



The Wrongs of Rights

Wiggin's recent work with the British Phonographic Institute (BPI) in acting to eradicate illegal file-sharing activities highlights the need for education and action against both the big names and others in the chain. Sean Lowde, technology partner, considers the impact that file-sharing software and the increasingly wide use of technology has had on traditional copyright law.

The idea that copyright may be less relevant as a practical weapon is disputed. He says, "Copyright is no less adequate than it has always been, but the question is whether people respect it".

Lowde says, "There is the possibility of taking action against the creators of software that allows file sharing, but they will not be liable unless the claimant can show that infringement is the primary objective. The old Amstrad case, with the tape-to-tape machine showed this. You can pursue the website owners but they can disappear overnight and set up in new jurisdictions. You can also look to people who are downloading and uploading copyright content, by way of making an example of some as a deterrent to others".

In the long run he says it is in the interests of everyone to deal only in legitimate material. If the income dries up, the quality of the content will drop and the users that the websites depend on for revenue will also begin to disappear.

Further, technological advances are also enabling file sharers and infringers to be identified and possibly prevented. The recent ruling by the Court of First Instance in Brussels, which required ISP Tiscali (Scarlet) to introduce filters to prevent copyright misuse, is one example where the courts have acted to use technology to stop copyright infringement. However, Scarlet has appealed and the outcome will continue to generate interest and debate.

See "The Wrongs of Rights", The Guardian, 17 September 2007 for more details.