

From: Niels Elgaard Larsen
To: INFISO AUDIOVISUAL POLICY
Subject: Creative Content Online, in the Single Market questionnaire

February 29, 2008, Copenhagen, Denmark

From The IT-Political Association of Denmark.
by Niels Elgaard Larsen:

1 Do you agree that fostering the adoption of interoperable DRM systems should support the development of online creative content services in the Internal Market? What are the main obstacles to fully interoperable DRM systems? Which commendable practices do you identify as regards DRM interoperability?

We do not agree. There is no such thing as interoperable DRM. DRM is the opposite of interoperability. The purpose of DRM is to hinder interoperability.

There is no way that material regulated by DRM can be used on a truly free software platform (where use is free to modify and run all software).

2) Do you agree that consumer information with regard to interoperability and personal data protection features of DRM systems should be improved? What could be, in your opinion, the most appropriate means and procedures to improve consumers' information in respect of DRM systems? Which commendable practices would you identify as regards labelling of digital products and services?

We propose to use Creative Common labeling.

3) Do you agree that reducing the complexity and enhancing the legibility of end-user licence agreements (EULAs) would support the development of online creative content services in the Internal Market? Which recommendable practices do you identify as regards EULAs? Do you identify any particular issue related to EULAs that needs to be addressed?

It should be clarified that EULA is not binding for the consumer because there is agreement made between two parties.

4) Do you agree that alternative dispute resolution mechanisms in relation to the application and administration of DRM systems would enhance consumers' confidence in new products and services? Which commendable practices do you identify in that respect?

No. National and community courts are sufficient.

5) Do you agree that ensuring a non-discriminatory access (for instance for SMEs) to DRM solutions is needed to preserve and foster competition on the market for digital content distribution?

This cannot work in a market with software patents.

Multi-territory rights licensing

6) Do you agree that the issue of multi-territory rights licensing must be addressed by means of a Recommendation of the European Parliament and the Council?

Yes. The provision against international consumption in the Infosoc directive must be removed.

7) What is in your view the most efficient way of fostering multi-territory rights licensing in the area of audiovisual works?

see 6)

Do you agree that a model of online licences based on the distinction between a primary and a secondary multi-territory market can facilitate EU-wide or multi-territory licensing for the creative content you deal with?

8) Do you agree that business models based on the idea of selling less of more, as illustrated by the so-called "Long tail" theory, benefit from multi-territory rights licences for back-catalogue works (for instance works more than two years old)?

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

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

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

No they can easily be bypassed. They will and are used to intentionally or unintentionally block legal copying.

Filtering causes privacy problems and can facilitate censorship.