

# THE DANISH MODEL INJUNCTIONS AND WEBSITE BLOCKING

GEDIPE

April 2018

# RettighedsAlliancen



## AN INTEREST ORGANISATION

Represents 85.000 in the creative industries

### What we do

Join forces in criminal and civil legal actions

Join forces in political issues

”Follow the Money” initiatives with intermediaries  
such as telcos, payment providers, search  
engines and media bureaus

Motivate user responsibility

1. Louis Poulsen Lighting
2. Fritz Hansen
3. Carl Hansen & søn
4. IFPI Danmark
5. Dansk Artist Forbund
6. KODA
7. Nordisk Copyright Bureau
8. Dansk Musiker Forbund
9. Producentforeningen
10. Foreningen af Danske Videodistributører
11. Danske Filminstruktører
12. Foreningen af Filmudlejere i Danmark/FAFID
13. Forlæggerforeningen
14. Danske Skønlitterære Forfattere
15. Journalistforbundet
16. UVBA
17. Danske Dramatikere
18. Dansk Skuespillerforbund
19. Gramex
20. CopyDan Billedkunst
21. Rosendahl Design Group
22. Fredericia Furniture
23. Brancheforeningen For Undervisningsmidler
24. Nordisk Film

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# Level Playing Field



**Piracy is more popular than ever.”**

Andy Chatterley, co-founder and CEO MUSO

**300 BILLION**

**visits to pirate sites globally  
during 2017**

Source MUSO

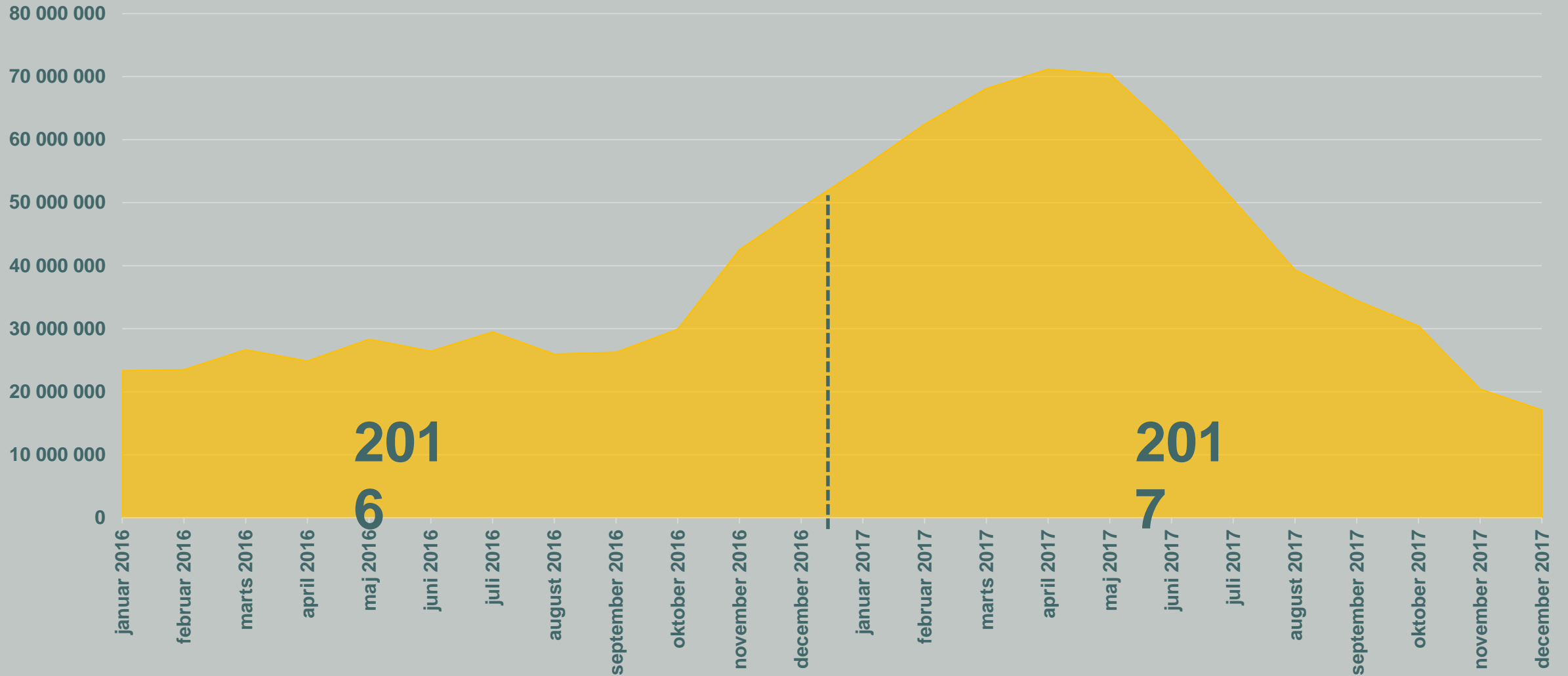
**Danes have accessed  
illegal sites offering  
illegal content**

