

ISOC European Regional Bureau Newsletter

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Copyright

EU: Commission to publish a whitepaper on the proposed overhaul of the copyright framework

- A **Commission's whitepaper** depicting how the **EU's copyright rules** should be adapted to the digital age should be published in June, said EU Internal Market Commissioner Barnier to the plenary of the European Parliament.
- A **public consultation** on the subject is currently open for stakeholders' input. The consultation period has been prolonged by one month as the Commission was criticised for rushing the matter. The soon to be published whitepaper, that will provide insights into the possible developments of the copyright framework, is expected to be followed by further public consultation. According to Barnier, the paper will allow the newly elected Parliament (May 2014) and the new College of Commissioners (October 2014) to move forwards with the dossier on a solid premise.
- The Commissioner proposed that the so-called **notice and action scheme** on the measures that ISPs should take to remove illegally published content should be **put aside** for the time being.

Internet governance

EU: Commission to present its Internet governance strategy

- **Constantijn van Orange-Nassau**, head of cabinet of the EU Digital Agenda **Commissioner Kroes**, confirmed that on **12 February** the European Commission is to unveil its **communication on the multilateral model of Internet governance**. The document is to provide guidelines for the EU's position at the upcoming forum on the future of the Internet governance that will take place on 23-24 April, in Sao Paulo, Brazil.
- Internal sources reported that the European Commission would adopt an intergovernmental approach. An implicit ambition of the Commission would be to get more involved in ICANN and IANA.

Data protection

France: CNIL calls on operators to observe data breaches notifications obligation

- On 3 February, **CNIL**, the French data protection authority organised a **briefing** for electronic communication operators to **underline the legal obligations** of the former with regards to personal data **breaches notification**. According to CNIL, neither the French nor the EU obligations in terms of breach notification are respected.

US firms warn data storage requirements could harm free trade

- At the Annual **EU-US Trade Conference** that took place last week in Brussels, IBM and AT&T warned the European lawmakers against forcing companies to keep data in a particular location. According to the companies this would translate into **creating artificial trade barriers**, thus disrupting free trade. Karim Lesina at AT&T underlined that the question is not about where to store the data but about its protection and encryption.
- An idea recently voiced by the European Parliament stipulates that companies active in the EU should process personal data on local servers.
- To address data security concerns, **MEP Hans-Peter Martin** (Non-attached, Austria) inquired about the possibility of developing an alternative internal European Internet infrastructure. **Linda Corugedo Steneberg**, Director of Cooperation at DG Connect underlined that the Commission does not favour European clouds or localized data as it may be disruptive for the functioning of information technology.

Copyright infringement

Germany: Domain registrar can be held liable for torrent site infringements

- According to a **judgment** by the Regional Court of Saarbrücken, a **domain registrar** can be held **liable for activities infringing on copyright** of a torrent site that uses its services.
- In the ruling, Universal Music has obtained an injunction against Key-Systems, a German-based registrar with whom H33T, previously one of the Internet's largest torrent trackers, had registered its domain name. Registrar Key-Systems has stated that if the ruling is allowed to stand, it will substantially modify the kind of services domain registrars will be able to provide.
- Federal Music Industry Association (BVMI) welcomed the judgment underlining that it offers the right holders a **new protection option**. Key-Systems' lawyer has indicated that the company is reviewing the ruling to potentially overturn the judgment.

Open Internet

Turkey: Parliament passes Internet censorship bill

- On 5 February, the Parliament passed a new Internet **bill** that puts several restrictions on the Internet. Notably, this draft law would allow the Telecommunications Directorate (TIB) to block access to websites without a court order upon complaint of a posting that violates privacy or content viewed as "insulting".
- The new measures would also enable the government unrestricted access to users' activities, block online content within four hours without court order, oblige Internet providers to monitor posted content and keep browser history for two years.
- The draft law is aimed at protecting the family, children, and youth from online entries that encourage sexual abuse, drug addiction and suicide. However, this draft legislation sparked criticism by various groups including opposition parties, NGOs, **industry groups**, several media outlets, EU institutions and the **US**, which voiced their concerns over the restriction of freedom of expression. Meanwhile, Minister of Transport, Maritime Affairs and Communications **Lütfi Elvan** assured that the draft law would not be increasing censorship of the Internet, but rather protecting people's privacy.
- The draft bill still needs to be signed into law by President Abdullah Gül before being officially adopted. Meanwhile, on 6 February President Abdullah Gül held a **meeting** with Communication Minister Lütfi Elvan, where the agenda of discussion is speculated to be the new Internet bill.

Turkey: Petitions emerge against Internet censorship

- Several NGOs and other Interest groups, including Greenpeace and have launched signature campaigns against the recently passed Internet legislation. These petitions urge President Abdullah Gül to veto the draft legislation.
- Meanwhile, Turkey's anonymous group of Hackers Redhack is calling on people to gather in Taksim square on 8 February to demonstrate the aforementioned bill.

Cybersecurity

France: Hackers steal data from 800,000 of Orange customers

- The French telecommunications company **Orange** confirmed that the personal data belonging to 3% of its French clients (800,000 customers) has been accessed by hackers. The attack is said to have occurred on 16 January. According to Orange, theft of this type is mainly done for phishing purposes.
- EU telecom operators obligations were put in place last year, requiring the companies to report security incidents to the national authority within 24 hours following the discovery.

EU: EU-Standard Operational Procedures for multinational cyber crises

- **ENISA**, the European Network and Information Security Agency has published a press release on the EU-Standard Operational Procedures (EU-SOPs) which provide guidance for the management of multinational cyber crises. The procedures were developed by the EU and the European Free Trade Association (EFTA) Member States in collaboration with the ENISA.
- The EU-SOPs constitute a handbook for predefined, commonly agreed upon and exercised operational contacts, procedures and processes, stated Professor Udo Helmbrecht, ENISA's executive director.

General

France: Authorities claim €1bn against Google following a probe into its tax strategy

- Following a probe into Google's tax regime, French authorities are said to have claimed €1billion against the company, reported **Le Point**. Neither Google nor the French Ministry of Finance commented on the reports.
- A scheme published in the 2013 report by the French telecoms federation explained how Google reduces the amount of tax it pays in France by funnelling most of its revenue through intermediaries in the Netherlands, Bermuda and Ireland.
- AFP reported that Google France reported €192.9m of revenue in 2012, and paid €6.5m in tax on the €8.3m of net profit it earned. But, industry analysts estimate that thanks to selling advertisements Google generated over €1.4 billion in revenue in France in 2011.
- France is among the countries pushing for a reform of tax regimes reform that would put an end to what is perceived as an abuse of tax and accounting rules.

EU: Commission announces search display settlement with Google

- The European Commission has announced that it has obtained an improved proposal from Google in the context of the ongoing antitrust investigation into online search and search advertising.
- Google's proposal guarantees that the promotion of its own specialised search services on its web page will be comparable to the display of the services of three rivals, selected through an objective method.
- Google's commitments would cover the European Economic Area (EEA) for 5 years and be monitored by an independent monitoring trustee.
- Before the Commission takes its final decision, the complainant will have the opportunity to communicate their concerns.