

Trends in initiatives to combat intellectual property rights infringement and illegal content



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Тенденции в инициативах по борьбе с нарушениями прав интеллектуальной собственности и противоправным контентом

Agenda



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US laws and initiatives

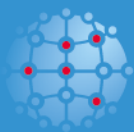
International trade agreements

Russian situation

Worldwide trends

Technocracy view

US Laws and initiatives to combat violations of intellectual property rights online



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DMCA – Digital Millenium Copyright ACT - 1998.

New ones -

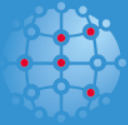
COICA - Combating Online Infringement and Counterfeits Act –
was considered and was withdrawn after criticism in 2010.

PIPA - PROTECT IP – Protect Intellectual Property Act –
submitted to the House of Representatives in May 2011 as a replacement
for the previous draft bill (COICA)

SOPA - Stop Online Piracy Act – October 2011
Introduced in Congress in October 2011

OPEN (Online Protection and Enforcement of Digital Trade Act) –
January 2012 IP owners claims will be examined by US ITC
Proposed as an alternative to the PIPA / SOPA

US Laws and initiatives to combat violations of intellectual property rights online

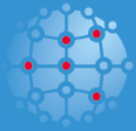


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SOPA vs PIPA vs OPEN

	#OPEN Act	#SOPA	PROTECT IP
	US House of Representatives & US Senate	US House of Representatives	US Senate
Protects the Rights of Artists	YES	YES	YES
Protects Against New Internet Police Powers	YES	NO	NO
Secures Safe Harbors for Legitimate Internet Businesses	YES	NO	NO
Protects Access to Social Media & Legitimate Websites	YES	NO	NO
Ensures Intellectual Property (IP) Cases Resolved By IP Experts	YES	NO	NO
Targets Actual Criminals: Foreign Rogue Websites	YES	NO	NO
Applies Due Process - Not Banks - To Judge Infringement Claims	YES	YES	YES
Supports Innovation & One of the Fastest Growing Industries in America	YES	NO	NO
Consistent with American Calls for Open Internet in Closed Societies	YES	NO	NO



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International trade agreements on intellectual property protection

TRIPS - Agreement on Trade-Related Aspects of Intellectual Property Rights – 1994

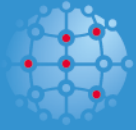
International agreements inside WTO, specifying minimum standards for regulation in the field of intellectual property

ACTA – AntiCounterfeiting Treaty Agreement was signed on Nov 1, 2011 by US, Australia, Canada, Japan, Morocco, New Zealand, Singapore and South Korea.

Jan 26, 2012 - Representatives from 22 EU countries have signed the agreement. But was rejected by European Parliament.

Trans Pacific Partnership Agreement (TPP), designed to liberalize trade among APEC members, but introducing no less restrictions than ACTA.

Signing began in 2008, preparation is closed to the public as ACTA.



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Chronology

U.S. legislative initiatives

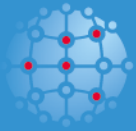
1998 - 2012:

DMCA -> COICA -> PIPA -> SOPA -> OPEN

International trade agreements (simplified)

1994 - 2012:

**TRIPS (WTO) -> TPP (APEC)
-> ACTA (worldwide)**



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Legislative initiatives of Russia against violations of intellectual property rights and illegal content

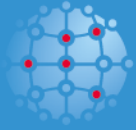
Legislative initiatives of RF 2011-2012:

Federal Law № 436 – "On Children Protection from information harmful to their health and development. "

Federal Law of 28 July 2012 N 139-FZ

"On Amendments to the Federal Law" On Children Protection from information harmful to their health and development, "and some legislative acts of the Russian Federation"

Draft Bill № 47538-6 «On Amendments to the first, second, third and fourth of the Civil Code of the Russian Federation and Certain Legislative Acts of the Russian Federation."



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Regulation of harmful and illegal content

- A 2008 review of child pornography laws in 187 countries by the [International Centre for Missing & Exploited Children \(ICMEC\)](#) shows that 93 have no laws that specifically address child pornography. Of the 94 that do, 36 do not criminalize possession of child pornography regardless of intent to distribute.
- Most countries in or another way passed laws on liability for the distribution of illegal content
- In some form is under discussion on WCIT 2012 agenda (ITRs)

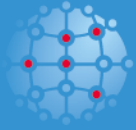


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Legislative approaches to IP rights infringement and illegal/ harmful content – 10 years ago

- 1) Government policy to support Internet industry self-regulation and end-user voluntary use of filtering/blocking technologies.**
- 2) Criminal law penalties applicable to content providers who make content "unsuitable for minors" available online.**
- 3) Government required/mandated blocking of access to content defined as unacceptable for citizens.**
- 4) Government restrictions of public access to the Internet.**

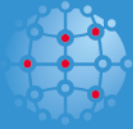


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Legislative approaches to IP rights infringement and illegal/ harmful content - now

- 1) Government required/mandated blocking of access to content defined as unacceptable for citizens.**
- 2) Government restrictions of public access to the Internet.**



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Technocratic approach to internet content blocking

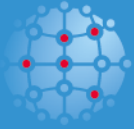
IETF Draft - Technical Considerations for Technical Considerations for Internet Service Filtering draft-barnes-blocking- considerations-01.txt

Network Working Group R. Barnes BBN Technologies A. Cooper Center
for Democracy & Technology O.Kolkman NLnet Labs Intended status:
Informational Expires: April 18, 2013 Last version October 15, 2012
Initiated by IAB in May 2012

Current conclusion:

***“Because it agrees so well with Internet architectural principles,
endpoint-based blocking is the most effective form of Internet service
blocking, and the least harmful to the Internet.”***

Technocratic approach to internet content blocking



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SAC 056 SSAC Advisory on Impacts of Content Blocking via the Domain Name System

An Advisory from the ICANN Security and Stability Advisory Committee (SSAC)
09 October 2012

www.icann.org/groups/ssac/documents/sac-056-en.pdf

“Blocking at the authoritative servers ... cannot work with DNSSEC in the cases where the authoritative server operator does not also have the ability to correctly sign the zone containing the name(s) to be blocked. Finally, blocking at the resolver level, while common today, is at best problematic in the face of DNSSEC and at worst could impede the deployment of DNSSEC.”