**596 MILLION**

**times during 2017**

Source RettighedsAlliancen

## DEVELOPMENT IN TRAFFIC TRENDS TO ILLEGAL SITES FROM 2016 TO 2017

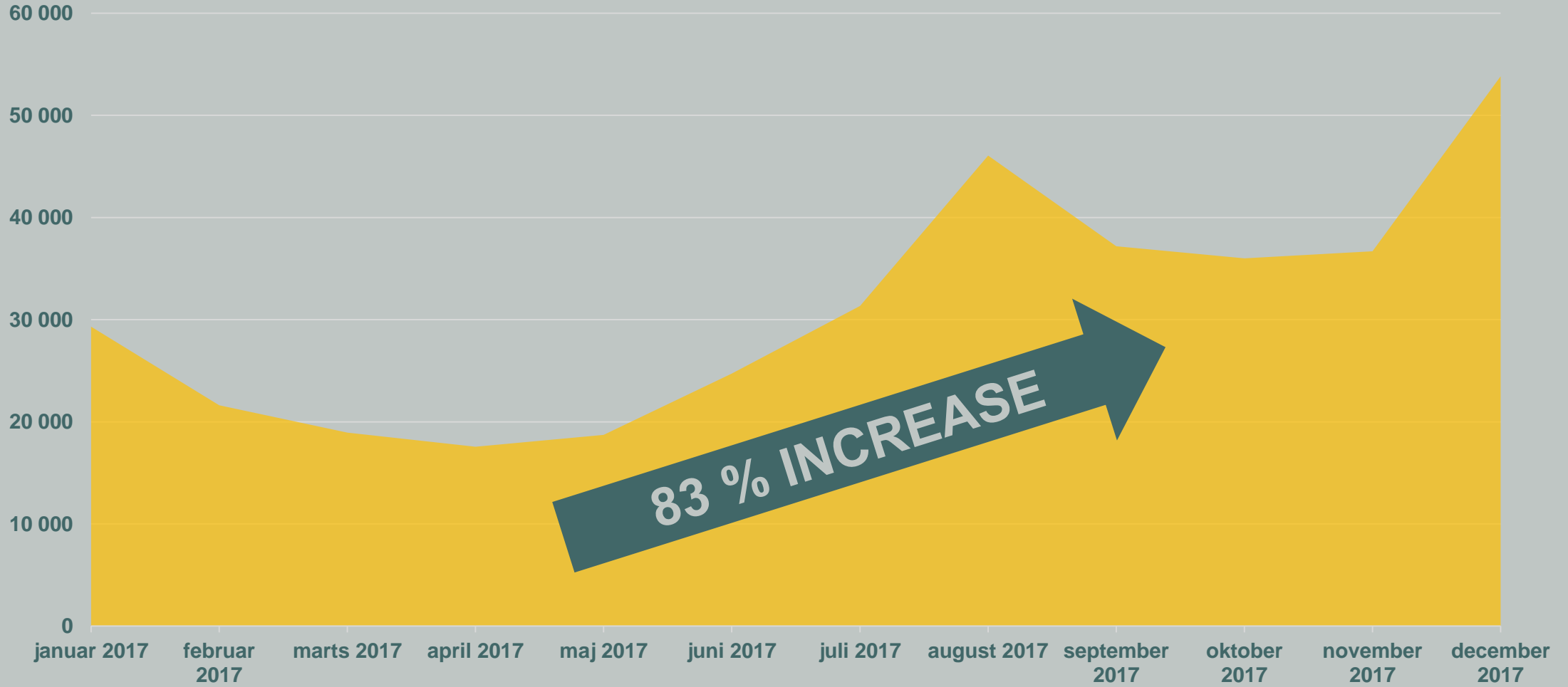


**User behaviour is  
constantly changing and  
we're seeing a big  
switch to  
mobile piracy**

**Stream ripping is  
growing in popularity as  
