


Intellectual
Property
Office

The UK experience of tackling online IP infringement



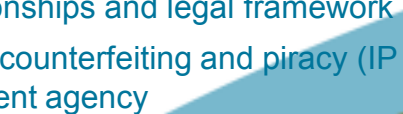
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UK Intellectual Property Office

Intellectual Property Office is an operating name of the Patent Office

UK Intellectual Property Office

An Executive Agency under the Department for Business, Innovation and Skills

Key functions:

- Rights granting: trade marks, patents, designs
 - Policy making
 - Quasi-judicial adjudication
 - Managing international relationships and legal framework
 - Coordinating efforts to tackle counterfeiting and piracy (IP crime) – but not an enforcement agency
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Why tackle IP infringement?

- Collectively the creative industries already generate more than £36 billion a year for the UK economy - £70,000 every minute - and employ 1.5 million people.

“...Government should pursue an integrated approach based upon enforcement, education and, crucially, measures to strengthen and grow legitimate markets in copyright and other IP protected fields.”

Digital Opportunity: A Review of IP and Growth by Prof. Ian Hargreaves, May 2011



UK Legislative Framework

- Copyright, Designs and Patents Act 1988
 - Criminal offences
 - Civil offences
- Fraud Act 2006
 - False representation; possession of articles for use in course of any fraud; making or supplying articles for use in fraud
- Common law offence: “conspiracy to defraud”
- Proceeds of Crime Act 2002
 - Provides for confiscation or civil recovery of proceeds from crime



UK interventions

Method of Intervention	Type of intervention	Legislation	Institutions involved	Outcome
Advertising	Voluntary	None	Rights Holders, police as gatekeepers, advertising industry trade body	Advertising revenue restricted on online IP infringing sites
Search Engines	Voluntary	None	Rights Holders, Search Engines	Results leading to sites offering IP infringing material restricted
Take Down	Administrative	EU Directive	Rights Holders and ISPs	Webpage removed
Domain Registration	Administrative	Contract and terms and conditions	Rights Holders, Police, Domain registrar	Domain registration removed
Payment Services	Administrative	Money Laundering legislation	Rights Police, Payment Service Providers	Payment Service Providers
Consumer behaviour	Administrative	Digital Economy Act	Rights Holders, ISPs, Regulatory Authority (Ofcom)	Consumer notified and Rights Holders enabled to pursue action
Site Blocking	Judicial court order at civil court	CDPA	Rights Holders, court, ISPs	Access to site blocked by ISP
Norwich Pharmacal Order	Judicial court order at civil court	CDPA	Rights Holder, ISPs	Subscriber details disclosed to Rights Holder by ISPs

Understanding consumer behaviour

- Research commissioned in 2012 to improve understanding of consumers' behaviour and attitudes towards lawful and unlawful access of copyright material using the internet
 - 58% of internet users download or stream at least one item
 - Small proportion account for large majority of infringements
 - 44% of internet users not confident of legality of online content





<http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/?a=0>



Industry initiatives



Education

- Treasure Island education campaign aims to build understanding and respect for IP in young people in a creative way 
 - Music Inc app – gamers take on role of managing aspiring musicians. 
 - MusicBiz competition – storyboard or film explaining how music artists are rewarded for their creativity 
 - Cracking Ideas – encourages innovation and creativity amongst children 

Technological challenge

“how can new technology assist the growth in legitimate markets, whilst reducing markedly the accessibility of infringing products online?”

- Two proposals funded:
 - University of Surrey: a novel technology for protecting digital content like music and video downloaded via the internet
 - whiteBULLET: global standard to rate websites by reference to IP infringement risk. Allows websites to be classified into low, medium or high risk within the IP Infringement Index (IPI Index)



Summary

UK approaches the challenge of tackling online IP infringement in an integrated manner, through a combination of enforcement, educating the public, and providing consumers with the ability to access legitimate digital content



Thank you

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<http://www.ipo.gov.uk/ipenforce.htm>

