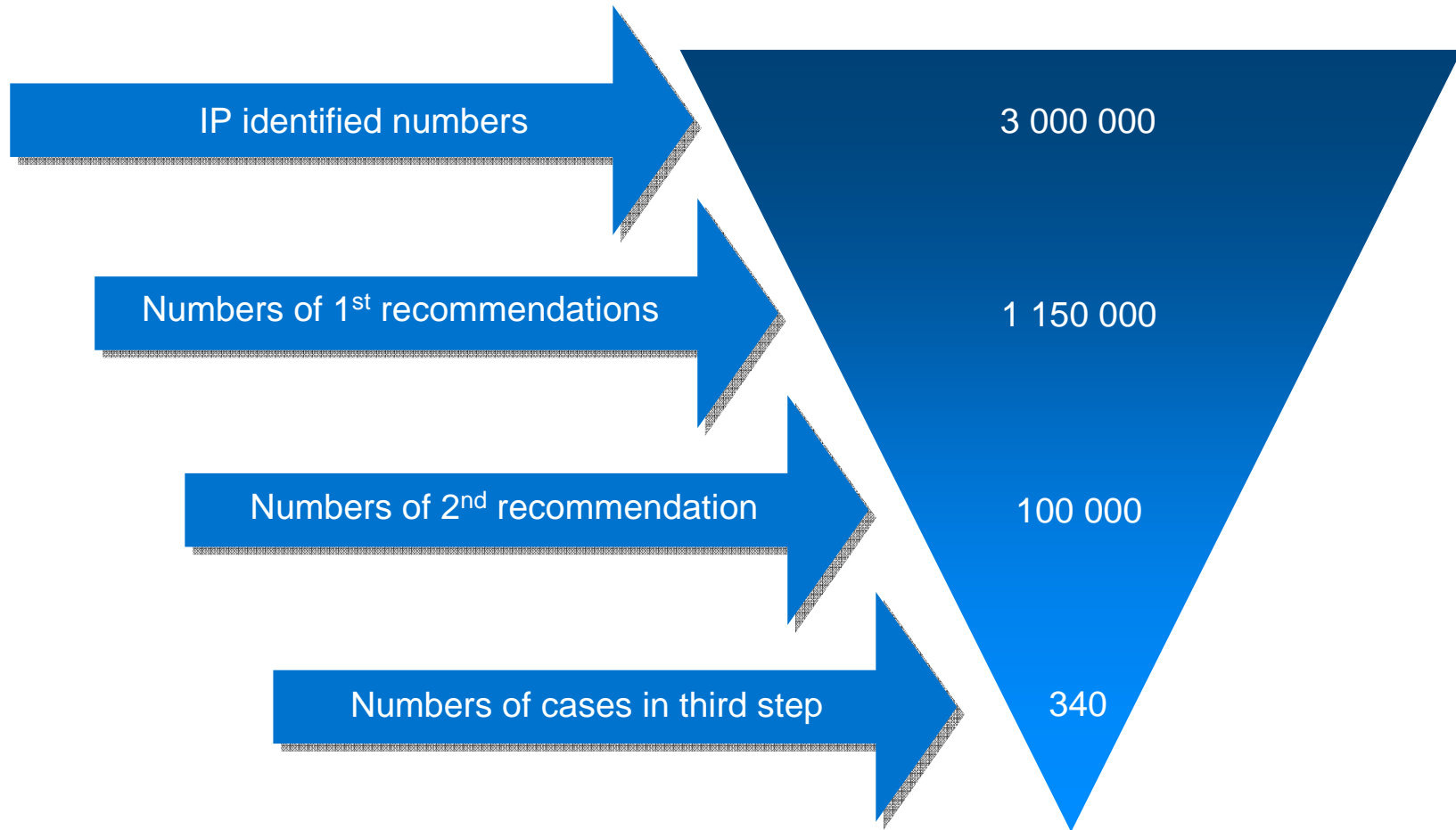
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The graduated response



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The numbers of graduated response ON July 1, 2012



