

Online rights debate: A laughing matter?

As Julian Huppert MP made the closing remarks at the Westminster eForum seminar on implementing the [Digital Economy Act](#), he commented that the interested parties had not quite reached a consensus on the issue. It seemed an indicator of the state of the debate that his wry understatement was quickly greeted by a roomful of laughter. In the context of the implementation of the DEA, discussions on how to handle rights and piracy online still reflect severely diverging views, and some proposals are being laughed off as unclear and or unworkable.

The [October 20th seminar](#), which brought together rights-holders, law firms, academics, hardware and software developers, ISPs, consumer advocates, and other interested parties, sought to address head on the issues of site-blocking, notifications and encouraging behavioral change.

Saskia Walzel, senior policy advocate at [Consumer Focus](#), and LSE's [Bingchun Meng](#) criticized the Communications Minister Ed Vaizey's push for a [voluntary blocking scheme](#), which would ostensibly be based on consensus between ISPs and rights holders. Dr. Meng warned that such a program could result in public policy being decided through private censorship. Closed-door meetings in which the idea was discussed were only brought to light after initial plans for the proposal were leaked in June.

Dr. Meng further suggested that rather than focusing on how to more effectively block infringing websites, the debate might be more productive if it were recast in terms of understanding changing consumer behavior and demand, encouraging innovative business models and balancing private and public interest.

In a panel discussion on changing consumer behavior, [PRS for Music](#) again pitched their "traffic lights" proposal for guiding consumers through the web. Under the scheme, originally proposed in July, the results returned from a web browser search would appear with either a green tick or a red stop sign beside them, indicating that a site does or does not traffic in illicit content. The details of the proposal, including how to determine which sites deserved which symbol and what kind of regulatory body would be making those decisions, remain as unclear as they were when the plan was proposed.

Peter Bradwell from the [Open Rights Group](#) intimated that perhaps industry behavior might need to change as well. In research into legal services providing [digital film](#) published just this week, ORG found "a patchy market place that serves fewer films at equal or higher prices to the DVD market." The implicit suggestion was that when it comes to meeting consumer demand, the content industry has been found lacking.

Perhaps the most revealing moment of the seminar came during one of the question and answer sessions. A panel discussing mass notifications, which Ofcom estimated would not begin before the summer of 2013, was asked what they would do if they were sent a notification of rights infringement. After a few laughs, two of the four panel members said they would have their IT department come to their house and check their network. Would that we all had that option.

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