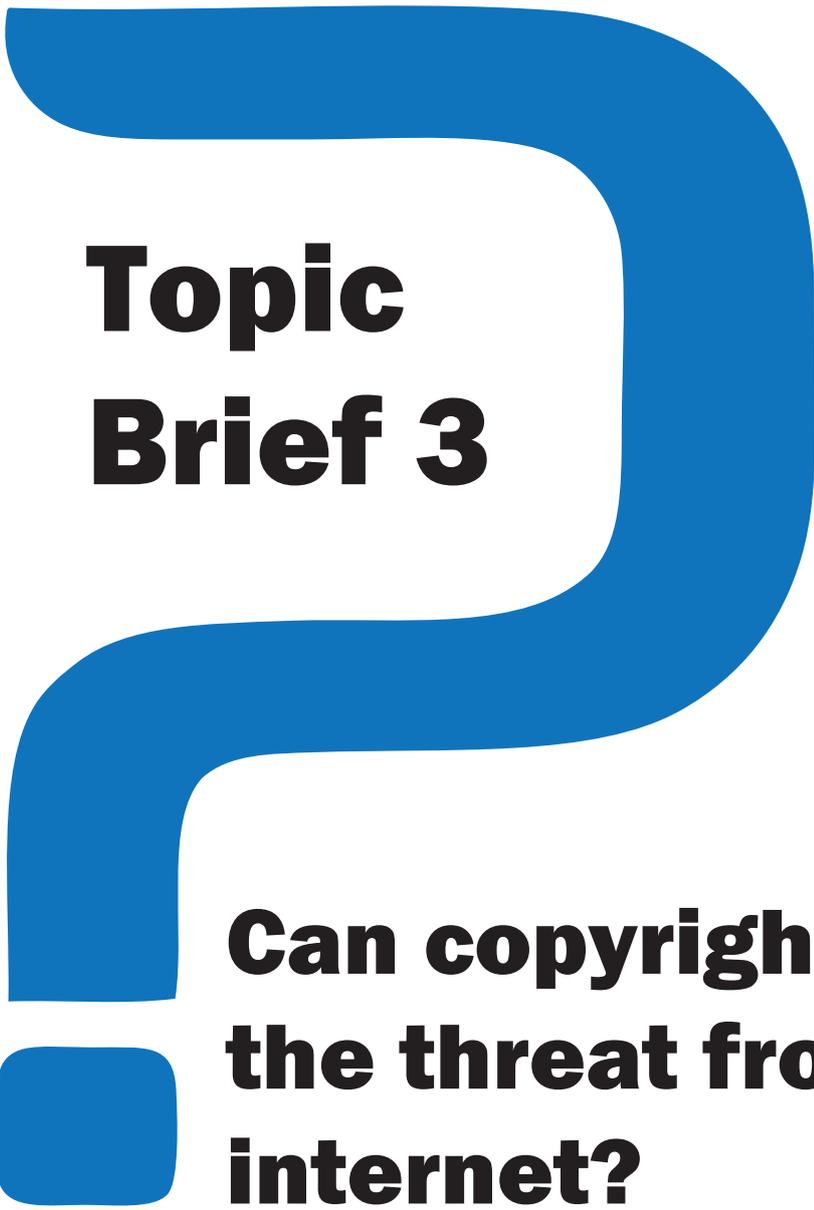




Intellectual Property Awareness Network

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Topic Brief 3

**Can copyright survive
the threat from the
internet?**

Brief 3



The global reach of the Internet means that all countries, developed and developing, have to cope with the march of technology and the ease of copying it brings...

Can copyright survive the threat from the internet?

The Internet provides marvellous opportunities for consumers, creators and producers as well as driving economic growth. It enables music, television, film and computer software to be copied, communicated and downloaded anywhere in the world at a click of a mouse.

Some would argue that such copies made available should be “free”. But most would accept that the flow of creative products will be greater if producers, individuals or companies are able to achieve a market reward through proper control of unauthorised copying. Also, finance can be sought to fund product development if a tangible legal right exists. Copyright remains very effective legal mechanism for managing this system fairly.

So the answer to the headline question is that, if we care about the continued quality of the products obtained online, and about fairness to those who provide them, we have to ensure that copyright continues to work well in an internet-connected world.

To do this, we need to:

- maintain copyright as a strong proprietary IP right – it does not need further material reform;
- provide cost proportionate access to legal enforcement of copyright worldwide, including in non-English speaking countries;
- ensure deterrence level damages are readily available for *prima facie* infringement;
- communicate **what is permitted** under the flexibility of the exceptions regime, such as research, criticism and review or news reporting;
- close any legal loopholes, which bar use of technical measures ensuring fair reward;
- guard the ability to track infringers on an international scale by collecting evidence of infringement, which is publicly available and usually on the internet;
- seek consensual co-operation of intermediaries such as internet service providers in keeping the supply chain infringement-free and; **most important**,
- gain understanding and support from consumers that buying genuine copies and maintaining copyright is in their interests and not just those of the big producers.

The global reach of the Internet means that all countries, developed and developing, have to cope with the march of technology and the ease of copying it brings as well as the impact on intellectual property laws. Support must be given to the initiatives of the UK Intellectual Property Office (IPO), European law makers, the World Intellectual Property Organisation and World Trade Organisation to introduce workable solutions, which address the challenge of the internet, balancing the rights of producers and consumers to the greater economic good.

Suggested further reading:

Hargreaves Review of IP and Growth: Digital Opportunity – May 2011¹⁰

UK Government response to Hargreaves Review – Aug 2011¹¹

“Modernising Copyright – a modern robust and flexible framework” – UK Government response to consultation on copyright exceptions and clarifying copyright law – Dec 2012¹²

See also IPAN Brief 16 – “Copyright, unlawful file sharing and digital rights management”

10 <http://www.ipa.gov.uk/ipreview-finalreport.pdf>

11 <http://www.ipa.gov.uk/ipresponse-full.pdf>

12 <http://www.ipa.gov.uk/response-2011-copyright-final.pdf>