



More Global Strategies to Combat Counterfeiting

Special content from Copyright Clearance Center

with

- **Michiel Kolman, Sr. Vice President, Information Industry Relations, Elsevier**
 - **Sari Frances, Director, Content Protection Services, Elsevier**
 - **John Garry, Vice President and Senior Counsel, Pearson**
 - **Paul Johnson, Strategic Account Manager, OpSec Online.**

**For podcast release
Monday, June 22, 2020**

KENNEALLY: Welcome to special content from Copyright Clearance Center. I'm Christopher Kenneally. Over recent years, publishers have expanded and evolved strategies for combating content piracy in response to increasingly sophisticated counterfeiting techniques. The most promising ways forward involve collaboration across businesses, industries, and continents, pulling together the expertise of legal, content production, sales, and marketing teams globally.

For this second of two programs called *The Never-Ending Story of Pirates: Global Strategies to Combat Counterfeiting*, we will explore in depth specific publisher experiences, illuminating how their organizations are responding to the ongoing challenge of piracy. In a previous program, we examined a variety of international perspectives across different industries.

Our discussion leader for both programs is Michiel Kolman, senior vice president of information industry relations at Elsevier, a global information analytics business specializing in science and health. Michiel is a former president of the International Publishers Association. He earned his PhD in astrophysics from Columbia University in New York, where he studied with a Fulbright Scholarship. Welcome to the program, Michiel.

KOLMAN: Good to be back, Chris.

KENNEALLY: Our first panelist today is Sari Frances, director of content protection services at Elsevier, where she collaborates with colleagues in legal, IT security, IPR, and sales to address worldwide concerns about digital piracy and copyright infringement. Welcome, Sari.



FRANCES: Thank you, Chris.

KENNEALLY: Also a panelist today is John Garry, vice president and senior counsel with Pearson, a provider of content assessment and digital services to learners, educational institutions, employers, governments, and other partners globally. John currently manages Pearson's intellectual property protection group, and he previously provided many years of commercial IP, contract, operational, and litigation support to numerous Pearson divisions. Welcome to the program, John.

GARRY: Thank you. Good morning.

KENNEALLY: And our third panelist today is Paul Johnson, strategic account manager with OpSec Online. Established in January 2020, OpSec Online combines the brand protection efforts of OpSec and MarkMonitor. Prior to his current role, Paul has worked for FIFA, National Geographic, CNBC, and Disney with responsibility for distribution, content licensing, and protection. Paul Johnson, welcome to the program.

JOHNSON: Thank you very much, Chris. It's a pleasure to be here today. I'm really looking forward to having this conversation with everyone and kind of sharing our experiences with regards to piracy and the kind of strategies around that.

KENNEALLY: And with that, I want to turn it over to our program leader, Michiel Kolman.

KOLMAN: Yes, thank you, Chris. Welcome, everybody, to the second part of our series of this never-ending story of pirates. Allow me to kick off this session with a few words to set the stage. Last time, we covered the global strategies to combat modern piracy. We heard from Emma House and Roy Kaufman, and there were a few themes that came back again and again, and clearly they are central to any effective global anti-piracy effort.

First, education – education is key. There cannot be any effective anti-piracy effort without an educational campaign. Second – enforcement. It's so important. We need regulations. We need policies. They need to be enforced. That's what we need if we're going to help fight our industry piracy programs. To do what we're going to do, we need good data on the impact of piracy on our business – both in terms of the loss of sales, but also indirectly on our ability to reinvest and take risks on our new publishing projects. And finally, one way to take the wind out of the pirates' sails is to provide alternative, legitimate access. In fact, one could almost argue that piracy screams opportunity and innovation.



Clearly, across the publishing industry, we can all benefit from sharing best practices and strategies to combat piracy. This is exactly what our second session will focus on by taking on a deeper dive into the education and STM – science, technology, and medical – markets to share successful publishing strategies on fighting piracy.

For those not familiar with piracy in these markets, I will quickly set the scene. For educational publishers, today's textbook market provides a complex landscape of options for students to obtain textbooks. Technology has fueled torrenting, with many sites created with the sole purpose to enable students to illegally download textbooks for free. Social media platforms provide another channel for students to share textbook material. And there is a robust market for used textbooks or sites that specifically help locate the cheapest option for students. This has arguably helped drive innovation, with some of the biggest educational publishers experimenting with new models, like subscription and rental.

