

DEVELOPING A  
HEALTHY &  
PROSPEROUS  
DIGITAL VIDEO  
ECOSYSTEM

6<sup>th</sup> Annual JIMCA  
/ MPA Tokyo Film  
Festival seminar

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# IP Advisor Reports to Prime Minister:

## Search Engines & Piracy

[www.olswang.com/media/48165108/search\\_engines\\_and\\_piracy\\_mike\\_weatherley\\_mp.pdf](http://www.olswang.com/media/48165108/search_engines_and_piracy_mike_weatherley_mp.pdf)

## Financial Options to Assist in the Battle Against Piracy

[www.olswang.com/media/48204227/follow\\_the\\_money\\_financial\\_options\\_to\\_assist\\_in\\_the\\_battle\\_against\\_online\\_ip\\_piracy.pdf](http://www.olswang.com/media/48204227/follow_the_money_financial_options_to_assist_in_the_battle_against_online_ip_piracy.pdf)

## Copyright Education & Awareness

[www.mikeweatherley.com/wp-content/uploads/2014/10/11.pdf](http://www.mikeweatherley.com/wp-content/uploads/2014/10/11.pdf)

## Safe Harbour Provisions & Online Service Providers

[www.mikeweatherley.com/wp-content/uploads/2015/03/Safe-harbour-provisions-and-online-service-providers-FINAL.pdf](http://www.mikeweatherley.com/wp-content/uploads/2015/03/Safe-harbour-provisions-and-online-service-providers-FINAL.pdf)

# Multi-layered approach to fight piracy

## Education

- Winning the hearts and minds of the general public

## Carrot

- Changing / adapting business practice to be part of the digital world

## Stick

- Follow the Money
- ISP site blocking
- As a last resort, enforcement & penalties

# Follow the Money

Removing brand advertising revenue, encouraging voluntary global code of conduct

Target 'non brands' to force them to stop advertising via legislation

Partnership with Payment Providers to stop transactions

# Search Engines

Other disruption.  
Make it difficult to  
find illegal  
content



De-rank & De-list

# Internet Service Providers

The preferred and most cost effective first option: blocking illegal access



Stopping illegal traffic down the wires stops illegal consumption.

Part of a package of measures: yes

Great first option: also yes

# Case Study: United Kingdom

Legal basis for site blocking established in The Copyright, Designs & Patents Act 1988: Clause s97A

Process: Right Holder request to site of permanent removal of infringing content

Court application filed under Civil Procedure Rules for site blocking

Infringing website blocks implemented via IP address & DNS blocking (including provision for additional IP addresses & domains to be added if block circumvented)

Issues: Technical circumvention of orders possible using VPN or reverse proxy. Current PIPCU case at the Crown Court in Nottingham

Website blocking categorically successful & evolving: 63 sites blocked 2012-2015

# Case Study: United Kingdom

2015 CMU Study: Site blocking increased paid legal streaming by average 12% (and as high as 23.6% by those users who heavily used illegal sites previously)

2015 INCOPRO Study: Blocked sites lose 77% estimated usage in 2 months following block



# Case Study: United Kingdom Summary

## Alliance for IP & the BPI:

“Before the first s97a action, the view from some quarters was that this would break the internet & be the tip of the iceberg by cutting off free speech etc. BUT - clearly blocking in UK works - it hasn't broken the internet & applications are now unchallenged by ISPs. This has reduced traffic by 75% on average to those sites & There is now a good relationship between Rights Holders, ISPs & the court BUT There is a view that ISPs could voluntarily do this, ie without court process.”

# Case Study: Singapore Timeline

2012: Government  
Media Convergence  
Review Panel  
convened on Digital  
Piracy.

## Recommendations:

- Provision of legitimate content sources by rights owners
- Regulatory measures (particularly site blocking)
- Public education

Site blocking  
legislation  
enacted  
December 2014

# Case Study: Italy

Solid legal framework that is also fast & cheap for rightholders

Along with Portugal, Italy tops the list of ISP blocking at over 250 sites

# Case Study: Denmark

## Timeline

2014: MIN CULT facilitated Memorandum of Understanding between Danish Content Protection Organisation Rights Alliance (RA) & Telecommunications Industry Association

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graph LR; A[2014: MIN CULT facilitated Memorandum of Understanding between Danish Content Protection Organisation Rights Alliance (RA) & Telecommunications Industry Association] --> B[MOU allows expansion site blocking against one ISP to others without further court orders]; B --> C[2015 MOU expanded to include internet stakeholders (search engines, ad networks, payment processors etc). Signatories include Google, Mastercard & Microsoft];
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MOU allows expansion site blocking against one ISP to others without further court orders

2015 MOU expanded to include internet stakeholders (search engines, ad networks, payment processors etc). Signatories include Google, Mastercard & Microsoft

# Does ISP Blocking infringe personal privacy?

Does not look at personal usage - it looks at illegal websites and the content that is publicly available. There is no secrecy of illegal content by those providing the illegal content

Many options and tools target websites and not persons eg WhiteBullet

Rights Holders look at the web site and the content when deciding what actions to take to block via an ISP. There is no data whatsoever about users.

# One last point: The Police Intellectual Property Crime Unit (PIPCU)

Established in 2013, PIPCU has established itself as a vital force against IP crime

National approach

Operation Creative

Follow The Money

Very supportive of ISP Blocking

# Summary thoughts...

Site blocking is in place in 40 countries

It does not break the internet & does not breach individual privacy / secrecy of communications

It increases consumer usage of paid, legal content

Must be part of a comprehensive approach between rights holders, Government & content facilitators - education, carrot & stick

Every country needs a PIPCU

I urge Japan to be on the list of countries taking part in the ISP blocking process