CHINA’S EXPERIENCE
IN ONLINE COPYRIGHT PROTECTION
CONTINUED IMPROVEMENT OF THE LEGAL SYSTEM

In 2001, China amended the Copyright Law to include basic provisions for online copyright protection.

In 2006, the State Council enacted the Regulations on the Protection of the Right of Communication through Information Network. In addition, the Supreme People’s Court and the Supreme People’s Procuratorate successively issued judicial interpretations or guiding opinions addressing online copyright.
CONTINUED IMPROVEMENT OF THE LEGAL SYSTEM

- In 2007, China acceded to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.
- In 2012, China approved the Beijing Treaty on Audiovisual Performances. At present, China’s legal protection for online copyright is basically consistent with international standards.
A COPYRIGHT PROTECTION SYSTEM WITH CHINESE CHARACTERISTICS

- China adopts a dual-track copyright protection system, where judicial protection and administrative protection work in tandem with each other.
- Judicial trials provide the most basic means of legal relief by handling copyright-related civil, criminal and administrative cases.
A COPYRIGHT PROTECTION SYSTEM WITH CHINESE CHARACTERISTICS

◆ At the provincial level, Higher People’s Courts, which are present in each of China’s 31 provinces, autonomous regions and municipalities, have established intellectual property (IP) tribunals.

◆ Specialized IP courts have been established in Beijing, Shanghai and Guangdong, amongst other cities.

◆ Internet courts have been established in several Chinese cities, including Beijing, Hangzhou and Guangzhou, which resulted in the greatly improved efficiency of the trial.
Civil cases related to copyright

283,000
Newly filed first-instance civil cases related to copyright

195,000
Share of all newly filed first-instance civil cases involving IP

68.9%
Year-on-year growth

First-instance civil cases involving IP in local courts

2018
42.6%↑
THE UNIQUE ROLE OF ADMINISTRATIVE LAW ENFORCEMENT

- Compared with judicial adjudication, administrative law enforcement and supervision for copyright protection are carried out in a timely, fast and relatively convenient way.

- At present, China has formed an administrative management and law enforcement system for copyright protection, with enforcement agencies at the national, provincial, municipal and county levels as the mainstay, which directly investigate various types of copyright infringement and piracy cases.
THE UNIQUE ROLE OF ADMINISTRATIVE LAW ENFORCEMENT

From 2005 to 2018, the administrative enforcement agencies for copyright protection handled a total of over 100,000 cases with administrative punishments, transferred 5,249 cases to judicial organs, and confiscated more than 525 million pieces of IP-infringing and pirated products.
REMARKABLE RESULTS OF SPECIAL ACTIONS

Since 2005, the National Copyright Administration of China (NCAC), together with the Ministry of Public Security, the Ministry of Industry and Information Technology and the National Internet Information Office, have launched the Jian Wang (Cyber Sword) Action against online infringement and piracy for 15 consecutive years.

Due to these targeted actions, focusing on key areas such as online literature, music, videos, games, animation and software, a total of 6,573 cases were investigated and 609 criminal cases were transferred to judicial organs. Furthermore, 6,266 infringing or pirate websites were shut down and 2,560,000 infringing or pirate links were deleted.
STRONGER COPYRIGHT SUPERVISION OVER KEY WEBSITES

While countering the various forms of online infringement and piracy, the NCAC has also been strengthening its supervision over influential online businesses since 2009.

At present, 3,029 key websites have been placed under special supervision by copyright authorities across the country. In particular, the NCAC conducts direct supervision over 20 leading video websites, 20 leading music websites, 8 file hosting websites and 10 influential literature websites.
STRONGER COPYRIGHT SUPERVISION OVER KEY WEBSITES

- Such efforts have greatly improved copyright protection on video, literature and music websites, increased the use of copyrighted materials by a wide margin, and effectively promoted the healthy development of the online copyright industry.

- According to the statistics of relevant research institutions, the market size of China’s online copyright industry in 2017 was CNY 636.5 billion, with CNY 318.4 billion coming from user subscription fees (the share accounted for over 50%), and maintaining the rapid growth trend.
FORMATION OF SOCIAL CO-GOVERNANCE

◆ In 2007, the NCAC set up a fund to reward whistle blowers and investigators for fighting copyright infringement and piracy, established an anti-piracy reporting center and introduced a national hotline (12390) for reporting misconduct. So far, CNY 65 million has been awarded to whistle blowers and investigators.

◆ In addition to actively promoting the establishment of a cooperation mechanism to protect copyright between right holders and online trading platforms, the NCAC has also strengthened cooperation with overseas law enforcement agencies and right holders’ organizations to build an information-sharing mechanism to combat transnational infringement and piracy.
CHINA’S EXPERIENCE IN ONLINE COPYRIGHT PROTECTION

- **COMPREHENSIVE PUBLICITY OF COPYRIGHT PROTECTION**

  - To promote information transparency, competent authorities nationwide are required to disclose information related to copyright cases subject to administrative punishments.