When we look at the STM market, we're not only talking about books but millions of research articles that are published each year. These articles attract an impressive amount of downloads – in fact, billions. Articles are also downloaded from a variety of places, including the publishers' platforms, institutional repositories, subject repositories, and shared via online social networks like Mendeley. However, there have been cases where sites simply steal this content illegally and host this on a server. These sites may seem harmless when you download just a few papers, but in fact, they host millions of illegal articles and facilitate billions of downloads every year. They do not add to the end-user content experience and often move IP addresses or suspend their services entirely only to pop back up in another server hosted elsewhere.

In short, for these sectors of the publishing industry, we need both to fight piracy by innovating and educating, and we do need to do that collaboratively. Today, this panel of experts will share their insights and experiences how individual publishers have been responding to the challenge of piracy. So to start, I would like to hand over to Sari Frances, our director of content protection services at Elsevier. Sari, I would like to give you the floor for the STM perspective. Over to you.

FRANCES: Great. Thank you so much, Michiel. And thank you, Chris, as well, and giving us this opportunity to speak with you all today. Michiel, you said everything perfectly about piracy and what's happening in the landscape within publishing, so thank you for that introduction.



So why I'm here today is to give you an overview of what's happening in STM publishing, so I'm not speaking just on behalf of Elsevier but with a collaboration of other publishers that are working on efforts in this space. As, Michiel, you already mentioned, that most of the biggest problem for publishers right now is the stealing of content, intellectual property, and disseminating that and making it freely available.

The current impact that we're having is mainly the biggest threat to the publishing industry, which is Sci-Hub. Sci-Hub, for those of you who don't know – it's an illegal Russian website. Initially, it was deemed as coming from a student in Kazakhstan who was mainly looking at it from a – people were looking at it from a Robin Hood-type perspective. But it's basically compromising the security of libraries and institutions globally.

It's also created some confusion in the marketplace with trust and access and the implications of using it and the vulnerabilities. So while users are accessing it, they may not be aware of the vulnerabilities of accessing these illegal websites, but also the fact that what we've been seeing from a publisher perspective is that how we manage and track that activity – it's not those particular users that are using Sci-Hub that are being also impacted, so I'll talk a little bit more about that. But the long-term impact of these types of threats, not only Sci-Hub, is the potential crippling of the scholarly publishing industry as we know it. It's the entire ecosystem that's being disrupted.

What are we doing in this space? Well, we're – first, one of our biggest strategies is outreach and education. So we are contacting compromised universities that we see that have this abnormal activity, so we're ensuring that we communicate with them, alert them, and also educate them on how to prevent future attacks – also work with them and see what challenges they're facing in this space. We're also participating in conferences globally, so we were speaking at conferences within the library community and within the publishing community just to really get the word out and also see where we can collaborate.

The screenshot in the back here of what I'm showing here on my slide is actually a customer that alerted us of activity that they saw – over 48,000 requests over 360 sites, and this is just one user. Again, just want to ensure that I'm being clear in saying that it's not somebody that's using Sci-Hub. It is an innocent victim that has had their user credentials stolen.



And lastly, we're authoring papers, so we're speaking about this through other sources like *The Scholarly Kitchen*. We have papers in *The Serials Librarian*. We're also coming out in *Against the Grain*. So while we're speaking at these conferences, we're also developing white papers and collaborating with others within the publishing community.

And then our last strategy is through the industry collaborations. SNSI is the Scholarly Network Security Initiative. This was actually formed back in 2017, but now we officially have a name. It's made up of academic publishers, representatives of the library community, societies, and trade organizations, so not just what you see on your screen is being represented here. There's a lot more within this group.

Members of the group are taking legal action, technical steps, and taking part in various initiatives with universities worldwide. Having this combination of forces, we feel that it's needed to protect these institutions from these vulnerabilities. So this is our way of – even though we're all competitors in this space, we all have this shared problem. But it also is a way for us to understand the challenges and why things like Sci-Hub exist. And I think providing legitimate access and finding that balance of providing seamless access and ways for our end users – our researchers, our librarians, everybody in the community – to access our content in a legitimate way, but also providing that level of security as well from both perspectives. So we have this shared problem.

