

RettighedsAlliancen
Annual Report 2018

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Introduction

In 2018, Denmark was a world leader in several areas in the fight against the illegal market, but RettighedsAlliancen also sees rapidly growing challenges on the Internet, and thus also an increasing need for regulation.

2018 has been characterised by many different challenges related to the criminal development on the Internet. Fake news, hate crimes and revenge pornography are examples of challenges which, like those we are facing on the illegal market, must be solved using new tools and targeted initiatives by the public authorities.

It is therefore highly important that, in the past year, the public authorities have sent some clear signals about law enforcement on the Internet. The establishment of a permanent task force under the State Prosecutor for Serious Economic and International Crime (SØIK) to deal with IP crime is an important milestone in the work to create security and safety on the Internet. In addition, the public authorities have launched various measures aimed at protecting the title to creative products, including making online platforms take responsibility for the content they distribute. This helps manifest the Internet as part of the real world rather than an idealistic bastion without rules.

RettighedsAlliancen's activities today cover a very wide range, from enforcement to information, and 2018 has been characterised by the launch of initiatives such as educating school pupils in safe behaviour on the Internet, involvement of online players in enforcement as well as promotion of legal services on the illegal market. These initiatives have been supported by the public authorities and other players. In addition, RettighedsAlliancen has been a first mover in a number of enforcement initiatives where we have developed tools to keep up with the digital development.

Legal actions against stream ripping services and Popcorn Time, and, not least, the development of FilmFinder have cemented our role as a model for other countries in the past year and have definitely proved that our actions and initiatives are important.

Other countries are watching Denmark in an attempt to make their own stakeholders collaborate on an approach similar to ours. This also applies to the EU institutions, where the work performed by the various observatories under the EU Commission is highly inspired by Denmark.

2018 has also brought increased focus on the responsibility of individuals who share files illegally, and there have again been many discussions on how to change the illegal behaviour, including the possibility of sending letters to individuals. From political quarters and on the part of the stakeholders, there has also been demand for activities targeted at user behaviour, even though the legal development in 2018 points towards increased enforcement against distribution channels rather than individuals. Today, user behaviour remains a central focus for RettighedsAlliancen, and we are still working within the strategic platform Share With Care, which RettighedsAlliancen introduced in 2012, and which we have been developing since then.

Blocking of illegal sites is today recognised, also internationally, as the most effective tool in fighting the illegal market. However, this presupposes that these websites are blocked dynamically, which requires collaboration with Internet service providers, among other parties. Globally, Denmark today accounts for blocking of 10% of the total number of blocked pages.

For our activities to have the desired effect on the scale of the illegal market, they must be developed and scaled up. More players must participate, and the public authorities must continue to involve themselves directly in the work to curb the illegal activities.

