France Approves Crackdown on Internet Piracy

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PARIS — The French National Assembly on Tuesday approved a plan by President Nicolas Sarkozy to punish digital pirates with the possible suspension of their Internet connections, a little more than a month after the same body had rejected the proposal in a surprise vote.

The assembly, the lower house of Parliament, voted 296 to 233 in favor of the bill, the furthest-reaching legislative initiative yet in the global battle by the music and movie industries against unauthorized copying of their works. The bill would create a new agency that would send warning letters to copyright violators; those who ignored two warnings would lose their Internet service.

Passage was expected because Mr. Sarkozy’s government closed ranks after losing the previous vote in April, when insufficient members of his party, U.M.P., appeared for the vote. The Culture Ministry hailed the outcome Tuesday as an important step toward “preserving cultural diversity and the industries threatened by piracy.”

Approval in the upper house, the Senate, is expected Wednesday. The sponsor of the bill in the National Assembly, Franck Riester, has said that the first penalties could occur next year.

Opponents say, however, that the plan is saddled with provisions that would make the system difficult, if not impossible, to enforce.

Before the measure goes into effect, it also faces several potential hurdles. Assuming it is passed by the Senate, it would be reviewed by the Constitutional Council, which has the power to reject proposed legislation, something that happens relatively infrequently.

Groups that favor an unfettered Internet are also vowing to challenge the measure through the courts, citing a recent declaration by the European Parliament that it is illegal for a European Union country to sever Internet access without the approval of a court.

Opponents of the so-called three strikes plan say their cause will be aided by the fact...
that the vote was relatively close, even though Mr. Sarkozy has a substantial majority in the National Assembly.

“The law has a very low political legitimacy because of this,” said Jérémie Zimmermann, director of La Quadrature du Net, an advocacy group based in Paris.

Mr. Zimmermann and other opponents of the bill say it would be overly intrusive and could undermine the development of the Internet in France.

Unusually in the French parliamentary system of government, the proposal also split both Mr. Sarkozy's party and the main opposition group, the Socialists. A number of U.M.P. members risked the president's wrath to vote against the plan, while the proposal tested the traditional loyalty of the Socialists for the French content industries; in the end, many found a stronger affinity with the populist cause of Internet freedom.

A mini-scandal that unfolded in the days leading up to the vote showed how politically charged the debate over the proposal has become. It involved the dismissal of an executive of TF1, the leading French television broadcaster, who had criticized the proposed law in a private e-mail message to his representative in the National Assembly.

The e-mail from the executive, Jérôme Bourreau-Guggenheim, who was in charge of Web innovation at TF1, found its way to the Culture Ministry, where a staff member forwarded it back to the bosses of Mr. Bourreau-Guggenheim at TF1. The broadcaster said his “radical position” on the issue required him to be dismissed. The culture minister, Christine Albanel, suspended an unidentified employee for one month for sending the e-mail to TF1 executives.

The three-strikes measure has been actively supported by music and movie industry trade organizations; groups like the International Federation of the Phonographic Industry have called it an example for other countries to follow.

But the prospects for similar legislation are unclear. In the United States, the House of Representatives recently held hearings on what to do about piracy, but so far there have been no concrete proposals. In Britain, meanwhile, the government has ruled out a French-style approach, saying that London preferred to have the entertainment industries and Internet service providers work together on an anti-piracy plan.

Mark Mulligan, an analyst at Forrester Research, said the French plan was unlikely to result in a large number of suspensions because technology will move on. Already, many people share music on the Internet through other means than peer-to-peer services, the main target of the French legislation.

But he said it could encourage media companies to make music and movies available in more attractive ways on the Internet, something that he said was needed if they were to have any hope of curbing piracy.

“It doesn’t matter how big a stick you’ve got,” he said. “If you don’t have a big fat carrot in front of the horse’s nose it’s not going to move.”