

6.805 Semester Project Proposal

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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 develop a framework for the cost-benefit analysis of such anti-piracy mechanisms. In order to do this, we will design a model that will evaluate different metrics of effectiveness and 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 long-term goal for this evaluative framework will be to encompass a common set of values, standards, and metrics for the analysis and discussion of future proposed anti-piracy mechanisms. With this model, we hope to enable a more robust discussion of how to 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 issue.

To illustrate the usefulness of such a framework, we will show it in action by running a analysis of recent graduated response policies proposed to combat online piracy—specifically, the HADOPI law in France and the “six strikes” Copyright Alert System being implemented here in the US as part of an agreement between the MPAA, the RIAA, and a number of major ISPs. To put this assessment into perspective, we will also use our framework to evaluate the effectiveness of the previous anti-piracy paradigm of filing lawsuits against individual users, using it as a benchmark for comparison. Through this analysis, we will be able to identify the merits and downsides of graduated response mechanisms, discuss them in relation to traditional copyright litigation strategies, and provide comprehensive policy suggestions. Ideally, the framework we develop in this project can also be extended to other anti-piracy mechanisms and create a more standardized system for analyzing and deciding between these kinds of policies.