

THE INTERNATIONAL EXPERIENCE ON COMBATTING PIRACY ON THE INTERNET



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Athens, 22 February 2018





THE CHALLENGES OF ONLINE PIRACY

FOR CONTENT PROTECTION



24% Internet Traffic

NetNames Study Infringing Content

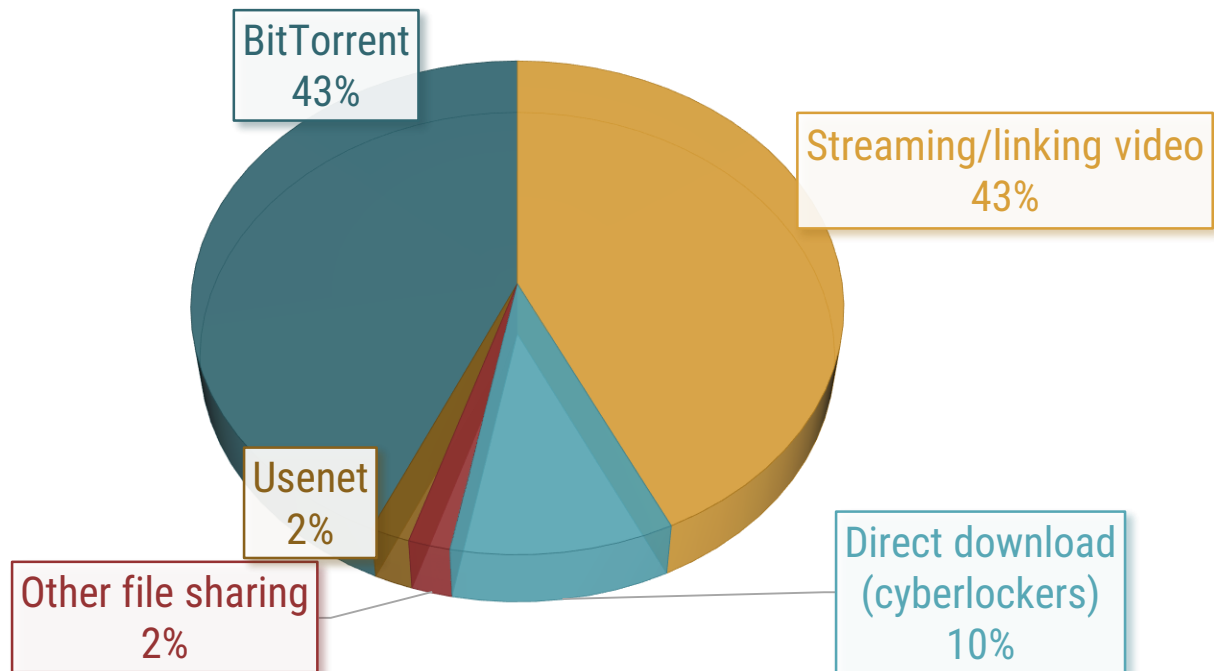
1,700 Per Minute

Google Link Removals Of Pirate Material

€ 1,78 Billion Lost Revenues

Harm To Spanish © Industry 2016

ESTIMATE OF ONLINE PIRACY METHODS



URL	Alexa GR	Categories	Market
https://thepiratebay.org	35	BitTorrent Public Link	International
http://greek-movies.com	111	Video Link	Greece
http://www.subs4free.com	116	Subtitles	Greece
http://teniesonline.ucoz.com	117	Video Link	Greece
http://yts.am	140	BitTorrent Public Link	International
https://tainies.online	174	Video Link	Greece
http://greek-team.cc	228	BitTorrent Private Link	Greece
https://torrentz2.eu	278	BitTorrent Public Link	International
http://subztv.club	280	Subtitles	Greece
http://1337x.to/	286	BitTorrent Public Link	International



Κάτοχοι Πνευματικών Δικαιωμάτων



Аватар не загружен



Fully Loaded



Free Keyboard



Videos
Sort by: Date · 21 / 155
EPT WORLD

ERT EPT (HD)

9:05 PM
EPT PLAY

MEGA MEGA MEGA MEGA (4)

