

Factsheet: Copyright and Brand Safety

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 infringing 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, the appearance of display advertising 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 previously had difficulty in identifying infringing sites because of a lack of 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. Brands have therefore 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, infringing 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 'spoof' advertising, committing fraudulent activity that brands, agencies and technology intermediaries are unable to control or prohibit.

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 funded by The Intellectual Property Office (IPO), part of the Department for Business, Innovation and Skills (BIS). PIPCU oversees and manages the Infringing Website List (IWL).

Q. I've heard about an advertiser body called the Digital Trading Standards Group (DTSG). Is the IWL part of this?

- 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 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 enables advertisers, agencies and other intermediaries to cease advert placement on these illegal websites. In August 2015 PIPCU launched an automated interface (API) for the IWL making it much easier for businesses to incorporate the IWL into their processes and contractual arrangements.

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 its correspondence with the website owners PIPCU clearly states that if a website fails to engage with the police and comply, 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 including the website URL on the IWL.

Q. Is the IWL effective in tackling ad placement on copyright-infringing sites?

- A. The latest figures (published in August 2015) demonstrate that since the introduction of the IWL there has been a 73 per cent reduction in the appearance of advertising from the UK's top ad spending companies on copyright infringing websites. Since the Gambling Commission joined forces with PIPCU in 2015 to champion the IWL within their sector was a 36 per cent decrease in gambling ads appearing on IWL sites between March and June 2015.

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 [fill in the online form](#) or email PIPCUIWL@cityoflondon.police.uk with a contact name, name of organisation, contact number (direct dial) and contact email address.

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 Christie Dennehy-Neil, Public Policy Manager, at christie@iabuk.net. For more information about the IWL please email: PIPCUIWL@cityoflondon.police.uk.

IAB UK Comment:

"The increasingly sophisticated nature of the online advertising supply chain means that brand safety remains an issue for the industry. Whether you're an advertiser, an agency or an intermediary, [everyone involved in the process is responsible](#) for helping to ensure that the digital ad industry is not helping to fund content and services that infringe copyright. If you haven't done so already, please sign up to play your part via the [PIPCU website](#)."

Christie Dennehy-Neil, Public Policy Manager, IAB UK