

IPR INTELLECTUAL PROPERTY
T Ruikka/tr

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FORDHAM CONFERENCE ON INTELLECTUAL PROPERTY LAW & POLICY
Cambridge, April 15th and 16th 2009

Session 11 – Copyright Law

A. Information Society Directive, DRM, Private Copy Levies, Secondary Liability

Thursday, 4:45 PM – 6:30 PM

Presentation by: Timo Ruikka
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"Private Copy Levies - One beast or many ?"

What are private copies and what not ? What does "fair compensation" mean and what not ? Is there a "right" answer under InfoSoc Directive ? If there is, many national systems must be materially "wrong". Or, did the Directive harmonize a mandatory linkage between excepted private copies and compensation, without defining either ? And where does that leave the stakeholders ?

In my presentation, I will describe practical examples of consumer usage and ask one or more of the questions set forth above.

Principal issues:

1 It is seriously argued (in levy debates) that every single downstream copy beyond the immediate acquisition is a private copy, regardless of origin and other circumstances. If this view were accepted, what are the implications for (1) licensing of content to distribution (2) consumer value proposition (3) sanctioning unauthorized distribution ?

2 Can and should "fair compensation" be a matter of rational computation ? What is the alternative ?

3 What circumstances should be relevant for levy-setting and how should they affect the levy ?