

NEWS BULLETIN

June 2009

The present News Bulletin is a summary review of news information collected by third parties. Its content does not necessarily reflect the AEPO-ARTIS position on the commented subjects. The data and figures have not been verified.

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1. MUSIC, AUDIOVISUAL, ELECTRONIC SERVICES

Channel 4 to Put Back Catalogue Online for Free

Channel 4 is to become the first UK broadcaster to put its back catalogue online completely free of charge - giving viewers the chance to watch every episode of homegrown shows without having to buy a DVD box set.

From July, more than 4,000 hours of the channel's archived content - about 10,000 programme titles - will be added to the 4oD catchup service.

The catchup service currently offers viewers programmes for 30 days after they broadcast, but Channel 4's decision to put such a huge amount of older content online represents a major development, as more viewers choose to watch online at a time that suits them.

It echoes the views of the communications minister, Lord Carter, who is leading the team producing the final report into the UK's digital future [i.e. Digital Britain report which was released on 16 June]. Earlier this year, he said Britain was on course for a "different world" of media use away from scheduled programming. "In less than 10 years, we will be in a complete 'on demand' television world," he said.

The appetite for internet video content is soaring. One in every 35 UK internet views in February was to a video site, according to the internet traffic monitor Hitwise, up from one in 50 a year earlier.

The ad-funded video site Hulu, which streams primetime US shows such as Family Guy, Heroes and The Simpsons, is now the second largest web video site in the US.

The archived content will be made available to PC, Mac and Linux operating systems users on a free, streamed basis.

Guardian (Ben Dowell and Rachel Williams) 7 June

United Kingdom: Anti-piracy Music Deal for Virgin and Universal

Virgin and Universal have signed a deal that will give the ISP's customers access to "unlimited" music. For a monthly fee, Virgin's broadband customers will be able to download or stream as many MP3 files as they want.

As part of the deal, Virgin has pledged to aggressively police usage to stop the MP3 tracks turning up on file-sharing networks.

The service is due to be launched before Christmas 2009. Virgin has not said how much the service will cost every month. But it said it could be comparable to the cost of a couple of albums a month.

Those signing up will be able to put the tracks on any music player and keep the music they have downloaded even if they stop paying the monthly fee.

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Virgin said it had vowed to try a range of anti-piracy measures as part of the deal. The last resort would be a temporary suspension of a customer's internet connection if that person consistently ignored warnings about their activity.

BBC NEWS 15 June

Woolworths Reborn Online

Following the demise of the 800-plus store Woolworths retail chain in the U.K., the brand has been reborn online with a product range including music CDs, DVDs and games.

The Web site Woolworths.co.uk launched today (June 25). It is operated by online and home shopping Internet brand Shop Direct Group, which bought the Woolworths name from the administrator.

Woolworths had an 8% market share by value of the U.K. albums market in 2008, according to trade body the BPI. All the stores ceased trading by January 2009.

Billboard (Andre Paine) 25 June

USA: Sony Music Joins Universal, YouTube for Music Video Venture

Universal Music Group announced on Thursday [4 June] that fellow major record label Sony Music Entertainment has been added to its VEVO music video site joint venture with YouTube. Announced in April, the ad-supported VEVO will operate both a standalone site featuring music videos and other video content from Universal and Sony artists, as well as a VEVO YouTube channel and branded embedded player.

The companies said that they are also seeking third-party investors to join as equity partners in VEVO, which is expected to launch later this year.

DMW Media (Mark Hefflinger) 4 June

MySpace to Cut 30% Of Staff

MySpace said Tuesday [16 June] it is cutting nearly 30% of its work force in a bid to become more efficient, bringing its staffing level more in line with its more popular rival, Facebook.

The cuts amount to about 420 people, bringing the total number of MySpace's U.S. staff to 1,000. As of May, Facebook had about 850 employees worldwide, the vast majority in the United States.

MySpace's user base has stagnated at about 125 million worldwide users, while Facebook said its usage has doubled to more than 200 million in less than a year.

MySpace, however, generates more revenue, according to Internet research firm eMarketer; it estimates that MySpace generated about \$605 million in global advertising revenue last year, compared with \$250 million for Facebook. MySpace's revenue is expected to shrink next year while Facebook's is seen as growing.

