

p2p litigation summit:
canadian and global
developments

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On the Identity Trail:
www.anonequity.org

CIPPIC
www.cippic.ca

overview

global developments

canadian developments

bmg v. doe

legislative reform

alternative proposals

global developments (IFPI)

Austria: 150 cases, 53 settled, €5,500

Denmark: 500 cases, 98 settled, €13,000

Finland: 28 cases

France: 150 cases, ISP termination in 32 cases

Germany: 569 cases, 39 settled for €4,000 avg.

(etc: Iceland, Ireland, Italy, Japan, Netherlands, UK...)

global developments

Sweden: conviction, \$2000 for a movie

Sweden: ISP raid and seizure

HK: conviction, sentencing Nov 8

UK: 60 suits, up to £6,500 settlement, 5 going to full trial (facing £150K per violation)

Holland: disclosure of IDs refused (M.Sentry)

Ireland: disclosure granted

Germany: disclosure refused

Germany: conviction, €8,000 fine + costs

bmg v. doe

17 recording companies (CRIA)

29 "John and Jane Doe"

5 ISPs

2 interveners

(no action against p2p operators)

bmg v. doe

“[an individual’s surfing and downloading activities] tend to reveal core biographical information about a person. Privacy interests of individuals will be directly implicated where owners of copyrighted works... attempt to retrieve data from Internet Service Providers about an end user’s downloading of copyrighted works.”

Justice LeBel, SOCAN v. CAIP 2004

bmg v. doe

nobody listened to the songs

MediaDecoy files

hearsay computer evidence

investigation not limited

no explanation of link from p2p name to
IP address

bmg v. doe

the test for disclosure:

innocent people won't be identified

bona fide claim

clear evidence of sole practical source

no undue delay

investigation must be limited

terms of a future order:

confidentiality

specific information and manner of use

no ruling on copyright claims

legislative reform

making available right

anti-circumvention

for “infringing purposes”

devices?

no private copying

ISP liability notice-and-notice

data retention

court order disclosure and takedown

legislative reform

impact on p2p:

making available right

ISP data retention (+ *BMG v. Doe* +
“lawful access”)

no impact on p2p operators so far
(*SOCAN* and *CCH*)

future of private copying (levy) regime
unknown

alternative proposals

a 'social reformation' of sorts

drm and... 'drm plus':

"... each service must ensure that each digital receiver is self-contained, with no digital output. If the receiver has a digital output, the device must employ the appropriate digital rights management system to prevent any redistribution."

cia will lead us to the light...

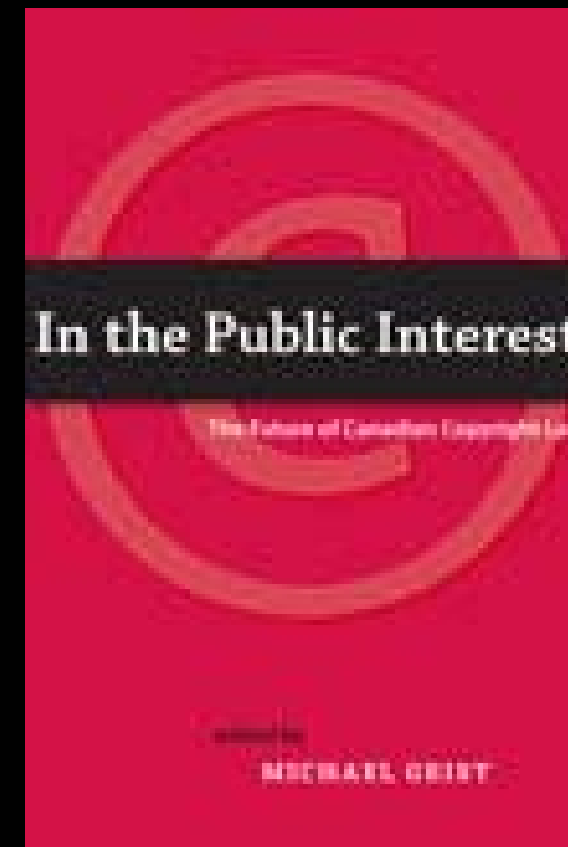
...youth today are measurably different in their values... they report a weaker than average commitment to every-day ethics, a relatively cavalier attitude to the law, and a stronger than average attraction to novelty, and a greater than average sense of disconnectedness with society. Introduce this into an environment in which technological advances have facilitated the theft of intellectual property of all sorts and you have a lethal cocktail.

...there is an ethical gulf that is opened between those over 30 and under 30. The scenario is made possible in part by a generational moral laxity that does not auger well for our country's economic future, but it is also made possible by the rampant confusion regarding what is and is not legal.

What we are seeing here at all levels is a state of moral lassitude that is coupled with confusion on the one hand and fear on the other, and all of this is exacerbated by the fact [that]... "The tools of the digital age are de facto tools of infringement." And indeed he's correct, for our cultural products are susceptible to theft on a massive, previously unimaginable scale.

alternative proposals

free download



alternative proposals

gervais:

copyright turning against users - as it enters private sphere, other rights enter the balance

solution: extended collective licensing *via* ERS

the road ahead

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