

6.805 Semester Project Proposal

Michael E Plasmeier <theplaz@mit.edu>

Stephen J Suen <ssuen@mit.edu>

2012 saw the reemergence of copyright legislation in the public consciousness, especially in the wake of SOPA and PIPA, which sought to combat piracy on the Internet. The resulting backlash against these bills—both from Internet users and businesses themselves, as well as from political opposition—indicate divisive attitudes over the effectiveness of the proposed anti-piracy mechanisms. Our project aims to analyze the major policy proposals targeting online piracy. We will not only be looking at the mechanisms put forward in SOPA, PIPA, and proposed alternative OPEN, but we will also review the success of policies implemented via the DMCA and through voluntary action by Internet players. Where appropriate, we will evaluate policies implemented around the world such as the French Hadopi law, unilateral policies including Hollywood's monitoring of BitTorrent networks, and provisions included in international treaties like ACTA. The specific policy mechanisms that we will review are:

- Requiring US-based DNS providers to alter results
- ISP-based deep packet inspection
- BitTorrent monitoring
- Copyright infringement lawsuits against individual users
- DMCA takedown requests
- Legal action against upload sites (e.g. Megaupload)
- Content identification by video sharing websites (e.g. YouTube Content ID)
- Graduated response (e.g. Hadopi in France, voluntary 6-strikes agreement in the US)
- Stopping advertising revenues
- Criminal penalties
- Preventing distribution/discussion of circumvention tools
- *Possibly others, pending additional research*

Naturally, to evaluate the piracy-fighting effectiveness of each of these mechanisms, we will design a model of cost-benefit analysis that incorporates various assessment metrics. For each proposed mechanism, we will pose a number of questions. Will the policy actually make a difference? Can the policy be implemented robustly? Can pirates easily avoid the mechanism? What are the costs and challenges of implementation? Does the policy violate the standards of the Internet? Will the policy prevent us from accomplishing other goals, such as tightening up cyber security? Will certain actors incur a cost, and if so, who will pay for it? To supplement this analysis, we will review existing literature on the economic costs of online piracy and develop a system of classifying these losses.

Based on these issues, the goal of this report will be to identify possible policy actions that address the piracy problem without compromising the underlying structures of the open Internet and—by extension—the civil liberties guaranteed by those structures and the ecosystem for innovation that they have enabled. This analysis will also take into account pragmatic issues of economic costs, possible political challenges, and other barriers to comprehensive implementation. We will also be sure to examine copyright law pre- and post-Internet, to see how notions of intellectual property and proper enforcement of those exclusive rights have changed over time, in order to better contextualize the issues at play.