



GLOBAL SITEBLOCKING STRATEGY



AGENDA

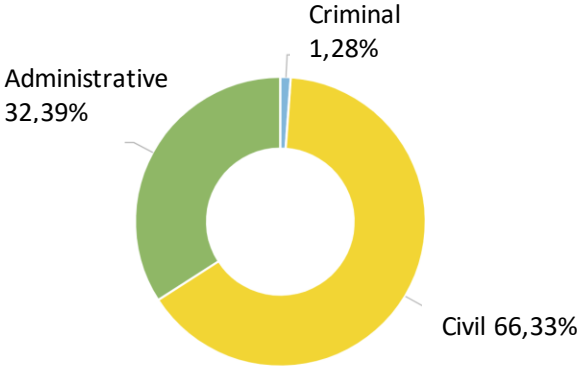
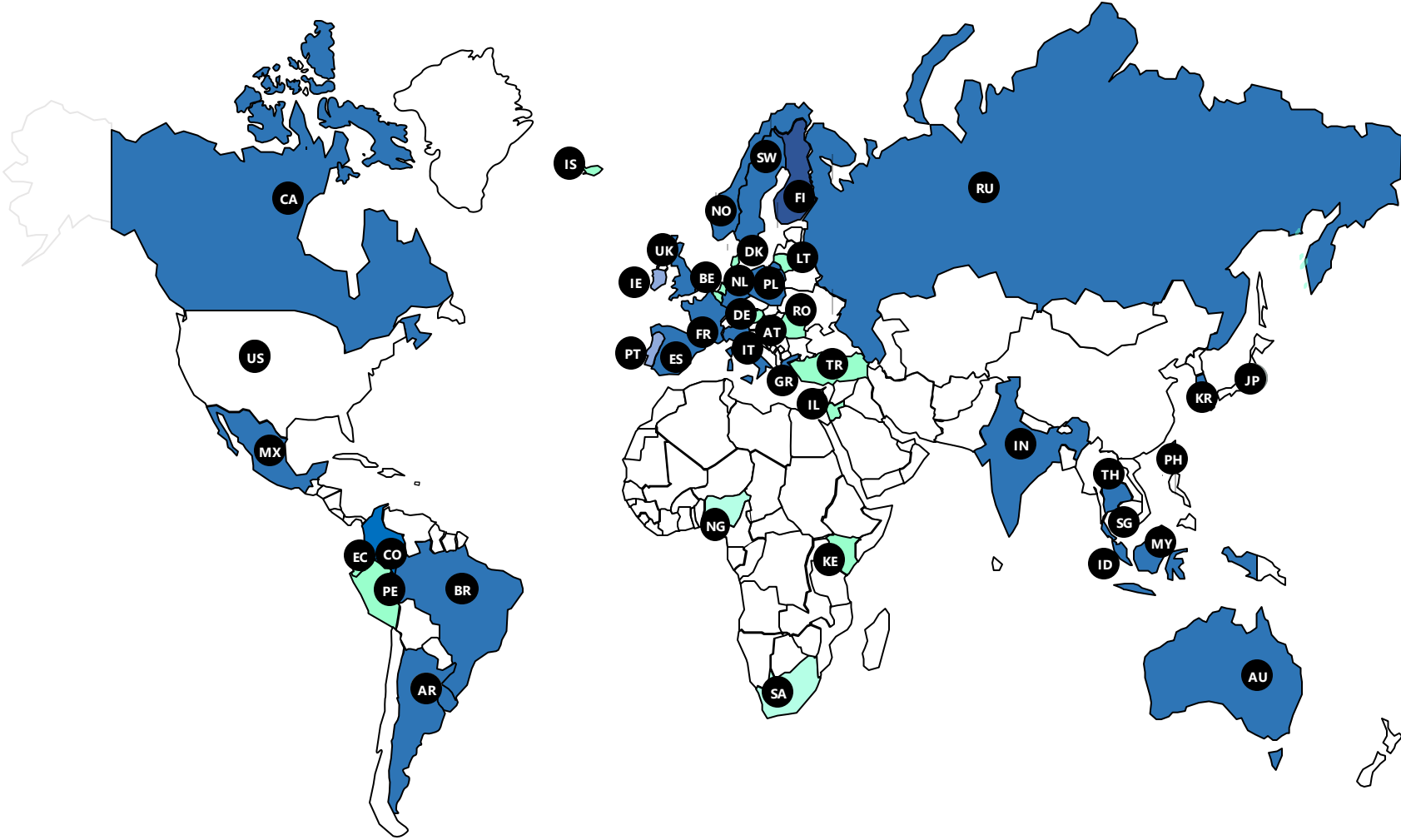
1. Global Siteblocking Strategy – purpose and process
2. Legal framework and ISPs cooperation



