FIGHTING PIRACY
PUBLIC PRIVATE PARTNERSHIPS
THE EXPERIENCE FROM THE FILM AND SOFTWARE INDUSTRY

Oct.11, 2013
Frankfurter Buchmesse
„Anti-Piracy Breakfast“
THE INTERNATIONAL CONTENT PROTECTION ORGANISATIONS NETWORK

Australia: Australian Federation Against Copyright Theft (AFACT); www.afact.org.au
Austria: Verein für Anti-piracy der Film und Videobranche (VAP); www.vap.cc
Belgium: Belgian Anti-piracy Federation (BAF); www.anti-piracy.be
Brazil: APCM - Association for the Protection of Movies and Music; www.apcm.org.br
Denmark: AntiPiratGruppen; www.antipirat.dk
France: Association de Lutte Contre la piracy Audiovisuelle (ALPA), www.alpa.asso.fr
Germany: Gesellschaft zur Verfolgung von Urheberrechtsverletzungen (GVU); www.gvu.de
Hong Kong: International Federation Against Copyright Theft – Greater China (IFACT-GC); www.ifact-gc.org
India: Motion Picture Distributors Association (India) Pvt. Ltd. (MPDA); www.mpaa-india.org
Ireland: Irish National Federation Against Copyright Theft Ltd (INFACT); www.infact.ie
Italy: Federazione Anti-Pirateria Audiovisiva (FAPAV); www.fapav.it
Japan: Japan & International Motion Picture Copyright Association (JIMCA); www.jimca.co.jp
Korea: Korea content and Technology Alliance (KCTA)
Malaysia: Malaysian Federation Against Copyright Theft (MFACT); www.mfact.org
Mexico: Asociación Protectora de Cine y Música México (APCM); www.apcm.org.mx
Newzealand: New Zealand Federation Against Copyright Theft (NZFACT); www.nzfact.co.nz
Netherlands: Bescherming Rechten Entertainment Industrie Nederland (BREIN); www.anti-piracy.nl
Poland: Fundacja Ochrony Twórczości Audiowizualnej (FOTA); www.fota.net.pl
Russia: Russian Anti-Piracy Organization (RAPO); www.no-piracy.ru
South Africa: Southern African Federation Against Copyright Theft (SAFACT); www.safact.co.za
Spain: Federación para la Protección de la Propiedad Intelectual (FAP); www.fap.org.es
Sweden: Svenka Antipiratbyrå (APB); www.antipiratbyran.se
Switzerland: Schweizerische Vereinigung zur Bekämpfung der piracy (SAFE); www.safe.ch
Taiwan: Taiwan Foundation Against Copyright Theft (TFACT); www.tfact.org.tw
Ukraine: Ukrainian Anti-Piracy Organization; www.apo.kiev.ua
United Kingdom: The Federation Against Copyright Theft (FACT); www.fact-uk.org.uk
United States: Motion Pictures Association of America (MPAA); www.mpaa.org

Country organisations: Canada www.mpa-canada.org, China, Singapur www.mpa-i.org, Thailand www.mpathailand.co.th
GVU: MEMBERS AND SUPPORTERS

**FILM**
- US Studios (Majors)
  - SONY PICTURES RELEASING
  - Paramount
  - 20th Century Fox
  - Home Entertainment
  - UNIVERSAL
  - WB
  - WALT DISNEY PICTURES
- others
  - sullivan entertainment
  - Highlight
  - CONCORDE HOCH ENTERTAINMENT
  - STUDiocanal
  - ASCOT ELITE Home Entertainment
  - AVIATOR ENTERTAINMENT
  - EUROVIDEO
  - r2m
  - uniersum film
  - BIU
  - CAPCOM
  - GFF
  - FILM German Film Assoc.s
  - VERBAND der FILMVERLEIHER
  - vg.media
  - KINO e.V.
  - MPA
  - OpSec
  - Cinram
  - Film Board

**ENTERTAINMENT SOFTWARE**
- BIU
- CAPCOM

**PRINT**
- Börsenverein des Deutschen Buchhandels
- CH-BECK
- VERLAGSGRUPPE RANDOM HOUSE
- DUMONT
- Thieme
- campus
- BONNIER

**OTHERS**
- VERLAGSGRUPPE GEORG VON Holtzbrinck
- WENDELVERBAND MUSIKINDUSTRIE

**TECHNOLOGY PARTNERs**
- OpSec
- Cinram

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INTERNET-“PIRACY”

WHAT IS IT?
WHO DOES IT?
BENEFIT & DAMAGE
WHAT TO DO
... MEANS:
ILLEGAL COMMERCIAL EXPLOITATION OF CREATIVE WORKS BY MAKING THEM PUBLICLY AVAILABLE ONLINE

I.E: „DIGITAL CONCEALMENT OF STOLEN GOODS“
INTERNET-“PIRACY”
WHO DOES WHAT?