well as demand for  
illegal  
IPTV services**



## TREND SHOWING INTEREST FOR ILLEGAL IPTV SERVICES



**COPYRIG  
HT  
MEETS  
CRIMINAL  
S**

# MOVIES, SERIES, MUSIC ETC. IS DIGITAL BAIT ...

Digital content is used  
as bait by criminals

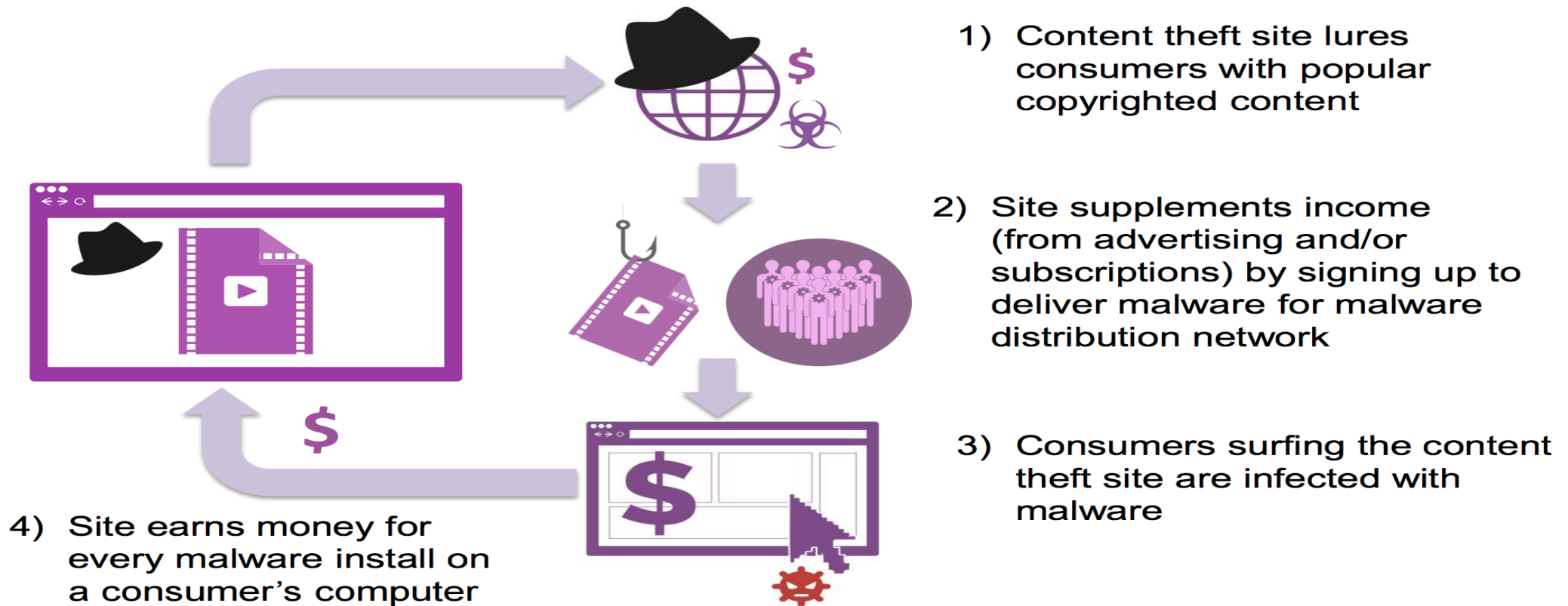


Online crime  
is increasing!