Global Siteblocking OVERVIEW

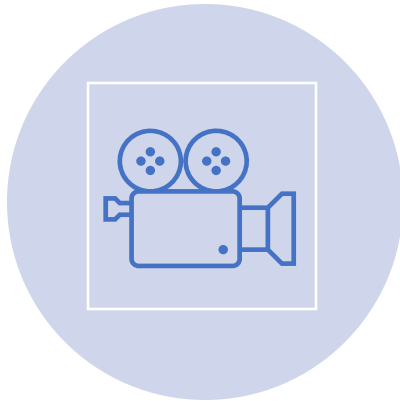
Major pirate websites blocked

Siteblocking established in 39 countries

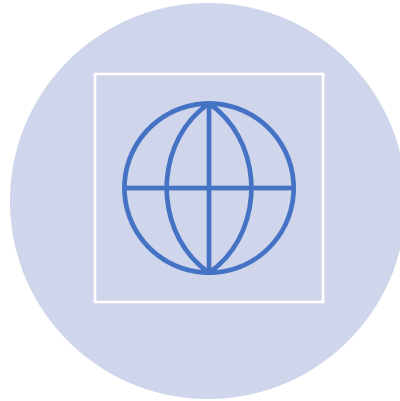


GLOBAL SITEBLOCKING STRATEGY

PURPOSE



SUPPORTING CREATIVE
INDUSTRY



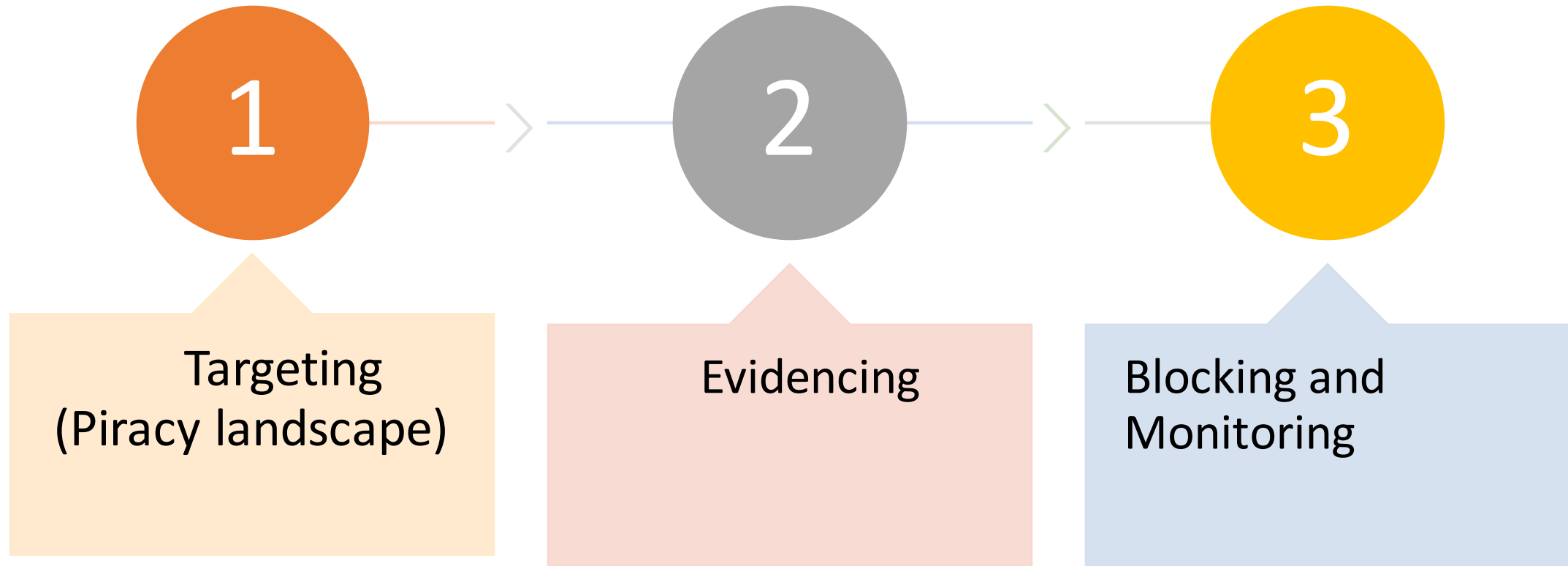
DEVELOPING GLOBAL
SOLUTIONS TO COMBAT
ONLINE PIRACY