Associated Press/ Barbara Ortutay (AP Technology) 16 June



Tickmaster/Live Nation Merger Under U.K. Scrutiny

The U.K. OFT (Office of Fair Trading) has referred the proposed merger between Ticketmaster Entertainment Inc and Live Nation Inc to the Competition Commission.

Prior to the proposed merger, Live Nation made a deal with Europe's largest ticketing agent, Germany-based CTS Eventim, who would provide ticketing services in the U.K. to Live Nation, effectively taking over from Ticketmaster.

Live Nation has used Ticketmaster as its principal ticketing agent, but this agreement expires in December 2009.

In a statement, the OFT says it has passed the case to the Competition Commission (CC) because it believes there is "a realistic prospect of a substantial lessening of competition resulting from the proposed merger, because of the prospect that CTS will withdraw from the U.K. market."

Live Nation and Ticketmaster announced their proposed merger on Feb. 10, 2009.

The Competition Commission is expected to report by Nov. 24.

Live Nation has set up a Web site to offer discounted tickets to shows in Hungary, Poland, the Czech Republic and Slovakia.

The move aims to target those affected by the global recession, with tickets available for just €15. Artists including Lenny Kravitz, Motley Crue, Nine Inch Nails, Limp Bizkit and David Byrne have already joined the initiative.

Billboard.biz (Jen Wilson) 9 June

Billboard.biz (Andre Paine) 10 June

European Programmes and Films in Rude Health

With the provisions of the audiovisual service directive coming into effect in December 2009, the European Commission published an independent study on Thursday 28 May that reveals that European and independent films and television programmes enjoy huge popularity. In 2007 European programmes and films represented 74% of viewing time, and even 75.5% between 6.00pm and 11.00pm.

The study reveals that the majority of video-on-demand services provided by television channels offer almost exclusively European content: more than 90% of the television channels interviewed stated that European content represented over 75% of their on-demand listings. However, independent video-on-demand services promote European production far less.

Bulletin Quotidien Europe 29 May

2. STUDIES AND REPORTS

UK: Pirates 'Ignore' Warning Letters

Only 33% of those receiving a letter from their ISP would stop pirating content, found a survey carried out by legal firm Wiggin.

However, it found 80% would stop if the letter were followed by action such as cutting net connections.

Wiggins' research surveyed 1,512 UK consumers aged 15-54 in May 2009.

Wiggin are experts in the field of media law who focus exclusively on film, music, sport, gaming, technology, broadcast and publishing.

The survey also found that there could be a lucrative market for ISPs if they did change their flat rates for prices based on usage.

On average, suggests the research, web users would pay £26 per month to keep access to their favourite firm of online content.

Also popular were on-demand TV services. Among those questioned, 46% said they were occasional and regular users of the BBC iPlayer. Up from 13% in 2008. Similarly, 4OD use was up from 16% to 28% and ITVPlayer up from 12% to 25%. However, 49% of those questioned said they thought it was currently too difficult to connect up a TV and PC to get at net content.

BBC NEWS 10 June

Web User 10 June

Website of Wiggin Media

Indie Survey: Friends, Live Shows Big Factors in Music Purchase

Four out of five independent music store customers cite a recommendation of a friend as being an important factor in a purchase, according to a survey conducted by the Association of Independent Music Stores (AIMS). The online survey queried 1,067 consumers from AIMS stores around the country about the spending habits, concert-going frequency and relationship with the stores. Seeing a live performance was also cited by 80% of those surveyed. Only 39% cited radio as being important in their purchase decisions while newspapers and television were cited by 16% and 15%, respectively.

More than three in five respondents said they visit an independent music store more than once a month. While they may be avid music buyers, 63% of those surveyed say they go to a concert either once a month or less often than once a month.

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iTunes was by far the most popular digital store named by respondents, with 85% saying they have purchased music there. Amazon.com's MP3 store was second with 23% and eMusic was third at 14%.

70% of respondents said they use YouTube, 62% use MySpace, 46% listen to Pandora and 32% have used Last.fm.

Of those who read blogs or music Web sites, 78% said they have read Pitchfork while 44% cited RollingStone.com and 38% cited Stereogum.

Billboard.biz (Glenn Peoples) 8 June

3. MANAGEMENT OF RIGHTS

France's SPPF Sues YouTube

French independent labels collecting society SPPF has filed a lawsuit against YouTube for alleged copyright infringement.

