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iRights.info:

The need for reliable and trustworthy consumer information after copyright revision in Germany

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iRights.info

Virtual Goods Workshop @ AXMEDIS

Florence, Dec. 2, 2005



After MGM vs. Grokster / Streamcast

- Big Champagne: rise in file sharing users from 2.9 mio. in Sept. 2004 to 6.7 mio in Sept. 2005
- No decline in file sharing activity in the US and worldwide after the Supreme Court Decision



Influence on music sales: the evidence

- No clear indication that file sharing hurts music sales, no matter how often the music and film industries' trade groups reiterate the argument



Influence on music sales: the evidence

- revenue from sales and rentals (on DVD and video tape) in Germany:
- 860 mio. Euros in 1999
- 1.747 mio. Euros in 2004



Movie sales and rentals

- “The market for rentals, heavily shaken by movie piracy, shows a rise in revenue by 1,4 per cent to 306,4 million Euros, and a rise in rental transactions of 2,3 per cent to 116,2 million rentals – the first increase after the slump in recent years.”

German Association of audio-visual media



Successful lobbying efforts

- EU copyright directive 2000
- German implementation September 2003



State of legislation

- growing confusion among citizens/consumers concerning what they are allowed to do on the Internet



State of legislation

- upload of files is clearly illegal - only rights owners have the right of making available of these works



State of legislation

- download of a file is considered a copy
- if this copy is for private use, it is legal in Germany (“Privatkopie”-exception to copyright)



State of legislation

- copying for private use is only allowed if the original is lawful
- if the work from which the copy is made is itself “evidently an unlawful copy”, copying is prohibited



State of legislation

- how can you tell?



R I G H T S
.**I N F O**

Case study I: Independence day

Movie poster of Independence Day:

<http://www.spacespider.net/protected/wallpapers/movies-independence-day-001-thumb.jpg>



Case study I: Independence day

- Find file on a file sharing network



Case study I: Independence day

- legal? It might be.



Case study I: Independence day

- free TV premiere in Germany in 2000
- taped copy on VHS legal private copy
- Prohibited to make this copy available over file sharing network



Case study I: Independence day

- but: we are talking about download here
- the copy made available is a legal copy
- so download is legal



R I G H T S
.**I N F O**

Case study II: Harry Potter and the Goblet of Fire

Movie poster of Harry Potter and the Goblet of Fire:

<http://images.google.com/images?q=tbn:M2MIPxfz1a4J:sorenz.dk/Harry%2520Potter%2520and%2520the%2520goblet%2520of%2520fire%2520poster%252013.JPG>

