



29 February 2008

Executive Summary of EuroISPA's Response to the European Commission's Content Online consultation

Below is the executive summary of EuroISPA's response to the Commission's Content Online consultation, with regard to the issues of most importance to our members.

9) How can increased, effective stakeholder cooperation improve respect of copyright in the online environment?

EuroISPA believes that multi-stakeholder cooperation should not be considered simply on the basis of ISPs cooperating with rights holders to defend their existing business models (i.e. those in conjunction with offline players) from the effects of mass unauthorised 'making available' in P2P networks. In practice, a well balanced cooperation must also provide far greater scope for online players to displace - through competition - traditional offline retailers. Cooperation can be improved through the more widespread availability of legal content, efforts to educate and inform consumers and avoidance of moves towards the "privatisation" of law enforcement.

10) Do you consider the Memorandum of Understanding, recently adopted in France, as an example to be followed?

While EuroISPA supports multi-stakeholder agreements, in principle, we cannot support the Olivennes agreement in its current form since, in many respects, it is a vague framework, with many crucial details still missing. Therefore, no one can foresee how effective and practicable this agreement would be in practice and, therefore, whether it offers an example to be followed. EuroISPA stresses that the French Memorandum of Understanding aims to fit one specific national legal context, is not yet binding and lacks planned legal foundations which, themselves, are subject to change during the legislative process.

11) Do you consider that applying filtering measures would be an effective way to prevent online copyright infringements?

EuroISPA does not believe there is an effective *and* proportionate way to apply filtering measures to prevent online copyright infringements. The real question facing policy makers and industry is whether existing filtering measures are a proportionate, cost-effective, efficient approach to dealing with online copyright infringements in a way which will not have considerable unintended consequences outside the scope of the problem being addressed.

About EuroISPA:

EuroISPA is the world's largest association of Internet Services Providers, representing approximately 1000 ISPs across the EU. EuroISPA is a major voice of the Internet industry on information society subjects such as cybercrime, data protection, e-commerce regulation, EU telecommunications law and safe use of the Internet. Its secretariat is located in Brussels. EuroISPA is predominantly funded by its member and associate member associations and the members of the EuroISPA Industry Forum. For further information on this and other matters concerning EuroISPA, please contact Richard Nash, Regulatory Affairs Manager and Secretary General, at the address set out below.