COPYRIGHT INDUSTRIES’ KEY CHALLENGES FOR 2014
REDUCE COPYRIGHT PIRACY • OPEN MARKETS • STRENGTHEN LAWS

• The Need for Deterrent Enforcement Responses to Copyright Piracy: The overarching objective for the copyright industries.

• Internet Piracy: The overwhelming challenges of online and mobile piracy continue to impede opportunities for copyright owners.

• Enterprise (Including Government) End-User Piracy of Software and Other Copyright Materials: Too many enterprises and government agencies permit use of unlicensed software in their operations and use of their networks to infringe copyright.

• Hard-Disk Loading, Mobile Device, and Media Box Piracy: Installation of pirated materials onto hard disks, mobile phones, tablets or other devices (either at the point of sale or by enabling online downloading) must be addressed.

• Circumvention of Technological Protection Measures (TPMs): TPMs – technologies that enable legitimate distribution and diversify consumer choices – are threatened by those who build their business models on trafficking in devices, software, technologies, and services to circumvent them.

• Illegal Camcording of Theatrical Motion Pictures: A single illegal camcord copy off the movie theater screen can rapidly destroy the global market for a film. Governments and stakeholders (including cinema owners) must take steps to address this problem.

• Piracy of Books and Journals: Large-scale unauthorized photocopying, principally on and around university campuses; sophisticated infringing offset print; unauthorized translations; and online distribution/sharing of books, all harm publishers worldwide.

• Optical Disc Piracy: Pirate optical discs continue to cause harm in markets where Internet or mobile penetration is low.

• Pay TV Piracy and Signal Theft: Unauthorized broadcast, cablecast, satellite delivery, or retransmission (e.g., over the Internet) cause significant harm to the copyright industries.

• Implementation of IPR Provisions in Trade Agreements: Trade agreements (including those currently under negotiation) remain important means to create enforceable obligations to modernize IP laws and improve enforcement best practices.

• Implementation of the WCT and WPPT: Effective implementation of the WIPO Internet treaties is a critical step in the fight against online piracy.

• Market Access: Efforts against piracy will be unavailing if countries impose market access and discriminatory barriers. Investment barriers, quotas, procurement preferences for locally-developed IP, content review, high tariffs, etc. should be eased or eliminated.

CONCRETE SOLUTIONS COUNTRIES CAN UNDERTAKE

• Update laws and enforcement tools, and dedicate adequate enforcement resources to provide for “effective [civil, administrative, and criminal] action” and “remedies that constitute a deterrent” to infringements as required by the TRIPS Agreement.

• Address the operation of websites whose business model is based on providing access to infringing materials by taking criminal and/or administrative actions against such businesses and their owners.

• Train and empower enforcement authorities to investigate and prosecute copyright offenses.

• Encourage cooperation by Internet service providers with all content owners, including through notice and takedown systems and effective and fair mechanisms to deal with hosted and non-hosted infringements, and repeat infringers.

• Issue and enforce directives to governments, SOEs, contractors, and educational institutions to use only licensed software, legal copies of textbooks, and other copyright materials, and ensure their computer networks are not used to infringe.

• Prohibit possession of an audiovisual recording device in a theater with intent to copy or transmit a movie in whole or in part.

• Support multilateral, bilateral, and regional trade agreements that modernize IP laws and implement enforceable best practices.

• Ratify and fully implement the WCT and the WPPT.

• Dismantle market access and other discriminatory barriers, including investment barriers, quotas, content review regimes, high tariffs, preferences for locally-developed IP, and conditioning market access on transfers of IP.