Net Neutrality: Threats in US, Cautious Optimism in EU

The last few months have seen debates over net neutrality and how to deal with copyright infringement coalesce to take over the headlines. In the UK, the success of their case against Newzbin2 has led BPI to ask BT to block The Pirate Bay, while in the United States, two bills are being pushed through Congress to allow the blocking of web sites in order to decrease illegal file sharing.

The Stop Online Piracy Act (SOPA) and its Senate corollary, the Protect IP Act (PIPA), which have been called America's answer to the Great Firewall of China, would potentially allow for the blocking of web sites as well as force financial institutions and payment providers to stop working with banned sites. The acts could also hold ISPs, search engines and websites liable for infringing content regardless of their knowledge of it, doing away with the notion of "safe harbors" created by the Digital Millennium Copyright Act, which absolve network and website operators of liability if they remove illegal content as soon as they are made aware of it.

While the bills initially seemed to carry wide-ranging support, at least in Congress, prominent politicians and even a pro-copyright lobby have recently voiced concern.

In stark contrast to this is the European Union, which has inspired cautious optimism in progressive media policy circles of late.

In early November, the European Parliament passed a motion for a resolution on net neutrality and the open internet, which was recently backed by a vote. A fact-finding report by BEREC, the European Union's telecommunications regulator, is expected by the end of the year.

Prominent voices have also called for common sense in the copyright debate. Speaking at the Forum d'Avignon last week, the European Commissioner for the Digital Agenda Neelie Kroes said, "In times of change, we need creativity, out-of-the-box thinking: creative art to overcome this difficult period and creative business models to monetise the art. And for this we need flexibility in the system, not the straitjacket of a single model."

While arguing that artists need to be put back at the center of the debate, she suggested, "it's not all about copyright. It is certainly important, but we need to stop obsessing about that."

Ms. Kroes' point is that while attempts to stem copyright infringement should continue, it should not be done at the expense of the innovative capacity of the internet in its current form, a point similarly raised by the LSE's Bart Cammaerts.

These discordant perspectives on technology policy may yet come to loggerheads. The US has a tendency to spread its views on copyright through the leverage of trade policy. The annual Special 301 report published by the Office of the US Trade Representative lists countries whose copyright policies do not adhere to US standards and may lead to trade related retaliation through the WTO. SOPA and PIPA could potentially bring stricter copyright laws to the EU as well.

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