



## **Position Paper ACTA**

Paris, 27 May 2010

The European Producers Club (EPC) is an association of Europe's leading independent film producers. Dedicated to the development of a strong European film industry, our activities include networking events, the promotion of international coproduction in film and advocacy on European film policy issues.

EPC strongly supports the negotiations in progress for the Anti-Counterfeiting Trade Agreement (ACTA).

Nationally speaking, EPC has always encouraged national representatives to employ adequate measures to fight piracy. While all European countries are about to implement their own national laws, EPC members regret that these are not strong enough.

EPC members think that, generally speaking, ACTA should be the reference for establishing a minimum standard of copyright protection.

EPC members hope to see the creation of an efficient international tool for fighting piracy.

The creation of such a tool is, for us, a prerequisite for the development of the film industry's digital age.

EPC positions itself as following to the ACTA negotiations:

1/ EPC is in favour of the immediate and unconditional withdrawal of illegal content, as soon as it is recognised as such, either by the rights holder or some other authority.

2/ EPC also strongly supports determining ISPs' responsibilities, which would include:

- blocking illegal content;
- refusing to stock illegal content on their platforms;
- supplying complete information about repeat infringers to rights holders.



3/ EPC is against the exchange of illegal files on peer to peer networks, whether for commercial or allegedly "private" reasons. Moreover, there is no such thing as true private use: the regular use of a P2P network for illegal downloads requires that one offer the same copy for download to all other users on the network at that time. In other words, one acts as a commercial video-on-demand and thus, a kind of electronic-sell-through platform. However, EPC is not against the private copy exception for legal works if such copy comes from a legal source.

4/ EPC supports penalties for any actions taken to circumvent protection measures.

5/ EPC hopes that ACTA will encourage governments to authorise the withdrawal of internet access for identified, repeat infringers.

6/ We believe that ACTA would benefit from governance, in order to ensure the implementation of the measures laid out in the agreement.

7/ We believe ACTA should also address illegal streaming sites and file hosters that are based outside the EU and/or are anonymous (megaupload; kino.to).

8/ Last, we believe it essential to open up the advisory committee to Europeans and in particular, to European producers of films, since ACTA is about the future of the works they are producing. The present committee is exclusively composed of Americans, for historical reasons. With the extension of the negotiations to other countries, we would be pleased to represent our profession within this committee.