

Submission to the European Commission creative content online consultation

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Executive summary

The Stockholm Network does not believe that European policy toward digital rights management (DRM) is fundamentally broken. As a result, we are wary of attempts to introduce regulation into this area of policy that may have detrimental effects on European intellectual property (IP) regimes, on innovative industry, and on European competitiveness as a whole.

The Stockholm Network fears the introduction of policies which will damage Europe's already fragile IP system. In particular, the Stockholm Network makes the following recommendations:

- The European Commission must reject policies which threaten the sustainability of creative industries and the innovating sectors of the European economy.
- As much as is possible, intellectual property owners should be given a wide-ranging ability to protect their property.
- National governments nor the EU can not and should not attempt to replace market forces and decide what DRM solutions are best for any business.
- Accordingly, the EU should not legislate to encourage or require interoperable DRM systems.
- Rights-owners should not be prevented from drafting EULAs as they see fit. Market forces, and the practicalities of enforcement provide sufficient incentive to firms to draft apposite EULAs.
- Piracy is a crime, not a problem deriving from variations in legislation. Authorities should try to tackle piracy at the systemic level, by stepping up enforcement efforts while liaising with stakeholders in creating a broad education campaign.
- All relevant parties must bear their fair share of responsibility for piracy and copyright theft. This does not only include content creators and end users, but intermediaries including Internet Service Providers (ISPs), and online content mediators and aggregators.
- An effective anti-piracy campaign must inevitably involve some use of filtering methods. Though privacy concerns must be addressed if any such system is to be implemented, a balance can be struck that enables a more rigid enforcement of IPR without jeopardising privacy along the way.
- A due diligence clause on the part of ISPs and online content mediators needs to be included in any upcoming legislation to ensure responsibility for copyright violation is taken by all relevant parties. There should not, however, be a radical push to hold them responsible or liable for all illegal activities third parties engage in as this would surely limit their use by, and usefulness to, the public.