

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.**



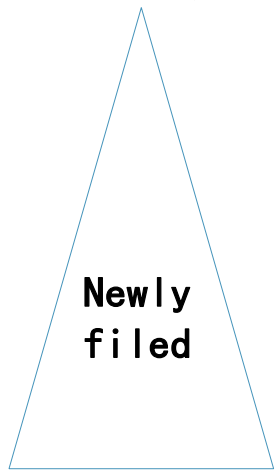
➤ **A COPYRIGHT PROTECTION SYSTEM WITH CHINESE CHARACTERISTICS**

- ◆ **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



195,000

Newly filed first-instance civil cases related to copyright

68.9%

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

42.6% ↑

Year-on-year growth

First-instance civil cases involving IP in local courts

2018

➤ **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.**



➤ **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**



HELLENIC COPYRIGHT ORGANIZATION

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....



TIMESTAMP



EDUCATION



COMMITTEE

HELLENIC COPYRIGHT ORGANIZATION



The Hellenic Copyright Organization (OPI) is a legal entity under private law, located in Athens (5, Metsovou Street) and placed under the supervision of the

NEWS & ANNOUNCEMENTS



Launching of theLegalBay.gr web site
01/08/2019

PREVENTIVE MEASURES AND ACTIONS

The Work of the HCO

TRAINING AND EDUCATIONAL SEMINARS



‘OBSERVATORY FOR PIRACY’ PROJECT

→ ↻ 🏠 🔒 https://www.opi.gr/en/about-copyright/observatory-for-piracy 📖 ☆ ⌵ 📄 ↻ ⋮



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[OPI](#) [ABOUT COPYRIGHT](#) [CMOs](#) [COMMITTEE](#) [TIMESTAMP](#) [EDUCATION](#) [LIBRARY](#) [CURRENT AFFAIRS](#)

Observatory for piracy

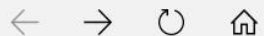
Piracy –a term that in colloquial language expresses the infringement of intellectual property rights (IPR)– refers to the manufacture, distribution and selling of unauthorized copies (pirated copies) of material protected by intellectual property rights. Copyright piracy is demonstrated in various forms 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

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**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



3 year-term

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

Hellenic Copyright Organization

President



Hellenic Data Protection Authority

Delegate



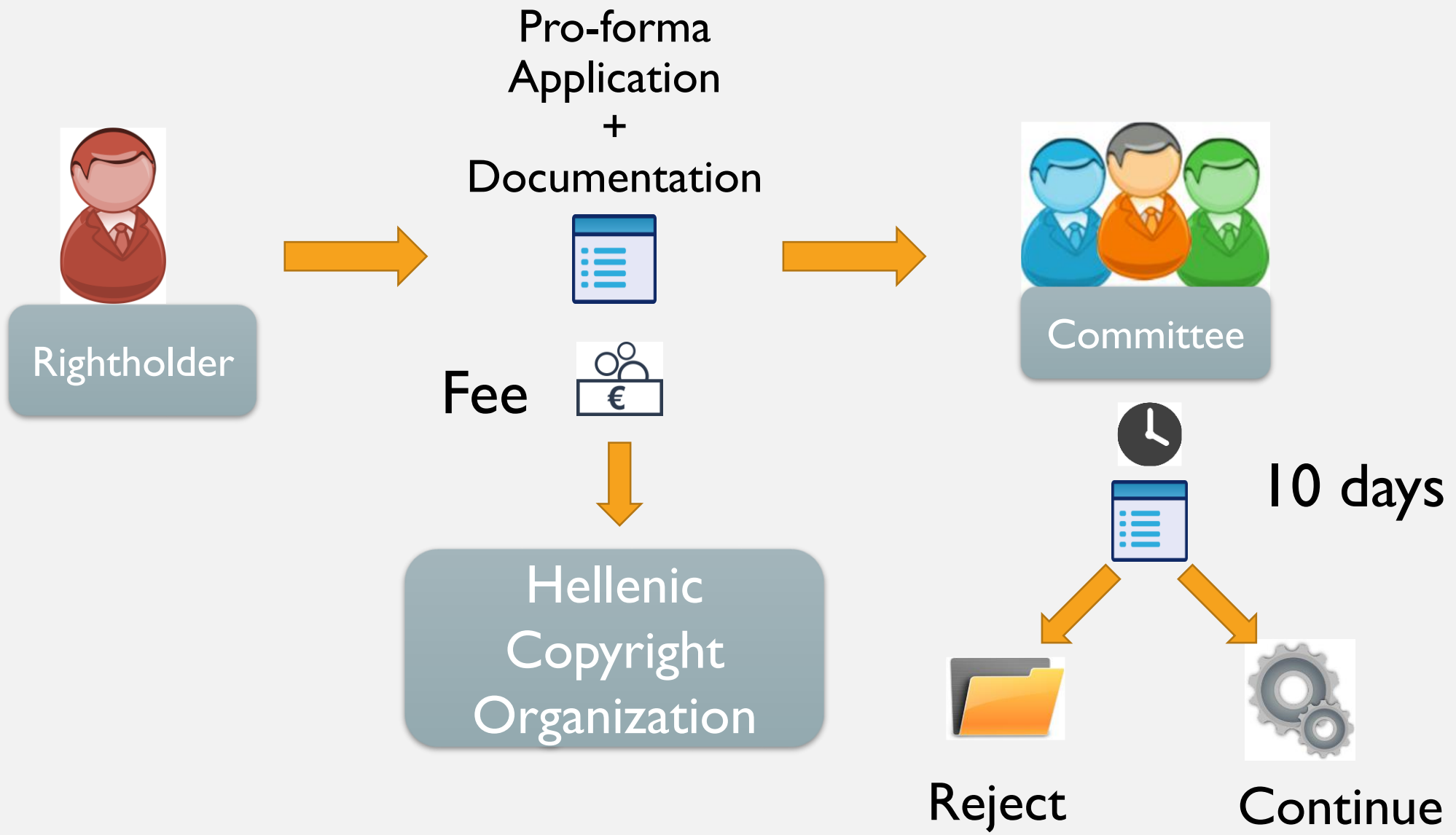
Hellenic Telecommunications & Post Commission

