

## Q. Why is online copyright infringement an issue for the digital advertising industry?

- A. In 2012 Google, in conjunction with PRS for Music, conducted a study into the different business models that facilitate infringe copyright on websites. Of the six identified business models that support these sites, advertising was identified as a significant revenue generator. The report also found that companies that were involved in industry-agreed best practice, using the EU self-regulation of behavioural advertising programme ('AdChoices') as a test, were less likely to facilitate advertising on copyright infringing sites.

In its paper "Connectivity, content and consumers: Britain's digital platform for growth", the UK Government identified the 'follow the money approach' arguing that stemming the flow of advertising revenue to sites is one of a number of effective ways of tackling the worst offending sites.

## Q. Why does advertising appear on infringing sites?

- A. In the majority of instances, display advertising that appears next to infringing material is not intended by the advertiser, its agency or intermediary companies involved in the trading of advertising. Whereas tools are readily available to identify words or images that a brand may not want to appear next to, determining copyright infringement is not always as simple to achieve because of the dynamic nature of these sites.

The digital advertising industry has always had difficulty in identifying infringing sites because of a deficit in common understanding of what an infringing site actually is, how it behaves or what it looks like. This problem has been compounded by different interpretations of what infringement is, and with no single credible authoritative source for the industry to rely on. With this lack of understanding, brands have not always been able to make informed decisions about the reputational risks associated with placement against such sites and have been unable to instruct their trading partners accordingly.

It should also be noted that, in many instances, sites may use advertising to mimic a veneer of credibility to the consumer, particularly when it is associated with household brands. They may employ tactics to 'spoo' advertising, committing fraudulent activity that brands, agencies and technology intermediaries are unable to control or prohibit.

## Q. I've heard about an advertiser body called the Digital Trading Standards Group (DTSG). Is this involved with the Register?

- A. The DTSG is a body made up of all parts of the digital advertising sector – brand advertisers, agencies, intermediary ad tech businesses and publishers – working to develop good practice in ad trading to minimise the risk of ad misplacement. The DTSG's good practice evolves the principles of IASH (Internet Advertising Sales House), an initiative started in 2005. The Good Practice Principles cover all the current business models involved in today's ad trading market. Through its good practice, businesses are encouraged to use appropriate and inappropriate schedules of sites, as well as the use of other technologies such as Content Verification (CV) tools.

In creating a transparent system of ad trading, companies that commit to upholding good practice recognise that instances of ad misplacement can be minimised. This is especially important in environments that may risk reputational harm for brand advertisers. This includes a collective will to limit brand spend on copyright infringing sites and the Police Intellectual Property Crime Unit (PIPCU) Infringing Website List (IWL) is an inappropriate schedule, which brand advertisers can mandate their trading partners to use. Some companies involved in the trading of advertising may also choose to use the PIPCU IWL by default. However, the PIPCU IWL is a separate initiative to the DTSG's Good Practice Principles.

Learn more about the display ad trading eco system at <http://www.iabuk.net/video/the-evolution-of-online-display-advertising>. And see our fact sheet on minimising the risk of ad misplacement here: <http://www.iabuk.net/policy/briefings/iab-factsheet-minimising-the-risk-of-advertising-misplacement>.

## Q. What is the Police Intellectual Property Crime Unit (PIPCU)?

A. The Police Intellectual Property Crime Unit (PIPCU) is a specialist police unit dedicated to protecting the UK industries that produce legitimate, high quality, physical goods, online and digital content from intellectual property crime. The Unit is based at the Economic Crime Directorate (ECD) at the City of London Police, the national police lead for fraud, and is initially being funded by The Intellectual Property Office (IPO), which is part of the Department for Business, Innovation and Skills (BIS). PIPCU oversees and manages the Infringing Website List (IWL).

**Q. What is the Infringing Website List (IWL)?**

A. The Infringing Website List (IWL) is part of the formal prevention and deterrent process of Operation Creative. It is an online portal providing the digital advertising sector with an up-to-date list of copyright infringing sites, identified by the creative industries and evidenced and verified by the City of London Police Unit. This so that advertisers, agencies and other intermediaries can cease advert placement on these illegal websites.

**Q. How does Operation Creative and the IWL work?**

A. As part of Operation Creative, rights holders in the creative industries identify and report copyright infringing websites to PIPCU, providing a detailed package of evidence indicating how the site is involved in illegal copyright infringement. Officers from PIPCU then evaluate the websites and verify whether they are infringing copyright.

At the first instance of a website being confirmed as providing copyright infringing content, the site owner is contacted by officers at PIPCU and offered the opportunity to engage with the police, to correct their behaviour and to begin to operate legitimately.

In the correspondence the website owners PIPCU clearly states that if a website fails to comply and engage with the police, then a variety of other tactical options may be used including: contacting the domain registrar to seek suspension of the site and disrupting advertising revenue by making the IWL available to advertising businesses that have requested to use it.

**Q. How can my advertising business get involved?**

A. In order to access the IWL a business must be involved in the sale or trading of digital display advertising. Parties interested in signing up to the IWL can email [PIPCUIWL@cityoflondon.police.uk](mailto:PIPCUIWL@cityoflondon.police.uk) with a contact name, name of organisation, contact number (direct dial) and contact email address.

**Q. What happens next?**

A. PIPCU is currently undertaking investigations into sites, and will inform businesses of when the IWL becomes available.

**Q. I still have questions, who do I contact?**

A. To find out more about the IAB's work on brand safety and copyright please contact Alex Stepney, Public Policy Manager, at [alexandra@iabuk.net](mailto:alexandra@iabuk.net). To sign up to PIPCU's IWL or to find out more information about how you can get involved in Operation Creative please email: [PIPCUIWL@cityoflondon.police.uk](mailto:PIPCUIWL@cityoflondon.police.uk).

**IAB UK Comment:**

“The advertising industry has worked collectively to increase transparency in display trading in digital environments, and the availability of PIPCU's Infringing Website List signals another important milestone for increasing transparency and choice for the market. It is important that commercial decisions are informed decisions, with the availability of the IWL, brands will have the choice to instruct their agencies and ad tech trading partners on ad placement regarding sites under investigation for copyright infringement” Alex Stepney, Public Policy Manager, IAB UK