In a statement, the producers' body said that more than 100 music videos of its catalog, which had been taken down by YouTube in 2008 following SPPF's request, were again available on the service in some form. SPPF is claiming €10 million in damages.

Google-owned YouTube responded by pointing out that SPPF has not signed up to its Content ID technical measures to identify any infringement. In France, YouTube partners with organizations including Europacorp, AFP, and France 24 on Content ID to identify unauthorized use of content and then monetize or block it.

Billboard.biz (Aymeric Pichevin) 18 June

Nokia Signs with Germany's GEMA

Mobile handset manufacturer Nokia has concluded a Europe-wide licensing agreement with the German collecting society GEMA in Munich for its unlimited Comes With Music service. The agreement grants Comes With Music the right to use the GEMA repertoire. Nokia has also issued a general statement to make clear that it is not planning to switch Comes With Music to a DRM-free format in its various territories. Downloads are currently tethered to an assigned handset and PC. The Finnish company said its a-la-carte Nokia Music Store was set to go DRM-free but did not specify a date.

The purchase of a pre-licensed Comes With Music handset allows unlimited access to the national Nokia Music Store for 12 months, via the handset or PC. If users do not get another subscription as part of an operator tariff or buy a new pre-licensed handset, the previously



downloaded titles still remain in the ownership of the customer on the assigned devices.

Following its October 2008 launch in the U.K., Comes With Music is now additionally available in Australia, Brazil, Germany, Mexico, Italy, Singapore, Switzerland, Sweden.

Billboard.biz (Wolfgang Spahr) 19 June

4. LEGISLATION

US Senate Judiciary Prioritises Performance Rights Bill

Draft legislation to change United States copyright law related to payment for music on radio is likely to see action this summer in the Senate Judiciary Committee, the committee chairman said Thursday [4 June].

“We need to address the anomaly in copyright law that will be corrected by the bipartisan Performance Rights Act,” Senator Patrick Leahy, a Vermont Democrat, told a committee executive business meeting

The bill would change US copyright law to require AM and FM radio to pay for music the same way webcasters, satellite radio providers and cable companies do.

Also a priority this summer, Leahy said, will be an extension of the Satellite Home Viewer Act, which essentially created a compulsory licence and allowed satellite companies to provide “distant” TV stations outside the local market to eligible subscribers.

Intellectual Property Watch (William New) 4 June

UK “Digital Britain” Report Published

The United Kingdom (UK) Department of Culture, Media and Sport recently published the report “Digital Britain”. This White Paper explains the UK Government Action Plan for the Digital Economy.

Among the issues covered by the report are the following: the removal of the obstacles to digital inclusion; a programme of broadband access and upgrade, in the context of a full review of the national communications infrastructure capability; the adoption of measures, especially in the field of intellectual property, to protect UK’s creative industry; and the promotion of investment in research to keep pace with technological change and enable the creation of new companies.

The Government believes it can reduce unlawful file-sharing by 70% to 80% by forcing internet service providers (ISPs) to tell users that their copyright infringement has been noted and making evidence of infringement available to the courts.

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ISPs will be expected to produce a code of practice outlining how and when they will inform users of their services that they think the user has been file-sharing unlawfully and how the ISP will share data with the legal system.

If file-sharing is not reduced by its ambitious target, though, the Government said that it will give telecoms regulator Ofcom powers to force ISPs to interfere with the internet connections of suspected file-sharers.

Those include blocking individual internet connections from accessing certain sites or certain types of content, slowing down connections or placing a cap on a connection's bandwidth.

“These powers should be used if, and only if, the combination of measures set out above has been fully implemented but has not succeeded in significantly reducing the level of unlawful file-sharing,” said the report.

The Government has stopped short of ordering ISPs to cut off users who are found to have unlawfully shared files online.

Digital Britain contains proposals to deal with illegal file sharing and sets out two requirements for ISPs: to notify subscribers identified as infringing copyright; and to maintain a database of repeat infringers.

The Digital Britain report said that its approach would work. “There is evidence that most people who receive a notification stop unlawful file-sharing. This is backed up by survey results which found significant numbers of people say they would stop or significantly reduce their file-sharing activity upon receipt of a notification,” it said.

It [the Government] proposes ensuring that the whole of the UK has broadband internet access by creating a 50p monthly tax on all telephone landlines. This will contribute to a fund to pay for the provision of high speed broadband across the UK, and will be topped up with surplus cash from the BBC's fund for digital television switchover, the report said.

