[FR] Bill on Combating Internet Piracy Looking more Definite

IRIS 2008-3:1/17

Amélie Blocman
Légipresse

The Minister for Culture, Christine Albanel, seems to be determined to implement the agreement resulting from the "Olivennes Mission" signed on 23 November 2007 on the cultural offer and combating piracy on the Internet (see IRIS 2008-1: 12). Ms Albanel referred to the new details of the bill using the "graduated response" in her inaugural speech at MIDEM 2008 (the trade fair for music professionals held in Cannes at the end of January). Confirming that the fight against mass piracy was going to undergo changes in its logic, she recalled that this would henceforth include a preventive stage and would not necessarily pass through the courts. The legal procedure and the penalties incurred (up to 3 years in prison and a fine of EUR 300,000) were not suited to ordinary piracy. In accordance with the Olivennes Agreement, the *Autorité de Régulation des Mesures Techniques* (authority for regulating technical measures – ARMT), instituted by the DADVSI Act of 1 August 2006, will be responsible for preventing and sanctioning piracy. In real terms, creators whose works have been pirated could refer the matter to the ARMT (which the Minister, to take account of its new sphere of competence, proposes renaming the "high authority for the broadcasting of works and the protection of rights on the Internet"). The authority would start by sending personalised warning messages to those committing piracy. If they were to commit a subsequent offence within six months there would be a second warning and the authority would impose an appropriate sanction – the suspension of the person's Internet access for one month. If the person committed yet another offence within six months, the subscription would be terminated and the person would not be allowed to take out a subscription with another IAP for a specified period of time. The Internet user could appeal to the authority against these two sanctions (the one-month suspension and the one-year termination) using the ordinary inter partes procedure, and then before a court still to be decided upon. Furthermore, the Minister promised that the preventive dimension would be reinforced further by the commitment on the part of the Internet access providers to experiment with filtering and content recognition arrangements. Referring to a "wrong track" that she did not wish to take, Ms Albanel did however set aside the plan for a "global licence" (imposing on the IAPs a contribution that would be used as fair remuneration for beneficiaries) proposed by Jacques Attali in his report entitled "The liberalisation of growth", which was submitted to Nicolas Sarkozy on 28 January 2008. The Minister also gave details of the schedule for the bill, which should be submitted

© European Audiovisual Observatory (Council of Europe) 2026

to the Council of Ministers in early April and then to the Senate. If all goes well, it should therefore be adopted by the summer.

Le plan de Christine Albanel pour l'avenir de la filière musicale, MIDEM 2008, 26 et 27 janvier 2008

http://www.culture.gouv.fr/culture/actualites/conferen/albanel/dpmidem08.pdf

Christine Albanel's plan for the future of the music industry, MIDEM 2008, 26 and 27 January 2008

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026