

How to protect copyright over the internet

Nour Kanawati - Associate - Corporate / Mergers and Acquisitions / Commercial / Private Equity
- Dubai Maze Tower

June - July 2015

Online copyright infringement has been a common occurrence for nearly 20 years, and the quality of pirated videos is getting increasingly better, with many of these videos streamed in HD or 1080p. With the introduction of paid streaming services such as Netflix and Hulu, the entertainment industry is hopeful that infringement of such copyrighted television shows and movies will decrease, but the likelihood that these paid services will significantly curb online copyright infringement is something we will have to wait to see.

It can be argued that the music industry lost the battle to piracy and online copyright infringement, banking on CD sales instead of transitioning to online digital media for too long. Nowadays, the situation has slightly improved with music that is readily available to be bought on sites such as iTunes, Spotify, and Amazon. Unfortunately, however, it took the music industry too long to realize this lesson. It is increasingly important for intellectual property right owners of television shows and movies to know how to protect their products. Production companies and the like need to adapt and understand their customers, and work around copyright infringement by providing consumers what they want, when they want, and in the form they want it in. This means providing shows online instantaneously.

However, that may require time, effort and money, and copyright infringement of television shows is constantly ongoing, whether by everyday people on YouTube or through expansive streaming websites. As an owner of intellectual property rights, it is extremely important to stop infringement when it occurs, or else the cycle of infringement will continue to grow. Fortunately for copyright owners, big corporations that may unknowingly host infringements are more than willing to cooperate.

For example, Apple, Inc. will respond to complaints about copyright infringement within a few days (for example if there is an app on iTunes that is pirating videos), and works with the copyright owner to take down the infringer and the infringing material.

If the copyrighted material is streamed on or through a major hosting site, the first step is to file an online complaint. As previously mentioned, one can file a complaint with Apple, Google, Microsoft, YouTube, etc. The complaint should ask for basic information including: the copyright owner's name and contact details, the location of the infringement (e.g. URL), a description of the material being infringed and the location of the owner's website if it contains the copyrighted material.

Once a complaint form is submitted, the hosting site sends an automated holding message. However, within a few days, an actual representative should contact the right's owner and asks for more details. After providing proof of ownership (usually a registration or evidence that your company owns the television show), the hosting site contacts the other party. Some websites put the two parties in contact and take a back seat, while other websites contact the infringing party directly requesting that they take down the infringing material. When a company is put in contact with the other company, it is important to have the legal representative send a cease and desist letter or a legal notice demanding the infringer take down the copyrighted material. With small, no-name infringers, that method is usually very effective.

Unfortunately, not every complaint is addressed that efficiently and conclusively. Occasionally, the hosting

website does not find that the material is being infringed, and other times the infringer refuses to cooperate and litigation may ensue. Ultimately, however, the general process is not a tedious one. Too many copyright owners assume that an online complaint form will not amount to anything. To the contrary, large internet corporations are very strong advocates of protecting a true owner's intellectual property rights and do not want to be hosts to copyright infringements. The proof is on the internet, where at one point or another, most people have seen that well-known message online on YouTube claiming a video is no longer available and has been removed due to copyright infringement; this shows that these corporations take intellectual property infringement seriously.

Reform of the entertainment industry to prevent copyright infringement will take time, and the likes of Netflix and iTunes will help, but in the meantime it is important to continually enforce against copyright infringement to deter users from posting and pirating more videos.