This is why we have these types of organizations that we work with. So what's not mentioned here – but we are also participating in efforts like SeamlessAccess, GetFTR, and other industry initiatives that support this and kind of have that collaboration with SNSI. There is a bit of overlap, but we all are kind of ensuring that we are on the same path as far as when it comes to digital piracy. And that's all I have for today, so thank you.

KOLMAN: Thank you, Sari. And quite an impressive coalition, I would say. I look at all the key players in our industry – and a nice mix of commercial publishers and society publishers and different continents, so a true international coalition, so to say. Good. Thank you so much.

Let's then move on to John Garry, who is vice president and senior counsel, IP protection, at Pearson. So welcome, John. We would love to hear your perspective on the educational publishing market.



GARRY: Great. Well, thanks for having me, Michiel and Chris, and thanks for speaking, Sari. We actually have a lot in common, so we'll find that out as we go along.

My name is John Garry. Thanks for the introduction and thanks for Sari. I work with something called the Educational Publishers Enforcement Group, or EPEG. Sari, not only do we have a name now, we have an acronym. We worked together for 10 years without a name. Oh, you have an acronym, too. You really don't need a name until people find out what you're doing and say, hey, can we learn more about that?

FRANCES: Absolutely.

GARRY: So we became EPEG, although for 10 years, we were five lawyers sitting around talking, and it consists of – for a while, quite some time now, the group is Cengage, Elsevier, Macmillan Learning, McGraw Hill, and Pearson. So let me say I work for Pearson, but I don't even speak for them. I speak for no one but myself. We all know that, right? But that's who the group is.

I'm going to turn to the slide now just to give you an overview of the four key things that we try to do. The first – we came up with something called best practices, and I'll just refer to them and show you where you can find them and look at them. They were best practices for the reseller industry to impose on themselves so they would stop selling counterfeit books. I actually thought that was a unique accomplishment. I'll talk a little about that. But here are the keys to that. Here are the factors you look at to stop counterfeiting. And then the keys are please forward all suspected counterfeits you encounter to the publishers and maintain your own accurate records, so we can go back and do something about it. The second thing we do together is coordinate. The third is a digital strategy. And the fourth and most important thing is really enforcement alignment.

So those are the five publishers. As I said, we all know the situation. I'll just give it to you quick. Some surveying of ours shows that over half of US college students admit to piracy. I don't know what the other half are thinking, but I'm not sure I believe them. This, I think, is a key issue, and Sari brought it up and focused it. Even though I'm an enforcement person, I'll say it again and again. We learned that a quarter of students are getting are getting free materials from their instructor, and I believe that to be true and a very difficult problem for us to face now, because I think as school starts, a lot of well-meaning, perhaps younger professors come in and offer free resources posted behind school intranets, and that's very difficult for



us to reach. Sari also mentioned the reason we hear most often why people engage in piracy is textbooks are too expensive.

Finally, our biggest challenges are trying to quantify the impact of piracy. I'm sure the other speakers know this. It's almost impossible to do, so most people refer to it as a slice of US GNP or something, gross national product. But it's very hard to put a number on it. It's very hard then to know how much resources to dedicate to it. And most importantly, the landscape is constantly changing, and we constantly have to be doing different things.

So what do we need to face these challenges? What do we need to do? We need to do everything – literally everything – or be everywhere and looking at everything. Of course, no one can do that, but I think we've found a way that we can get pretty close.

So I'm just going to tell you, over the last 12 years, these are some of EPEG's accomplishments. As it says, we have five members, and our results have allowed us to basically pay the costs of our enforcement and engage in additional enforcement. I have a tendency to call that the factor of five. When we have five people working together, we can engage in enforcement that we otherwise could not afford. In fact, we can think of ideas that we otherwise would not have thought of, because you have five really good lawyers at a table and then 15 operations people helping them.

All of these things – the five of us working together – like I said, for 10 years, five lawyers sitting around a table, and now it's a very well-organized group – have led to fairly astonishing results. We have a big problem with test banks and solutions manuals. We've removed dozens of those sites and replaced them with a formal-looking placard that says this is illegal. We've entered into hundreds of enforcement settlements. We've actioned and taken down thousands of Amazon and eBay storefronts that were selling counterfeit books. I'm talking mostly about counterfeit books, but we'll switch to digital pretty quickly, and you can apply everything I say about what EPEG does to counterfeiting in print to digital works.

