COPYRIGHT INDUSTRIES’ INITIATIVES OR CHALLENGES FOR 2012
REDUCE COPYRIGHT PIRACY • OPEN MARKETS TO LEGITIMATE U.S. COPYRIGHT BUSINESS • STRENGTHEN LAWS

• The Need for Deterrent Enforcement Responses to Copyright Piracy: The overarching objective for the copyright industries remains securing effective legal frameworks (including implementing of the WIPO Internet Treaties, the WCT and WPPT) to provide deterrent enforcement against copyright piracy.

• Internet/Mobile (Wireless) Piracy: Transformative developments on the Internet and mobile (WAP, 3G, Wi-fi) networks have opened up opportunities for faster, more efficient and more cost-effective distribution of information, products and services across the globe, but they also have led to massive infringement of music, movies, games, software, and published materials.

• Enterprise (Including Government) End-User Piracy of Software and Other Copyright Materials: The unauthorized use of software within enterprises (and also occurs in government agencies) – “enterprise end-user software piracy” – is the most damaging form of infringement to the business software industry today. End-user piracy now affects other copyright sectors.

• Unauthorized Loading onto PCs (Hard-Disk Loading) and Mobile Devices (Mobile Device Piracy): One form of retail piracy involves “hard disk loading” in which unscrupulous computer manufacturers/dealers install unauthorized copies of software onto personal computers they sell. A similar problem involves stalls or kiosks offering at the point of sale of a mobile device or afterwards the illicit downloading onto any device of virtually any kind of copyrighted material.

• Circumvention of Technological Protection Measures (TPMs): Content owners take self-help measures (TPMs) to protect their content in the face of digital piracy, but face the problem of those who build their entire business models around providing devices, tools or technologies to circumvent TPMs to allow unlawful access to or copying of the content.

• Illegal Camcording of Theatrical Motion Pictures: One of the greatest concerns to the motion picture industry involves illegal recordings of movies from theaters. All it takes is one camcorder copy to trigger the mass reproduction and distribution of millions of illegal Internet downloads and bootlegs in global markets just hours after a film’s theatrical release.

• Piracy of Books and Journals: The book publishing industry continues to be plagued by large-scale unauthorized photocopying of academic, scientific, technical and medical books, principally on and around university campuses; sophisticated infringing offset print versions of books (counterfeiting); unauthorized translations of popular books; and increasingly, electronically stored digitized files of books and fulfilling customer requests on a “print-to-order” basis.

• Optical Disc and Cartridge-Based Videogame Piracy: Pirate product in optical disc formats (e.g., CDs, VCDs, DVDs, CDROMs, “burning” to order on recordable discs) has long caused enormous harm to copyright owners. Factory piracy of entertainment software in cartridge format (mainly out of China) remains a serious problem.

• Pay TV Piracy and Signal Theft: The unauthorized broadcast, cablecast or satellite delivery of motion pictures, as well as other content (music and sound recordings) causes significant losses to the motion picture and broadcast industries.

• Using FTAs to Improve Global Standards of Copyright Protection and Enforcement: The negotiation of free trade agreements (FTAs) has proven to be of great value to the U.S. economy, by including enforceable obligations for our trading partners to modernize their copyright laws and improve enforcement procedures.

• Market Access: The U.S. copyright industries suffer from myriad market access barriers, investment barriers, and discriminatory treatment, making it difficult to compete in some foreign markets on a level playing field.

Solutions: Concrete actions that can make a commercial difference include:
1) updating laws and enforcement tools, and dedicating enforcement resources to provide for “effective [civil, administrative, and criminal] action” and “remedies that constitute a deterrent” to infringements, as required by TRIPS, the WCT and WPPT.
2) training and empowering enforcement authorities to investigate and prosecute copyright offenses.
3) issuing orders or directives to government agencies, entities, contractors, and educational institutions to set an example by using only legal software, legal copies of textbooks, and other copyright materials.
4) directing government agencies and educational institutions to take appropriate steps to ensure that their networks or computers are not used for infringing purposes.
5) encouraging cooperation by Internet service providers with all content owners, including notice and takedown systems and effective and fair mechanisms to deal with repeat infringers
6) ratifying and fully implementing the WCT and the WPPT
7) enacting and enforcing measures to make it illegal to use or attempt to use an audiovisual recording device to make or transmit a copy of a motion picture
8) dismantling existing market access barriers and refrain from establishing market access conditions based on the nationality of owner of intellectual property.