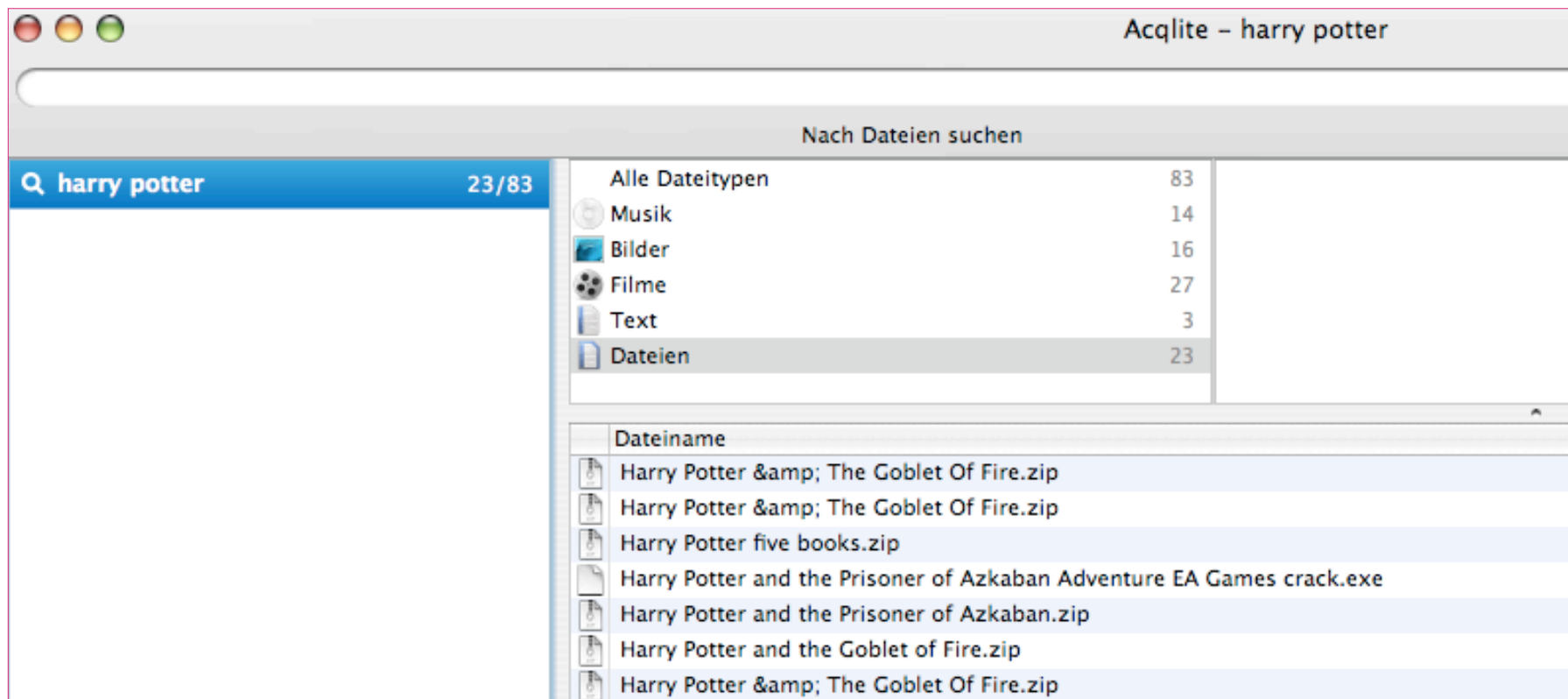


Case study II: Harry Potter and the Goblet of Fire

- download legal?



Case study II: Harry Potter and the Goblet of Fire





Case study II: Harry Potter and the Goblet of Fire

- it's just been released to the big screen in Germany - so it can't be a legal copy. Or can it?



Case study II: Harry Potter and the Goblet of Fire

- the downloader would have to be able to answer the following questions:



Case study II: Harry Potter and the Goblet of Fire

- has the movie been broadcast on TV?
- has it been released for home viewing somewhere in the world?
- has it been released on VHS or only on DVD with CSS?



Case study II: Harry Potter and the Goblet of Fire

- has the movie been broadcast on TV?
- probably not - it just came out in the movie theatres



Case study II: Harry Potter and the Goblet of Fire

- has it been released for home viewing somewhere in the world?
- difficult. It's new to the cinema in Germany - but movies are often released a lot earlier in the US than in Europe



R I G H T S
.**I N F O**

Case study II: Harry Potter and the Goblet of Fire

Movie poster of House of Sand and Fog:
<http://cp3.website.pl/plakaty/hosaf.jpg>



Case study II: Harry Potter and the Goblet of Fire

- released in the US December 26, 2003
- in theatres in Germany February 17, 2005
- more than a year later
- at that time the movie was out for home viewing in the US



Case study II: Harry Potter and the Goblet of Fire

- has it been released on VHS or only on DVD with CSS?
- who knows?



