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“IP Law and Consumer/User Protection in the Knowledge Economy” *

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Nowadays, knowledge economy reshapes the previous models of production, distribution and delivery of information and entertainment content. The opportunities of development provided by digital technology, along with biotechnological research, are continuously reframing the “state of the art” of information and communication services, entertainment consumption, biomedical research and healthcare, *etc.*

The digital revolution may have a similar impact to that of Guttenberg’s printing press (which led to the Statute of Queen Anne) and, analogous to it, is shaking the existing *status quo*.

With digital works, not only is the cost of copying negligible (*i.e.* electricity, a few mouse clicks, *etc.*) but the quality of the copy is identical to that of the original.

Specialist networks known as content delivery networks help distribute digital content over the internet by ensuring both high availability and high performance. Alternative technologies for content delivery include peer-to-peer file sharing technologies; but their risks are well-known.

Peer-to-peer and torrents, but also streaming, webcasting and cloud computing, and formats like mpeg, mp3, mp4, *etc.*, have changed the way we access and share contents forever.

In this scenery, while IP rights have extended worldwide and minimum standards for their protection have been adopted by most nations of the world, whether developed or not, “fair use” exceptions have not been universalized *pari passu*.

In particular, several issues arise in respect of the protection of consumer/user interests under IP law. The first and foremost concerns the absence of consumers from the IP discourse, both in the US and EU legal systems.

A pragmatic proposal to rebalance such framework could be to integrate a consumer protection dimension with IP law. This does not necessarily mean the inclusion of consumer protection within the corpus of IP law. Both disciplines, even keeping their autonomy, can contribute to the re-balancing of the interests of all the different stakeholders: producers, competitors and consumers.

Regarding this proposed new framework of “pro-active integration” between IP and consumer protection, it is worth highlighting that the Directive 2011/83/EU on consumer rights explicitly deals with digital content, including it among the issues regulated through the provisions concerning a) the general information requirements that traders shall provide consumers before the latter shall be bound by any contract or any corresponding offer, and b) the right of withdrawal granted to consumers from distance or off-premises contracts.

The initiative in this direction undertaken in the EU through the new Directive on consumer rights is noteworthy (even if it still faces some problems, related to the legal process and the notion of consumer): it could be the first step toward a new integrated framework of intellectual property and consumer/user protection.

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