[FR] New HADOPI Legislation soon to Combat Streaming?

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On 18 November 2011, the French President Nicolas Sarkozy announced during a forum on culture in the digital era his desire to extend the fight to combat illegal downloading to the streaming of musical and audiovisual works. “If technology allows us further evolution, then the law will be adapted,” he said. It should be recalled that the Decree of 5 March 2010 authorising the HADOPI to process the data transmitted to it by rightsholders and access providers currently only refers to peer-to-peer activity. As a result, and despite the fact that it is increasingly frequent, the HADOPI does not currently include streaming in the “graduated response” system and the efforts to combat illegal downloading. Following on from the President’s speech, the HADOPI announced that it intended to embark on a “new stage in the protection of copyright on the Internet that was fully part of its duties, in addition to the possibilities already open to rightsholders under Article L336-2 of the Intellectual Property Code”. To achieve this, three areas of action will be implemented consecutively, starting from now. Firstly, the HADOPI will carry out a clear, precise evaluation of what is involved, particularly with regard to technical and economic aspects. It will also assess existing legal and technical measures, and their limitations. This work will be based on experimentation carried out on an ad hoc basis in the HADOPI’s “labs” (research workshops entrusted to independent experts, operating in an open collaborative mode). Everyone concerned (rightsholders, IAPs, service providers, etc) is invited to take part straight away. Secondly, the HADOPI announced the start of intensive dialogue with the sites and platforms concerned by the phenomenon, and with all the middlemen contributing to their operation, and more particularly the banks, payment agents and advertising authorities, in order to assess the situation and the ways in which they could help remedy the situation. Lastly, on the basis of earlier work, and according to an assessment of the limitations of the exiting legal tools, the HADOPI will make proposals for adaptation of any kind, including in the field of legislation, the better to achieve the objectives that have been set. The HADOPI has set itself the objective of obtaining the first significant results in each of these three areas by the end of the first quarter of 2012 - right in the middle of the presidential election campaign.

Communiqué de presse de l’Hadopi du 25 novembre 2011, « Streaming » et téléchargement direct de contenus illicites : l’Hadopi s’engage dans

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une nouvelle étape de sa mission de protection des droits

http://www.hadopi.fr/sites/default/files/page/pdf/CP_Hadopi_251111.pdf

HADOPI press release of 25 November 2011: "Streaming and the direct downloading of illegal content - the HADOPI embarks on a new stage in its mission to protect rights"

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