Because of the ease and  
low risk of being caught  
there is a lot of money to  
be made on user traffic to  
illegal services.



# The Content Theft and Malware Cycle



# The Crimeware Economy



**\$25 - \$500**

Going rate for Malware & Exploit Kits



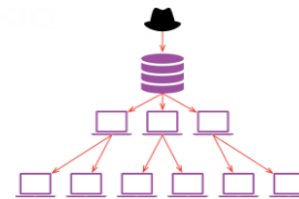
**Up to \$135**

Going rate per credit card on underground Internet exchanges



**\$50 - \$200**

Pay rate per 1,000 installs for a typical malvertising campaign

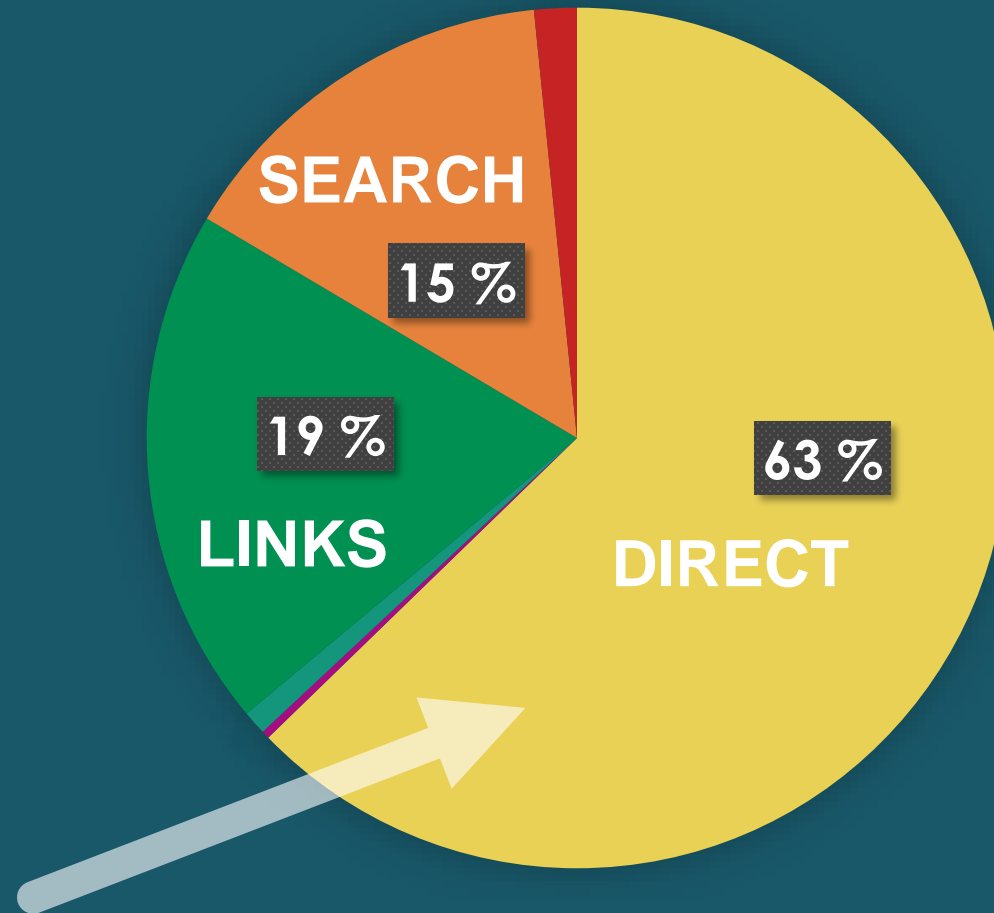


**\$1,000**

Hourly rate for renting 10,000 U.S. computers on recent discovered botnet services

Crimeware is a mature economy with specialization of labor and a market for goods and services. *Advertising Underground* is just a typical player.