Status on the illegal market

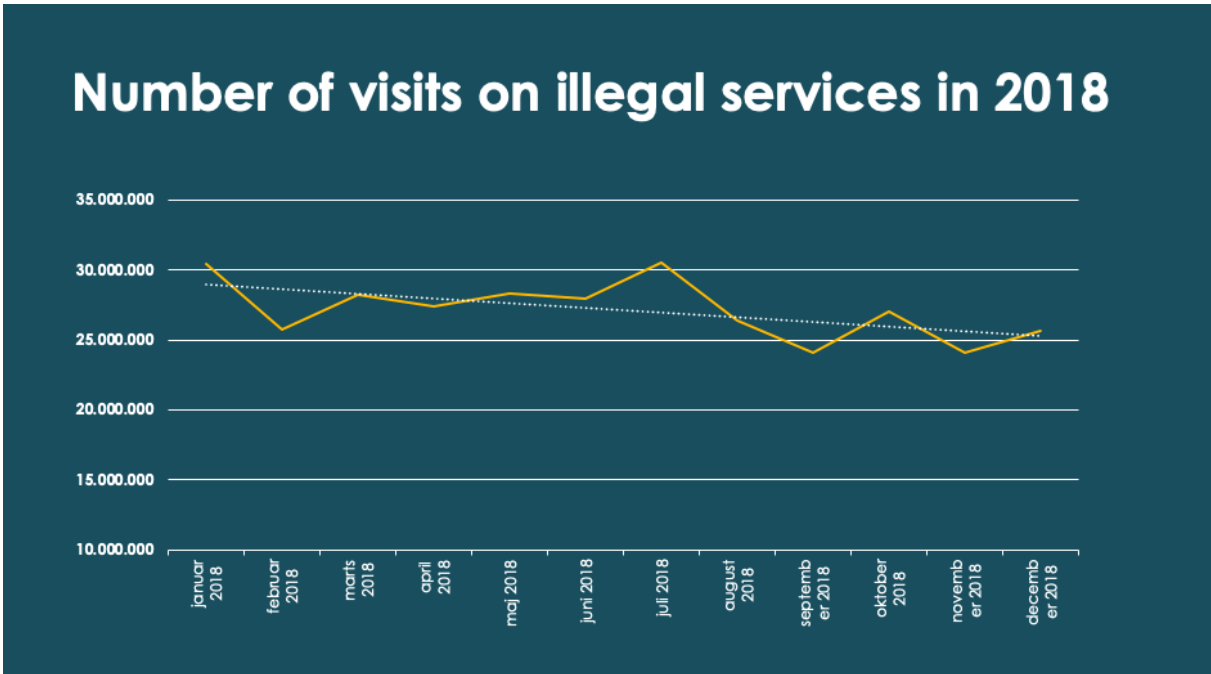
The Danes' illegal behaviour

The Danes' use of illegal services remains extensive. Films, series, music, literature and design are just some of the products that the Danes continue to search for using illegal services. In 2018, this resulted in **325 million** visits to pages with illegal content from IP addresses located in Denmark. Money from this traffic has thus flowed to criminals instead of to copyright holders, and users' sensitive personal data risk being made accessible to persons with bad intentions. While there is no mistaking the impact of RettighedsAlliancens work, it is still important that we collaborate on the initiatives aimed at combating the use and operation of the illegal market – to ensure fair business terms and secure basic conditions for both our members and Internet users in general.

In 2018, Danish IP addresses clicked to access illegal services 27 million times a month on average. The Danes are especially attracted to films and series, and a survey on user behaviour in the Nordics, prepared by Mediavision, shows that 455,000 individual Danes monthly appropriated illegal films and series in 2018. As the survey from Mediavision solely concerns films and series, it is necessary also to include illegal behaviour in the area of music, design, literature, live sports etc. Even though visits to illegal films and series services make up the vast part of the Danes' traffic on the illegal market, there is still also much activity on illegal services offering other illegal products. We therefore expect that the number of Danish users of illegal services is even higher.

Fluctuations in user behaviour

As shown in Graph 1, the activities on the illegal services were evenly distributed over 2018, however, with the highest number of visitors in January and July. The number of visitors to illegal services stabilised in 2018 at the level seen at the end of 2017, however, with a tendency towards a slight decrease.



Graph 1) The number of visits from Danes to 1,855 services offering illegal content.

The reason for the observed fluctuations in activity on the illegal services is probably the dynamic and complex nature of the market, where services frequently spring up and disappear again, or rebrand themselves under a new name and domain, as is the case with the 123Movies service, which was highly popular in 2017. But just like on the legal market, there are also seasonal fluctuations in user behaviour – for example because of the supply of accessible content, such as new Hollywood blockbusters.

Added to this are enforcement activities from the public and private sectors, for example RettighedsAlliancens blocking of websites, which has a visible positive effect on the number of visits to illegal sites. The development and diffusion of smartphones have also had a significant impact on the Danes' illegal behaviour. Mobile devices, including smartphones, constitute an average of 53% of visits to illegal services in 2018.

The technological development also means that the illegal distribution is becoming increasingly decentral and mobile. This development challenges the established enforcement tools, which must therefore be developed to be more dynamic and be able to handle new distribution types. In 2018, RettighedsAlliancens challenged several

new technical distribution methods via the judicial system, but it is still the combination of enforcement tools with other tools that ensures effective enforcement.

Tools for fighting the illegal market

RettighedsAlliancens activities are based on three tools which, together, make up the so-called 'Danish Model'.

- **Enforcement**
- **User responsibility**
- **Collaboration between online players**

This model is today a strong and internationally recognised tool in the work to ensure fair business terms on the online market as well as a safe and secure user environment. All three areas have seen great developments in 2018, in which, through diligent work and collaboration across the industry, we have finetuned and extended the tools into the effective regulatory instruments they are today.