We've removed almost a million – 900,000-plus counterfeit books from the channel. We have a technological solution to counterfeiting, too. It's just in here, which is we're putting a tag on it – I'll tell you a little bit about that – so that books can be authenticated at the point of sale. And then probably our highest or proudest accomplishment was in 2019, I guess, or 2018, we got a \$40 million verdict against our largest seller of counterfeit books. We had watched this person selling counterfeit books for many years. We have settled with many, but he would not



settle, and we took him to court. And it really allowed us to sort of raise our flag and display a lot of our principles.

So really quickly, just the history – we began trying to stop the reimportation of counterfeit books. When US books were sold abroad, they started coming immediately back through the internet, and needless to say, that arbitrage was a spike in our business. So that's how we started working together. And we took some antitrust advice. It's completely legal for us to work together as long as we are facing undifferentiated piracy or illegal conduct directed to us as an industry, which is what we do.

So from 2001 to 2006-2007, we were doing reimportation, and then a case (inaudible) along. Many of you probably know it. And the short answer is it was no longer illegal to reimport those books. But in 2006, I had seen my first counterfeit book from the gentleman who I told you we sued and ultimately got the \$50 million from. That was literally our first counterfeit book in 2006. Between 2006 and 2016, we just saw an increasing wave – a tsunami – but again, we couldn't number it. We couldn't really do much about it.

In 2006 – I'm just making sure I didn't leave anybody's name in here – we required some of the largest sellers in the channel to allow us into their warehouses to audit their inventory. When we did that in a row, the numbers were between 30% and 35% of the books on the shelves of the largest sellers were counterfeit. That was looking at only a known counterfeit list – books that we had seen previously counterfeited. But that was far too many. And it was 2016 where we raised the counterfeiting issue, full blown, to management, and it really became a game-changer, because we've been living in a new world since then.

But in any event, from 2016 and 2017, we came up with something called the best practices. I would just urge you to go this website I've listed here – stopcounterfeitbooks.com. It contains the best practices and a lot more anti-piracy information. And the short answer is – I won't belabor it – as we tried to get folks to adopt the best practices, basically our entire channel has now adopted the best practices. So when they see counterfeits, they send them to us, or they know not to buy them in the first place. They really have behaved. So we did a follow-up audit, and somebody who was 35% at one point was down to less than 4% of counterfeit book on their shelves. That really felt like a success to us. And of course, we have to earn our success every day. That's occupied us since then.

We've also done some digital work I'll tell you about. But here are in 2020, and we have a long-planned group digital initiative to come. And I'll leave you with



those thoughts. But this is my last slide, which is just what Pearson has done internally – taken enforcement sort of out of the cellar and tried to connect it to the people who display the products, create the products, produce them, and distribute them, so we’re all working together on outreach and learning and stopping piracy.

KOLMAN: Great introduction. I think now, I want to move on to today. We are in the midst of a pandemic, so I’m very curious also what the impact of the pandemic has been on piracy. For instance, one thing I can think of is that now millions of students and researchers, they cannot physically go on campus and to their labs. So what is the impact of that aspect of the pandemic in terms of piracy? Maybe I’ll start with Sari first and then later get back to you, John.

FRANCES: Sure. Well, truthfully, I think for us, regarding Sci-Hub, the activity – we haven’t seen a major increase in the last couple months since COVID. But we have noticed a jump, at least at Elsevier I can speak about, in remote access and customers that are using Shibboleth and other methods of FA that definitely we have seen a jump and an increase in usage. But there have been other reports. I think in *The Guardian*, they just announced – there was an article that the National Cybersecurity Center has been working with the University of Oxford to protect some of their resources, because they’ve seen an increase in the amount of attacks from hostile states regarding COVID.

KOLMAN: Like research being done on, say, corona, right?

FRANCES: Yes.

KOLMAN: And that is what is being targeted?

FRANCES: Yeah. Yeah, so it’s those universities that are doing research for corona and that the attacks are happening at those specific universities. But overall landscape has seemed to – as far as I can tell, it’s been stable, if that’s even a word for digital piracy. (laughter) But there hasn’t been any extreme increases. So that’s all I have to say about COVID.