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:



- non-use of the pro-forma application (<https://www.opi.gr/index.php/en/form-en>)
- 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



Administrator/Owner of web sites



Committee



Simultaneously notifies



10 days

ISP 1

ISP 2

ISP 3



ISP 4

ISP 5

where possible

Host Providers

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 voluntarily comply



Notice recipient



10 days

10 days

5 days



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...



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



Committee



reviews the case
(within 5 working
days)



notifies both parties of
its decision (within 40
working days from the
submission of the
application)



no infringement

Rejected



infringement

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

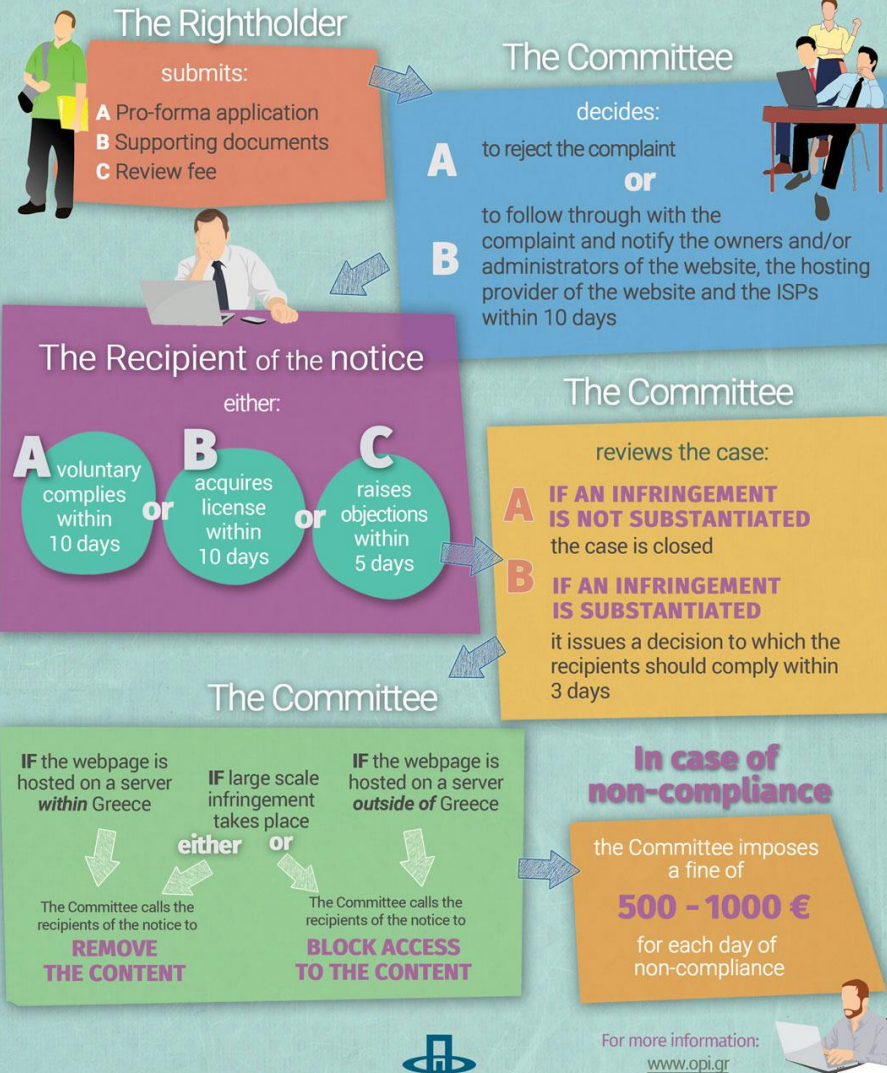
(depending on the severity of the infringement, its recurrence, etc.)