Collaboration list and code of conduct

The collaboration between a number of players to cut off direct and indirect cash flows to illegal activities is an important tool in the fight against rights infringements on the Internet. One tool in this collaboration is the so-called 'collaboration list', which is a dynamic collection of illegal services offering films, series, music, literature, design, live streaming of sports events etc. RettighedsAlliancens measures the number of visitors to the different sites, and this list is extended in line with new illegal services being set up and discovered. As at January 2019, the list contains **5,315** services. Of these services, **1,855** sites were active in the course of 2018, meaning that they were visited by Danes during this period. The list is a central pivot in the work to monitor and fight cash flows and traffic to illegal services.

On RettighedsAlliancens initiative, a code of conduct was therefore established at the Danish Ministry of Culture's Dialogue Forum for advertisers aimed at blocking advertisements on the illegal sites on the list. The code of conduct describes the underlying values of the collaboration list and the formal process for using it. In 2018, RettighedsAlliancens presented a revised code of conduct in Dialogue Forum with an extended circle of participants: social platforms, educational institutions, payment service providers and others. This initiative has, however, been delayed, as, in 2018, the handling of the collaboration list encountered challenges, which has meant that the work to draw up a joint code of conduct and the use of the list have been at a standstill since the summer. However, RettighedsAlliancens has submitted a proposal for an updated joint code of conduct and an updated list, which we expect to present to the new participants in 2019.

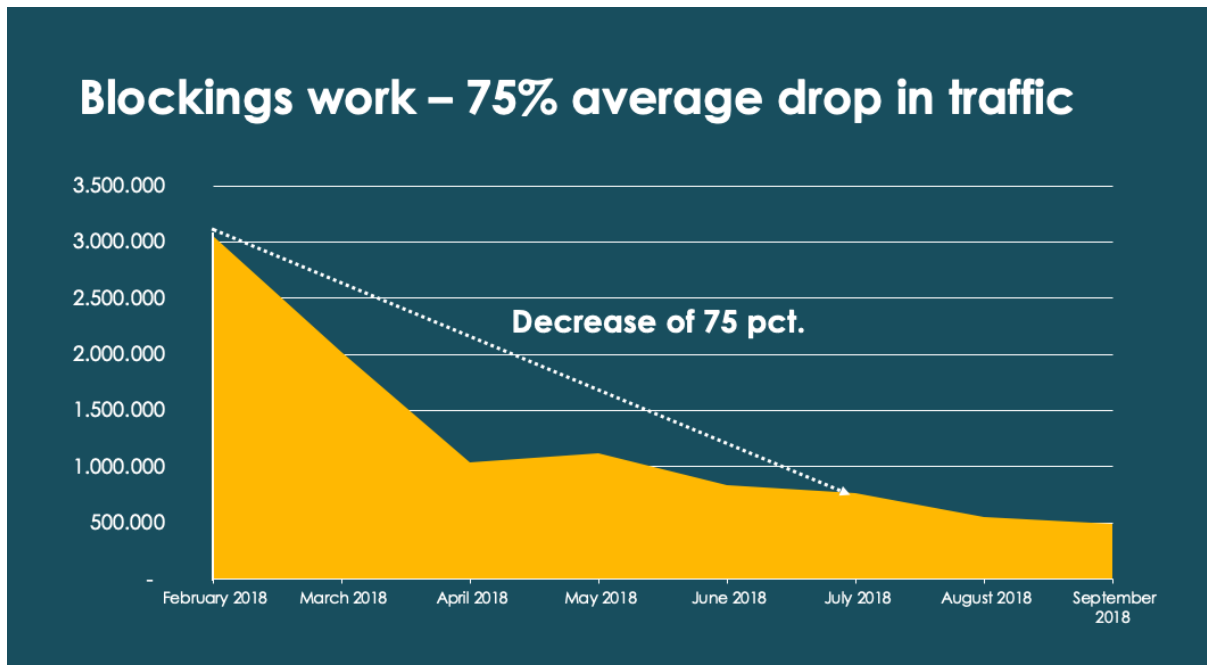
The cooperation on a code of conduct in Dialogue Forum stresses that the Danish Model is at the forefront of the European development. For example, the work to create a similar EU code of conduct to cut off advertisement flows has only been initiated in 2018, and it is still regarded as insufficient by several parties. RettighedsAlliancens is in an ongoing dialogue with the EU Commission on the code of conduct because of Denmark's leading position compared with the rest of Europe.

Blocking of sites

The unique Danish collaboration between copyright holders and telecom companies on the blocking of illegal services also remains a central and highly effective tool in the fight against the illegal market. The collaboration, which involves a judicial review of the legality of the services before they can be blocked, stood the test of practical application in 2017, when the blocking decisions were made dynamic. The decisions thus went from dealing with a specific website to the actual service, including 'mirror sites' which give access to the illegal service.

