Filtering the Internet for Copyrighted Content in Europe

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One issue that has been frequently discussed in the IRIS plus series is the unauthorised supply of copyright protected works via the Internet. The resulting threat of copyright infringements could, at least partly, be prevented through the use of Internet filters, an option that forms the subject of this latest edition of IRIS plus.

The article considers, among other things, which services (simple hosting or Internet services?) Internet filters are useful for and where they are therefore commonly used. This inevitably leads to the question whether such filters should be used voluntarily or made compulsory by law or a court order. Referring to several recent court decisions, Christina Angelopoulos demonstrates that answering this question can quickly become a balancing act between a law-based reaction to actual infringements on the one hand and a potentially unlawful general obligation to monitor content on the other. This throws up the fundamental question of the extent to which the human right to freedom of information is or should be limited by Internet filters.

The relationship between the E-Commerce Directive on the one hand and the Copyright Directive on the other is also central to determining under what conditions and for what content the use of Internet filters can, if necessary, be enforced. The revision of the E-Commerce Directive is bound to influence the future of Internet filters. The author suggests how things might develop, including the possibility of self-regulation, some examples of which are mentioned in this IRIS plus.

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