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Legislative means for eliminating illicit file-sharing

Parts

Abstract

In autumn 2008 Finland conducted branch talks led by Mr Arne Wessberg in order to find means for promoting electronic commerce in creative content and reducing illicit file-sharing over the internet. The parties to the branch talks comprised representatives of the film, music and games industries, internet service providers, content business companies and authorities.

Mr Wessberg noted in his report that there is clear willingness in the branches to invest in electronic commerce in content and develop the supply of creative content if conditions exist for profitable business. There is demand for creative content. Mr Wessberg proposed to the ministries concerned that the review of current legislation be carried out and preparations be made for amendments needed to support action against illicit file-sharing.

As follow-up to the talks, the Ministry of Education appointed a committee to look into and prepare legislative means for eliminating illicit file-sharing.

The committee appraised the effectiveness of current legislation and noted that it provides for efficacious means of legal protection and means of intervening in illicit file-sharing. It largely depends on the right holders' resources and expediency how and to what extent measures are taken against illicit file-sharing. Promulgated in January 2006, the statutes have been in effect only for a short time; their efficacy needs to be further monitored.

In its report, the committee brought up a notification procedure as a new means of reducing illicit file-sharing and as a softer alternative to police inquiry and court procedure. Whether a notification procedure is necessary and whether it should be implemented in the way described by the committee requires careful consideration and an assessment between different objects of legal protection in society (copyright - protection of privacy - confidentiality of communications). It is necessary to continue this deliberation in possible follow-up preparations.

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