Experience shows that blocking has the immediate direct effect that the number of monthly visits to the illegal services will be reduced by **75%** after 4-5 months from when the court order has been issued. It typically takes a couple of days from when the

order has been issued and until the telecom companies have blocked the service, and the previous users of the now blocked services will continue to try to access the service until they encounter the blocking sign for the first time. These circumstances may help explain why the number of visitors does not immediately drop by 75%. RettighedsAlliancen assumes that the remaining 25% is primarily due to the Danes' use of alternative DNS providers. Graph 2 illustrates the effect of the blocking of 30 websites following Horsens District Court's order of 20 February 2018.



Graph 2) Development in the number of Danish visits to 30 services after blocking.

IP Task Force

In 2018, the State Prosecutor for Serious Economic and International Crime (SØIK) made the so-called IP Task Force permanent after diligent political lobbying by RettighedsAlliancen. In 2019, the IP Task Force has been manned by eight investigators and three prosecutors dedicated to handling IP crime. As the task force has only been manned this year, we expect to see a number of cases highlighting the police's presence on the Internet in 2019, including on social media, where we are seeing an increasing distribution of illegal copies. Already in February this year, we have seen the effect of the IP Task Force, when two men were charged with copying and selling

digital books to students throughout Denmark. In addition to the immediate effect on the distribution and the criminals behind it, including that the illegal sales have stopped, we also see that it has an important preventive effect on users that the police provide clear and visible information that it is illegal to upload and download illegal copies, and, not least, that the police show that they are also present digitally on online platforms.

RettighedsAlliancen still works to ensure that the police are themselves able to block illegal websites – so-called regulatory blocking – in the same way as the courts do today. Regulatory blocking really became an item on the political agenda in 2018, when the Danish Government's Growth Team for the Creative Industries recommended regulatory blocking, among other measures, as a tool for improving the conditions for the creative industries¹.

Concept and campaigns

In 2018, RettighedsAlliancen established various information initiatives, the purpose of which is to motivate users to take responsibility for their behaviour on the Internet and concurrently to highlight that it is illegal to use streaming services with copied content as well as to share copies. The cornerstones of the information campaigns in the past year have been the combination of previous years' projects Share With Care and Os Der Elsker Film (We Film Lovers), which we have used as a basis for a number of further campaigns. The concept behind the initiatives has been to change user behaviour, firstly by informing the users that a given activity is illegal and, secondly, by showing them where they can find legal services. The goal is to make the legal choice the easy choice.

Political work

During 2018, RettighedsAlliancen has conducted a close and constructive dialogue with public authorities and politicians. The main message is that copyright plays a

¹ *Growth Team for Creative Industries (2018): Denmark: A leading international growth environment for creative industries, Main Report.*

decisive role for the creative industries and that copyrights must therefore be enforceable. Four goals have been particularly central in the political work in the past year:

- Establishment of a permanent IP Task Force at SØIK which exclusively deals with IP crime. This was realised with the establishment of the IP Task Force at SØIK in the spring of 2018.
- Update of the blocking tool. Blocking is the most effective enforcement tool, but it should be strengthened with the option of using decisions by public authorities in cases on blocking to facilitate case handling and thus increase the number of blocked sites.
- Continuation of Share With Care 2.0, in continued collaboration on a Share With Care version 3.0, to ensure resources for the new website and FilmFinder, so that they can be operated and developed for the next three years, as a minimum.
- Increased focus on user responsibility within the framework of the present strategy and approach, which, in practice, means that RettighedsAlliancens highlights user responsibility through information and preventive activities.

Activities and milestones in 2018

2018 has been a year with many activities, campaigns and breakthroughs for RettighedsAlliancen, which we will review in the following.

Blocking programme

The blocking programme was made more efficient and fully operational in 2018. RettighedsAlliancen thus had **133** illegal websites blocked in 2018². On an annual basis, 4-5 ordinary blocking requests are submitted to the courts, each of them concerning 20-30 of the most popular illegal services among Danes, as well as associated mirror sites. The cases are referred to as ordinary as they concern technology and law already reviewed by the courts in previous blocking cases.