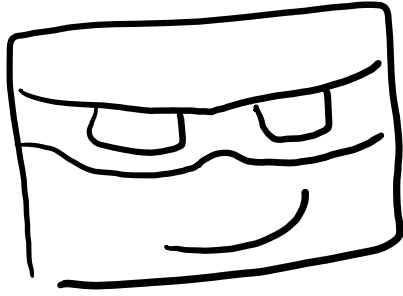
EDUCATING
AUDIENCE/DIRECTING
TOWARDS LEGAL OFFER



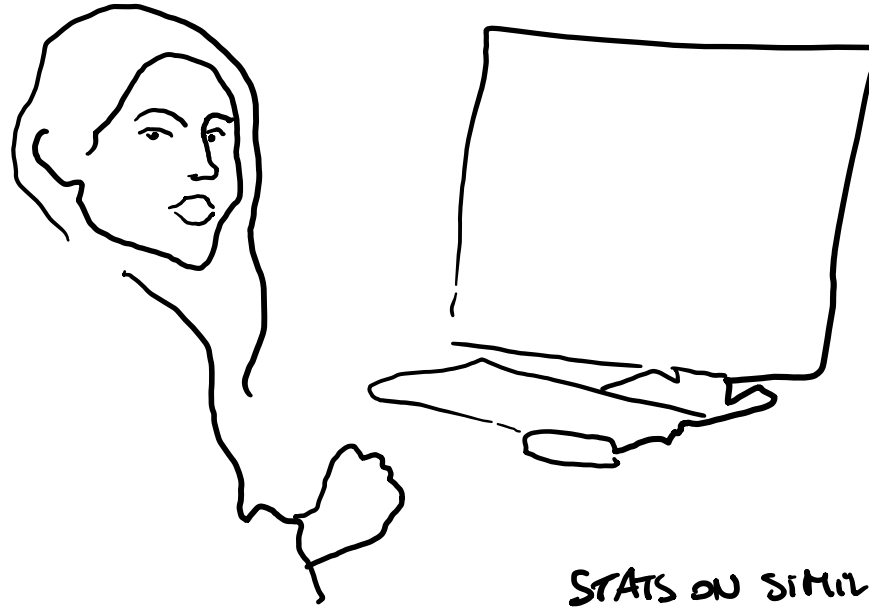
GSS PROCESS



① TARGETING



- TARGET
SITE APPEARS



STATS ON SIMILAR WEBS

CHECKS

SUITABILITY FOR SB ✓



② EVIDENCING

EVIDENCE

· statistical evidence



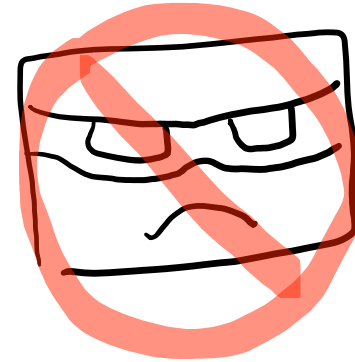
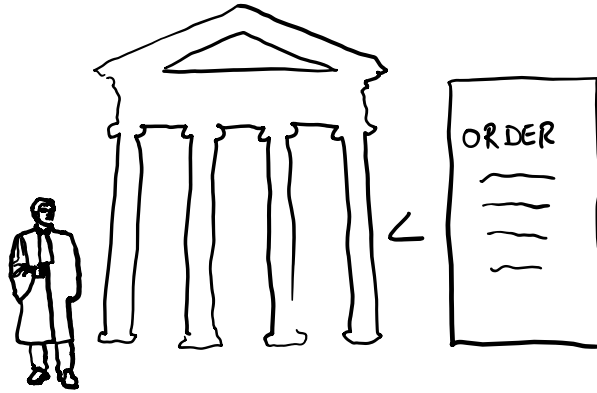
PROCEDURAL
ROUTE