  - The publication of typical infringement cases each year has generated an excellent social effect.

  - All regions have made full use of traditional media such as newspapers, radio and television, and new media such as websites, Weibo and WeChat to publicize the progress and effectiveness of copyright protection and thus create a favorable social environment.
Thank you!
The Greek Committee for the Notification of Copyright and Related Rights Infringement on the Internet

Dr. Maria-Daphne Papadopoulou, LL.M. mult Counselor-at-law

Head of the Legal Department
Hellenic Copyright Organization
Ministry of Culture & Sports
Greece
The Hellenic Copyright Organization (OPI) is a legal entity under private law, located in Athens (5, Metsovoy Street) and placed under the supervision of the Ministry of Culture and Sports. HCO undertakes legislative preparatory work, provides information to the public on copyright and related rights issues, represents Greece before the competent international organizations and the institutions of the E.U.
PREVENTIVE MEASURES AND ACTIONS

The Work of the HCO
TRAINING AND EDUCATIONAL SEMINARS
Observatory for piracy

Piracy – a term that in colloquial language expresses the infringement of intellectual property rights (IPR) – refers to the manufacture, distribution and selling of unauthorized copies (pirated copies) of material protected by intellectual property rights. Copyright piracy is demonstrated in various forms and pertains mainly to the sectors of music, audiovisual works, computer programs, publications and radio/television broadcasts.

Piracy of IPR protected assets is a global phenomenon, which has assumed alarming proportions. In one of its recent surveys, the World Customs Organization announced that 5% of world trade involves pirated products. The EU, respectively, noted that between 5% and 7% of global trade is piracy-based. OECD, on the other hand, estimates that losses suffered by the world trade due to piracy exceed its 5%. The same alarming figures show up in piracy-based job loss, with an annual estimate of 12,000 jobs in the United States and 100,000 in the European Union.

Some of the most significant effects of piracy and counterfeiting in our country are the following:

- Loss of revenues for the Greek State, resulting from the reduction in VAT and customs duty collection
- Loss of employment
- Restraint of the development of cultural industry and other related industries
- Decrease to the investment of new funds
- Imperilment to consumer protection
- Inability to enforce relevant laws and to implement international obligations
- Endangering the country’s prestige
THE COMMITTEE FOR THE NOTIFICATION OF COPYRIGHT AND RELATED RIGHTS INFRINGEMENT ON THE INTERNET
• An extra – judicial mechanism to address the problem of online piracy
• Rightholders may request their content to be removed or blocked
• Article 66E Law 2121/1993 & 3 ministerial decisions
• Commenced its operation in September 2018
THE PROCEDURE BEFORE THE COMMITTEE
Minister of Culture & Sports

Committee for the notification of copyright and related rights infringements on the internet

3 year-term

Hellenic Copyright Organization

Hellenic Data Protection Authority
Delegate

President

Hellenic Telecommunications & Post Commission
Delegate
This procedure **DOES NOT** apply:

- to cases of infringement committed by **end-users** by means of:
  - downloading
  - streaming
  - peer to peer exchange of files

- to cases of provision of data storing services using **cloud computing**

- when the rightholder has not first made use of the corresponding procedure, which the ISP applies
A. The case is rejected when:

• lack of sufficient information
• a case is pending before the courts or a judgment has been delivered between the same parties on the dispute at issue
• lack of competence
• the claim is unsubstantiated
• withdrawal of the application prior to its review
• non-payment of the review fee
• acquired a license of use
B. The case is continued

Notice includes at least:

- the exact definition of the rights allegedly infringed
- the law provisions which are allegedly violated
- a summary of events and the outcome of the evaluation of evidence
- the competent person to whom objections may be raised
- the conditions upon which the procedure may be terminated
- it also mentions that the recipient may voluntary comply

Committee

Simultaneously notifies

ISP 1
ISP 2
ISP 3
ISP 4
ISP 5

Administrator/Owner of web sites

10 days

Host Providers

where possible
Notice recipient

Voluntarily compliance to the applicant’s claim

Acquire a license

Object + produce evidence that no infringement has taken place

Deadlines may be doubled upon the Committee’s decision
In case that the recipient complies voluntarily…

Committee → Decision

… a decision is issued confirming it.
In case objections are raised...

Objections + 5 days

the Committee may require the submission of further evidence by all parties
The Committee issues a reasoned decision by which it asks all recipients to comply with it within 48 hours from its receipt.
If a copyright/related rights infringement has been assessed, the Committee asks the recipients to...