In addition, 1-2 test cases are conducted annually in which the legality of new technical methods for distributing content products is tested by the courts. Previous test cases comprise the blocking of the decentral service Popcorn Time in December 2017, and, in 2018, RettighedsAlliancen managed, as the first in the world, to block a stream ripping service that provides access to convert and download music from YouTube.

In 2019, we expect to test the law in relation to blocking of streaming of live sports and cyberlocker services. We expect that especially streaming of live sports will require something more than the current ordinary DNS blocking.

Enforcement in the area of films

After the establishment of the new IP Task Force at SØIK, RettighedsAlliancen reports violations of our members' rights to the task force, which assesses whether the case has a connection to Denmark. This could, for example, be Danish criminals behind the sites or domains belonging to illegal services registered with a Danish top-level domain

² Of these websites, 53 were mirror sites which gave access to illegal services covered by previous court orders.

(TLD, the country with which the domain is identified). The establishment of the IP Task Force has also led to an escalation in the number of cases reported by RettighedsAlliancen.

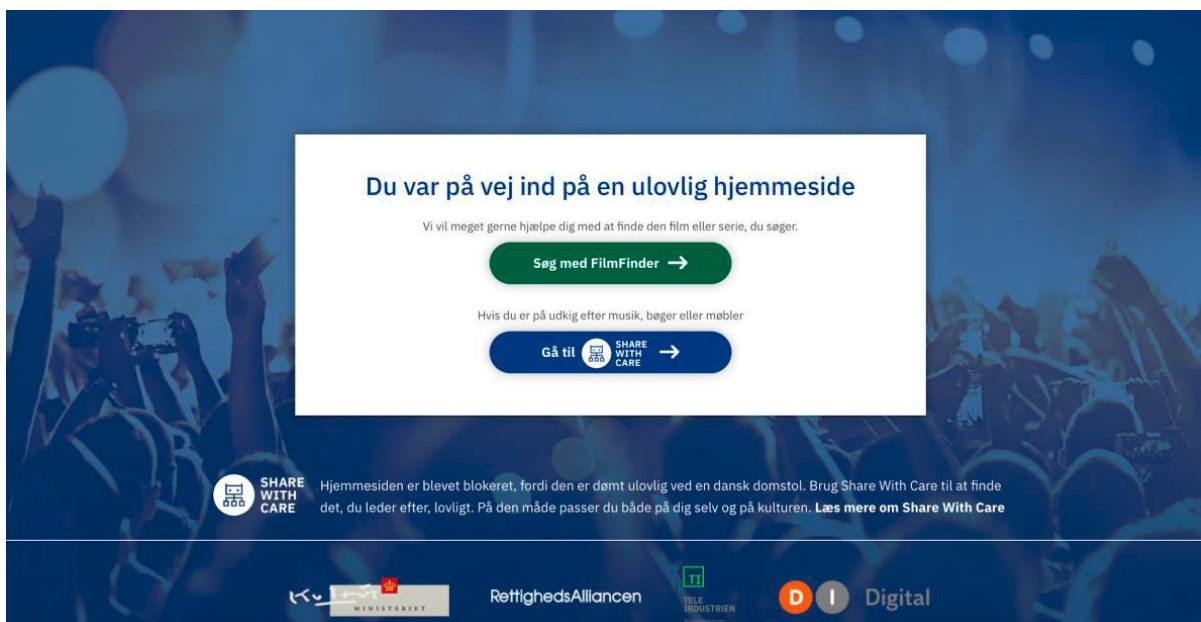
There are currently 25 pending criminal cases within all member areas. The majority of the pending criminal cases concern distribution of our members' works on online platforms such as Facebook, DBA etc., where the Danes spend much of their time on the Internet. The purpose of our focus on these platforms is to create clear awareness among users of the platforms that copyrights also apply on the Internet, and that the police are also present and can enforce the law here.

One of the major cases decided in 2018 is the case of illegal streaming and distribution of around 800 films against payment – without an agreement with the copyright holders. The case was decided at the Court in Glostrup on 30 October, with a positive outcome, as the Court found the accused guilty. However, the sentence was suspended, as inefficient police work meant that the proceedings in the case took several years (RettighedsAlliancen reported the case in 2015).

The judgment is an important signal that tough sanctions are imposed against infringements of rights. The protracted process also stresses the need to ensure that the now permanent IP Task Force will function in accordance with its targets and have adequate resources.

