

THREE STRIKES AND YOU'RE OUT...?

BY NEIL MAYBURY

The French are not known for their world legislative reform but under the influence of President Nicolas Sarkozy, they are leading the charge against internet piracy. The French Government, under his influence, are now making their third attempt to introduce a law (known as the Hadopi Law from the name of the agency intended to enforce it) where internet users accused of downloading materials which infringes copyright will be given two warnings and on the third offence their internet access would be disconnected for up to a year by their internet service provider.

The initial attempt to get the law passed was rejected by the French judiciary on the grounds that under a French law of 1789 internet access was a human right, and could not be withheld without a Judge's intervention. There is now a proposal to incorporate the same principles but transfer the powers concerned to a special Court.

This law's passage has been watched eagerly by policy makers throughout the World, particularly in Europe where concerns over such a policy clashing with the European Union law have been active. Consideration is being given in the UK to illegal file sharing and the Government has released its DIGITAL BRITAIN report which advocates giving illegal downloaders two warnings before sanctions are enforced against them.

Whilst the battle against copyright infringement on the internet rages, a recent report carried out by Music Ally found that only 26% of 14 to 18 year olds downloaded copyright music illegally in January 2009, compared to 42% in December 2007.

In parallel with the developments in France, the EU Ministers are debating the Telecoms Package which sets out citizens' rights on the internet. The idea behind it is to create a new telecommunications system throughout Europe that increases speed and access to the internet in the EU. It calls for a Pan-European Regulatory Body called "Berec" to oversee the EU's telecommunications network. The Telecoms Package covers a range of litigation issues from network security to spectrum allocation and a whole range of the services that will be available. The battle against illegal downloading is now well and truly joined.



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