The report also proposes for the first time the splitting of the BBC's licence fee income. Some of the digital switchover surplus will be used to fund pilots of news services in Scotland, Wales and an English region. ITV recently announced that it would pull out of regional news because of the cost.

The report also proposes a consultation on taking part of the normal licence fee and handing it to independent news organisations to provide public service news content. These could include existing news organisations, it said. That would not happen until the licence fee was up for renewal again, which will not be until 2013.

The U.K. commercial radio sector has reacted positively to a government plan to upgrade the country to digital by 2015.

However, it added that businesses will invest in DAB [Digital Audio Broadcasting] and consumers will embrace it if government plays a “pivotal role in securing... certainty” about the platform.

The report identified the necessary criteria for the upgrade - when national and local DAB multiplexes will cease broadcasting on analog - as being when 50% of listening is digital and

when national DAB coverage is comparable to FM. At present, 32% of adults live in a DAB-enabled household, according to the report.

IPR Helpdesk 18 June

OUT-LAW News 16 June

Hollywood Reporter (Stuart Kemp) 16 June

Billboard.biz (Andre Paine) 17 June

French Constitutional Council Overturns Controversial ‘Three Strikes’ Hadopi Law

The French judiciary has ridden to the rescue of the country’s web users, striking down a controversial new law which would have allowed the state to cut off the internet connections of illegal filesharers for up to a year.

The Hadopi law, named after the government agency which was to police the new regime, was also used by many in the content industry as an example that could be followed in the UK.

But France’s constitutional council ruled today [10 June] that “free access” to online communications services is a human right and cannot be withheld without a judge’s intervention. The council also ruled that the method of policing the web envisaged in the law breaches a citizen’s right to privacy.

The agency would still be created, but would only be able to send the warning emails and letters.

Under the French law, which was passed last month after initial resistance from politicians, persistent illegal filesharers were to be warned by email and then letter that they should stop sharing copyrighted material. If they continued, their internet connection could be cut off for up to a year.

A similar system of warnings was introduced in the UK under a deal brokered between some of the UK’s internet service providers and the content industry last year. It has not, however, been a success and recent research [see article Pirates Ignore Warning Letter/page 6] has shown that only a third of internet users would actually be deterred by such a warning.

The French ruling, which comes after the country’s Socialist party asked the council to look at the legality of the Hadopi law, is unlikely to have a direct impact on the legality of any UK moves to combat piracy by using technical measures because it is based on a reading of the French constitution, rather than EU law.

The ruling of the Constitutional Council is in line with the arguments the European Parliament which has tried to outlaw the French bill by the introduction of amendment 138 into the telecom package. On 11 June, the package was however rejected at the EU telecoms ministers meeting in Luxembourg [...].

Late Thursday [11 June], French president Nicolas Sarkozy reportedly demanded the presence of senior officials for emergency discussions on how to push forward with the bill after the

court's decision. According to record industry officials close to the government, Paris is believed to be considering the creation of special copyright courts to deal specifically with the issue, thus getting around the court's ruling.

A new text, named Hadopi 2, is to be presented to the French Council of Ministers before the end of June in order to give judges the power to apply sanctions.

Guardian (Richard Wray) 10 June

EU Observer (Leigh Phillips) 12 June

EDRi-gram Newsletter 17 June

The Telecoms Ministers Rejected the Telecom Package as Adopted by the European Parliament

The European Commission continues to pressure the Council and the new European Parliament to rapidly adopt the telecoms package without a proper scrutiny of the law or any consideration of the implications of Amendment 138.

At the Luxembourg meeting on 11 June 2009, the telecoms ministers decided to reject the telecom package in the form adopted by the European Parliament in the second reading on 6 May 2009, thus proposing a new round of negotiations.

On a press conference on 11 June, the position of the European Commission was expressed by Viviane Reding's spokesman Martin Selmayr who stated that the issue of Amendment 138 had been dealt with at the national level (thus referring to the French Constitutional Council decision) and therefore should no longer be a European matter.

[The European Parliament should send its position to the Council regarding the telecoms package by the end of June].

After this, there are several options for the telecoms ministers. One is to adopt the text as voted by the Parliament but this is unlikely having in view their position on Amendment 138, especially the position of France in the matter.