KOLMAN: Oh, OK. So we see a jump in legal access? Well, that’s not a bad story, right? John, how is it for your market, for educational publishing?

GARRY: Yeah, it’s been an interesting time, to say the least. I guess the first thing is the whole world is on pause, as we all are, sitting in our living rooms and our dens and everything else, you know? So we have a weekly EPEG meeting, and we all show up. We scrupulously avoid discussing internal business matters. But times are



hard, and people are afraid. So it's a difficult time to keep investing. It's certainly a difficult time to start new initiatives.

I do think one of the reasons we've had a lot of success is we never turn down anybody's initiative. As I like to say, even if we can't do something about it, we like to leave some footprints in the snow, so we can go back and return to it when it becomes a bigger issue next week or next month. But with the five of us working, we really try to be everything and everywhere, and that's becoming more difficult because of the economic crunch.

The good story is I don't give away content, but the people who do did a great job of getting books and educational materials in the hands of people who were stuck without them, and I really think everybody stepped up. In a way, that makes my blood run cold – although I have two kids in school, too, so I support it. But a lot of content went out for free, and that's a great thing, because people needed it and needed that access. So I feel like –

KOLMAN: I'm always impressed.

GARRY: Go ahead, please.

KOLMAN: Even during Ebola – and I mean, this is, of course, magnitudes bigger – that all the players in our industry, they really got together, and they made so much material freely available – at Elsevier as well. So we started with, of course, our journal articles, and later it was also our algorithms, AI solutions.

GARRY: Michiel, it's something to be proud of. I agree with you. And I have a view that Sari expressed, which I think this is fall of Rome stuff. It's easy to be casual about somebody's book or somebody's paper or somebody's PDF. But you know what? This is what creates the content that educates the world and educates and entertains. I don't know what Sari is selling over there. I can't read it. But that's the point.

I feel like copyright has reached a point of degradation as the internet gets more and more powerful. Clearly, I'm not the answer. We cannot enforce our way out of this. We can educate our way out of this. We can inform people our way out of this. We have worked incredibly hard to make our products more accessible and far more cost-effective. Notwithstanding my youthful appearance, I'm 20 years in the business, and the cost of these books 20 years ago shocked the conscience. But they don't cost that anymore. Nor does the content cost that anymore.



We've done a lot to even and level the playing field, and we're looking at a brave new world. We were at 50/50 digital and print, right? I was a 50/50 man. I said that far and no further. But now, we're at 100% digital when it comes to education, at least today, right? So yeah, we're looking at a lot of big challenges. I think the schools are incredibly important as partners. And then when that doesn't work, I am here to make people stop. That's the plan.

KOLMAN: Right. That sounds great. So a final question for both of you – if there's one thing that you really think we should do now immediately or should get all the attention to fight piracy, what is that one thing? Maybe let me start with Sari first, and you can think about it, John.

FRANCES: Oh, great, he has time – a couple minutes to think about these things.

GARRY: I like my seat. I like my seat. Thank you, Sari. Carry on, please. Give me an idea.

FRANCES: (laughter) Well, I think, ultimately, we want to work together to address these challenges, so we're hoping that within the SNSI group, that we can have others join us in our efforts. And what we're trying to do now is really – if there's one thing we can do is to also address some of the challenges and really focus in on how to bridge that gap between seamless access, legitimate access, and security and how we do that together.

We're broadening our scope of how we collaborate with others within the academic market, so we're now focusing more on IT and IT security – not to say that we don't forget about our amazing customers and librarians, our main points of contact, but we want to have them collaborate even more and understand the vulnerabilities and how we can solve it together. So that's one thing. I know that's a lot of encompassing that. But that's kind of where we're focusing right now if there's one thing that we could really do.

KOLMAN: That sounds very good. I'm slightly biased because I sit here in Amsterdam, in the Netherlands, and we just signed a deal with all the Dutch universities to jump to 100% gold open access. Do you think that also might help in the fight against piracy?