Share With Care 2.0

RettighedsAlliancen launched Share With Care 2.0 in October 2018 in collaboration with the telecom companies, the Confederation of Danish Industries (DI) and the Danish Ministry of Culture. The concept and the campaign were a major milestone in the collaboration because it cemented the sustainability of the Danish Model, the industry collaboration and, of course, the launch, as the first in the world, of a search engine integrated in the actual blocking signs. The name of the search engine is *FilmFinder*.



The Share With Care collaboration has been a fundamental element in RettighedsAlliancens basic idea of 'nudging' users over to the legal services. Here, FilmFinder has been essential in the upgrade of the Share With Care platform, as it is a tool that can identify the legal services which offer the material demanded by the users.

Where Share With Care version 1.0 was about stopping the traffic to illegal services, version 2.0 is about combining this with redirecting users to the legal services.

In the wake of the launch of Share With Care 2.0, RettighedsAlliancens will make a number of measurements on how many visitors to the illegal services make use of FilmFinder and move on to legal services or visit the campaign website. In the first three months after the launch, there had been over **35,000** visits to FilmFinder and Share With Care, with **48%** of visitors to FilmFinder and **57%** of visitors to Share With Care, respectively, coming from illegal sites and thus being redirected by the blocking sign. The figures indicate that there is great interest in legal services, and that we can convert traffic from illegal to legal by promoting legal services on the illegal market.

FilmFinder has the potential to be further developed with search facilities which may also include providers such as cinemas. The Share With Care collaboration must

therefore be nursed continuously, and the dialogue between RettighedsAlliancen and the telecom companies is essential in maintaining and developing the collaboration further. A central part of the dialogue is currently also about new blocking methods, including the possibilities of IP blocking live streams in connection with live sports. The further development will be included in the planning of Share With Care version 3.0.

The Film Agreement & Share With Care 3.0

The Film Agreement 2019-2023 was published on 1 November 2018 with clauses and funds dedicated to fighting illegal downloading and streaming. In the agreement, **DKK 3 million** has been allocated for the continuation and development of Share With Care in the coming years, which will result in Share With Care version 3.0. RettighedsAlliancen still has to establish a collaboration on financing of the new version with the telecom providers and other partners, but, as soon as possible in 2019, RettighedsAlliancen expects to make a proposal that can maintain the collaboration in a form which is also acceptable to the Danish Ministry of Culture.

Skærmen Fuckr' Med Dig

2018 was also the year in which the learning process and teaching platform *Skærmen Fuckr' Med Dig* (The Screen Is Playing Tricks on You) was implemented. The course is a teaching project funded by the EU and Copydan Tekst og Node and aimed at educating children in lower secondary school about safe digital behaviour on the Internet. RettighedsAlliancen is the project manager, and the project has been developed in collaboration with the publishing firm Alinea/Egmont and behavioural experts at /KL.7.

The aim of the project is to change the behaviour of 12- to 16-year-old children and increase their awareness of how to navigate on the Internet and avoid illegal websites. The children become aware of their own digital behaviour and are also taught how to identify illegal websites. They also gain insight into the consequences that such use may have. The basic idea of the course is that social norms govern behaviour, and

that it is therefore an essential focus area for the project to influence and change the social norms that already exist among children in primary and lower secondary school. Against this background, the project has an ambition to create a common standard that legal behaviour on the Internet is 'the norm'.

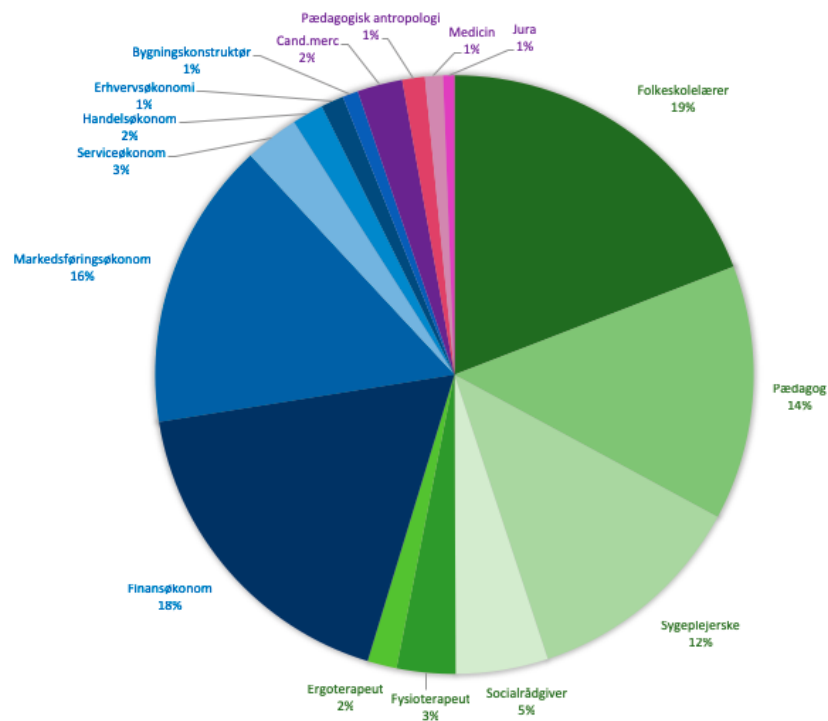
The learning process and the associated platform were tested on three primary and lower secondary schools with great success. The messages of the need for awareness of online behaviour constitute an important element in the general education of youngsters in safe use of the Internet, and the feedback from the test schools was both constructive and positive. The portal will therefore be marketed at education fairs in 2019, with the expectation that the course can be disseminated to more schools. The project is concluded as an EU-funded project at the end of February, but RettighedsAlliancen is working to obtain funding for the development of several modules on the platform, for example for copy products.