**GREEK
LIVE TV / MOVIES
TV SHOWS / KIDS / DOCS
ON KODI !**

STAR STAR (2)



DIRECT INFRINGEMENT (CTTP)

- **Linking:** Svensson – Bestwater – GS Media
- **Illicit Streaming Devices:** BREIN v Wubben (Filmspeler)
- **Torrent Portals:** BREIN v Ziggo (The Pirate Bay)

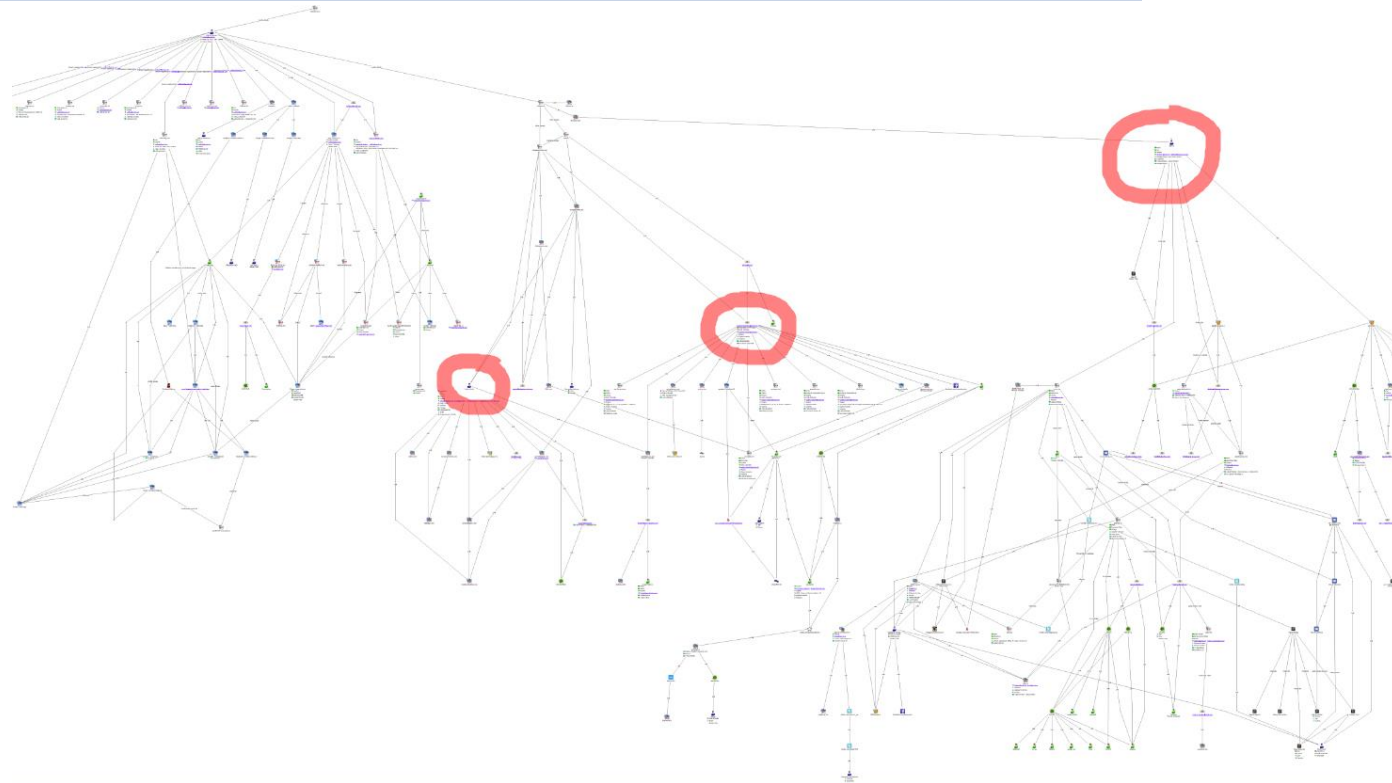
WHAT IS THE SOLUTION?

WHAT WORKS?