THE LEGAL TEAM AND OUTSIDE COUNSEL
PREPARE THE EVIDENCE PACK AND THE
COMPLAINT, THEN FILE THE CASE



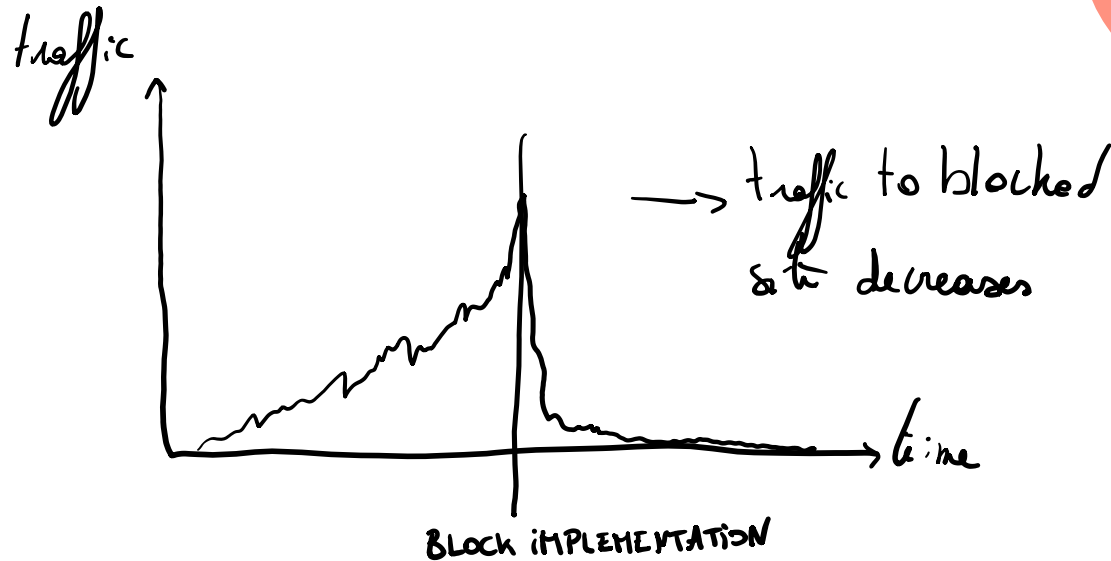
③ BLOCKING

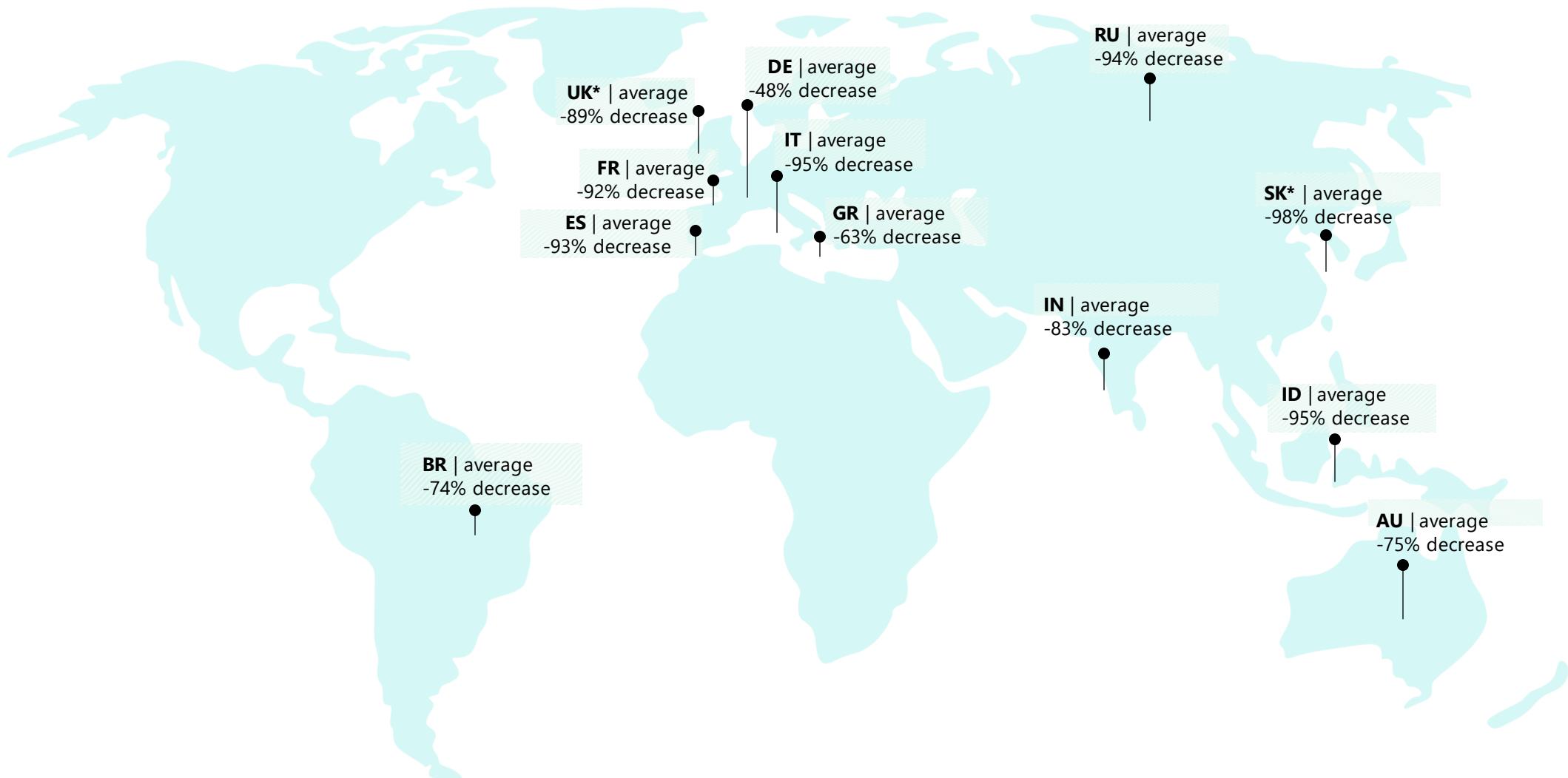
THE SITEBLOCKING
ORDER IS ISSUED



THE ISP IMPLEMENT
THE BLOCK
+
GOOGLE DELISTS
..

AND IT
WORKS





LEGAL FRAMEWORK AND ISPs COOPERATION

PRINCIPLES

- No fault injunction
- RHs monitor blocked domains and submit new targets
- ISPs never asked to “police the internet”



LEGAL FRAMEWORK AND ISPs COOPERATION

UNITED KINGDOM

- **Section 97A CDPA**
- **Case law – High Court, Newzbin, October 2011**
- **ISPs do not oppose Siteblocking orders**

No ISP opposition in court, orders executed within 7 working days

Further developments:

- **Pirate Brand Orders: 123movies (July 15, 2022), Fmovies, primewire, putlocker, soap2day, solarmovie (March, 2023)**
- **Blocking order issued against cyberlocker Mixdrop (2022)**



LEGAL FRAMEWORK AND ISPs COOPERATION

THE NETHERLANDS



- **Art. 26d. Copyright Act:** ‘ At the request of the author, the court can order intermediaries whose services are used by third-parties to infringe on copyright, to stop providing the services that are used to infringe copyright’
- **Case law –Amsterdam Court of Appeal**, Brein v XS4ALL and Ziggo (2 June 2020)
- **Agreement** between RHs and ISPs (Ziggo, KPN, DFN, T-Mobile, Canal+, and members of the industry organization NLConnect agree to block pirate sites when RHs obtain a blocking order against one of the other ISPs)