Os Der Elsker Viden

The campaign Os Der Elsker Viden (We Knowledge Lovers) was launched in the summer of 2017 and thus entered its second year in 2018. The campaign has grown and has gradually established its essence with a combination of dialogue, enforcement and growing strong contacts and partnerships, especially with educational institutions.

The campaign offers tools and knowledge to students, so that they learn to distinguish between legal and illegal copying and sharing of books. The focus is especially on being present on social media, where illegal books are often purchased and sold. The campaign has especially been visible on Facebook, both on the campaign's own Facebook page and because of the shared posts on various study group sites, where we see that users are increasingly embracing the messages. 2018 has therefore, to a great extent, been spent developing the campaign and targeting the campaign initiatives, so that the project now primarily focuses on the areas in which the problem is most acute and where we have been able to create a basis for collaboration.

In the course of 2018, a number of initiatives to develop and strengthen the campaign became possible. For example, RettighedsAlliancen has been able to increase its monitoring of illegal purchases and sales on various platforms and collect data in this connection, which we have been able to analyse and use as a basis for more targeted communication. For example, data from our Facebook monitoring shows that the vast majority of all cases come from university colleges³, as shown in Graph 3, and that certain study programmes⁴ dominate the infringements:



Graph 3) At the end of 2018, RettighedsAlliancen had handled 1842 infringements. The graph shows the estimated distribution of infringements of casebooks distributed on study programmes.

The large volume of data from own monitoring and external reports has meant that, in the course of autumn 2018, we were able to target our initiatives at individual

³ Green shades are study programmes from university colleges, blue shades are from business academies and purple shades are from universities.

⁴ It must be emphasised that this data is from our monitoring on Facebook and the groups to which we have access. The illegal sharing also takes place on other, more closed platforms on which the distribution may be different.

institutions, with specific examples of why they should make an effort. One result of this has been that Os Der Elsker Viden has received several new official supporters, including five educational institutions which now have their logo at osderelskerviden.dk. In addition, the Danish School of Media and Journalism has used the campaign in an examination course of several weeks and has, through this, had contact with more than 1,000 students, and University of Southern Denmark (SDU) and Aalborg University (AAU) have set up working groups which have launched a number of initiatives in collaboration with Os Der Elsker Viden.

Growth Team

In March 2018, the Danish Government set up a Growth Team for the Creative Industries which, on 29 October 2018, made a number of recommendations, which are to be converted into legislation and other measures in 2019. Among the recommendations, enforcement constitutes an independent section with the following four key recommendations, based, to a great extent, on contributions and data from RettighedsAlliancen:

1: The Danish Ministry of Culture continues the Share With Care collaboration in a version 3.0. Funds have thus been allocated for operations and new activities, provided that the parties involved also contribute to the funding. The actual implementation will take place in 2019.

2: Use of decisions by public authorities, which means, for example, that SØIK's specialised unit for Intellectual Property Rights (IPR) will have access to block websites. RettighedsAlliancen has discussed this option with other players, especially Internet service providers as well as the Danish Ministry of Culture and the Danish Ministry of Industry, Business and Financial Affairs, from which there has been no opposition, and there is also support politically. The actual implementation in 2019 will, however, still require efforts from the copyright holders and continued political attention, as not all public authorities and ministries can be expected to be equally positive.