TAKE ACTION AGAINST THE SITE OPERATOR(S)

ANONIMITY



July 2016

22
DECISIONS

15 EEA
COUNTRIES

ECHR

And... the
CJEU!

Direct Infringement

- **Sweden**, Svea Court of Appeal, 26 November 2010, B 4041-09
- **European Court of Human Rights**, 19 February 2013, 40397/12
- **Court of Justice of the European Union**, 14 June 2017, C-610/15
- **Netherlands**, Court of Amsterdam, 30 July 2009 and 22 October 2009, cases 428212/ KG ZA 09-1092 and 436360 / KGZA 09-1809

Website Blocking

- **Italy**, Supreme Court, 29 September 2009, 49437/09
- **Denmark**, Supreme Court, 27 May 2010, 153/2009
- **Belgium**, Court of Appeal Antwerp, 26 September 2011, 3399
- **United Kingdom**, High Court London, 13 June 2012, HC11C04518
- **Finland**, Court of Appeal Helsinki, 15 June 2012, 1687
- **Ireland**, High Court Dublin, 12 June 2013, 225 COM
- **Iceland**, District Court Reykjavik, 14 October 2014, K-8/2013
- **France**, Tribunal de Grande Instance Paris, 4 December 2014, RG : 14/03236
- **Portugal**, Intellectual Property Court Lisbon, 24 February 2015, 153/14.0YHLSB
- **Spain**, Central Court of Administrative Litigation Madrid, 25 March 2015, N66028
- **Norway**, Oslo District Court, 1 September 2015, 15-067093TVI-OTIR/05
- **Netherlands**, District Court The Hague, 22 September 2017, C/09535341



Hosting Provider

- **Sweden**, Svea Court of Appeal, 4 May 2010, Ö 10146-09
- **Sweden**, Svea Court of Appeal, 21 May 2010, Ö 7131-09
- **Germany**, Landgericht Hamburg, 6 May 2010, 310 O 154/10

Domain Names

- **Germany**, District Court Cologne, 23 December 2015, case no 14 O 332/15
- **Sweden**, Court of Appeal Stockholm, 12 May 2016, B 6463-13
- **Luxembourg**, District Court of Luxembourg, 16 March 2016, Judgment no 64/2016

FOLLOW THE MONEY ?

- ❖ KAT: € 28,411,357 in deposits received in 7 months
- ❖ Kino.to: € 1,000,000 per month
- ❖ Popcorn Time: massive sales of VPN subscriptions
- ❖ Law Enforcement is adequately equipped



PARTIES OFTEN BEST PLACED

Injunctive relief against online intermediaries, regardless liability

Art. 8(3): “Member States shall ensure that rightholders are in a position to apply for an injunction against **intermediaries whose services are used** by a third party to infringe a copyright or related right.”

Recital 59: “In the digital environment, in particular, the services of intermediaries may increasingly be used by third parties for infringing activities. In many cases such intermediaries are **best placed** to bring such infringing activities to an end.”