INTERNET

CRIME

PRO-CUREMENT

DISTRIBUTION

„SCENE“

„BUSINESS“

„MASS“

„CONSUMPTION“

RELEASE GROUPS
TOP SITES
(…)

PORTAL SITES
FILEHOSTERS
LINK CRYPTERS
P2P TRACKERS
ADVERTISEMENTS
(…)

DIRECT DOWNLOADING
FILESHARING
(…)

GVU
Gesellschaft zur Verfolgung von Urheberrechtsverletzungen e.V.
INTERNET-“PIRACY” BENEFICIARIES

1. OPERATORS OF INTERNET PIRACY SERVICES (REVENUES) (ONLINE ADS, PREMIUM ACCOUNTS, FRAUD)

2. ONLINE AD BUSINESS (REVENUES)
   A) BRAND OWNERS
   B) AD AGENCIES

3. INTERNET INTERMEDIARIES (REVENUES)
   A) PAYMENT PROVIDERS
   B) ACCESS PROVIDERS
   C) (…)

4. CONSUMERS (SAVINGS)
INTERNET-“PIRACY“ VICTIMS

THESIS:
„INTERNET PIRACY IS AFFECTING ONLY THE SALE OF DIGITAL MEDIA. WHEN THE DIGITAL MEDIA MARKET IS (STILL) SMALL, DAMAGES RESULTING FROM ONLINE PIRACY ARE NEGLIGIBLE.“

ANTITHESIS #1:
„TO SOME (!) EXTENT, THE CONSUMPTION OF PIRATED DIGITAL(ISED) MEDIA ONLINE ALSO SUBSTITUTES THE CONSUMPTION OF TRADITIONAL „PHYSICAL“ MEDIA PRODUCTS.“

ANTITHESIS #2:
„INTERNET PIRACY IMPEDES THE DEVELOPMENT OF THE EVOLVING MARKET = THE ONLINE MARKET FOR DIGITAL MEDIA.“
CONTENT PROTECTION OPTIONS:
JUST PUSHING BUTTONS?

- **FOCUSSED ON ABILITY**
  - **PREVENTIVE MEASURES**
    - copy protection
    - access limitation
  - **REACTIVE MEASURES**
    - notice sending
    - link/file deletion
    - take sites offline

- **FOCUS ON INTENTION**
  - improving customer satisfaction
  - raising (legal) awareness
  - legal action: fine / reprimand
  - stop the moneyflow

WARNING MESSAGE

LEGAL ACTION:
- fine / reprimand
- stop the moneyflow

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PUBLIC PRIVATE PARTNERSHIP FOR COPYRIGHT PROTECTION
THE IDEA
PUBLIC PRIVATE PARTNERSHIP FOR COPYRIGHT PROTECTION
REALITY IN GERMANY

