ACTA as Media Gatekeeping Factor: The EU Role as Global Negotiator

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ABSTRACT
This paper explores the influence of regulatory instruments in media content gatekeeping model and especially, the impact of ACTA (Anti-Counterfeiting Trade Agreement) in online media industries. The author argues that both developments in the regulatory field worldwide as well as the emerging role of international agreements’ negotiators on internet access and security issues are going to influence also the media gatekeeping model. The analysis shows that even an updated by the ICTs’ evolutions media gatekeeping model should follow the developments on regulations’ global debate related to online media and on their impact to the electronic and mobile (e/m) business models. The actions taken by EU institutions indicate the establishment of EU as a global negotiator in cultural industries as well as the global internet users’ communities as an informal negotiator for online media issues.

KEYWORDS
ACTA, Business Models, EU, ICT, IPR, ISP, Media Gatekeeping Model

INTRODUCTION
The Anti-Counterfeiting Trade Agreement (ACTA), the plurilateral agreement for international standards on intellectual property rights’ (IPR) enforcement is dealing, among others, with the copyright infringement on the internet. The agreement aims to establish an international legal framework, supporting and cooperating with existing forums, such as the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO), the United Nations (UN) and a new Committee for supervising these issues (ACTA’s Parties, 2011).

The effective enforcement of intellectual property rights is critical to sustaining economic global growth across all industries. Considering that online media industry is one of the main industries globally, this paper aims to explore the impact of the regulatory factors, such as the potential implementation of global agreements such as ACTA in online media business models, through their impact on the media gatekeeping model. In traditional gatekeeping model described by Shoemaker and Reese (1996) the two out of five pillars of the model (individual level, practices level, intra and extra organization level as well as the culture level) are the filters in intra-organization (media organization) level and the filters in the extra-media world. This world includes, among other players, interest groups, national governments’ decisions and international organizations directives and regulations. Different approaches of international organizations’ regulations affect media organizations business models and their content selection strategies and priorities. Moreover, recent previous research on a convenience sample of 234 respondents representing 214 media related organizations participated in a survey with an array of ICT backgrounds has indicated that...
there are strong and very strong relations among the intra and extra-media influences (Figure 2) in media industries because of new media technologies (Cossiavelou et al., 2011, pp. 67).

The more media industries are moving online the more are depending on ICTs and the regulatory framework related to intellectual property issues on both their infrastructure and content assets.

Figure 1 indicates the strong interaction between the intra-organization pillar and the extra-organization pillar, namely between the media industries business development models and the regulations related to them. In the era of these industries, migrated already to online and wireless applications (international news agencies’ websites, social media, blogs, etc.) globally imposed regulations related either to their infrastructure, either to their content and business practices are triggering chain effects in their global industry.

The ACTA agreement, signed in October 2011 by eight ACTA negotiating partners (Office of the U.S. Trade Representative, 2011). The European Commission initially asked the European Court of Justice (ECJ) for an opinion on the conformity of ACTA with fundamental freedom raised the public dialogue about ACTA, trying to shift the political, by nature, agenda to a legal issue. However, the ECJ refused to undergo an ACTA’s impact assessment on fundamental rights, taking into account how it will interact with existing EU law and the announced revisions of the Intellectual Property

Figure 1. Internet technologies as reliable additional dimension for the upgrading of the Shoemaker and Reese traditional gatekeeping model
On Building a Data Broadcast System in a Wireless Environment
Agustinus Borgy Waluyo, Gabriel Goh, David Taniar and Bala Srinivasan (2005).
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