Cfr. Art.9 and 11 IPRED

Revenue

Site Operator

**Hosting
Provider
CDN**

*Technical
Infrastructure*

Website

**Ads
Payment**

**Search
Engines
Social Media**

**Domain
Registrar
Registry**

Accessibility

**Access
Providers**



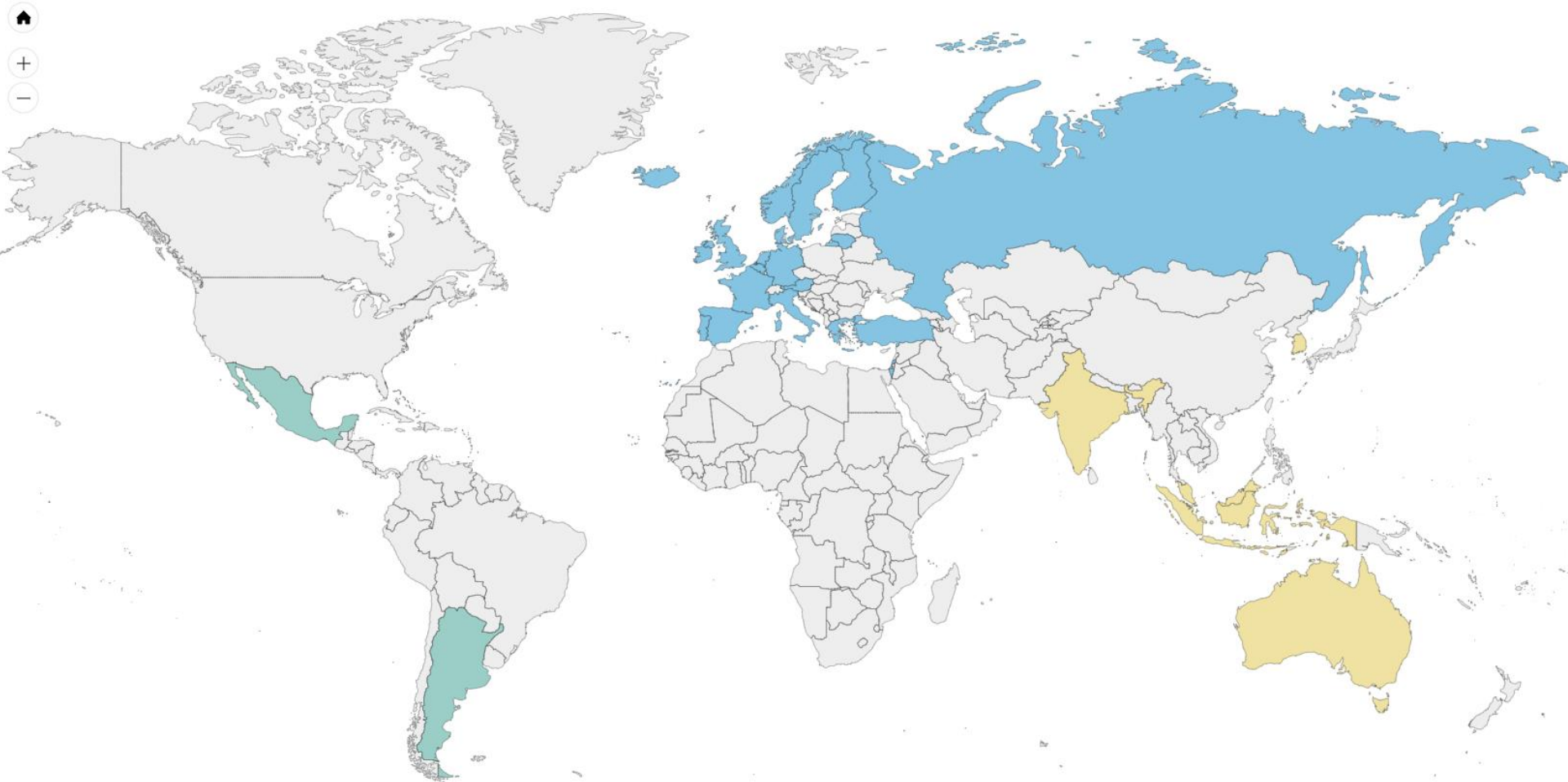


VOLUNTARY MEASURES

- ❖ Advertisement Industry (TAG, EC, EU MS)
 - ❖ Payment Processors
 - ❖ Internet Access Providers
 - ❖ Domain Name Registries
 - ❖ Etc.
-
- ❖ **Partial solution**, not applicable to non-cooperative companies

