

File Sharing and DEA Dossier: Relevant Resources and Information

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Several of our LSE Media Policy Project interns have compiled this informative dossier on file-sharing and the Digital Economy Act (2010). This dossier provides links to important key documents that will be helpful for anyone interested in analyzing or making sense of current issues concerning file-sharing, copyright and the DEA. The dossier gather resources along the following themes:

1. Key Documents
2. Press Overviews of DEA
3. Judicial Review
4. Hargreaves Report
5. European Perspectives
6. U.S. Perspectives
7. File-sharing Research and Analysis
8. Independent research/analysis
9. Media response/analysis
10. Background/historical response to copying technology
11. Scholarly Articles

1. Key Documents

- [Digital Economy Act 2010](#)
- [Digital Britain report 2009](#) – Policy document outlining justifications for DEA (pp16-17 and pp105-113) (pdf)
- Ofcom Consultation Document (closed for comments 30 July 2010) – Ofcom's Online Infringement of Copyright and the Digital Economy Act 2010: [Draft Initial Obligations Code and responses](#)
- Intellectual Property Office "[Independent Review of IP and Growth](#)" consultation (closed for comments on 4 March 2011) – Call for evidence in review of intellectual property policy headed by Ian Hargreaves.
- Culture, Media and Sport Committee [request for evidence](#) (closes for comments on 23 March 2011) – Call for evidence into the protection of intellectual property rights online

2. Press Overviews of DEA

- [Digital Economy Act](#): summary of main provisions – Practical Law Company – 8 April 2010 (link)
- [A Q&A on the DEA with the BBC](#) – BBC – 9 April 2010 (link)

3. Judicial Review

In November 2010, the High Court of Justice granted a judicial review of the DEA after two of the largest UK Internet service providers, BT and Talk Talk, challenged the Act's legality.

- [Broadband providers contest Digital Economy Act](#) – Financial Times – 8 July 2010
- [Future of Digital Economy Act 'in limbo' until next year, say lawyers](#) – Guardian – 11 November 2010
- [Digital Economy Act 2010 to Face Judicial Review](#) – Olswang – 9 December 2010
- [Ofcom to review aspects of Digital Economy Act](#) – Department for Culture, Media and Sport – 1 February 2011

4. Hargreaves Report

In November 2010 the Prime Minister announced a review of the relationship between the Intellectual Property Framework, Innovation, and Growth. The Review is chaired by Professor Ian Hargreaves. The Hargreaves Report, due to be published in April 2011,

“aims to identify barriers to growth within the IP framework, which consists of the rules and regulations covering how IP is created, used and protected in this country.”

For more information, see the Intellectual Property Office's [Independent Review of IP and Growth](#).

5. European Perspectives

- [Consultation on the Commission Report on the enforcement of intellectual property rights](#) – The Directive of the EU Commission requires all Member States to apply effective, dissuasive and proportionate remedies and penalties against those engaged in counterfeiting and piracy. Thus, the purpose of the instrument is to regulate enforcement of intellectual property rights, not the rights themselves. Directive released 11 January 2011 and closes for consultation 31 March 2011
- [Opinion of the European Data Protection Supervisor](#) – Freedom of expression vs. Protection of copyrights related to Anti-Counterfeiting Trade Agreement (ACTA) negotiations (pdf)
- [EU Copyright Directive](#)

6. U.S. Perspectives

- [Digital Millennium Copyright Act summary](#) – U.S. Copyright Office (pdf)
- [Unintended Consequences: Twelve Years under the DMCA](#) – Electronic Frontier Foundation – February 2010 (pdf)