Case study II: Harry Potter and the Goblet of Fire

- so someone might have put his or her copy up on a file sharing network
- again: illegal to do this, but legal (in Germany) to download



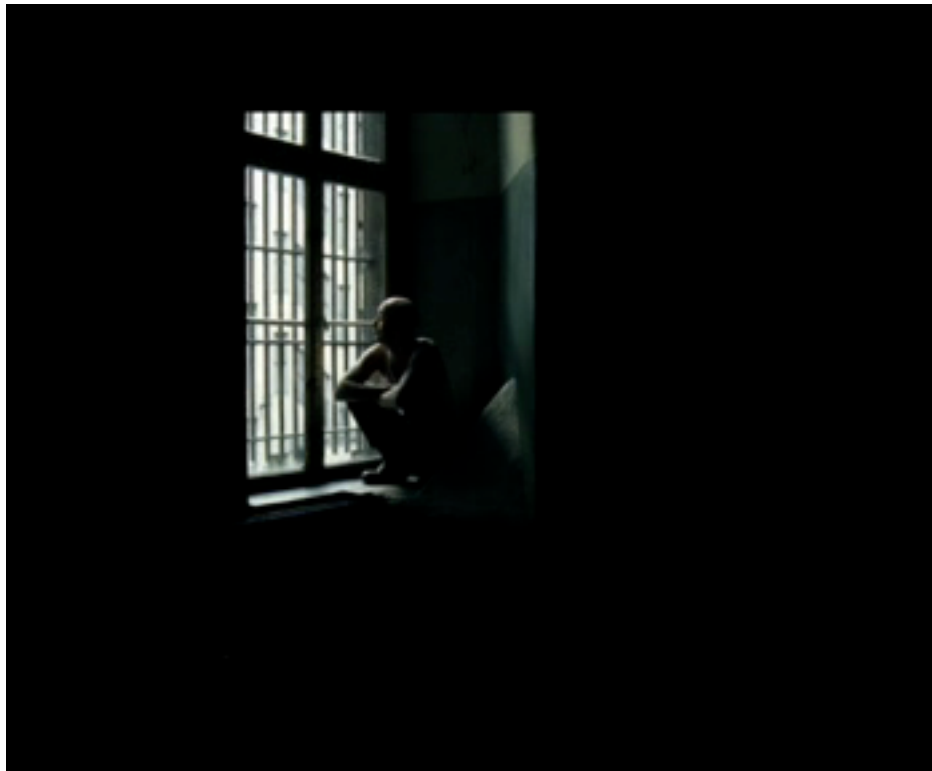
Case study II: Harry Potter and the Goblet of Fire

- there's hardly a way to argue that it was “obvious” that the copy of the movie which was made available was illegitimate



R I G H T S
· I N F O

The film industry's approach



Video clip no
longer available
online



The film industry's approach

- debatable ethics
- more interesting: legal details



The film industry's approach

- no definition of the word piracy - it does not appear in the German authors rights code



The film industry's approach

- no definition of the word piracy - it does not appear in the German authors rights code
- five year prison term only applies to commercial distribution or sale of illegitimately made works



The film industry's approach

- no definition of the word piracy - it does not appear in the German authors rights code
- five year prison term only applies to commercial distribution or sale of illegitimately made works
- nothing changed with revision of authors rights code in 2003



The film industry's approach

- intended impression:
people downloading movies from file sharing networks or copying DVDs go to prison for five years, if caught



The film industry's approach

- this approach undermines acceptance of the law and legal regulation in general



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URHEBERRECHT IN DER DIGITALEN WELT

www.iRights.info



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iRights.info's approach

- fairness: correct information about existing law



iRights.info's approach

- fairness: correct information about existing law
- openness: includes information about legal consequences - users have to know what is legal so they can decide what to do



iRights.info's approach

- fairness: correct information about existing law
- openness: includes information about legal consequences - users have to know what is legal so they can decide what to do
- reliability: professional editors with wide knowledge in the field, all information checked by authors rights expert



iRights.info's approach

- independence: not paid for by industry - but by ministry of consumer protection
- balance: pointing out alternatives like GPL, Creative Commons
- user centered: everyday life scenarios as site structure



PRIVAT KOPIEREN

- > BRENNEN
- > TAUSCHEN
- > KAUFEN | VERKAUFEN

SELBER MACHEN

- > MUSIK
- > TEXTE
- > BILDER
- > FILME
- > SOFTWARE
- > WAS NOCH ?