Another option is to adopt a counter-proposal restating the Council's initial line which will formally start the negotiation procedure to take place under the new Swedish presidency. In this case, the Parliament will have to create a conciliation committee including 27 newly elected members representing all the EU countries.

EU Council could also reopen the entire case asking for negotiations on the core of the text which could lead to other debates with unpredictable duration and results.

The European Parliament's schedule is to have a trilogue on 29 September with a final vote on 15 December which would give time for discussion of the issues raised by Amendment 138 and for the new MEPs to get familiarised with these issues.

EDRi-gram Newsletter 17 June

Dutch Parliament Looking to French-Style Crack-Down on Internet Piracy

In the wake of France's imposition of its controversial three-strikes legislation aiming to crush internet piracy, the Dutch parliament has called on the government to also deal harshly with offenders.

The commission, bringing together MPs from the ruling Christian Democrats, their Labour Party coalition partners, the conservative VVD and the far-left Socialists, issued a report on Thursday (18 June) that revealed that it has become a kind of sport to download films from the internet before they have even been released in movie theatres.

Currently in the Netherlands, only the uploading of such content to the internet is a punishable offence, but not downloading.

The MPs want the government to bring in new legislation to change that situation and calls on justice minister Ernst Hirsch Ballin and economy minister Maria van der Hoeven to crack down on internet piracy.

The report argues that parents should be held responsible for the downloading activity of their children.

The commission's report also recommended that a new licensing framework be introduced in which music, films and video games could be downloaded for a fee.

The report also calls for the elimination of the levy imposed on CDs and DVDs within three years to reduce consumer prices.

EU Observer (Leigh Phillips) 18 June

Germany Builds Infrastructure to Block the Internet

The German Parliament on Thursday evening [18 June] passed legislation that obliges internet service providers (ISPs) to filter websites allegedly containing child abuse material, by a vote of 389 to 146. The vote followed fierce debate about the secret filtering list to be put together by the German Federal Police and transmitted to ISPs once a day with only occasional checks by a five-member monitoring body.

Opposition parties joined civil rights organisations in warning that Germany is introducing blocking architecture that was extensible and could be used to "censor" other content without due process. Over 130,000 citizens had signed the largest e-petition ever in the history of the country against the law, based on this concern.

"The concerns are not unfounded," said Krogmann [leading rapporteur for the Christian Democratic Party], "as for example the regional court in Hamburg already ruled that such an infrastructure could be used against other illegal content."

Online gambling, copyright violations, protection from online "killer-games" and so on were on the list and had, according to civil rights organisations, come up in statements by coalition politicians.

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Krogmann said that she is clearly opposed to a broadening of the scope, adding that the new law had been defined narrowly. She especially rejected the notion that the system was a start to “censor the net.”

All three opposition parties rejected the law pointing to substantial and procedural flaws that would lead to failure before the constitutional court.

The procedural problems that might make the new law fail before the constitutional court, according to the opposition, include several issues, including the question why the issue is not left to state legislators as it “clearly was a police issue disguised as economic law,” as Wieland put it.

Police law in Germany lies in the hand of state, not the federal legislators. Also a provision requiring that the German data protection officer convene the five-member control body that will check on the blocking list at least quarterly is likely meaningless, according to the opposition parties. Instead, a judge should make a decision first before a site goes to the Federal Police list.

Yet for the time being Germany seems to be caught in the fight about the blocking architecture introduced in what many call a “bumbling rush” before the German elections and this debate will be continued before the courts.

IP Watch (Monika Ermert) 19 June

Japan Cracks Down Online Infringement

Japan’s Parliament has amended the country’s copyright law to allow search engines to store copies, make it easier to use orphan works and crack down on illegal downloaders.

The House of Councillors, the upper house of Japan’s parliament, passed the amendments on June 12 and they are expected to come into force on January 1 next year.

Under Japan’s Copyright Act, it was technically illegal for search engines to store information on their servers.

Although this was never enforced, the legal uncertainty hampered the development of Japanese search engines. The amendments now allow search engines to operate and permit other forms of caching or temporary internet copying.

The amended law also makes it easier to obtain clearance to use so-called orphan works, where it is unclear who owns the copyright.

The amendments also contain an exception to infringement when making work more accessible for disabled people.

While those reforms have been widely welcomed, attempts to crack down on downloaders of copyright infringing content have proved more controversial.

At present it is a criminal offence to upload copyright-infringing content but there is no penalty for downloading.