WEBSITE BLOCKING

DISABLING ACCESS TO PIRATE SITES



20

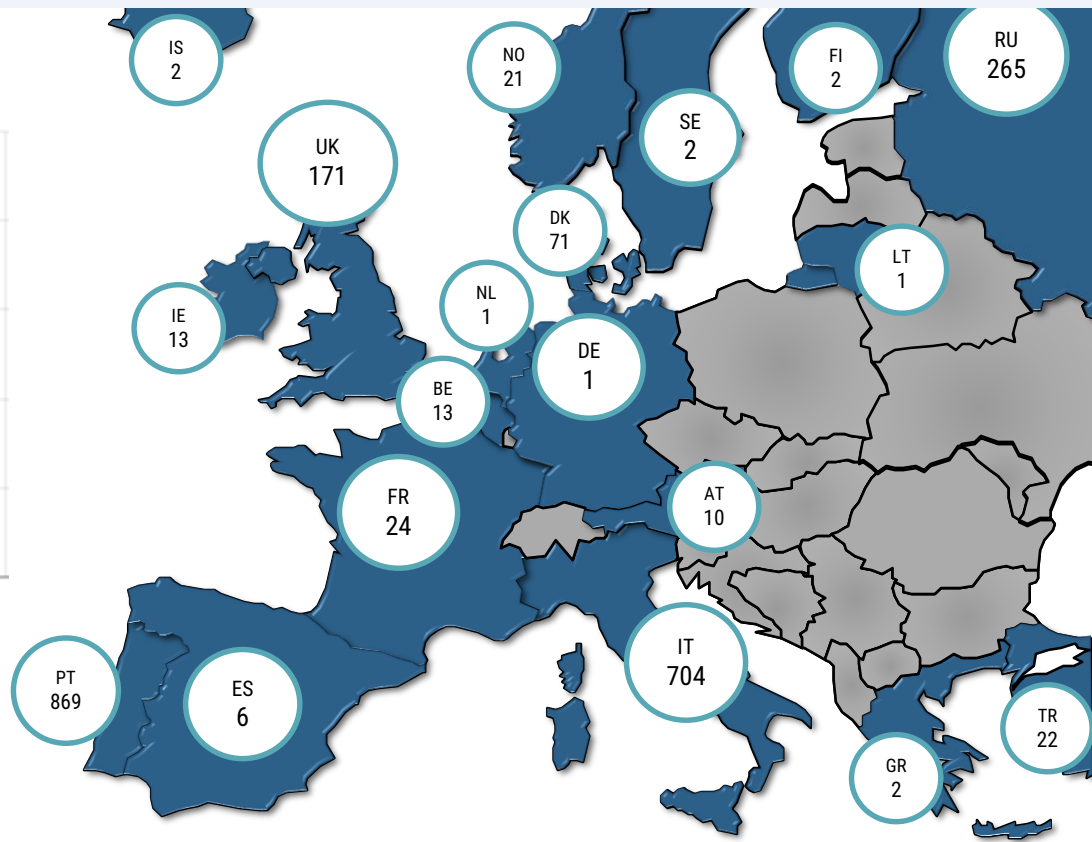
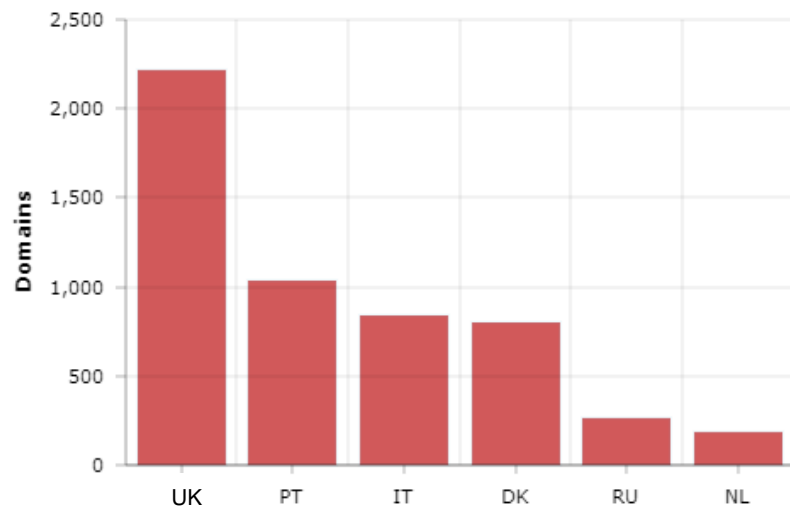
TOTAL COUNTRIES

