



COPYRIGHT INDUSTRIES' INITIATIVES OR CHALLENGES FOR 2011

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 capable of providing deterrent enforcement against copyright piracy.
- **Internet and Mobile Piracy:** While developments on the Internet and mobile networks have opened up opportunities for faster, more efficient and more cost-effective distribution of information, products and services across the globe, they have also, unfortunately, resulted in massive infringement of music, movies, games, software, published materials and other copyright materials, either through online sites or services, or by pre-loading or loading illegal content onto mobile devices.
- **End-User Piracy of Business Software:** The unauthorized use of software within businesses, also referred to as “enterprise end-user software piracy,” stands as the principal and most damaging form of infringement to the business software industry today, with the preliminary estimates of the commercial value of unlicensed U.S. software in 2010 exceeding \$32 billion.
- **Implementation of the WCT and WPPT, Including Outlawing Circumvention of Anti-Piracy Measures:** Effective implementation of the global legal minimum standards embodied in the WCT and WPPT is critical in the fight against online piracy. These standards include clarifying exclusive rights for the online world, and prohibiting through civil and criminal remedies the production of or trafficking in tools that circumvent technological protection measures used by right holders to prevent access to content or the exercise of exclusive rights.
- **Illegal Camcording of Theatrical Motion Pictures:** One of the most damaging forms of piracy of motion pictures today occurs during theatrical release with the illegal camcording of movies off the screen. These illegal copies are then illegally distributed on the Internet or on pirate discs in direct competition with the legitimate theatrical, DVD and online offerings.
- **Cartridge-based Videogame Piracy:** Factory piracy of entertainment software in cartridge format (mainly out of China) remains a serious problem, with such cartridges finding their way into numerous countries around the world.
- **Piracy of Books and Journals:** The book publishing industry continues to be plagued by 1) large scale unauthorized photocopying of books, principally on and around university campuses, 2) sophisticated infringing print versions of books (essentially akin to counterfeiting), 3) unauthorized translations of popular books, and 4) the marked growth of online piracy.
- **Optical Disc Piracy:** Pirate product in optical disc formats (e.g., CDs, VCDs, DVDs, CD-ROMs, “burning” to order on recordable discs) has long caused enormous harm to copyright owners.
- **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.
- **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) dedicating enforcement resources to provide for “effective action” and “remedies that constitute a deterrent” to infringement as the minimum required by the TRIPS Agreement, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), through civil, administrative, and criminal action, and effective adjudication in the courts
- 2) training and empowering enforcement authorities to investigate and prosecute copyright offenses
- 3) updating laws and enforcement tools to meet the current piracy challenges, as the nature of these challenges changes, including recognizing the connection between piracy and organized crime
- 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 educational materials, and other copyright materials
- 5) directing government agencies and educational institutions to take appropriate steps to ensure that their networks or computers are not used for infringing purposes
- 6) ratifying and fully implementing the WCT and the WPPT
- 7) 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
- 8) 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
- 9) dismantling existing market access barriers and refrain from establishing market access conditions based on the nationality of owner of intellectual property.