COPYRIGHT INDUSTRIES’ INITIATIVES OR CHALLENGES FOR 2013

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 to provide deterrent enforcement against copyright piracy.
- Internet/Mobile (Wireless) Piracy: Transformative developments on the Internet and mobile networks have created significant opportunities but 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: Unauthorized use of software, as well as other copyright content, by enterprises and government agencies remains a major problem.
- Unauthorized Loading onto PCs (Hard-Disk Loading) and Mobile Devices (Mobile Device Piracy) and “Media Boxes”: Computer manufacturers/dealers continue hard-disk loading in which they install unauthorized copies of software onto personal computers they sell. A similar problem involves the loading onto mobile device virtually any kind of copyright material. A recent phenomenon involves the manufacture, distribution, and use of “media boxes” which facilitate massive infringement.
- 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., “burning” to order on CD-R and DVD-R, as well as some remaining factory production of counterfeit discs, e.g., Blu-ray) continues to cause 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 content (motion pictures, music and sound recordings, etc.) causes significant harm to the industries.
- Implementation of IPR Provisions in Trade Agreements: The negotiation of multilateral trade agreements as well as regional and bilateral free trade agreements (FTAs) or trade promotion agreements (TPAs) over the past two decades has included the introduction of enforceable obligations to modernize copyright law regimes and improve enforcement procedures.
- Implementation of the WCT and WPPT, and Ongoing Work at WIPO to Promote Robust Intellectual Property Protection: Effective implementation of the WCT/WPPT is critical in the fight against online piracy and a key element of the “adequate and effective” protection under Special 301. WIPO should encourage its members to adopt WCT/WPPT, continue its important work to measure the contribution of copyright to national economies, and commence work to measure the impact of piracy in WIPO members.
- Market Access: The U.S. copyright industries suffer from myriad market access barriers, investment barriers, and discriminatory treatment that make it difficult to compete in some foreign markets on a level playing field. The reduction of market access impediments is a key component of ongoing efforts to combat piracy.

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) encouraging cooperation by Internet service providers with all content owners, including notice and takedown systems and effective and fair mechanisms to deal with non-hosted infringements and repeat infringers.
4) 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.
5) enacting and enforcing laws making it illegal to use or attempt to use an audiovisual recording device to copy or transmit a motion picture.
6) directing government agencies and educational institutions to take steps to ensure their networks or computers are not used for infringing purposes.
7) support multilateral, bilateral, regional mechanisms to bring benefits to creators through robust enforceable obligations.
8) ratifying and fully implementing the WCT and the WPPT.
9) dismantling market access barriers and refrain from establishing conditions based on the nationality of owner of intellectual property.