BEARBEITEN

- > SOUND
- > COMPUTERSPIELE

HINTERGRUND

- > RECHT
- > WIRTSCHAFT
- > TECHNIK

> HOME

> BANNER ALS DOWNLOAD



URHEBERRECHT
IN DER DIGITALEN WELT
www.iRights.info

URHEBERRECHT IN DER DIGITALEN WELT

AKTUELL BEI IRIGHTS.INFO – 21.11.2005

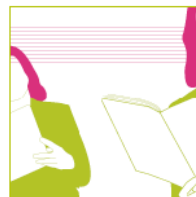


UN-Gipfel: Diskussionen über „geistiges Eigentum“ abgeblockt

Die weltweite digitale Spaltung zu überwinden, stand auf der Agenda des UN-Gipfels zur Informationsgesellschaft (WSIS), der am Freitag in Tunis zu Ende ging. Ein Schritt in diese Richtung könnte sein, Entwicklungsländern den Zugang zum Wissen zu erleichtern. Doch an den immer restriktiveren geistigen Eigentumsrechten wurde in Tunis nicht gerüttelt.

[mehr]

PLAGIATE



Wenig ist so, wie es scheint

Aus einem Text zu kopieren, nennt man Plagiat. Aus zweien zu kopieren, nennt man Forschung – diese Definition des englischen Schriftstellers John Milton ist nicht nur scherzhaft gemeint. Sie bringt auf den Punkt, wie schwierig es ist zu entscheiden, wann man es mit einem Plagiat zu tun hat.

[mehr]

ABMAHNUNGEN



Was tun bei Abmahnungen?

Regelmäßig berichtet die Presse, dass Webseitenanbieter, Forumsbetreiber oder Nachrichtendienste kostenpflichtige Post vom Anwalt bekommen. Häufige Vorwürfe sind Urheberrechtsverstöße und Links auf rechtswidrige Inhalte. Dabei werden oft Anwaltskosten in Existenz bedrohender Höhe gefordert. Wie geht man mit Abmahnungen und ihre Folgen?

[mehr]

> NEWS

> MAGAZIN

> FORUM

> GLOSSAR

Über uns

Sind Privatkopierer Verbrecher? Macht sich strafbar, wer eine CD oder DVD kopiert? Oder sich den Film der Woche auf die Computer-Festplatte speichert? Diese Fragen zu beantworten, ist für Laien so schwer wie nie zuvor, denn die Veränderungen im Urheberrecht geben bisweilen selbst Juristen Rätsel auf. iRights.info, ein neues Informationsangebot zum Urheberrecht in der digitalen Welt, hilft bei der Orientierung.

[mehr]

iRights.info-Nachrichten per RSS-Feed

Die aktuellen Nachrichten von iRights.info können Leser nun auch per RSS-Feed abonnieren. Das hat den Vorteil, dass man keine Meldung mehr verpasst, ohne ständig auf der Seite kontrollieren zu müssen, ob es etwas Neues gibt.

[mehr]

Musik sampeln

Spätestens seit Mitte der 80er Jahre gehört Sampeln zum Musikalltag. Wer aber nun meint, sich für seine Hitproduktion einfach so in der Musikgeschichte bedienen zu können, liegt falsch. Bevor man Musik verwenden kann, muss man die Rechte klären und gegebenenfalls Lizenzgebühren zahlen, sonst verletzt man das Urheberrecht. Beides kann viel Geld kosten.

[mehr]

Endlich sicher?

Fast jede Woche gibt es neue Nachrichten über Würmer und Viren. Trusted Computing nennen Hersteller



PRIVAT KOPIEREN

✓ **BRENNEN**

- * MUSIK | FILME
- * SOFTWARE | SPIELE
- * AUFNEHMEN TV
- * AUFNEHMEN RADIO

> TAUSCHEN

> KAUFEN | VERKAUFEN

SELBER MACHEN

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- balance: pointing out alternatives like GPL, Creative Commons
- user centered: everyday life scenarios as site structure
- interactivity: forum gives users ability to discuss, comment, and suggest articles



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Thank you!

- Matthias Spielkamp
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