**Minutes of the Online Infringement of Copyright Roundtable, 15th May 2013**

Attendees:

•            Ed Vaizey – Minister for Culture, Communications and Creative Industries

•             Peter Szyszko – whiteBULLET

•             BPI - Ian Moss

•             FACT – Lavinia Carey

•             MPAA – Chris Marcich and Marianne Grant

•             Publishers Association – Richard Mollett

•             Premier League – Bill Bush

•             Internet Advertising Bureau – Nick Stringer

•             BT – Julian Ashworth

•             Sky – David Wheeldon

•             Virgin Media – Matt Rogerson

•             IPO – Philip Horswill

•             Facebook – Simon Milner

•             UKIE – Jo Twist

•             Google – Theo Bertram

•             Ofcom – Campbell Cowie

•             TalkTalk – Andrew Heaney

•             DCMS – Adrian Brazier

**Digital Economy Act implementation**

EV gave an update on implementation and AB summarised the nature of discussions taken place so far with HM Treasury. Subject to clearance, DCMS expects the first letters to be sent in the latter half of 2015. CC noted that once the Costs SI is laid in Parliament Ofcom will consider whether re-consultation on aspects of the Code will be required.

**Advertising**

PS presented whiteBULLET’s Standard for Online IP Risk Assessment to the roundtable. The system will be tested over the summer, with a view to rolling out in the autumn. It will be funded by ad networks looking to protect their brands. WhiteBULLET regularly add to the 150,000 websites scored so far, plan to ensure a global reach and are talking to ISBA <http://www.isba.org.uk/> about awareness-raising amongst brands. PS explained that copyright owners could use the system as a tool to measure the extent of advertising on high risk sites and to take compliance action. LC was supportive of an independent automated system and noted that the mechanism could satisfy a range of demands for evidence.

BB raised the issue of online gambling sites advertising on sites illegally streaming live sport and questioned whether this could be addressed through the Remote Gambling Bill. EV agreed to follow this up through the Minister for Sport and Tourism’s office.

LC reported that copyright owners expect to sign an agreement with the NFIB on the register of infringing sites in the upcoming weeks. NS confirmed that the IAB were working with ad agencies on an independent compliance mechanism, which the work with the NFIB is feeding in to. IAB intend to publish a document about this within a few months.

**Research on online copyright infringement**

CC noted that Ofcom’s recently published data does not capture advertising on infringing sites. There was some discussion around Ofcom’s research, including alignment with industry research data and methodologies.  There was broad consensus that there was value in Ofcom continuing to produce independent Government backed data on an annual basis and that this could be expanded to infringement levels in other jurisdictions, technical research data, levels of advertising on infringing sites and search rankings. EV was very supportive of Ofcom publishing research data annually.

Funding availability is a limiting factor. It was agreed that officials from DCMS, IPO and Ofcom would discuss the potential for taking this forward.

**Search**

EV was clear that Government and Parliament wanted to see the search issue addressed with tangible results. IM explained that copyright owners do not want illegal music download sites to appear on the first page of search results, but pointed out that Google’s algorithm change has had little impact. IM also noted that autocomplete was still suggesting illegal websites. There was some discussion over whether s97A rulings by the courts would provide Google with a legal basis to remove sites from search rankings. CM noted that the MPA was undertaking analysis of the role of search and hoped to share findings at the next roundtable. CM also suggested that copyright owners could apply to the courts to establish principles on which Google could base decisions to remove sites from rankings. TB maintained that progress had been made in the last 18 months but accepted there was more to do and that the algorithm change should have more impact in time. He also pointed to the lessening importance of downloads as compared to streaming, where licensed sites were prominent in the “artist/song” searches.  EV pointed out that ‘related searches’ suggested alongside Google search results also pointed to illegal sites. TB asked roundtable members to send examples for Google to consider.

EV recalled PRS’s Traffic Lights proposal and asked roundtable members to let him know if there was any appetite to pursue this further.

**Credit cards**

IM reported that the system is working well and that the BPI are monitoring new sites and passing on evidence to the City of London Police.

**Site blocking**

IM and CM reported that the court procedure is becoming increasingly efficient and quick, although not quick enough to block streaming websites. ISPs and the courts have become more comfortable with the process and copyright owners have a better understanding of evidence requirements. IM summarised the most recent Judgment under s97A of the CDPA, made in the Applications Court, and he and CM noted that blocked sites have dropped in search rankings and received less traffic.

**AOB**

EV confirmed that DCMS will publish a document on the Communications Review before Summer Recess. PH confirmed that the IPO are planning a two day IP conference in summer 2014, which will be broader than just enforcement.

EV invited the Alliance for IP to provide him with specific concerns and examples about IP reform, which EV could consider and discuss with the IP Minister, including recent discussions within Europe.

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