7. File-sharing Research and Analysis

Government and industry research/analysis

- [Strategic Advisory Board for Intellectual Property](#) (SABIP)
- [British Phonographic Industry](#) (BPI)
- [Digital Music Report 2011](#) – International Federation of the Phonographic Industry (IFPI) – January 2011 (pdf)
 - This study proclaims the benefits of piracy prevention, but also has statistics on growth of online music sales.
 - “Digital music revenues up 6.4% to US\$4.6 billion globally in 2010”
 - The report points to some Nordic ISPs as a great example for offering free subscriptions to Spotify to its customers.
- [Recording Industry in Numbers 2010](#) – International Federation of the Phonographic Industry (IFPI) – April 2010
 - Things are looking up for the UK music industry. In 2009, total recorded music sales were up 1.9% due to increased growth in digital sales and performance rights. Digital sales increased by 46.7%. This is the first year of total growth for some time.
 - While total physical sales were down, digital single tracks rose by 36.3% (to 149.7m units) and digital albums rose by 53.6% (to 16.1m units). The DVD market also increased by 11%.
- [An Estimate of Infringing Use of the Internet](#) – Envisional, paid for by NBC Universal – January 2011 (pdf)
- [Do Illegal Copies of Movies Reduce the Revenue of Legal Products?](#) The case of TV animation in Japan – Research Institute of Economy, Trade and Industry – January 2011 (abstract)

8. Independent research/analysis

- [Pirates are prime prospects for music and video](#) – Ipsos MORI – 6 May 2009

- **Digital Music Survey** – Ipsos MediaCT, paid for by Demos – October 2009 (ppt)
 - Survey of digital music consumers in Great Britain.
- **Digital albums, vinyl make a comeback in 1999** – Nielsen – 7 Jan 2010
 - Ars Technica summary of Nielsen research indicating growth in U.S. digital album sales, while noting decrease in physical album sales.
- **The recession in the music industry** – a cause analysis – Music Business Research – 29 March 2010
 - An analysis of historical trends in music sales.
- **Media Piracy in Emerging Economies** – Social Science Research Network – March 2011

9. Media response/analysis

- **Illegal Downloads and Dodgy Figures** – Guardian – 5 June 2009
 - Critique of report commissioned by SABIP on economic losses due to piracy.
- **Are downloads really killing the music industry? Or is it something else?** – Guardian – 9 June 2009
 - Critique of argument that every illegal download equals a lost sale.
- **How UK Government spun 136 people into 7 million illegal file sharers** – PC Pro – 4 September 2009
- **Screw you, Internet? Digital Economy Act Passes in the UK** – Ars Technica – April 2010
- **IFPI: music piracy hurts us, but fighting it is government's job** – Ars Technica – 21 January 2011
 - Short analysis of IFPI's "Digital Music Report 2011".
- **Where have all the music pirates gone?** – Ars Technica – 2 February 2011 (link)
 - Short analysis of Envisional's "An Estimate of Infringing Use of the Internet" report from January 2011.
- **Report: Piracy a "global pricing problem" with only one solution** – Ars Technica – 15 March 2011 (link)
 - Summary of "Media Piracy in Emerging Economies" by the Social Science Research Network.

10. Background/historical response to copying technology

- **100 years of Big Content fearing technology** – in its own words – Ars Technica – 11 October 2009 – Historical view of technologies that challenged copyright law.
- **Testimony of Jack Valenti**, President, Motion Picture Association of America, Inc, to Congress, April 12 1982:

“But now we are facing a very new and a very troubling assault on our fiscal security, on our very economic life and we are facing it from a thing called the video cassette recorder and its necessary companion called the blank tape. We

are going to bleed and bleed and hemorrhage, unless this Congress at least protects one industry that is able to retrieve a surplus balance of trade and whose total future depends on its protection from the savagery and the ravages of this machine. I say to you that the VCR is to the American film producer and the American public as the Boston strangler is to the woman home alone.”

11. Scholarly Articles

Transposing the Copyright Directive: Legal Protection of Technological Measures in EU-member states

Gasser, Gersberger – Harvard’s Berkman Center – Digital Media Project – 2004

The Effect of File Sharing on Record Sales: An Empirical Analysis (pdf)

Oberholzer-Gee, Strumpf – Journal of Political Economy – Feb 2007

The Impact of Music Downloads and P2P File-sharing on the Purchase of Music (pdf)

Anderson, Frenz – Birkbek UofL – May 2007

File-Sharers: Criminals, Civil Wrongdoers or the Saviours of the Entertainment Industry? A Research Study into Behaviour, Motivational Rationale & Legal Perception Relating to Cyber Piracy (pdf)

Filby, M. – Hertfordshire Law Journal – 2007

The Impact of Peer-to-Peer File Sharing on the Media Industry (pdf)

Goel, Meisling, Chandra – State University of New York at Albany – 2010

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