- **Remove content** OR **Block access**

  - If content is hosted on a website whose server is **within the Greek territory**
  - Website whose server is **outside the Greek territory**
  - Large scale infringements (discretion)
If non-compliance...

Committee → Fine

500 - 1000 € for each and every day of non-compliance (depending on the severity of the infringement, its recurrence, etc.)
AND IF THIS SOUNDS TOO COMPLICATED ...

… just have a look to the relevant infographic

https://www.opi.gr/images/various/infographic_en.jpg
Complaints procedure for online copyright infringement

The Rightholder submits:
A. Pro-forma application
B. Supporting documents
C. Review fee

The Committee decides:
A. To reject the complaint
B. To follow through with the complaint and notify the owners and/or administrators of the website, the hosting provider of the website and the ISPs within 10 days

The Recipient of the notice either:
A. Voluntary complies within 10 days
B. Acquires license within 10 days
C. Raises objections within 5 days

The Committee reviews the case:
A. If an infringement is not substantiated, the case is closed
B. If an infringement is substantiated, it issues a decision to which the recipients should comply within 3 days

The Committee:
- If the webpage is hosted on a server within Greece
  - Large-scale infringement takes place:
    - The Committee calls the recipients of the notice to remove the content
- If the webpage is hosted on a server outside of Greece
  - The Committee calls the recipients of the notice to block access to the content

In case of non-compliance, the Committee imposes a fine of 500-1000 € for each day of non-compliance.

For more information, visit www.oipi.gr.
CONCLUSIONS REACHED SO FAR

- Six copyright and/or related rights online infringements cases
- In all cases the applicant was a collective management organization
- The creative content concerned musical works (phonograms), audiovisual works (films and TV series), software and literary works
- In all cases a large-scale copyright and/or related rights infringement was determined
- The Committee ordered the blocking of access to the content within 48 hours from the time that the parties concerned were notified of the decision
- Blocking was ordered to last for three years
- The fines imposed ranged from EUR 700 to 850 for each day of non-compliance
LIST OF BLOCKED DOMAIN NAMES

Is it compliant with EU Law?

- Articles 12 par. 3 & 13 par. 2 & 14 par. 3 Directive 2000/31
- Recitals 45 and 48 Preamble Directive 2000/31
- Article 3a Directive 2009/140
- Article 17 DSM Directive?
FUTURE CONSIDERATIONS
Thank you for your attention!

Dr. Maria-Daphne Papadopoulou, LL.M. mult

Legal Department HCO
legal@opi.gr
IMPROVING THE MECHANISMS TO COUNTER THE ONLINE DISSEMINATION OF PIRATED CONTENT IN THE RUSSIAN FEDERATION

Speaker:
Mr. Vadim Subbotin, Deputy Head of Roskomnadzor
AREAS OF ACTIVITY

- Restricting access to pirate websites
- Reducing traffic to pirated content
- Decreasing revenue streams of pirate websites
ANTI-PIRACY LAW MAIN POINTS

- 15.2 Blocking access to pirate websites in accordance with court orders
- 15.6 Permanent blocking of pirated websites
- 15.6-1 Blocking of ‘mirrors sites’ of permanently-blocked websites
INTERACTION WITH SEARCH ENGINES

ROSKOMNADZOR

THE DEMAND TO DELETE THE PIRATE SITES FROM SEARCH ENGINE RESULTS

THE LIST OF THE BLOCKED SITES
IMPROVEMENT OF ANTI-PIRACY LEGISLATION

THE NOVEMBER 1, 2018 MEMORANDUM POINTS IMPLEMENTATION INTO THE LAW SYSTEM

DIRECT INTERACTION

COPYRIGHT OWNER

SEARCH ENGINE
REDUCING REVENUE STREAMS TO PIRATE WEBSITES

ROSKOMNADZOR

ADDRESS COLLECTION

ANALYSIS

1XBET

JOYCASINO

BLOCKING

RUSSIAN FEDERAL TAX SERVICE
THANK YOU FOR YOUR ATTENTION!
Police Intellectual Property Crime Unit (PIPCU)

Online IP Enforcement

Detective Steve Salway

Steven.salway@cityoflondon.pnn.police.uk
BACKGROUND TO PIPCU

• City of London Police is the National Lead Force for economic crime in the United Kingdom (U.K)
• Funded by the Intellectual Property Office (IPO)
• Enforcement – Disruption – Prevention
• Mainly concentrated on the digital entertainment and fashion industries
OPERATIONAL ACTIVITY

- 105 investigations since 2013
- £110m at initial referral but up to £719m
- 33 live cases involving:
  - Clothing & footwear
  - Car parts
  - Digital piracy
  - Internet Protocol Television (IPTV)
- Worldwide reach
CURRENT ONLINE ENFORCEMENT INITIATIVES

- Operation Creative
- Operation Ashiko
- Operation Chargewell
OPERATION CREATIVE
UNIQUE PARTNERSHIP BETWEEN THE CITY OF LONDON POLICE AND THE UK ADVERTISING INDUSTRY AND RIGHTS HOLDERS OF CREATIVE INDUSTRIES TO DISRUPT CRIMINAL ONLINE PIRACY.

