

New French law on Internet piracy meets skepticism

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(AP) -- President Nicolas Sarkozy's governing party rejoiced when it muscled one of his pet projects through the French parliament: an unprecedented law to cut the Internet connections of people who repeatedly download music and movies illegally.

Sarkozy's victory last week, however, has not won France leadership in Europe's fight against Internet piracy. The government controls needed to enforce the [law](#) have unnerved other European nations while legal challenges at home and opposition in the [European Parliament](#) could derail it.

Music, film and other industry groups welcomed the French law; John Kennedy, chairman and CEO of the International Federation of the Phonographic Industry, says it represents a "sea change."

Critics, however, worry about potential invasive state monitoring of citizens.

"We should be careful about interfering with the freedom of exchange of information," said Wolfgang Zankl, professor at the University of Vienna and president of the European Center for E-Commerce. "This is a constitutional right which no one should be barred from."

Some Internet experts say the law will be technically impossible to apply. It denies accused pirates the chance to contest charges before their Web connections are severed, and legal experts say it will not stand up in

court.

The measure's first short-term test comes in the next 30 days. On Tuesday, the opposition Socialists took the law before the Constitutional Council, the body that ensures the constitutionality of French legislation. The council has a month to issue a ruling.

If the council decides the law does not violate the constitution, it could take effect by summer.

The key provisions would be graduated reprisals against alleged offenders. If a suspected pirate fails to heed e-mail and written warnings, Internet access could be cut for a period of two months to a year - while the user keeps paying for the service under the contract's terms.

Christine Albanel, the French culture minister, foresees cutting 1,000 Internet connections every day and sending 13,000 warnings to first- or second-time offenders.

Even before the French proposal became law, it encountered resistance in the European Parliament. Elections to a new parliament take place in early June, and the fight for Internet freedom has become a campaign issue in some countries, first and foremost in Sweden, which has gained a reputation as a hub for illegal file-sharing.

Support for Sweden's Pirate Party, which calls for legalization of file-sharing, is growing, and a poll published three weeks ago shows the party could gain a seat in the European Parliament.

Christian Engstrom, Pirate Party nominee for parliament, said the French law is damaging to the free exchange of information on the Internet. "The fact that they evade the rule of law and work together with a greedy copyright industry is not fitting for a Western democracy,"

Engstrom said in a statement.

Once a new European Parliament is seated, in July at the earliest, one of its tasks will be to take up a package of telecommunications' reforms. The EU assembly already threw out a compromise this year reached with governments that would have allowed France to implement its law.

At that point, lawmakers reinstated an earlier demand that "no restriction may be imposed on the fundamental rights and freedoms of ... users, without prior ruling by judicial authorities." That debate is sure to come up again in the next EU [parliament](#) session.

With the exception of Sweden, where a court in April convicted four men to one year in jail for helping people download copyrighted material, court cases in Europe have failed to dent the practice. A Spanish court this week will hear the latest industry case against suspected file-sharers.

Russia and Ukraine are some of Europe's biggest offenders in illegal file-sharing. However, they have no intention of passing legislation similar to that in France and are out of reach of eventual European Union rules.

Last year, the Russian government did shut down one music download site, but it soon opened again under a different name.

In the United States, the music industry has waged war on content swappers in various ways with limited success. A campaign to sue individuals who had downloaded lots of free songs was dropped last year in favor of an effort to work more closely with ISPs to try to block connections of alleged offenders. AT&T, the largest Internet service provider in the U.S., is beginning to send the warnings to its subscribers.

The French law faces opposition not just among politicians and the

public. Internet service providers in Britain consider disconnection a disproportionate, and impracticable, punishment.

"Significant technological advances would be required if these measures are to reach a standard where they would be admissible as evidence in court," the U.K. Internet Service Providers' Association said Tuesday.

ISPs in Germany have, thus far, refused to volunteer information about Internet pirates, forcing copyright owners to take legal action to compel providers to reveal their identities.

The ISPs in the United States, however, claim that big users of music and video-swapping sites are clogging their networks, and some have begun to impose caps on Internet usage but it is unclear if this will work.

In France, opponents of the law say it misses the point - targeting traditional peer-to-peer downloads while online "streaming" is taking off. They also say the law will be technically impossible to apply, in part, they claim, because the software required for monitoring does not exist.

The French law creates a government agency to sanction the offenders, with the actual monitoring left to industry watchdogs. It's a role the industry, suffering from a drop in profits due to file-sharing, is ready to assume.

"It has been extraordinary to see the change of attitude to this problem, not only among governments but also within our own creative industries," Kennedy told The AP in an e-mail statement Wednesday. "Barely two years ago Internet piracy was something that seemed to many beyond regulation. Today, the mindset couldn't be more different."

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