FRANCES: It does. Although, you know, it's funny that you bring up open access, because that always get brought up in a lot of my talks, (laughter) because people see that as the solution, and it is, but it isn't. That, I guess, maybe could also be my own personal view on it, is that while it's really great that we are making our



journals and content and books available as open access, there are still those pirates out there, and they are looking for those vulnerabilities.

So it's not just – exactly like Sci-Hub – you think, in fact, that it's just about stealing publisher content, that it's Robin Hood. But there's underlying things. What else are they stealing from those victims? What else are they taking? There's personal data. There's grades. There's your financial reports, where you live, students – where their parents live. I mean, it's really scary. So while I do see open access as – obviously, it's a wonderful, amazing thing and great that we have these opportunities to make things more open and available, pirates are still going to exist for those other reasons I mentioned.

KOLMAN: Great, thank you. John, you had your answer ready?

GARRY: I am so ready. Actually, Sari covered the landscape, so there's very little to say, just a brief micro answer and a brief macro answer.

The brief micro answer is I – we – all of us need to strengthen our digital protections, because we've been working on a lot of different things, and it's a new world, right? So we're reconceiving everything. That's my job over the next month.

On a macro level, as I said, I realize I'm fading into history. I am not the solution here. I think nothing would do more to stop piracy going into the next back to school than to have every school and every teacher stand up and say the most important thing we want to start the class with is copyright and the importance of academic and scholarly endeavor. I think if we really had a world where schools took it even just a little more seriously – and I know they have a lot to take seriously – but their faculty realized it was just a no-go zone. I could have written this, and I'm not giving it away for free. If we could get the schools on board with our industries, that would work a change, and I look forward to that day. And thanks for this – a really interesting discussion.

KOLMAN: So now we go to our third panelist, and Paul, the floor is yours with a short introduction, and then I'll follow up with some questions.

JOHNSON: So thank you, Michiel, for the introduction. So today, I want to focus on talking about successful strategies when it comes to the fight against piracy. But before we go into some of those strategies, I want to take a moment just to talk about some of the key problems and the key areas that the publishing industry should look to kind of focus on. And this is through the work that we do as an anti-



piracy vendor for a number of publishers across the globe. I just wanted to share a few of these.

So the first big – I’ll call it a big problem, a big area for focus, is really around torrent sites and peer to peer. We see large volumes of books available via peer-to-peer and torrent sites, and there is very low compliance in that area, and that is a big issue for the publishers.

And then moving on, we have websites. So these come in various forms. They can be direct download sites. These could be online reader sites. And they continue to be a problem. They have little to no compliance, and removal rates can be very low at times. Just to kind of touch upon a few examples, we have sites such as epdf.publish, which is one of the most popular sites for fiction books, has very low compliance. We have the B-OK and various mirrors of that site offering – yeah, a popular site for books offering large volumes – around 40% compliance. Whenever we scan for any of our publishers, we find TinyFiles (sp?) in the top five, with the volume of links being collected and, again, zero compliance.

A very interesting one – archive.org – is a popular site for books. And when we have in the recent times sent notices, they claim to have a borrow-a-book policy in place, where they claim that they have the right to let others borrow books – and, obviously, ignoring our notices.

We then have LibGen, which – yeah, you probably can go to that website, and you can find near enough every book is available on that site. Again, very noncompliant. And then we have other sites that are slightly different – things like SlideShare and Academia, where you can find reels of sections of books available. The trouble with these sites is that you can find 90% of these are fakes, and then we also have issues with our technology and being able to scan as well. So some of the tasks are more challenging from a technology standpoint.

KOLMAN: What do you mean by like a fake – a fake book?

JOHNSON: Yeah, they could be fake editions. They could be some form of virus, software malware. It could be a mixture of things.

KOLMAN: Oh, OK. All right.

JOHNSON: Then the other area that I wanted to talk about is pay sites as well. So this is becoming more and more of a problem. We’re seeing more of a growth of these pay sites. I’ve got one example here. This is college2book.com, where the pirates



and the pirate sites are now looking to monetize. So a large chunk of those previous sites that I mentioned are all free, whereas this site is a paid site, where they are offering publications at very low price points. One example of this is if you take a look at *The Essentials of Critical Care Nursing*, this publication retails around £50 to £60, where they are currently offering it at around 18, 19 bucks there, so just showing the kind of – the damage that it is doing to the publishing industry. That’s kind of some of the key problems in the areas that we see in the work that we do.