1. How we work with the Creative Industries

2. How we work with Internet Infrastructure Providers

3. How we stem the payment flow
Creative Industries

- Advisory Panel for Operation Creative consists of the below members
- Evidential statements provided for each website, allowing PIPCU to escalate efforts where the private sector have had limited success
- Safe and open forum for industry to discuss trends and issues in a non-commercial environment
INTERNET INFRASTRUCTURE PROVIDERS

- Domain Name Disruption - Registry and Registrar
  - Hosting Provision Disruption (Cyberlockers)
    - Privacy Restriction Removals
  - Payment Provision Removal including Crypto
    - ISP Blocking / Parental Filtering
  - Lobbying to Governing Organisations
OPERATION CREATIVE

- Infringing Website List (IWL) - Blacklist of Websites
  - Monitoring Ad Placement on Websites
  - Gambling Advertisement Regulation
    - CryptoCurrency Mining
  - Removal of Donation Links
OPERATION ASHIKO

Background

• At inception - protecting UK business a priority.

• Proliferation of cyber-enabled IP crime linked to counterfeit goods.

• PIPCU created Operation Ashiko.

• Targeted the sale and distribution of counterfeit websites with a focus on the .UK ccTLD.

• PIPCU developed partnerships with brands and UK Registry.
“Nominet expressly prohibits .UK domains from being used for any unlawful purpose. When alerted by the police or other law enforcement agencies, we work quickly with our registrars to suspend domains so they cannot be used to commit crime”.

Police Intellectual Property Crime Unit (PIPCU)
OPERATION ASHIKO

Achievements

- **32,669 COUNTERFEIT WEBSITES BETWEEN NOVEMBER 2017 TO OCTOBER 2018 ON THE .UK DOMAIN TREE**

- **HIGHER THAN ANY OTHER LAW ENFORCEMENT AGENCY**
  *(For fourth year running)*

---

**RANGE OF LEGISLATION CITED FOR SUSPENSION REQUESTS INCLUDED:**
- The Fraud Act 2006
- Trade Marks Act 1994
- Copyright, Designs and Patents Act 1988
- Human Medicines Regulations 2012
- Medical Device Regulations 2002
- Consumer Protection from Unfair Trading Regulations 2008
- The Electronic Commerce Regulations 2002
- The Consumer Contracts Regulations 2013
- Financial Services and Markets Act 2000

**32,813**

domains suspended for criminal activity
*(compared to 26,632 in the previous year)*

**BREAKDOWN BY REQUESTING AGENCY**

Total number of requests - 32,927

- 19 Financial Conduct Authority (FCA)
- 47 Medicines and Healthcare Products Regulatory Agency (MHRA)
- 20 Trading Standards (TS)
- 172 National Fraud Intelligence Bureau (NFIB)
- 32,669 Police Intellectual Property Crime Unit (PIPCU)

---

**HOW IT WORKS**

Law enforcement agency notifies
Non-Men tial takes administrative actions
Non-Men tial notifies the registrant
Domain is suspended
OPERATION ASHIKO

Achievements

OVER £719M (€821.5m) OF INTELLECTUAL PROPERTY CRIME DISRUPTED
OPERATION CHARGEWELL

• Working with UK banks to identify counterfeit goods transactions, enabling banks to block merchants and sellers online.

• Financial Investigation of Advertising Revenue on Websites

• Removal of Paypal, Visa and Mastercard provisions on illegal websites
SUCCESS STORIES

Police issue stark warning to anyone thinking of illegally streaming the Joshua v Parker fight this weekend

Man sentenced for fake airbag sale

A man has been sentenced to 10 months in prison, suspended for 12 months, for selling counterfeit airbags. Robert Czernik of Poole, Dorset, will also have to carry out 125 hours of unpaid work for selling the fake airbags.

Car parts dealer avoids jail after selling £30,000 of potential deadly counterfeit AIRBAGS on eBay

- Robert Czernik from Poole flogged his cut-price safety devices for £175 each
- Police investigated the 36-year-old following a tip-off from car company Honda
- The bags were made in a way that could affect how quickly they react in crash

Sylvester Stallone personally thanks City of London Police following man’s arrest for ’Expendables 3’ leak

Police warn Halloween revellers not to be tricked by fake fancy dress costumes
QUESTIONS?