how to fight piracy, computer fraud and improve copyright compliance

Carlo Scollo Lavizzari, Counsel to STM’s Enforcement Task Force (ETF)
ETF established as CLAC subcommittee in 2007
trail-blazer for copyright enforcement
funded since 2013 by STM and member contributions
mission: evaluate and identify key piracy risks & set targets:
  – clarify electronic rights, complex laws
  – establish same legal principles for all players (level-playing-field)
  – precedents against cross border online piracy, crimes

Examples of ETF’s remit:

  – Online networks & platforms: Boerze.bz – Germany (DS) Unlawful posting of STM content on “Hauke Haien”, Library.nu/ifile.it, advice and clarify law, if needed;
  – Cyberlocker: wound up Rapidshare; prosecute management; take on next popular target(s);
  – engaged with cases in China, Russia & Latin America, “global” piracy sites
  – Compliance cases
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What can publishers do?

• Some systems actions:
  – Avoid leaks from within;
  – Improve customer credentials (trade off: ease/effectiveness)
  – Detect subscription fraud;
  – Remove outdated IP /proxies;
  – Treat as «cost of doing business»
  – Internal reporting structures.

• Analyse demand/reason for threat/complaint:
  – Upset author;
  – Seasonal uptick;
  – Systematic undersupply in markets;
  – Convenience;
  – Differential pricing issues;

• Try to undercut pirates with business offerings / convenient solutions – fighting piracy without offering good alternative is a no go.

What can trade associations do/facilitate?

• «Clinic»: assess nature of threat accurately to determine appropriate response, eg:
  – «new/old phenomenon»
  – «new source/mirror site»
  – «accidental pirates», “entrepreneurial pirates”
  – «professional pirate»,
  – «ideological pirate»,
  – «organised crime»,
  – «state condoned piracy»,
  – «state-sponsored»

• Build relationship with law enforcement
• Build knowledge bank
• Best practices & standards
• Buying club of services
• Support solutions/Advocacy
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Things to keep in mind:

1. What is worse than being copied? – NOT being copied!

2. The days of «Champagne» piracy are numbered/over.

3. On technology - if the answer is: «the machine will do it» – then you should ask: «and who will tell the machine to do it?»

4. Be creative - try new approaches: eg «follow the money», «co-operate with «frenemies»

Questions?

THANK YOU!

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