EXAMPLE: KINO.TQ CASE:
- SUSPECT(S)
- COORDINATING L.E.A.
- LEGAL DISTRICT

LAW ENFORCEMENT & JUSTICE AUTHORITIES
IN FEDERAL GERMANY
LEGAL DISTRICTS
PUBLIC PRIVATE PARTNERSHIP
PHASES OF OPERATION

PRIVATE INVESTIGATION ➔ PUBLIC INVESTIGATION ➔ LEGAL EXAMINATION ➔ COURT HEARING ➔ SENTENCE

1. CRIMINAL COMPLAINT
   Strafanzeige

2. POLICE REPORT
   Ermittlungs- Bericht

3. INDICTMENT
   Anklage

4. VERDICT
   Urteil

WHAT IS IT? WHAT TO DO
WHO DOES IT BENEFIT / DAMAGE
PUBLIC PRIVATE PARTNERSHIP

PARTNERS

PRIVATE INVESTIGATION

PUBLIC INVESTIGATION

LEGAL EXAMINATION

COURT HEARING

SENTENCE

DAMAGES

1

CRIMINAL COMPLAINT

Strafanzeige

2

POLICE REPORT

Ermittlungs-Bericht

3

INDICTMENT

Anklage

4

VERDICT

Urteil
PUBLIC PRIVATE PARTNERSHIP PRACTICE (GERMANY): DETAILS

1. PRIVATE INVESTIGATION
   - CRIMINAL COMPLAINT
   - Strafanzeige

2. PUBLIC INVESTIGATION
   - POLICE REPORT
   - Ermittlungs-Bericht

3. LEGAL EXAMINATION
   - INDICTMENT
   - Anklage

4. COURT HEARING
   - VERDICT
   - Urteil

SENTENCE
DAMAGES
PUBLIC PRIVATE PARTNERSHIP PRACTICE (GERMANY): GVU INVESTIGATIONS

PRIVATE INVESTIGATION

PUBLIC INVESTIGATION

LEGAL EXAMINATION

COURT HEARING

SENTENCE

CRIMINAL COMPLAINT

POLICE REPORT

INDICTMENT

VERDICT

DAMAGES
PUBLIC PRIVATE PARTNERSHIP PRACTICE (GERMANY): PUBLIC INVESTIGATIONS

PRIVATE INVESTIGATION

1
CRIMINAL COMPLAINT
Strafanzeige

2
POLICE REPORT
Ermittlungs-Bericht

PUBLIC INVESTIGATION

3
INDICTMENT
Anklage

LEGAL EXAMINATION

4
SEARCH & SEIZURE

EXAMINATION OF DATA

ARRESTS

INTERROGATION OF SUSPECTS

INTERROGATION OF WITNESSES

SENTENCE

DAMAGES

WHAT IS IT?
WHAT DOES IT
BENEFIT / DAMAGE
WHO TO DO
PUBLIC PRIVATE PARTNERSHIP PRACTICE (GERMANY): COURT PROCEEDINGS

1. CRIMINAL COMPLAINT
   Strafanzeige

2. POLICE REPORT
   Ermittlungs-Bericht

3. INDICTMENT
   Anklage

4. VERDICT
   Urteil

PRIVATE INVESTIGATION

PUBLIC INVESTIGATION

LEGAL EXAMINATION

COURT HEARING

WITNESSES

EXPERT WITNESSES

(TECHNICAL EXPERTS

ACESSORY PROSECUTION
   Nebenklage

WHAT IS IT?

WHO DOES IT

WHAT TO DO

BENEFIT / DAMAGE
PUBLIC PRIVATE PARTNERSHIP: GVU

CO-OPERATION WITH LAW ENFORCEMENT & JUDICIARY
- INVESTIGATIONS; CRIMINAL REPORTS
- OPERATIONAL SUPPORT (ANALYSIS, IP RIGHTS CLEARING) AND LEGAL CONSULTING
- IN COURT: (EXPERT) WITNESS, ACESSORY PROSECUTION
- SEMINARS & TRAININGS FOR LAW ENFORCEMENT OFFICIALS

CONSULTING
- MANAGEMENT CONSULTING
- EMPLOYEE TRAINING
- LEGAL CONSULTING
- CONGRESS „DACH-BRANCHENFORUM“

COMMUNICATION
- MEDIA WORK
- LECTURES

 LOBBYING
- POLICY CONSULTING RE: COPYRIGHT PROTECTION
INTERNET-“PIRACY“ IN A NUTSHELL

WHAT IS IT?

- UNAUTHORISED COMMERCIAL EXPLOITATION BY WAY OF MAKING AVAILABLE (ONLINE)
- PROFIT ORIENTED: REVENUES FROM ONLINE ADS, USER CHARGES, FRAUD
- „DIVISION OF LABOR“: SEARCH, HOSTING, CAMOUFLAGE, PAYMENT
- CONSUMER ORIENTED: FROM „SCENE EXPERT“ TO „JOHN DOE“

WHO DOES IT?

