

# Solutions to P2P Copyright Crisis

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Recently, the introduction of Peer to Peer (P2P) technology on the internet has badly aggravated the problem of unauthorized file-sharing. The extensive public piracy caused by the amazingly fast distributing speed of P2P has led to a great amount of sales loss, which chilling the incentives of creative industries. They keep bringing lawsuits against two types of parties, P2P users and internet service providers (ISPs) that facilitate file-sharing. However, no satisfying results have come out. Because of the uncertainty and inability of national laws, most countries are struggling for copyright law revisions.

The purpose of this paper is to fashion appropriate legal amendments concerning on the primary liability of unauthorized uploading and downloading activities of P2P users and secondary liability of ISPs, then propose an optimized combination of solutions for this piracy problem. Mainly based on an

international comparative perspective, this paper will analyze several representative countries, including the US, the UK, Australia, Singapore, China.

First, this paper will examine the traditional creative incentive theory of intellectual property under a new digital circumstance and find out the best position the law should take between P2P users, ISPs and copyright owners. It will discuss technology protection, fast piracy speed, new market models and free culture.

Second, it will highlight and explain the legal uncertainties of primary and secondary liabilities. With regard to P2P users, it will review the dispute issues in Hong Kong Bit Torrent case, and criminal uploading legislations of the US and Singapore, discuss the tendency of other countries to revise unauthorized uploading and downloading liability. For ISPs, it will explore four kinds of liabilities, contributory, vicarious, authorized and joint liabilities in representative jurisdictions, through studying

series relevant cases, e.g. Grokster Case, ISPs safe harbors in main legislations, like Digital Millennium Copyright Act of the United States, EU E-commerce and Copyright Directives, and important international treaties, for instance, World Intellectual Property Organization Copyright Treaty, Australia-US Free Trade Agreement.

Third, it will design proper scopes of these two liabilities together with an optimized model of solutions. Levy system, compulsory licensing and other possible solutions will be evaluated altogether in order to make sure that the new definitions of legal liabilities will be suitable and feasible. Considering the different legal traditions and national situations, the proposed solutions in different countries might be similar but not exactly the same.