



## **Statement on the Communication from the Commission on Creative Content Online in the Single Market**

**KOM(2007) 836 final**

**COMMUNICATION FROM THE COMMISSION on Creative Content Online in the Single Market {SEC(2007) 1710}**

As the bodies representing the stationary (rental) film trade, the Global Video Association along with the Interessenverband des Video- und Medienfachhandels in Deutschland e.V (Pressure Group for the Video and Media Specialist Trade in Germany), welcome the fact that the Commission intends to obtain the necessary, relevant information and is concerning itself with the suggestions put forward by the respondents.

Against the background of the Commission's assumption that revenues from creative content online will more than quadruple by 2010 in any case, the associations are however not in the least sympathetic to the Commission's intentions "to launch further actions to support the development of innovative business models and the deployment of cross-border delivery of diverse online creative content services".

Due to this ongoing market trend they do not see any necessity either for the support of cross-border licensing models. The statement is therefore restricted to the issue of "Legal offers and piracy"

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

The cooperation between the stakeholders is absolutely necessary. However, it is currently being conducted on a rudimentary basis and is mostly unsuccessful. The lack of readiness on the part of the providers to participate in necessary solutions is confirmed by the current examples from France and Great Britain, where the governments threaten to adopt stricter laws if the providers fail to take effective measures.

From our point of view the poor results of measures initiated so far within the cooperation are due to the absolutely dominant position of the providers. The E-Commerce directive exempts the providers from any criminal liability for their activities. That is why they do not see any necessity for a ban on illegal content. Instead the impression created is more that they very much welcome the illegal content as it does, after all, considerably facilitate the sale of DSL connections – incl. (illegal) media contents. Co-liability - as is customary in other sectors of industry – would considerably increase the pressure to take action.

In addition it must be considered that the exemption of liability for the providers also has a negative impact on other legal areas, such as data protection or protection of minors.

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

The commitment by the government is exemplary as is the resulting pressure exerted on the providers in order to finally bring about solutions. However we have doubts as to whether the planned solution will be really effective in tackling the problem. The possible withdrawal of Internet access may convince many people to no longer infringe copyrights, but the methods involved in implementing it are complicated and almost nonsensical. Firstly citizens are to be made aware of illegal Internet content via the providers and then the providers offer access to this problematical content. If the citizen now accepts this offer, following a reminder, they are to be punished by having their Internet access blocked, a considerable interference in the freedom of information for individual citizens. It would be considerably easier to not provide the citizens with pages containing illegal contents in the first place.

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

Filter technologies and the application of filter measures are an important and necessary instrument in combating mass copyright infringement in the online domain. A current report commissioned by the EU shows that acceptable solutions are possible ([www.sipbench.eu/sipbench.php?page=results2007&lang=en](http://www.sipbench.eu/sipbench.php?page=results2007&lang=en)). If increased liability risks existed for the providers, they would definitely also commit themselves to better, improved filter systems.

However it is necessary to not only use filters in households but also on Internet sites and services such as YouTube or rapidshare. Filters on the Access-Provider level could prevent the transmission of illegal content as close as possible to the source and not just shortly before its use by the end-consumer.

Here, with the BPjM module, the Federal Department for Media Harmful to Young Persons, which is part of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), has already come up with an extremely practical solution in the area of search engines [[www.bundespruefstelle.de/bpjm/die-bundespruefstelle,did=59090.html](http://www.bundespruefstelle.de/bpjm/die-bundespruefstelle,did=59090.html)].

**Contact:**

GVA-Global Video Association, 214D Chaussee de Wavre, B-1050 Bruxelles, [info@gva-online.eu](mailto:info@gva-online.eu)  
IVD - Interessenverband des Video- und Medienfachhandels in Deutschland e.V., Hartwichstraße 15, 40547 Düsseldorf, [ivd@ivd-online.de](mailto:ivd@ivd-online.de)