

*Press release*

## The Internet Society's European Coordinating Council against the HADOPI proposal: **an reasoned opposition**

*Brussels, Paris, 5 September 2008*

While the "graduated response," i.e., the possibility that the public authorities will be able to deprive "pirate" Internet users of their Internet access, **is back for discussion before the European Parliament, the Internet Society's European coordinating council (Isoc-ECC)** considers that this and its French avatar, the draft "Hadopi" law, a.k.a the "Olivennes" or "Creation and Internet" proposal, is a **disproportionate response** to the objective of developing creative content online set forth in a Communication by the European Commission in January 2008. The proposed measures and sanctions **show a lack of understanding of what the Internet actually is**. Isoc-ECC also considers that the graduated response is harmful from both an economic and a social standpoint.

Finally, it notes that the European proposals, like the French one, focus only on one aspect of the Commission's Communication. It also deals with the availability of content, the distribution of catalogues of works throughout the EU thanks to pan-European licenses, the interoperability of digital rights-management systems, etc.

### **The creative industry has not yet adapted its economic activity to the Internet**

**The graduated response and the Hadopi proposal seem retrograde.** They tend to confirm the widespread concern that the creative industry and its representatives have not yet adapted their activity and economic models to the new situation created by the digital environment.

### **The response is not graduated**

Cutting people off from the Internet prevents them from accessing many services, both public and private, such as filing taxes, online banking, and even education. It should be recalled that, according to European law, **a member State cannot interfere unilaterally in the trans-border supply of electronic services.**

### **No legal framework for the data collected**

The Hadopi proposal and, more generally, the principle of the graduated response requires the collection and keeping of phenomenal quantities of personal data within the framework of investigations into Internet users suspected of piracy. **The exact legal scope of this surveillance is not yet clear.** In addition, in France, the data concerning alleged pirates may not necessarily correspond to the true offenders. **Inadequate protection, a loss or the misuse of such data could be particularly damaging** to the families or individuals involved.

**Consequently, Isoc-ECC concludes - with regret - that what is called a "measured response" (and for which the Hadopi proposal seems to be the forerunner) is not an appropriate response to the perceived problem of online piracy.**

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Approved and supported by the following Chapters of the **Internet Society**, members of Isoc-ECC, on 3 September 2008:

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