So then to kind of move on to talk about some of the successful strategies that we see in the fight against piracy – and before I go through some of the points here, there’s one point I really want to highlight and mention here, and this is the fact that consumers today and users – there are multiple ways in order to access pirated content when it comes to books, TV, film, music. I mean, there is a vast array of sites, different technologies out there. And yeah, it’s a vast – different, multiple ways to access content. So it’s really important that publishers consider using as many tools as possible to disrupt and protect its assets.

Some of these tools and some of these strategies are listed here. The first point I always make is when you’re going in to fight against and combat the pirates, it’s about having a sustained, long-term program. There’s no quick win when it comes to fighting the pirates, so you need to continually evolve and develop your program as you monitor and enforce against the pirate sites.

When it comes to enforcement, we see that simply sending a notice doesn’t always quickly remove a link or a title. We have a dedicated compliance team within our business that its sole responsibility is for taking escalated enforcement activities. This involves going upstream to the dedicated server providers or sites, going to the domain registrars to put pressure and get leverage to get titles and sites shut down. We have successes, and we have some very good success stories. But, you know, it’s not a quick win.

The other area is – I mentioned peer to peer being a big problem and really developing peer-to-peer notice-sending programs. We see this in the music industry specifically, where they have developed – either collectively through associations or independently as labels, they have developed notice-sending programs with the end goal of either litigation or education, so educating the users that they shouldn’t be pirating or, obviously, litigation in terms of trying to get money back from the ISP for not doing enough to – protecting what the users are doing.



And the other area is intelligence sharing. I think this is really important, whether it's reporting trends, working together on popular sites, or talking about new tactics. In certain territories – I know in the publishing industry, this is being deployed by certain associations and certain publishers, but this is looking at site blocking. So in certain territories, where the legal framework permits, it's a good practice to look at site blocking where possible.

And then the last two points is – the last one, or second from last, is collective litigation. So litigation can be very costly if you have some very noncompliant sites. We've provided evidence for groups of rights owners in the past who have come together to target – whether it be a site, whether it be a noncompliant dedicated server or provider, to go after them in further litigation. And it's been much more effective as a group in doing that.

And then the last area is – I talked about pay sites, but targeting these payment sites not by removing the site, so trying to remove content, but by removing the means for payment – cutting them off at the source, cutting off their revenues, making it more difficult for them.

KOLMAN: You mentioned site blocking. Does it work in most places or only in selected places? Because you have this kind of condition – it's only when the framework permits.

JOHNSON: Yeah, exactly. It is very hit or miss across the globe in terms of what the legal framework is in terms of the jurisdictions and what actions can be taken. What you can do in Europe – in some European countries – is very different to, say, Panama and other Latin American territories.

KOLMAN: Thank you, Paul. First question for you – so what is the number one challenge in combating piracy, in your view?

JOHNSON: Thanks, Michiel. Yes, so I would say every sector of our industry has different challenges when it comes to piracy. And when I say that, certain piracy channels are more popular than others. But to focus on publishing specifically, I would actually say there's not one thing – probably four main challenges that I see.

First is the large volume of titles that publishing houses have, and that is a challenge when it comes to budgets and when it comes to how do you achieve the biggest bang for buck when it comes to protecting those titles?



The next area is torrent sites – the popularity of torrent sites. It’s a huge problem that needs to be looked at. We mentioned compliant sites, noncompliant sites. We see sites moving continually to new sites and hosting providers and then pay sites that are also now trying to monetize from publishing piracy.

KOLMAN: We’re now coming out of the corona pandemic. So I’m very curious, because for a long period, neither the students nor faculty or staff were able to go on campus, into the labs, into the university buildings, so remote access was crucial. Did you see any impacts of the pandemic on the piracy uptake?

JOHNSON: Yeah, sure. So the short answer to that is yes. (laughter) Yeah, we’ve seen that COVID-19 has had significant impact on piracy – not only in publishing, but across all kind of sectors of our industry. I’m just sharing a slide now that is part of some work that we’ve been doing during this period, where we have been monitoring piracy levels.

