

Web Firms Weigh In On New Internet Bill

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Five leading Internet companies published an open letter on their web sites Thursday urging Russian lawmakers to exclude intellectual property rights infringement from their realm of responsibility, and proposing what they say are internationally accepted methods to address the problem.

A bill regulating the Internet, including property rights issues, is now under review by the Communications and Press Ministry.

The letter, which recommends that copyright holders resolve disputes directly with alleged individual violators, was signed by senior management of Google Russia, Mail.Ru, Vkontakte, Yandex, and the merged Afisha and Rambler.

The question of who is responsible for intellectual property violations — Internet companies who hold content, or average users, who, unknowingly or on purpose, upload illegally obtained content, like video or audio files — is the chicken-or-egg dilemma of the dispute.

Internet companies argue that by prosecuting them for pirated content, legislators restrict the freedom of the web. Property rights owners say content providers are just trying to protect their business interests and should bear full responsibility for the fate of the content they store.

Since intellectual property rights protection is a particularly sore subject for Russia, the companies called for legislators to use practices and rules applied worldwide in resolving such disputes.

The Internet companies propose allowing the rights holder to dispute with the violator directly. They say when they get an infringement claim from a rights holder, they will freeze access to the object of dispute and inform the user of the complaint. If the user wants to dispute the allegation, he would then be put in contact with the rights holder via the Internet company, and the two parties can attempt to find a resolution, with the Internet company acting as an intermediary.

It is a reasonable suggestion that will eliminate the problem of identifying the alleged infringer said Yelena Trusova, head of intellectual property at Goltsblat BLP.

The Internet companies said that as of now, "in Russia, copyright holders prefer to put responsibility not on those who upload or distribute content illegally," but on the companies providing the platform.

"Meanwhile the following indisputable fact is being ignored: Companies that offer their services to millions of users have neither the rights, nor the technical capability to track every action of every user and evaluate its legality," the letter said.

The five companies that signed the letter had been discussing the issue for some time, said Alla Zabrovskaya, a spokeswoman for Google Russia. The idea to write an open letter floated around for a few months before the final draft was published.

"For a complicated issue like this one, this is remarkably fast, given that we have to agree on every word," Zabrovskaya told The Moscow Times.

Internet companies argue that it would be virtually impossible for them to track down all the copyright infringers even if they hired "an army of a million administrators."

"Twenty-four hours of video are uploaded every minute [on YouTube]. This is a huge amount of information — the equivalent of having to watch 150,000 feature films a week," the Google Russia spokeswoman said.

But many people disagree, saying the Internet companies are just lazy and have the technical means and the money to inhibit copyright infringement.

"There is already legal precedence on these issues. Legally, I do not see a difference between Yandex or, say, a web site called Pirate.ru," Irina Tulubyeva, head of the Russian Organization for Intellectual Property, told The Moscow Times.

The Internet companies that signed the letter are simply trying to lobby their own interests and are "perfectly capable of hiring a team of administrators and putting in a year's worth of

work” to make sure that the content found on their web sites is legal, she said. “The revenues they get from advertising are enormous,” she said.

The potential losses from incessant lawsuits, however, may start to become noticeable, she said.

Currently infringing on the rights of one copyright holder may cost the violator anywhere between 10,000 rubles (\$334) and 5 million rubles (\$167,000) according to Russian law, she said.

“I see no need to change the existing law for the sake of benefiting the content providers,” Tulubyeva said.

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