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People who contact hadopi

After the first recommendation : 6%



After the second recommendation : 23%



+

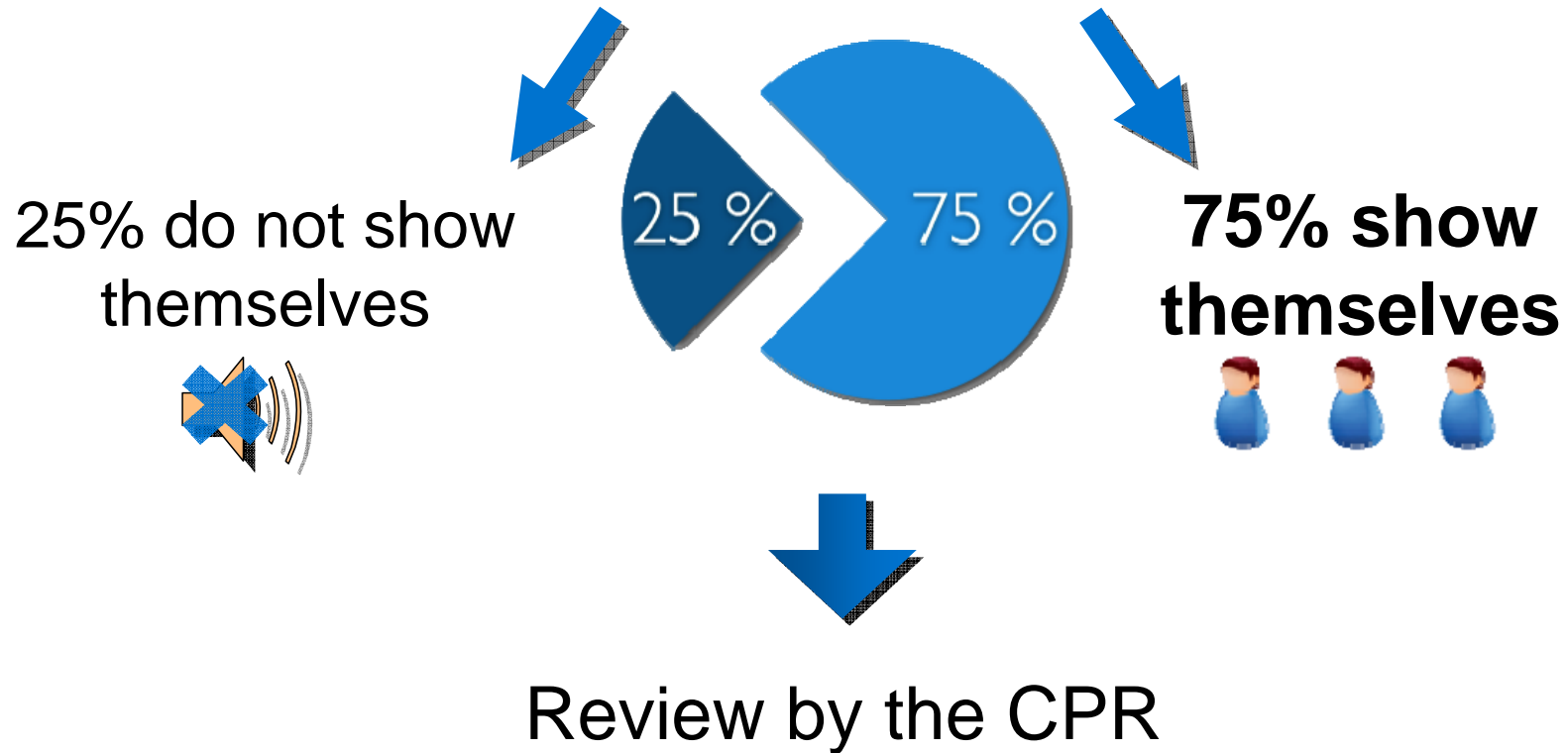


Typology of the requests :

- Requests concerning the details of the works : 61,5 %
- Observations : 38,5 %

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The third step of the graduated response : 340 cases



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Analyse of the graduated response procedures over the period from October 2010 to December 2011 shows that

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95%

of those having received a following notice do not give rise to the need for a second notice for illegal behaviour on peer-to-peer networks*.

92%

of those having received a notice are in the same situation (no further illegal behaviour recorded within the timeframe set out by the law).

98%

of those having received a notice show the same trend.

** within the timeframe set by law before the second recommendation is to be issued.*

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These changes are confirmed by observation data on P2P usage

In 2011, a wide range of metrics – based on varying methodologies – attests to a drop in P2P and its illegal uses in France.

-17%

in audience levels,
reports Nielsen.

« User centric » measures

-29%

in audience levels,
reports Médiamétrie
// NetRatings.

-43%

in illegal data
sharing, reports
Peer
MediaTechnologies.

« Network centric » measures

-66%

in illegal data
sharing, reports
ALPA.

THE ONLINE CULTURAL OFFER

The development of the legal offer : Hadopi's mission

To achieve the balance of mission, the protection of rights must be accompanied by a visible and diverse legal offer

To do this, the Hadopi has tools provided by law, such as :

- The certification of online website;
- Referencing them on a web portal ;
- The annually publication of indicators on the status of legal offer;
- The Labs, collaborative workshops open to the public and dedicated to extend the field of competence of the Hadopi.

THE ONLINE CULTURAL OFFER IS GAINING IN QUANTITY AND QUALITY

Legal offer content : label accreditation process

- Hadopi's certification helps the public identify legitimate offers for literary and artistic property rights and contribute to their recognition through a directory portal.
- **65 websites got the label**, listed on the website and are listed on the dedicated portal : www.pur.fr



THE ONLINE CULTURAL OFFER

The development of the legal offer : the hadopi labs

- Labs are collaborative workshops open to the public who support the mission of the Hadopi and which are intended to build extensive expertise of the various components of the Hadopi's ecosystem.

• This is why five Labs were created, all driven by an expert nominated by the Board. Intellectual Property & Internet ; On-Line use ; Digital creation economy ; Internet & societies ; and Networks & techniques.



Thank you

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