# How users access illegal sites



**This shows that blocking and communication on illegal sites are important tools!**

**100 %  
LEGAL**

Agreements

**GREY  
ZONE!  
LEGAL  
FRAMEWORK  
K**

**HACKS  
INSPIRATION  
DISRUPTION  
SOCIAL MEDIA PLATFORMS**

**BAD OR NO AGREEMENTS - BUT  
LEGAL REGULATION**

**100 %  
ILLEGAL**

No agreements  
Lnked to organized crime

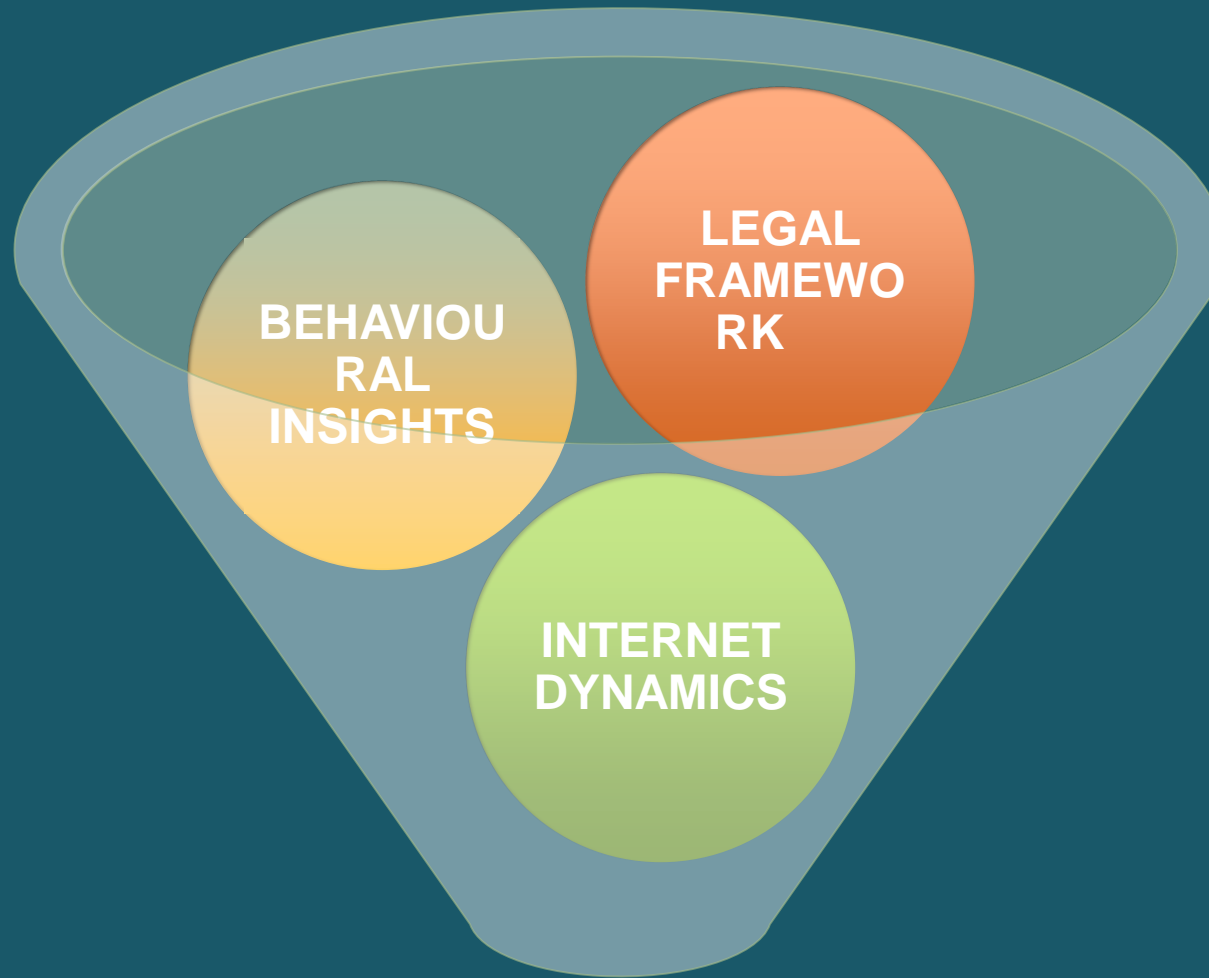
# What can we

# do?

When the situation is that

- users **do not think it is seriously illegal** to use infringing sites... They are aware that they are breaking the law... but...
- users **are not properly informed**, educated, guided by the surrounding society
- criminals are using copyright products **as digital baits for other types of criminal activities**
- the professional criminals are **constantly online ever developing** their illegal activities





