

Attendees

Donna Whitehead – Microsoft
Theo Bertram – Google
Patrick Robinson – Yahoo
Richard Mollet – Publisher’s Association
Bill Bush – Premier League
Geoff Taylor - BPI
Chris Marcich - MPAA
Ed Quilty – IPO
Sam Carter - Ofcom

TB introduced the paper, referring to the commission from the Secretary of State and noting the achievement it represents in reaching agreement between the search engines (the first of its kind). He placed it in the context of other actions underway or available to combat online copyright infringement (e.g. ISP blocking) and said that it is the start of a partnership with rights holders, rather than the last word.

Rights holder representatives were expressed their disappointment in the paper. They noted that it did not refer to or respond to the rights holders own earlier paper; it did not include any detail on influencing search rankings; and that it set out revisions to the notice and take down procedure which would make it more difficult for rights holders. GT said that BPI send over 10,000 notice and take down requests on some days, predominantly about the same sites, and said that search engines should engage more responsively with responsible partners like the BPI.

TB spoke for the search engines in saying that they had been asked to prepare a paper from their perspective. He outlined some of the problems with notice and take down around competitors using the process against each other (i.e. to take down legitimate content). He said that they have a series of commercial dialogues with companies which want to be higher up rankings, noting that they cannot place specific companies at the top but that they are happy to assist in understanding ways to do this legitimately through discussions with search engine staff. He said that they are keen to encourage rights holders to come up with new opportunities for users to consume legitimate content in higher volume and at low cost, and noted that the majority of search terms are specific to the site (e.g. “pirate bay) rather than generalised (e.g. “Adele free download”). PR noted that the court process is the clearest route, but needs to be more effective, and noted that responding positively to a notice and take down request is not ‘admission’ that the content is illegal, but rather out of a wish not to be opened up to legal action from rights holders.

There was a discussion about whether search engines’ are generating revenue from advertising and directing traffic to sites which are infringing copyright. The search engines refuted this and detailed the steps they take, including taking adverts off sites found to be illegal.

EV summed up the meeting, and set out the following action points:

- **Search engines** – to provide a short paper explaining their key concerns around prioritisation of search results (which EV emphasised the SOS does want to see proposals on)
- Search engines and rights holders to continue dialogue, focusing on where there may be room for negotiation on prioritisation, possibly based on Notice & Take-down frequency
- **Search engines/ISPs** – to give consideration to the option to extend the definition of safe search to include protection against illegal downloads;
- **Search engines and rights holders** – to arrange a meeting of their commercial “geeks” to give them the opportunity to think more experimentally as to how this might work, and where there may be mutual advantage..
- **GT** – to provide a list, with statistics, of the 10 main sites re take down notices;
- **EV Private Office** – to arrange a meeting for EV with anti-virus companies;
- Personal information – to prepare a short briefing note on progress for the SOS