

**NEWS REPORT 2 – 22 May 2009**

**THE ISLE OF MAN AND THE FIGHT AGAINST INTERNET MUSIC PIRACY**

The Isle of Man has proposed a scheme to charge Internet users a flat fee for unlimited access to music online.

The scheme is aimed at dealing with illegal downloading of music, through online suppliers and peer-to-peer file sharing.

The scheme is an unusual but not unique suggestion, that differs from any of the other methods currently progressing across the world to deal with this global problem.

In France legislation has just gone through the French Parliament to allow for the Internet connections of illegal downloaders to be cut.

This legislation has been criticised both in terms of the state monitoring its citizens' Internet use and the technical difficulties in its application.

In Sweden there is a culture less aggressively opposed to file sharing, there is even a Swedish Pirate Party that could gain a seat in the European Parliament in the near future. The Pirate Party suggests that Internet freedom is a positive feature of democratic society and measures such as that progressing in France are just pandering to a greedy copyright industry.

Court action across Europe has not made an impression on the illegal download industry. In Russia a major download site was closed down, but it soon reopened under a different name.

In the United States the music industry pursued downloaders vigorously and publicly, but this tactic was dropped last year in favour of working co-operatively with Internet Service Providers.

It is unlikely that measures similar to the French proposal would come forward in the UK or Germany where ISPs have thus far had to be forced to provide copyright owners with Internet usage information by Court Order.

It certainly appears that current legal systems are inadequate for dealing with this problem in a proportionate way – protecting the rights of copyright holders whilst promoting the free exchange of information.

The Institute of European Media Law recently published a study that appears to suggest the Isle of Man's proposed legislation is eminently feasible.

The starting point for the study seems to be recognition that neither making everything available for free, nor a process for automatic connection cutting without judicial process can be truly workable and that an intermediate alternative must be found.

The German Green Party commissioned the above study to look at other options, including a levy such as that suggested for the Isle of Man, and its positive result may promote the Manx model being given consideration in much larger jurisdictions.

The flat-rate levy is (depending on its size) likely to be more popular with consumers than with copyright holders. It may well be that an experiment within a small jurisdiction like the Isle of Man would be exactly what is needed before major music labels get on board with such proposals on the global stage.

The Isle of Man accordingly has a chance to be at the cutting edge of a global solution to the global problem.

It is clear that this path is not one easily trod with open debate on the subject in Germany, Sweden and Norway at least - but so far no-one actually making the move.

If the Isle of Man puts these measures in place it is certain to be the subject of much international scrutiny from copyright holders, freedom protectors and governments as a global move toward the levy approach continues to be debated. Much of the future of music downloading worldwide will depend on whether the Isle of Man's change in policy can be seen as a success.