**EFFECTIVE  
REGULATION TOOL KIT**  
(changed behavior and less illegal activities)

# How we think we think



## System 2

Objective

Logical

Intelligent

Conscious

# How we really think



## System 1

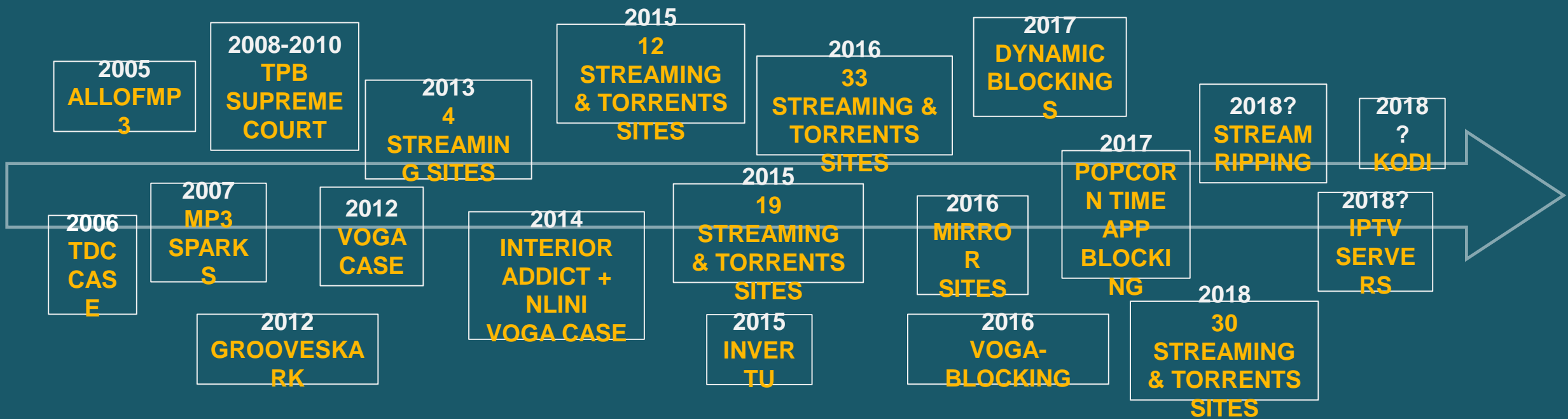
Impressionable

Intuitive

Emotional

Unconscious

# DEVELOPMENT OF LEGAL FRAMEWORK FROM ONE WEBSITE TO...



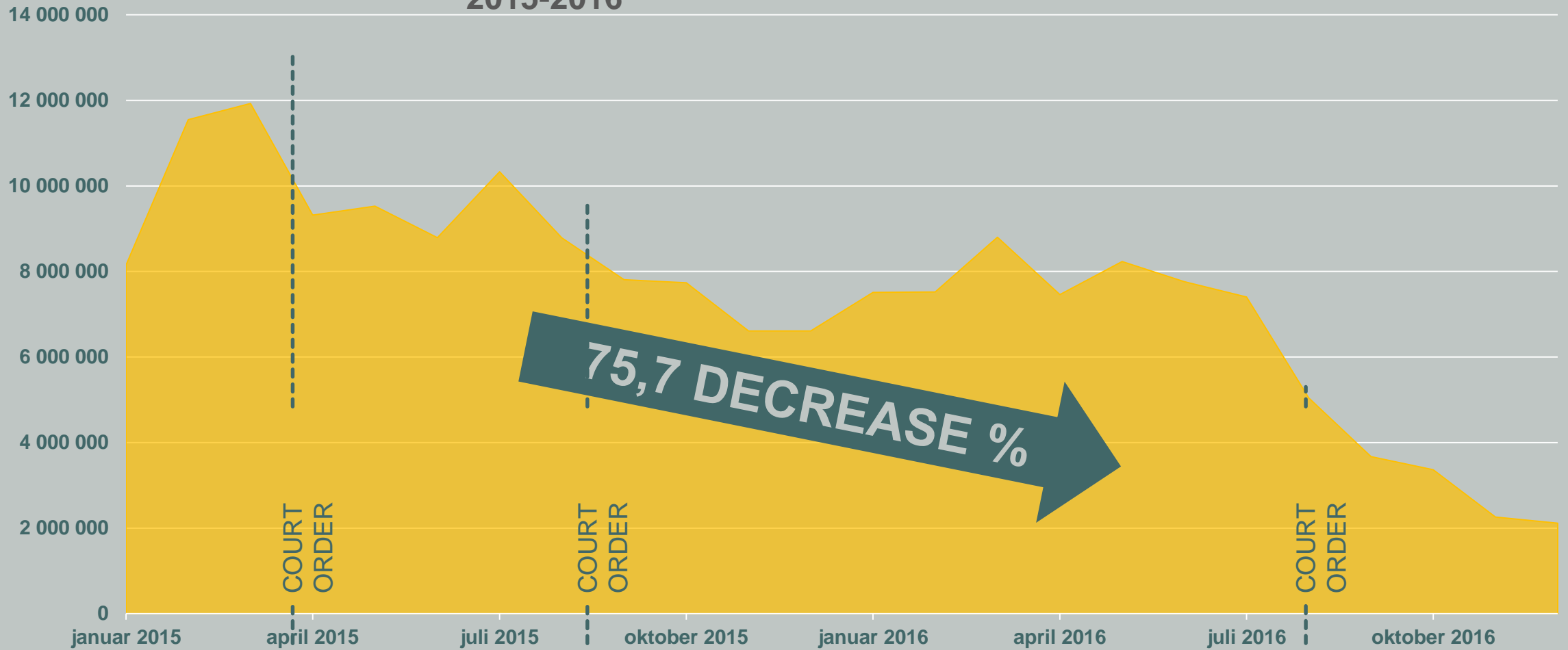
# **An important agreement**

## **Code of conduct with ISPs**

### **Members of Teleindustrien agree**

- **All ISPs follow a court ruling against one ISP**
- **Based on notification from RA to ISPs**
