

## **Digital Copyright and Internet Freedom: Two Enemies to be Reconciled**

**Enrico Bonadio – City University London**

Abstract (Young Scholars' Forum)

*The paper will explore the relationship between copyright and freedom of speech in the Internet environment. After highlighting the constitutional dimension of these conflicting rights, the phenomenon of file sharing and the role of Internet Service Providers (ISPs), the author will analyze the debate surrounding a particular sanction used in certain jurisdictions (eg France and UK) to punish unauthorized on line sharing of copyrighted material, i.e. the disconnection of Internet access. The increasingly important role played by private agreements between copyright holders and ISPs is also highlighted.*

*A set of proposals aiming at identifying possible areas of freedom for unauthorized file sharers are then analyzed.*

*In particular, the author believes that file sharing technologies may boost the exchange of information, opinions and ideas amongst Internet users and foster a number of values underpinning the very protection of free speech. File sharing indeed is not limited to the exchange and copying of music or movie files. People also use these technologies in order to exchange information, ideas and opinions as well as to critic other people's beliefs and in general to convey messages. It therefore provides far more opportunities than in the off line world for artists and authors to reach, analyze and further develop a great number of existing works.*

*It is for these reasons – the author argues - that copyright rules might be relaxed when it comes to file sharing technologies, e.g. by transforming copyright from a “proprietary” to a “compensation” right*

## ***AUTHOR DETAILS***

Enrico Bonadio is Lecturer in Law at City University London (City Law School), where he teaches Intellectual Property Law and EU Law. He holds a PhD in International and EU law from the University of Florence. He is Associate Editor and Intellectual Property Correspondent of the European Journal of Risk Regulation. Enrico is Solicitor of England and Wales (non practicing) in addition to being an Italian-qualified *Avvocato*. He practiced as Intellectual Property attorney for several years in top-tier international law firms.

He regularly publishes and lectures in the field of intellectual property law. He recently published a book on TRIPS Agreement and genetic resources (Jovene, 2008) and several articles in leading international peer-reviewed journals, including *The John Marshall Review of Intellectual Property Law*, *European Intellectual Property Review*, *Journal of Intellectual Property Law & Practice*, *Computer and Telecommunications Law Review*, *International Trade Law & Regulation* and *European Journal of Risk Regulation*.

Enrico is Visiting Professor at Université Jean Moulin Lyon 3 and Université Catholique de Lyon as well as lecturer of International and WTO Law at the Naval Academy of Leghorn and IP law at the LLM in Intellectual Property offered by WIPO and the University of Turin. He also recently taught at Universidad San Carlos de Guatemala and University of Pisa.

He received his law degree from Pisa Law School in 1999. He then attended the Post-Graduate Course in International Trade Law (jointly organised by the University Institute of European Studies of Turin and the International Labour Organization), as well as the Specialization Course in Intellectual Property (jointly organised by WIPO and the University of Turin).

Enrico is member of AIPPI (Association Internationale pour la Protection de la Propriété Intellectuelle), ATRIP (International Association for the Advancement of Teaching and Research in Intellectual Property), IPI (Intellectual Property Institute), LES (Licensing Executives Society), ESIL (European Society of International Law), BILA (British Italian Law Association) and The Law Society of England and Wales.