

# ACAP

## A strategic briefing paper – August 2008

---

The right of copyright owners to decide how their content can be used is not generally a matter of dispute. It has been enshrined in law for centuries, and has provided the basis for the multiplicity of successful business models devised by the creative industries – industries which in every developed economy account for a very significant element of a country's economic activity.

With the spread of the internet, some have tried to foster a belief that “copyright is dead” – or, at least, that copyright must change out of all recognition in the online environment. Many internet businesses, large and small, have been built on the principle that because copyright presents an obstacle to their plans it must be ignored – so much so that selectively (or completely) ignoring copyright has become enshrined as an important principle not just of those businesses but of the internet as a whole. We are asked to accept that one of the fundamental principles of copyright – that anything that is not expressly allowed by permission of the copyright holder is forbidden – must be turned on its head. We are told that “the internet doesn't work like that”, as if the internet were an organic thing which has grown outside the influence of laws or people. We are told to accept that, in this new world, those of us who do not wish to have our content copied and reused for commercial purposes must “opt out” and must individually track down and prevent each use of our content that we don't like. And we are told that, unless we do so, organisations which should be our business partners in an orderly and well managed supply chain are free to use our content in any way that they choose (or perhaps that they feel they can get away with). Lastly we're asked to ignore the copious evidence that this situation is giving rise to major and serious negative outcomes for copyright owners, and told we should simply adapt to an online environment which we can never influence.

The ACAP project was founded on the belief that the content industries have endured these entirely specious arguments for too long. Copyright is not dead – and the rights associated with copyright do not go away in the face of a new technology. But we acknowledge that the rights of copyright owners have been substantially impaired by the network, not because of any inadequacy of copyright law, but because of the lack of tools to support the management of copyright on the network.

Until now, the only tools that we have had at our disposal have been costly and interminable litigation, or use of the type of “digital rights management” enforcement technology which has given copyright management in the digital age an uncomfortable reputation. For those copyright owners who find neither option attractive, the third option of simply preventing their content being published on the internet at all has been the only workable one.

ACAP – Automated Content Access Protocol – starts from a radically different position. We are convinced that the primary task facing content owners is to develop appropriate ways of *communicating* their policies about the use of their content – the permissions that they wish to offer to third parties – in a form that is appropriate to the medium. There are too many content owners – and too many potential re-users of that content – for online communication to be mediated by people. No one has either the time or the inclination to read the type of complex “terms and conditions” we put on our websites. ACAP provides an “Internet scale” solution to an

“Internet scale” problem – a machine interpretable language that expresses permissions clearly and unambiguously in a format that content intermediaries and aggregators can understand – and act on.

Initially, work on ACAP began in response to some of the challenges being posed by search. In this respect the project has sometimes been characterised as “anti-search-engine”; and indeed it is the case that our initial focus has been on improving the capability of publishers to communicate with search engines. But ACAP is not against the search engines any more than a book publisher is against bookstores; all that we seek to do is to reduce the risk of conflict and misunderstanding that has arisen between publishers and search engines – misunderstanding that has repeatedly led to unnecessary, protracted and costly litigation.

ACAP is not some sort of backward looking attempt to make it impossible for search engines to provide the services which we all value so highly on the network; nor does ACAP have anything to say about the specifics of the permissions which a publisher may or may not grant to a particular intermediary. ACAP simply provides a toolkit which enables each publisher to decide how they want their content to be used – and then to make those decisions explicit.

As things stand, none of the major search engines has yet “recognised” ACAP – none of them is yet capable of compliance with an ACAP policy statement. And yet, led by Times Online, our first implementer, over 400 publishers in over 40 countries have implemented ACAP on their websites. Why?

If you have already implemented ACAP, you will already know the answer to that question. We are asking all publishers who care about the future of copyright on the network to undertake a very simple implementation of ACAP on their website; this is a very easy change to make, with no significant technical investment – and no potential downside. It makes a statement to everyone – including not only to our technical partners in the information supply chain but also to governments and regulators everywhere – that the content industry is determined to take a stand over the loss of control over its copyrights on the network. It is through the solidarity of concerted action that publishers can persuade search engines and others of the importance we place on this – so that they in turn implement ACAP.

Implementing ACAP will cost you only a little time – the ACAP protocol is freely available to everyone to use – but the implications of taking this action for the future of the content industry are profound. ACAP has now received the endorsement of both the recording and movie industries, and is beginning work on extending its “language” to audio and audio-visual media. ACAP represents an unprecedented opportunity for the whole of the content industry to speak with a single voice – and to develop a single, consistent and standardised method for the automated communication of permissions on the network.

ACAP is not by itself a complete answer to all the challenges facing the commercial distribution of content on the network, but it does provide an essential element of the response. It is an enabling tool, which will allow the content industries to develop innovative business models which support the long term return on the investment necessary for the delivery of high volume, high quality content on the network.

ACAP deserves your support.