Anthony Shawn Bandy

Engineering 350

Monday 2:00PM

Current Event Assignment 3

03/03/2013

Copyright Alert System

This past month the “Copyright Alert System” began operations to stem copyright abuse in the form of illicit copying of music and videos on the internet. The Recoding Industry Association of America (RIAA), and the Motion Picture Association (MPAA) teamed up with major Internet service providers (ISPs) to create the Center for Copyright Information (CCI).[[1]](#footnote-1)

The CCI works with ISPs and copyright holders to identify instances of copyright infringement and to notify the infringing user through a regime of escalating messages. Participating ISPs send these notices through a browser pop-up and to the primary email account provided by the ISP. After six notices, the ISP reduces the bandwidth available to the internet connection. The user may elect to appeal the accusation for thirty-five dollars. [[2]](#footnote-2)

In 2009, France enacted *Haute Autorité pour la diffusion des œuvres et la protection des droits sur internet* (HADOPI), a law with similar intent and methods to the CCI’s alert system. HADOPI is a “three-strikes” system. On the first offense, the user is sent an email indicating that copyright infringement took place for a given IP address and time. A certified letter warning of future punitive action is addressed to the internet subscriber on the second offense. On the third offense, the internet connection is severed and the subscriber is blacklisted from two months to one year. All French ISPs are barred from providing Internet service to those who are blacklisted.[[3]](#footnote-3)

The estimated cost to implement HADOPI was about one hundred million Euros, or about 1.3 million US dollars. As of September 2011, half a million first strike notices were emailed, twenty thousand second strike notices were mailed and Internet service to about sixty customers was cut.[[4]](#footnote-4) In France, use of Peer-to-Peer services targeted by HADOPI has dropped by 42% in the first two years, but the use of illicit services not targeted, such as Megaupload.com, increased by 37%. Despite the significant costs of implement HADOPI, the effect has not been to stem illegal copying of copyrighted material but merely to shift to services that are more difficult to track.[[5]](#footnote-5)

As the “Copyright Alert System” is just starting in the United States, it is not possible to judge its effectiveness, but if HADOPI provides any insight it will likely have little impact on actual copyright infringers, as the technical means to avoid detection already exist. In an interview with Comcast spokesperson, Charlie Douglas admitted that using a virtual private network (VPN) is enough to evade detection.[[6]](#footnote-6) In fact, those who are “caught” by the system may not be guilty of copyright infringement at all: the system makes no distinction between fair use and actual infringement. When the alert is sent out, no additional information about the alleged copyright violation is available. Although this program is touted as “educational rather than punitive,” there is also no educational guidance provided to alleged violators.[[7]](#footnote-7) Finally, Farivar raises the possibility that the program may enable criminals to send fraudulent notices with the intent to receive appeal funds from unsuspecting consumers.

The question is why would a program so flawed go forward or even be created in the first place? The MPAA and RIAA allege that copyright infringement has been the primary cause of falling sales in CDs and DVDs without accounting for shifting consumer tastes and the legal availability of less expensive digital downloads of their products. Pursuing copyright infringers in court has proved as ineffective as it is unpopular. Legislation has proved equally elusive with popular support working against efforts such as the Stop Online Piracy Act and Protect Intellectual Property Act. As a middle ground in their unending effort to fight the specter of piracy, the MPAA and RIAA essentially strong-armed complicit Internet Service Providers into the extortion of their paying customers.

1. Cyrus Farivar*. “’Six Strikes’ Enforcement Debuts.” Arstechnica.com*, 25 Feb 2013. Web. 02 Mar 2013. [↑](#footnote-ref-1)
2. Cyrus Farivar. *“Here’s What an Actual ‘Six Strikes’ Copyright Alert Looks Like.”* Arstechnica.com, 27 Feb 2013. Web. 02 Mar 2013. [↑](#footnote-ref-2)
3. “HADOPI\_law.” *Wikipedia, The Free Encyclopedia.* Wikimedia Foundation, Inc. 26 Feb 2013. Web. 02 Mar 2013. [↑](#footnote-ref-3)
4. “The effects of 2 years of Hadopi "3 strikes and you're out" in France.” Sitarane.org. 13 Feb 2012. Web. 02 Mar 2013. [↑](#footnote-ref-4)
5. Bruce Crumley. “The effects of 2 years of Hadopi ‘3 strikes and you're out’ in France.” Time.com. 30 Jan 2011. Web. 02 Feb 2013. [↑](#footnote-ref-5)
6. Cyrus Farivar. *“Here’s What an Actual ‘Six Strikes’ Copyright Alert Looks Like.”* Arstechnica.com, 27 Feb 2013. Web. 02 Mar 2013. [↑](#footnote-ref-6)
7. Ibid. [↑](#footnote-ref-7)