2154

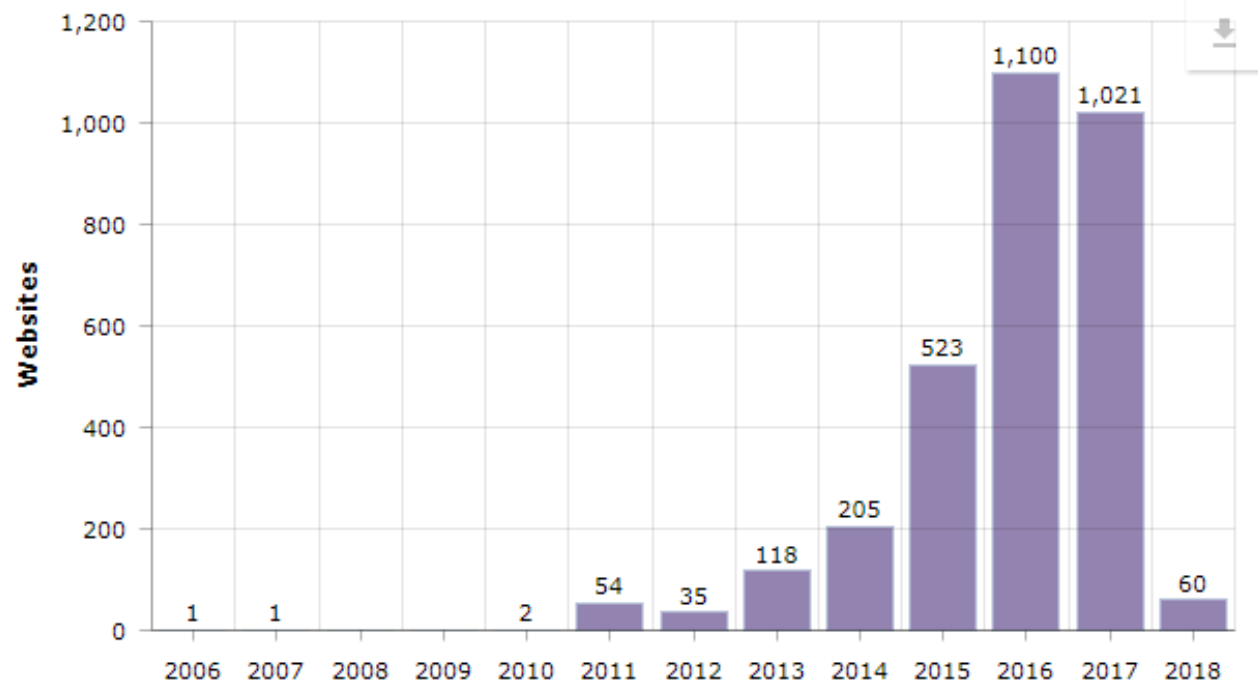
TOTAL WEBSITES BLOCKED

5554

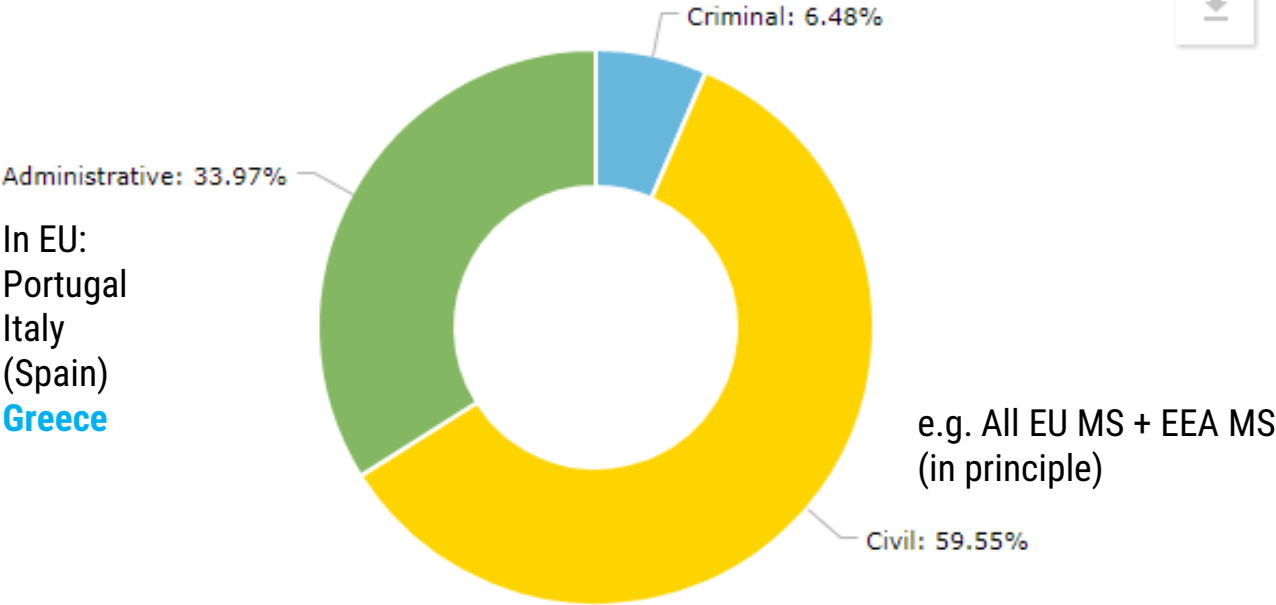
TOTAL DOMAINS BLOCKED



TOTAL WEBSITES BLOCKED PER YEAR



TYPE OF PROCEEDINGS





WEBSITE BLOCKING: EFFECTIVENESS



NAME	RELEASED	AUTHOR
Site blocking efficacy study: United Kingdom	November 2014	Incopro
The Effect of Piracy Website Blocking On Consumer Behaviour: United Kingdom	May 2015	Carnegie Mellon University
Site blocking efficacy study: United Kingdom	May 2015	Incopro
Website Blocking Revisited: The Effect of the UK November 2014 Blocks on Consumer Behavior	April 2016	Carnegie Mellon University
How Website Blocking Is Curbing Digital Piracy Without "Breaking the Internet"	August 2016	ITIF
Site blocking efficacy in Portugal	October 2016	Incopro
Site blocking efficacy in Portugal September 2015 to October 2016	May 2017	Incopro
Site blocking efficacy Australia	May 2017	Incopro
Site blocking efficacy Australia 2	February 2018	Incopro



TRAFFIC TO UK BLOCKED PIRATE SITES

-75%

Source: Incopro.co.uk



OVERALL UK PIRACY LEVEL

-25%

Source: Incopro.co.uk



+23,6%

- average increase in the usage of paid legal streaming site by the segments which are heaviest (and most affected) former users of the blocked sites

+6%
+10%

- VOD
- AVOD

CIRCUMVENTION: ALTERNATIVE DOMAINS AND IP ADDRESSES



FLEXIBILITY OF BLOCKING ORDERS

BLOCKED WEBSITE

Order contains 1 domain name
and 1 dedicated IP address

+ new domain names

+ new IP addresses

+ dedicated proxies

EXAMPLE

piratesite.com
and 12.56.89.0

+ piratesite.net

+ 12.56.89.1

+ piratesiteproxy.com

- ✓ United Kingdom
- ✓ Ireland
- ✓ Denmark
- ✓ Germany
- ✓ Spain
- ✓ Netherlands

Order needs to be **dynamic** in order to be **effective**

FLEXIBILITY OF BLOCKING ORDERS

Decision of the Minister for Culture and Sports // **Constitution, operation and competences of the Committee for the notification of infringement of copyright and neighbouring rights on the Internet and determination of the application fee**

Article 10 Blocking of access

In the event of infringement on a large scale or if the website on which the content is located is hosted on a server which is located outside the Greek jurisdiction, the Committee shall call on the recipients of the notification to **block the access to the content in the most suitable and technically efficient way**. The access blocking is applicable to content described in the application whether this is accessible via webpages or by other means such as data streaming.

