



Background information for media

May 2009

Governments address ISP cooperation in tackling online piracy around the world

Chronology of progress towards ISP cooperation:

- *June 2007*: Belgian court orders ISP Scarlet (formerly Tiscali) to ‘make it impossible’ for users to infringe rights over P2P networks
- *November 2007*: The Olivennes Agreement in France saw the government support cooperation between the music and film industries and ISPs. The agreement recommended a system of graduated response to users who repeatedly infringe copyright online. Legislation is now being debated in the Assembly.
- *February 2008*: Courts in Denmark ordered Tele2, a leading ISP, to block users’ access to The Pirate Bay, a service that indexes torrent files containing copyright infringing music.
- *April 2008*: New Zealand’s government proposed a legal obligation on ISPs to terminate the internet accounts of repeat infringers.
- *April 2008*: In Japan, a consortium of ISP, music and film trade associations was formed to agree measures against copyright abuse on Japan’s chief ISP network. National police and senior government representatives are observers on the forum.
- *July 2008*: Memorandum of Understanding between the recording industry and ISPs in the UK, backed by the government, was signed with the aim of achieving a “significant reduction” in the level of illegal file sharing.
- *August 2008*: A court in Finland required TeliaSonera, a leading ISP, to suspend the internet connection of a customer whose connection was used to upload a considerable number of infringing music files.
- *October 2008*: ISPs in the UK began a trial period of sending warning notices to serious copyright infringers
- *October 2008*: A Belgian court rejected a claim by Scarlet (the ISP formerly known as Tiscali) that filtering its network was impossible. The ISP has been liable for €2,500 every day from 1st November 2008 until it takes effective steps to curb its users’ infringement of Belgian copyright law.
- *November 2008*: An appeal court in Denmark upheld the earlier verdict in the Tele2 case, requiring the ISP to block The Pirate Bay site.

- *November 2008*: The Italian Parliament adopted a resolution to follow other initiatives developed in Europe to step up ISP cooperation in curbing piracy.
- *December 2008*: The US recording industry announced it was working with the Attorney General of New York State and leading ISPs on a series of voluntary online anti-piracy initiatives. In a separate and parallel move, the RIAA and several leading ISPs agreed on principles under which ISPs will take responsibility to send notices and institute a programme of escalating sanctions for subscribers who are repeat copyright infringers.
- *January 2009*: music companies and Irish ISP Eircom agreed a joint approach to stop peer-to-peer copyright infringement. Eircom agreed to implement a three-step graduated response process by which it will warn infringing subscribers and ultimately disconnect the account of those ignoring warnings.
- *January 2009*: the UK government's interim Digital Britain Report sets out the intent to legislate to require ISPs to (1) notify alleged infringers that their conduct is unlawful, and (2) collect anonymised information on serious repeat infringers, to be made available to right holders on receipt of a court order. The Government is also exploring the creation of a Rights Agency to work to encourage legal use of music, prevent infringement and find technical solutions. The final Report is expected summer 2009
- *March 2009*: The National Assembly of Korea passed an amendment to the Copyright Act that establishes a procedure of graduated sanctions against online infringement, which will come into force three months after it is signed by the government and president. The law authorises the Ministry of Culture and Tourism to order online service providers to issue warnings to infringing users, suspend accounts after three warnings for a period of up to six months, and close infringing online forums, either on the basis of rightholders' complaints or at the government's initiative.
- *April 2009*: New Zealand - The Copyright (New Technologies) Amendment Act of 2008 included a provision requiring ISPs to adopt and reasonably implement a termination policy for repeat infringers (as a free-standing obligation, rather than a condition for eligibility for safe harbours). Following a period of negotiations between rightholders and ISPs on the details of a graduated response process for implementing the new law, the government has decided to amend the provision before it goes into force to provide greater detail and certainty.
- *May 2009* – French Assembly and Senate adopted the new “Creation and Internet” law implementing the Elysées Agreement of November 2007 (formerly known as the “Olivennes Agreement”), establishing a graduated response to internet infringement, with an Administrative Authority to enforce a system of warnings sent by ISPs, followed by the suspension of the accounts of repeat infringers for a period of up to one year.