**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



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 **fin**es imposed ranged from **EUR 700 to 850** for each day of non-compliance

LIST OF BLOCKED DOMAIN NAMES

- https://www.opi.gr/images/epitropi/edppi_list_v5.pdf



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?
- Communication from the Commission to the Institutions on Guidance on certain aspects of Directive 2004/48

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

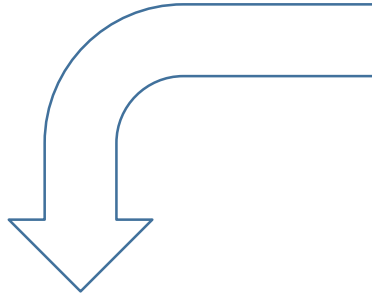
15.6-1

Blocking of 'mirrors sites' of permanently-blocked websites

INTERACTION WITH SEARCH ENGINES

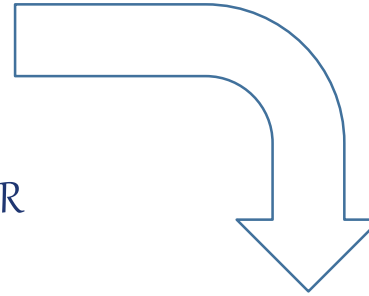


ROSKOMNADZOR



THE DEMAND TO DELETE THE
PIRATE SITES FROM SEARCH ENGINE

RESULTS



THE LIST OF THE BLOCKED
SITES



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



COPYRIGHT OWNER

DIRECT INTERACTION



SEARCH ENGINE

REDUCING REVENUE STREAMS TO PIRATE WEBSITES



ROSKOMNADZOR

ADDRESS COLLECTION

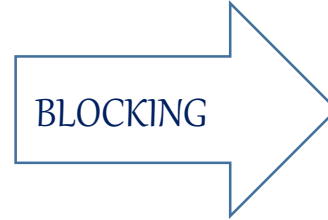


ANALYSIS

1XBET
БУКМЕКЕРСКАЯ КОМПАНИЯ



BLOCKING



RUSSIAN FEDERAL
TAX SERVICE



THANK YOU FOR YOUR ATTENTION!



CITY OF LONDON
POLICE



Police Intellectual Property Crime Unit

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

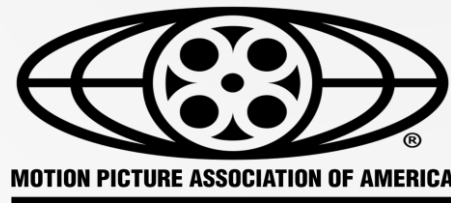
2. How we work with Internet Infrastructure Providers