3: User responsibility has been placed on the agenda. RettighedsAlliancen has proposed, in a dialogue with relevant public authorities, that RettighedsAlliancen pinpoints and takes legal steps, in collaboration with SØIK's IP Task Force, against groups of very active users, based on data collected by RettighedsAlliancen. This will thus take place in parallel with the overall strategy to go after providers of illegal material (criminals) rather than random users. Also here, work must be done on structure and any implementation in 2019.

4: The collaboration with Internet service providers is extensive and with a joint code of conduct among a large number of players. The code of conduct is supplemented by a collaboration list, which is used to cut off advertisements etc. for illegal sites. This work will be continued in 2019, including with the involvement of several players. The Danish Ministry of Culture will hold a Dialogue Forum at which several players are invited to participate in the collaboration, and a number of further initiatives will also be launched.

Presentations and international attention

A large part of RettighedsAlliancen's work consists of providing information about our unique approach to fighting the illegal market, which is a combination of copyright, digital enforcement, behavioural design and political work. Our information work has several purposes, including supporting a uniform approach to the problem and improving the possibilities for collaboration on enforcement etc., both in Denmark and internationally. There is great interest in our work, both nationally and internationally. In 2018, RettighedsAlliancen held presentations at more than **40** different forums and conferences in both Denmark and the rest of Europe, and RettighedsAlliancen has talked about its work and unique collaborations at venues ranging from seminars for judges and Europol conferences to international network meetings.

The primary reason for the great international interest in RettighedsAlliancen's work is that we have succeeded in creating a large number of collaborations across industries and public authorities. We are also known for how we 'nudge' users with behavioural design and create safe, secure and legal behaviour on the Internet. Here,

the development from Share With Care version 1.0 to version 2.0 is a good example, as the user is no longer just blocked on the way to illegal behaviour, but is informed and redirected to legal services in the same navigation. RettighedsAlliancen uses this recognition of how human behaviour is controlled actively to stop illegal behaviour, and with our strong collaborations and our possibilities of establishing these behaviour-changing interventions, we have created a unique digital design which is not found anywhere else in the world.

Design and physical products

RettighedsAlliancen intensified its focus on the design area and hired an employee in May 2018 who will be dedicated to this area. Great efforts have been made in relation to monitoring of auction sites and removal of illegal advertisements, as well as monitoring on Facebook, where it has been possible to identify groups that distribute and sell copies of furniture, lamps and design products. Since June 2018, we have registered **267** cases of illegal sales on Facebook alone, of which **160** posts have been removed.

Other design initiatives in 2018 have been blocking of websites that sell design copies, which, in February, resulted in the blocking of seven illegal services, all targeting their sales and marketing at Denmark. An additional request for blocking was submitted at the beginning of 2019, and after the previous cases of blocking, we can see a clear effect of the blocking requests, as traffic to the blocked services fell by approximately **75%**.

Moreover, in 2018, we reported three cases of illegal distribution and sales of copies to SØIK, which is currently investigating the cases. In addition, a criminal case is pending on organised sales of design copies via a UK website, owned by a person who is resident in Denmark and who was reported back in 2016. A charge has now been brought in the case, which is expected to be scheduled for trial during 2019.

Finally, we have submitted customs requests on our members' behalf, and we have given all our design members the opportunity to participate in Danish and Norwegian

customs seminars held in Copenhagen and Oslo, respectively. In connection with advising our members, we have seen an increase in the demand for an IP strategy, and we have therefore prepared a checklist that can be used as a basis for a strategy.

Collaboration is key

Even though RettighedsAlliancen is experiencing great progress in the fight against the illegal market, whether this concerns music, film, literature or design, we still need support in the industry for the collaboration that makes the Danish Model unique and which other countries look at with envy. The illegal market is constantly developing and coming up with new creative ways to distribute illegal content. It is therefore important that we constantly keep ourselves updated and upscaled, and that we develop continuously to keep up. This is a joint task, and we are constantly working to increase our group of members and to persuade the public sector to become involved in and committed to the work.

We can see that our work is bearing fruit and that it inspires new communities which take up the fight together. The design industry is an excellent example of this, as the players in the industry have joined forces to stand stronger in this fight. In RettighedsAlliancen, we are working to see much more of this in 2019.

Copenhagen, February 2019

On behalf of The Board of RettighedsAlliancen

CEO Maria Fredenslund