The new amendments add a new offence of selling or offering to sell pirated materials, which can be punished by up to five years in prison or a fine. Knowingly downloading illegal content is also illegal, but this offence has no criminal penalty.



Two other proposed amendments did not make it into the final law because a consensus could not be reached. Attempts to introduce a levy on digital recording devices such as Apple's iPod and to introduce the concept of fair use into Japan's Copyright Act were both dropped.

Managing Intellectual Property 22 June

5. PROCEEDINGS IN THE FIELD OF PIRACY

Majors Awarded \$1.92M by Judge in Jammie Thomas Case

The recording industry secured a resounding victory when a Minnesota jury awarded the four major labels \$1.92 million in damages after unanimously finding that Jammie Thomas-Rasset had willfully infringed on their copyrights by downloading and sharing 24 songs on the Kazaa peer-to-peer network.

In October 2007, the RIAA won a closely-watched lawsuit against the then 32-year old Thomas. The case (*Capitol Records v Thomas*) was the first jury trial to consider the issue of music piracy, and was seen as an important victory for the RIAA's anti-piracy campaign, which ran from 2003 to December 2008.

Thomas was accused of making songs available for download on the popular peer-to-peer file-sharing service, Kazaa.

The RIAA was able to trace Thomas' Kazaa username to an email and internet protocol address, although she denied having a Kazaa account and claimed she may have been the victim of internet spoofing.

But a Minnesota federal jury did not accept her argument, awarding the record companies \$222,000 or \$9,250 for each of the 24 songs Thomas was charged with infringing.

However, last year Judge Michael Davis independently ordered a retrial using different jury instructions. Specifically, David said that the RIAA's proposed jury instruction mandating that it was not necessary to prove that Thomas had actually distributed the files, or that other users had downloaded them, in order to find her guilty of copyright infringement, was "erroneous".

The order represented a potential blow to the RIAA's case, but in Thursday's (18 June) decision, the jury awarded the RIAA \$80,000 for each of the 24 illegally downloaded recordings.

The amount is significantly more than Thomas was originally ordered to pay, and is likely to be challenged in post-trial motions as unconstitutionally excessive.

The Copyright Act provides for awards of statutory damages of up to \$150,000 per infringed work, in the case of willful infringement.

No one expects that the major labels will collect the entire amount from Thomas-Rasset.

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According to Thomas-Rasset's testimony during the trial, she could have settled back in 2005 for \$5,000. The RIAA says that the amount was somewhere between \$3,000-5,000; more importantly, it remains willing to settle the case.

University of California law professor Pam Samuelson, an expert on statutory damages and copyright law, called for reform in a paper released in April 2009. In reference to the first Thomas-Rasset judgment, Samuelson concluded, "Some jurors in the Thomas case wanted to award \$750 per infringed song, while others argued for \$150,000 per song; why they compromised on \$9250 per song is a mystery. In today's world where the average person in her day-to-day life interacts with many copyrighted works in a way that may implicate copyright law, the dangers posed by the lack of meaningful constraints on statutory damage awards are particularly acute."

Thomas-Rasset's attorney, Kiwi Camara, signaled a willingness to talk about a possible settlement with the labels. But Camara also listed a number of potential issues to appeal should the parties be unable to resolve the case, including a challenge to the labels' ownership of the copyrights at issue based on the argument that they were improperly classified as "works made for hire" in contravention of the Copyright Act of 1976.

Billboard Ben Sheffner 16 June

Managing Intellectual Property 22 June

Ars Technica 21 June

Court Rules Against German File-Sharing Site

A German state court found file-sharing site Rapidshare.com guilty of violation of German copyright law and set damages at about €24 million.

In what could prove a key precedent, the court found Rapidshare, and by extension similar file-sharing sites, bear principle responsibility for ensuring copyright-protected material is not illegally posted on their servers.

The ruling was a major victory for German collection agency GEMA, which had brought the suit against Rapidshare for allowing some 5,000 protected music titles to be posted on their site.

The Hollywood Reporter (Scott Roxborough) 23 June

Russia: Video Pirates Caught

For the first time in Russia the police conducted a raid upon the owners of a web site distributing pirated video, Interfilm.ru. Several individuals were detained.

Russian anti-piracy organization RAPO (one of the founders of the MPA) accused Interfilm of earning revenue through ads and charging a fee for higher download speeds.