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



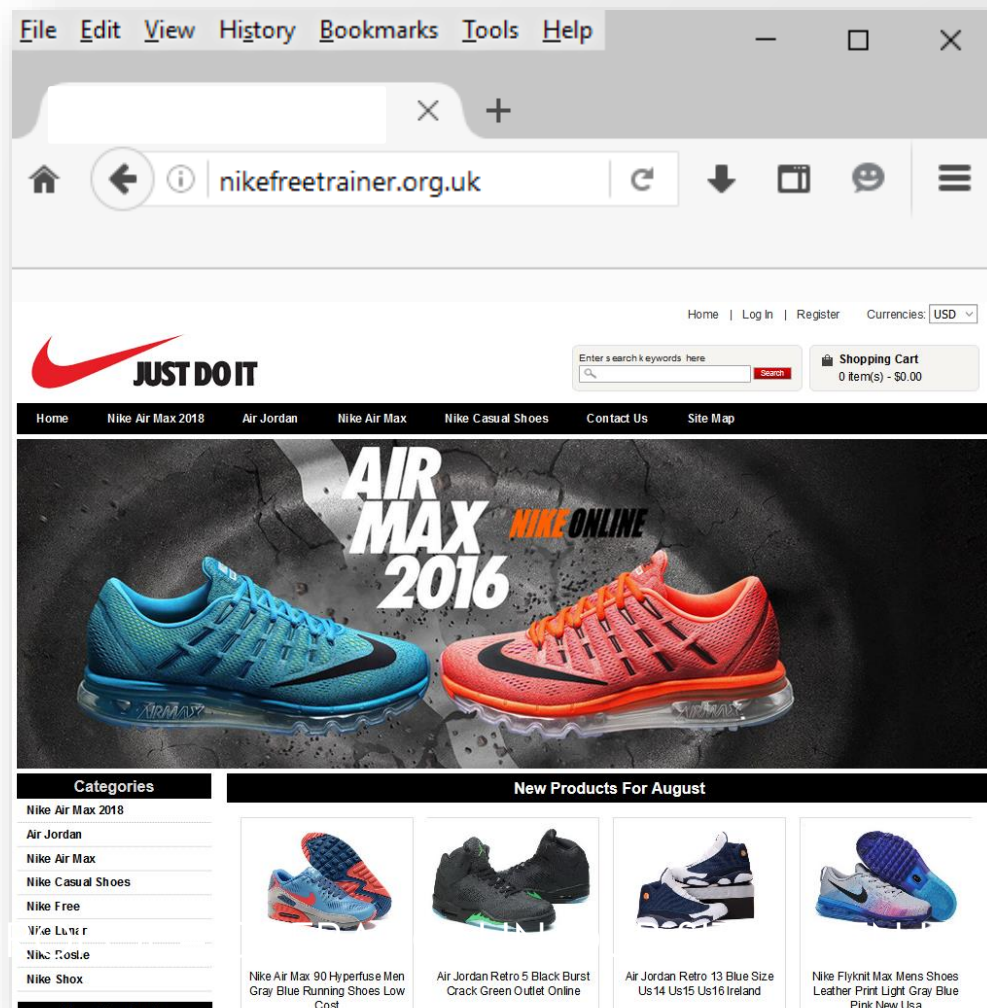
OPERATION ASHIKO

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.



OPERATION ASHIKO



“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”.



GUE, NETHERLANDS 2019



OPERATION ASHIKO

Achievements



32,813

domains suspended for criminal activity
(compared to 16,632 in the previous year)

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.

BREAKDOWN BY REQUESTING AGENCY

Total number of requests - 32,927



Financial Conduct Authority (FCA)



Medicines and Healthcare Products Regulatory Agency (MHRA)



Trading Standards (TS)



National Fraud Intelligence Bureau (NFIB)



Police Intellectual Property Crime Unit (PIPCU)

- **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)

HOW IT WORKS



Law enforcement agency notifies Nominet that a domain is being used for criminal activity



Nominet makes administrative checks



Nominet notifies the registrant and works with the registrar to suspend the domain



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

IPPro
theinternet

Home News Issue archive Features

London
23 February 2018
Reporter: Barney Dixon

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 135 hours of unpaid work for selling the fake airbags.

Mirror NEWS POLITICS SPORT FOOTBALL CELEBS TV & FILM MORE

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

LANCASTER GUARDIAN

News Transport Crime Education Business Politics Environment Health Your Say More

Heysham man jailed after leading £4m fake CD scam

Thinking About Releasing Equity? This Is How To Do It Safely.
Reader's Digest Equity Release

No real money bet and no Download

Evening Standard. News Comment Football Insider GO Londo

News > Crime

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

ALEXANDRA RUCKI | Friday 10 April 2015 22:19

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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

EXPRESS Home of the Daily and Sunday Express

HOME NEWS SHOWBIZ & TV SPORT COMMENT

CITY & BUSINESS PERSONAL FINANCE THE CRUSADER RETIREMENT

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

IPPro
theinternet

Home News Issue archive Features

Lancashire
04 April 2018
Reporter: Barney Dixon

Counterfeit CD seller sentenced to 16 months

A man has been sentenced to 16 months in prison for selling

QUESTIONS?





CITY OF LONDON
POLICE

Police Intellectual Property Crime Unit

Thank You

Detective Steve Salway

steven.salway@cityoflondon.pnn.police.uk

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www.cityoflondon.police.uk/pipcu-make-a-referral

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