We actually have what we call a Global Digital Piracy Index. So this has been in place for over 10 years, where we have been tracking levels of piracy across TV, film, and music. (inaudible) peer to peer. So we see and also our clients see that peer-to-peer piracy data is often used as a proxy to determine piracy levels across all piracy channels. The level of intelligence that you can (inaudible) is very granular.

And here, we’ve got some numbers that I wanted to share with you today. So for the period between February and March, we collected over 1.5 billion infringements during that period across film, TV, and music. Interestingly, we saw a 10% to 40% increase in piracy across countries that had a weekly average of 100,000 infringements for TV and film, comparing from the first week of February to the third week of March. And really interesting to see that there were some real notable increases in Europe when the pandemic hit certain European countries. So Spain, Italy, Portugal, France, Greece, and Belgium, we saw increases – notable increases across all these territories.

And just to add as –

KOLMAN: Yeah, really compelling if you look at this data.

JOHNSON: Sorry.

KOLMAN: Very compelling when you look at this data.



JOHNSON: Yeah, the peer-to-peer numbers are significant, and it's really kind of a clear picture when we start tracking some of the trends. But also, we also did some tracking on the live sports as well, and we saw leagues such as the Belarusian Premier League that has actually got a very low popularity suddenly jump up in popularity and people wanting to watch it, because no sport was on TV. The Bundesliga recently came back. It was the first major European sport to come back. And we saw 100% increase in the volumes of piracy than we normally would – so just kind of demonstrating the current climate.

KOLMAN: Great. And then the final question for you – so for the world of publishing, tell us a little bit more about best practices in fighting piracy. What do you recommend we do together, collectively?

JOHNSON: Sure, yeah. So intelligence sharing and best practices are very important. I mentioned that earlier in terms of some of the strategies we see. And I think whether this is done through sessions such as this, workshops between publishers, or even through – I think associations do play a very crucial part in this as well in bringing together intelligence, best practices, ideas in the fight against piracy.

Yeah, I think all of that is very important in terms of intelligence sharing. However, the one point I really want to make is that there is no silver bullet, right? There's not one single thing that publishers should kind of consider is going to tackle piracy. Publishers need to consider all tools at their disposal in order to kind of have a comprehensive plan to combat pirates.

Here, I've just listed some of my thoughts on some of the areas that everyone should really think about when looking to combat piracy and sharing of information, whether it's education – so looking to educate younger demographics on the impact of piracy. We've seen a number of organizations and associations take this approach in order to try and educate better.

Collaboration, sharing intelligence – all publishers will have the same problem sites. We're all chasing the same problems. So coming together is going to be far more effective.

And that kind of ties in to joint enforcement activities as well. We mentioned it before, but joining up as a group, actions could be more powerful as a group. And also – yeah, as budgets have become more and more tight, that will help to reduce costs as well, as you do things together.



And then it sounds a little bit kind of something from the Scouts, but be focused, be targeted, and know your priority and key titles. Focus on those. A lot of publishers have large volumes of titles. And really, really kind of focus on what is important to you.

Be prepared to adapt and evolve. Pirates will definitely evolve, and they will definitely move sites and change to the next piracy channel. You need to be prepared to do that as well.

And then the last point really is, unfortunately, piracy will always exist in some form. It's really about how everybody mitigates and disrupts these pirates, and with the end game of really trying to push users to legitimate sources for accessing their books.

KOLMAN: Great. That was very helpful. I loved all the practical advice and also the insights on the Belarusian soccer competition. So thank you so much, Paul. That concludes, actually, our last panelist. And I think I'll give the floor back to Chris.

KENNEALLY: Thank you indeed, Michiel Kolman, and thank you, Paul, as well, for your presentation. That concludes this special content from Copyright Clearance Center – The Never-Ending Story of Pirates: Global Strategies to Combat Counterfeiting. Our participants have included executives with Elsevier, Pearson, OpSec Online, and the independent consultancy Oreham Group, as well as Copyright Clearance Center.

Special thanks to our discussion leader in Amsterdam, Michiel Kolman, senior vice president of information industry relations, Elsevier, and former president of the International Publishers Association.

Thanks also to Rachel Martin, industry relations and communications at Elsevier. Our program producer today is Jeremy Brieske of Burst Marketing. I'm Christopher Kenneally with Copyright Clearance Center. Bye for now.

END OF FILE