- PROCUREMENT = SCENE; DISTRIBUTION = BUSINESS, CONSUMPTION = MASS
- SITE OPERATORS ARE BECOMING INCRISINGLY PROFESSIONAL
- AD BUSINESS, PAYMENT PROVIDERS AND ISPS ARE „MEN IN THE MIDDLE“

BENEFIT & DAMAGE

- BENEFICIARIES: SITE OPERATORS, AD BUSINESS, SEARCH AND PAYMENT SERVICE PROVIDERS, ISPS, CONSUMERS
- DAMAGES FOR BOTH DIGITAL + PHYSICAL MARKET: DEVELOPMENT OF DIGITAL MARKET IS BEING IMPEDED; CONSUMPTION OF DIGITAL MEDIA ALSO SUBSTITUTES THE CONSUMPTION OF PHYSICAL GOODS

WHAT TO DO

- CONTENT PROTECTION:
  - MEANS CURTAILING, NOT ELIMINATING „PIRACY“
  - COMPRIZES COMPLEMENTARY + SPECIFIC MEASURES (NO SILVER BULLET)
  - IS „POLITICAL“!
  - IS AN INVESTMENT IN BOTH ESTABLISHED AND EVOLVING MARKETS
  - IS OFTEN MORE EFFECTIVE IN A COLLECTIVE EFFORT, ESPECIALLY IN CRIMINAL LAW
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INTERNET-“PIRACY“...

WHAT IS IT?  WHAT TO DO

WHO DOES IT?  BENEFIT & DAMAGE
WHO DOES WHAT?

(1) UPLOADING

DIRECT DOWNLOADING

Peer to Peer

Tracker

Seeder

Peer

Peer

Peer

„USER“

FILE

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WHO DOES WHAT?

(2) SEARCH

DIRECT DOWNLOADING

Host

Upper

Portal, Board

Peer

Peer

Peer

Peer

Tracker

Seeder

WHO DOES WHAT?

WHAT IS IT?

WHAT TO DO

WHO DOES IT?

BENEFIT / DAMAGE

WHAT TO DO
WHO DOES WHAT?

(3) DOWNLOADING

DIRECT DOWNLOADING

PEER TO PEER

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WHAT IS IT?

WHAT TO DO

WHO DOES IT

BENEFIT / DAMAGE

WHAT TO DO

FILE
WHO DOES WHAT?

(4) BUSINESS MODEL „INTERNET PIRACY“

**AD REVENUES**

DIRECT DOWNLOADING

Host

Upper

Portal, Board

Tracker

Peer

Peer

Peer

Peer

FILE

„USER“

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WHO DOES WHAT?

(5) BUSINESS MODEL „INTERNET PIRACY“

**PREMIUM ACCOUNTS**

Order a magazine

Tired of searching older issues of your favorite magazines want to get new ones first? Now you can ask us to find or track any magazine you want. We will do our best to get it for you. Just use the this simple form below.

Notice: Option is only available for Filepost and Rapidgator premium account users.
INTERNET-“PIRACY”

WHAT IS IT?

WHO DOES IT?

BENEFIT & DAMAGE

WHAT TO DO
ILLEGAL E-BOOK-SITES
TYPE 1: „EASY TO USE LIKE GOOGLE“
ILLEGAL E-BOOK-SITES

TYPE 2: „FULL RANGE OFFERING“
PIRATED PERIODICALS
RANDOM SAMPLE #1 (08-20-2013)

WHAT IS IT?
WHAT TO DO
WHO DOES IT
BENEFIT / DAMAGE

Kategorien
- Action (26)
- Biografien (107)
- Bücher für Kinder (108)
- Comedy/Satire/Humor (199)
- Comic (11159)
- Drama (63)
- Englische und US Ebooks (68)
- Fachbücher/Sachbücher (2452)
- Fantasy (1503)
- Gesellschaft/Politik (74)
- Horror (285)
- Krimi (1993)
- Magazine/Zeitschriften (8671)
- Manga (401)
- News (312)
- Papiermodelle (9)
- Pen & Paper Rollenspiele (310)
- Romane (3734)
- Science Fiction (710)
- Serien (919)

Tageszeitungen (3054)
- Berliner Morgenpost (27)
- BILD (144)
- Der Tagesspiegel (19)
- Die Presse (16)
- Financial Times (33)
- Frankfurter Allgemeine (124)
- Handelsblatt (57)
- Hannoversche Allgemeine (78)
- Junge Welt (13)
- Leipziger Volkszeitung (20)
- Süddeutsche Zeitung (288)
- TAZ (325)
- Welt Kompakt (8)

Tageszeitungen (3054)
Thriller (1495)
content protection as a joint effort of the creative industries in Germany

✓ non-profit organisation

✓ fighting piracy at its source and distribution networks

✓ almost 30 years of experience

✓ international network

✓ centre of competence for copyright protection

✓ partner of creative industries, law enforcement and political decision makers

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