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Alert! Alert! The New Stage in Copyright Protection for Web 2.0

Since the defeat of SOPA in early 2012, copyright holding industries searched for a new way to protect their intellectual property rights against open file sharing on the internet. In late 2011, developments for a new system of enforcement of copyright were already underway, backed by the Center for Copyright Information (CCI). The primary contributors to CCI are big organizations protecting the interests of multiple media industries such as the Motion Picture Association of America (MPAA) and the Recording Industry Association of America (RIAA). These names, who were also in support of SOPA, have found a new, and perhaps, friendlier alternative to the would-be federal act in the Copyright Alert System (CAS).

Where SOPA would have promised a federal enforcement of private copyrights, the Copyright Alert System keeps that power in the hands of copyright industries and relevant, third party partners. The CCI implemented the system in February of 2013. To make this alert system possible, the members of CCI have joined with five top internet service providers (ISP): AT&T, Cablevision, Comcast, Time Warner Cable, and Verizon. The system starts with representatives from CCI signing up for peer to peer file sharing sites, masquerading as private users. They search for a file, such as a movie or song, which falls under the copyright of one of its members. Then, they identify the Internet Protocol address of the private user who uploaded that file, and notify the ISP who gave that address. From there, the individual ISP has a little freedom to decide what to do with their infringing subscriber. All ISP are required to give a first alert the subscriber simply telling them that illegal file sharing occurred from their IP address. With each subsequent transgression, the ISP can give a total of six alerts with increasing degrees of punition including watching an educational video, reduction in internet speeds, or downgrade of internet service package.

With the Copyright Alert System, members of CCI found a way to target enforcement of copyright laws among private users. Unlike SOPA, which would shut down whole sites found in copyright violation, CAS can directly approach individuals who participate in illegal activity through their service provider. Furthermore, accountability finally shifted away from the companies, instead placed on the individual user who uploaded the illegal material. The alert system is thus an efficient way of identifying and dealing with actual infringers at no expense to the general Internet community.

Not surprisingly, the Internet public’s view on the Copyright Alert System has been relatively split, with some praising the more direct approach to copyright enforcement while others find it a bit too “Big Brother” to find appealing. However, Paul Goldstein—a copyright optimist—would likely see the Copyright Alert System in a positive light. In his novel Copyright’s Highway, Goldstein mentions that he believes “the silence of Congress on the issue of private copies has left a black hole in the center of American copyright legislation” (107). Essentially, Goldstein thinks that Congress’s failure to create a plan dealing with the increasingly private nature of copyright infringement has hampered the effectiveness of copyright as a whole. Without the advent of a plan intended to deal with individual copyright infringers, copyright legislation will never be strong enough to prevent transgressions. It will instead contain a “black hole” in place of private copy legislation.

Goldstein also addresses this need for a more individualistic approach to copyright infringement when he states that “copyright owners suffer and consumer electronic companies benefit any time Congress postpones a decision on home copying” (109). It is evident that Goldstein wants a private copying law to be enacted as quickly as possible for the sake of copyright holders. He very much favors the proliferation of copyright owner success over that of consumer electronic companies, which the Copyright Alert System aims to ensure. However, despite Goldstein’s obvious positivity regarding the advent of a private copying law, he does not think its creation is possible. Instead, Goldstein plainly states that “private copying cannot be regulated” (107). This view seems to stem from his perception that “ideal, balanced laws that might have been possible within a year or two of a new technology’s arrival in the marketplace can, five years later, be politically impossible” (109). In other words, Goldstein feels that time is what has prevented the regulation of private copying. Because it takes years to produce new private copying laws, by the time these laws come out, society is so used to having their way with the new technology previously introduced that restricting the use of this technology appears too restraining. However, the Copyright Alert System successfully challenges this view that private copying cannot be regulated and provides an ideal method for doing so.

For the most part, Goldstein is right. With the millions of users of the internet, on top of the even more numerous copyrighted works, the ability to restrict people from distributing or downloading is next to impossible, especially without making it seem like a right-crushing crusade. However, the Copyright Alert System provides a method to monitor and control distribution. Because the CAS focuses solely on contacting IP addresses, privacy is maintained. “No personal information about consumers is shared between the content owners and ISPs” (copyrightinformation.org). Furthermore, the CAS is not government run, and therefore does not suffer from slow government processes or the need to go to court. The CAS only looks for distributors. This creates an atmosphere that denies mass anxiety. People who consume these distributions do not have the fear of being followed and found, and only distributors have the fear of being found out. Due to punishments being limited to a warning and other hindrances, the fear is not as severe as one regarding a lawsuit. This individualistic approach is the kind of thing Goldstein wanted implemented for copyright.

The CAS has flaws however. In terms of copyright, it only finds and deals with file sharing. It searches for full copies of originals and ignores things that are unrelated or otherwise have no readily identifiable copyright. This means it does not deal with alterations, imitations, and the like. Siva Vaidhyanathan in his Copyrights & Copywrongs said copyright “seems to be squelching beauty, impeding exposure, stifling creativity (185). The CAS does not deal with that area of copyright, so ironically, while a copyright optimist such as Goldstein can agree with it, so can a copyright pessimist such as Vaidhyanathan.

It would seem that both sides of the copyright argument has something to gain from the recent system implemented by the Copyright Center for Information. Those who call for strict enforcement of copyright laws and respect for intellectual property finally have an efficient system for capturing violators. Those who generally distrust tight control over copyrighted works find a fair compromise with the system: it only punishes the one who uploaded a file, not the ones who share it. This important distinction gives hope that this plan will succeed where SOPA and PIPA failed. Rather than close down entire websites at the slightest infringement, which have caused outrage among private users, the CAS avoids offending established communities by carefully seeking out individual infringers. The Copyright Alert System thus offers a viable middle ground between the copyright holders and the common internet consumer.

Writing a collaborative paper was a new and interesting experience for me. It may be due to the actual dividing of the work, but I felt like I had a very small amount of work and worry. This method also made peer reviewing interesting. Not only were we working on the same idea, it was the same paper, and so we all knew each other’s parts. Only once or twice were there breaks in communication, which were quickly sorted out. Overall, collaborative writing seems to ease the pressure and troubles simply by making it a group effort.

Works Cited

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