



hola
hello

about

today

first

previously...

copyright term extension

**burden of proof is
on extending
copyrights**

exceptions and limitations

**three-step rule is
not a religion**

**just a rule that
can't go against
public interest**

**public interest
democracy
transparency**

enough said

second

how you define
rights is
important

**but how you
enforce those
rights sets the
score**

two specific issues

second-a

isp liability

second-b damages

-i-

isp liability

**is there a need to
establish an ISP
liability regime?**

internet

chain

several links

content
upstream connection
hosting
downstream connection
consumer



makes sense

**let intermediaries
do their job**

**not turn them
into editors**

**impossible in
terms of
efficiency**

US got that right

early 90's cases

DMCA

safe harbor provisions

**ISP can't be find
liable**

**unless they
receive a
notification**

**and follow some
requisites**

**until here, we
agree (right?)**

why I'm here?

**the way ISP
liability rules are
implemented is
important**

copyright policy goals

foster creativity and innovation

**more works
better works**

**protect copyright
industry business
models at all cost**

protect copyright
industry business
models at all cost



**again, ISP liability
rules are a
good idea**

DMCA system

private notice and takedown system

**excessively low
threshold to give
notice**

private system

private notice

make an ISP liable

**unless they (ISP's)
take down the
content**

**who check if the
notices are right?**

DMCA

notice-counter notice-damages
regime

complicated

**give ISP incentives
to take down
content**

**put them to work
on behalf of the
alleged copyright
infringers**

recent literature

1/3

**not even based in
copyright allegations**

tool for censorship

for deter innovation

**what the policy goals
were, again?**

foster creativity and innovation

**more works
better works**

-ii-

damages

some proposals

pre-established damages

deterrence of future infringement

presumption for attorneys fees

information possessed by infringers

some principles

due process of law

proportionality

privacy

equality before the law

material justice

testing time!

pre-established damages

due process of law?
proportionality?
privacy?
equality before the law?
material justice?

deterrence of future infringement

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presumption for attorneys fees

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**information
possessed by
infringers**

due process of law?
proportionality?
privacy?
equality before the law?
material justice?

thank you!
¡gracias!

further information

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