

HADOPI 1 & 2: ANALYSIS AND EVALUATION

¹Eleni Metaxa, ²Miltiadis Sarigiannidis, ³Dimitris Folinis

¹Eleni Metaxa, Attorney at Law, M.Sc. “Law and Practice of Electronic Commerce” Law School of Paris V–René Descartes University, elenimetaxa@gmail.com

²Lecturer, AUTH, Faculty of Law, ms@law.auth.gr

³Assistant Professor, ATEI-Thessaloniki, dfolinis@gmail.com

Abstract

The French law on “Creation and Internet”, or more commonly known as the “Hadopi 1” Law, voted on June 12, 2009, and its complementary, the “Law for the Protection under Criminal Law of Artistic and Literary Works on the Internet” (“Hadopi 2”), voted on October 28, 2009, intend to put an end to the illegal distribution of creative works on the Internet and at the same time control the internet access for every user. They introduce the “graduated response”, the amelioration of the legal offer and the creation of a public authority overseeing its implementation, the so called “High Authority for the dissemination of works and the protection of rights on the Internet” (Haute autorité pour la diffusion des œuvres et la protection des droits sur Internet, H.A.D.O.P.I.). However, the implementing decree of March 5, 2010 on the “specific negligence” aims exclusively at the peer-to-peer networks, leaving out of the criminal framework the direct download and the streaming options. After presenting and analyzing the French laws “Hadopi 1” and “Hadopi 2” authors discuss the controversial findings of a recent French research of the first months of their application in France and eventually question the achievement of the ultimate goal, which is the protection of the French intellectual property rights on the Internet.

Keywords: Internet, Hadopi Laws (1 & 2), peer-to-peer network, intellectual property rights.