It's seeking prosecution under part 3 of Article 146 of the Russian Criminal Code, "Violation of copyright and related rights," which calls for up to 6 years in prison and a fine of up to 500,000 rubles, or the amount of wages and other income earned up to the past 3 years.

Although the *Kommersant* reports that the defendants “made available on the web” the films they shot in cinemas, in fact the site seems to be a “torrent tracker,” a facility enabling file exchange between site users. It is not exactly clear whether the wording of the Russian Criminal Code (“unlawful usage of copyright and neighboring right objects”) covers torrent tracker site owners.

Currently no case-law on the matter is available; this case may become a first impression one.

Russian Law 1 July

Zeropaid 2 June

6. MISCELLANEOUS

Sweden: Pirate Party Wins Seat in European Parliament/ Slovaks, Czechs Forming Pirate Parties Too

Sweden’s Pirate Party, which wants to abolish copyright laws and protect Internet privacy, has won a seat in the European Parliament. It pulled in 7.1% of votes in Sweden, which handed the party one of the country’s 18 seats in the European Parliament.

The Pirate party says it has only three issues on the agenda: reform of copyright law: to make non-commercial copying and use completely free; the abolition of patents; and respect for the right to privacy.

The Pirates Party’s electoral success comes less than two months after a court in Stockholm sentenced four of the operators of file-sharing network The Pirate Bay to one year in jail after it found them guilty of copyright infringement.

“We are very strong among those under 30,” said Christian Engstrom, the party’s top candidate. They are the ones who understand the new world the best. And they have now signaled they don’t like how the big parties deal with these issues.”

Launched in Sweden in 2006, there are now officially registered pirate parties in Spain, Austria, Germany, Denmark, Poland, and Finland. But only the original Swedish party garnered the necessary votes to make it to the EU Parliament.

In addition, Czech and Slovak supporters of free Internet downloads and file-sharing plan to establish their own pirate parties.

The Slovak backers of what film and music industries view as copyright theft plan to introduce the party’s preparatory committee and programme on June 19 and campaign for a seat in the 2010 parliamentary election.

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In the Czech Republic, supporters of online bootlegging decided to form their own party in April. The Czech Pirate Party applied for registration in May and plans to run in the country's early general election in mid-October.

The Hollywood Reporter (Scott Roxborough) 8 June

The Register (Kelly Fiveash) 8 June

MIP (Emma Baraclough) 8 June

Gulf Times/Doha Time 13 June

Copyright Treaty Backing e-Books for Disabled Readers Discussed at WIPO

A proposed treaty that would change copyright laws to allow the supply of books across borders for the benefit of blind people has survived resistance from the US, UK, France, Germany and other countries.

A committee of the World Intellectual Property Organisation agreed on Friday [29 May] "to continue without delay" its work on "facilitating the access of blind, visually-impaired and other reading-disabled persons to copyright-protected works."

At the heart of this work is a treaty proposed by the charitable organisation World Blind Union (WBU) and written with the help of the UK's Royal National Institute of Blind People (RNIB).

Around 95% of books are never published in any format other than standard print, according to the WBU. But visually impaired people need books in other formats, such as large print, Braille and audio.

The WBU, RNIB and others have prepared a draft treaty that would relax copyright restrictions to allow the creation and supply of accessible books without the need for prior permission from the copyright owner.

In some countries, it is already legal to create accessible books without permission. It was made legal in the UK by the Copyright (Visually Impaired Persons) Act, passed in 2002. But that law is limited in scope. The rights are limited to visually-impaired persons - so while a person with dyslexia might benefit from a large-print book, or an electronic book which can be played using text-to-speech conversion software, the law does not facilitate that person.

Also, the UK law, like equivalent laws in other countries, does not allow the supply of a digital book to a customer overseas.

The proposed treaty would also allow for the circumvention of digital rights management (DRM) where necessary to render a work accessible.

Brazil, Ecuador and Paraguay tabled the treaty as a proposal.

That put the treaty before WIPO's Standing Committee on Copyright and Related Rights. It was strongly supported by delegates representing South American, African and Asian countries. Wealthier countries, it seems, were less enthusiastic.

On Friday night the WIPO copyright committee reached agreement to discuss the treaty at its next meeting in November, in spite of the objections. In the meantime, the committee's

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conclusions note that “Member States will continue to consult on these issues at national level and report on the activities and views on possible solutions.”

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