LEGAL OFFER

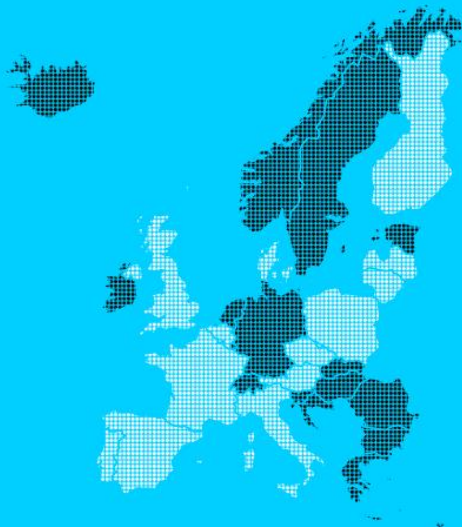
WHERE TO FIND CONTENT?



LEGAL OFFER - AGORATEKA

**Find
creative
content
legally
online in
your
country**

Use the map to find Legal Offer Sites
in your country, filter by the content
you require.



Or select the type of content you are looking for





LEGAL OFFER - GREECE



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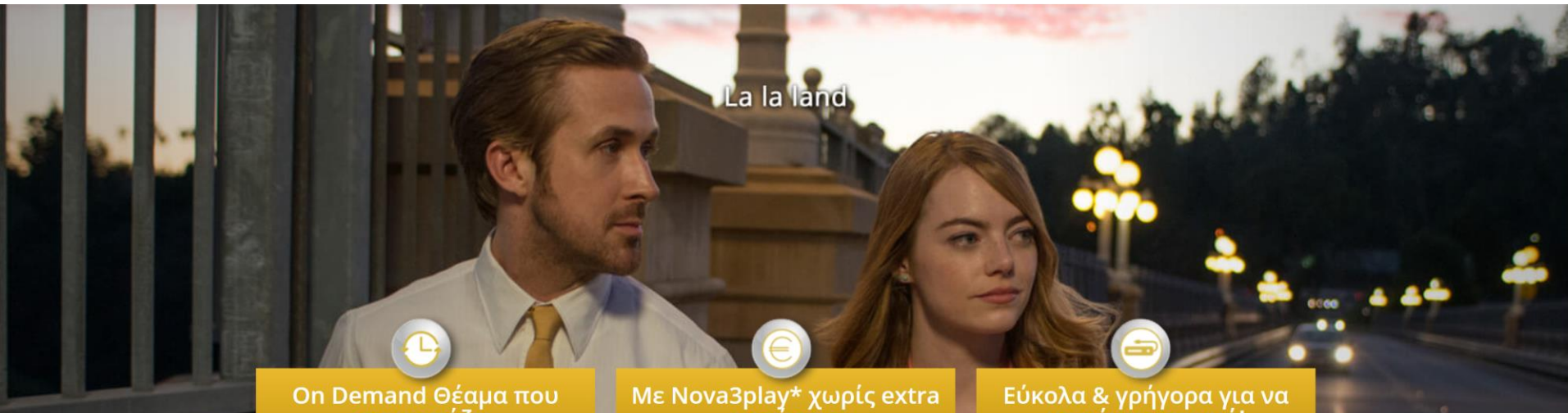
[Υπηρεσίες για την Επιχείρηση](#)

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[Αρχική Σελίδα](#) > [Υπηρεσίες για το Σπίτι](#) > [Πρόσθετες Υπηρεσίες](#) > [Nova On Demand](#)

Nova On Demand



La la land



On Demand **Θέαμα που**



Με Nova3play* **χωρίς extra**



Εύκολα & γρήγορα για να

Search for a Film or TV Show...

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Book Cinema Tickets

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Q Town or postcode

Q Film title

GO



Black Panther



Fifty Shades Freed



The Shape Of Water



The Greatest Showman



Coco



Early Man

Buy to Own

[See more](#)



Blade Runner 2049



The Lego Ninjago Movie



Kingsman - The Golden Circle



My Little Pony The Movie



The Mountain Between Us



Dunkirk

CONCLUSION – OUTLOOK FOR GREECE

Deployment of siteblocking



Focus on effectiveness



Involvement of other intermediaries



Development legal offer for consumers



Positive impact on industry and economy

**Ευχαριστώ.
Thank you for your
attention.**

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