- Speed: Court proceeding takes approx. 1 year
- When the blocking order is obtained against one ISP, others follow the suit.
- Enforcement: blocks implemented by ISPs after Court Order
- Technical measures: DNS blocking



LEGAL FRAMEWORK AND ISPs COOPERATION

SWEDEN



- **Art 53 Copyright Act:** ‘The court may, on a petition from the author, a right holder, or a person issue a prohibition against those who take or aid and abet copyright infringement to prevent a continuation of that action.
- **Case law – Patent and Market Court, Studios vs Telia (29 June 2020)**
- **Agreement** between RHs and ISPs re **non-opposed Siteblocking application:**
 - RHs apply for blocking measure and communicate the draft application to ISPs, if clear ISPs do not oppose
 - Court proceeding takes approx. 1 year
 - Website specific blocking: blocking of new domain names within few days
 - Technical measures: DNS blocking



LEGAL FRAMEWORK AND COOPERATION

- European Commission recommendation

on Live Blocking



- EC recognizes RHs struggle re live content piracy (technical challenges, circumvention measures, offshore hosting, ‘piracy –as – a service’).
- EC aims at fostering collaboration between sports event organisers, holders of rights, providers of intermediary services and public authorities.
- EC points to raising awareness and voluntary cooperation between public authorities. MSs are encouraged to raise user’s awareness on legal offers and raise awareness with national law enforcement authorities.



THANK YOU