- **Proces – 7 working days**
- **Follow up when blocked addresses are modified / “mirror sites”**
- **Joint communication on blocked sites [www.sharewithcare.dk](http://www.sharewithcare.dk)**
- **ISPs keep track of blocked adresses [www.teleindu.dk](http://www.teleindu.dk)**

## VISITS FROM DANISH IP TO BLOCKED WEBSITES 2015-2016



# User flow in one design

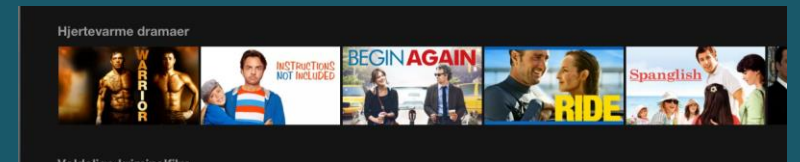
From illegal  to  legal content



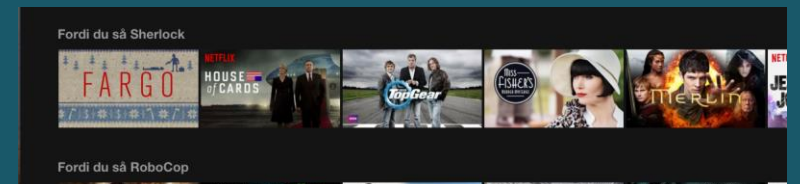
User accessing illegal site



A blocking ruling functions as an education platform



Search Engine – find legal content

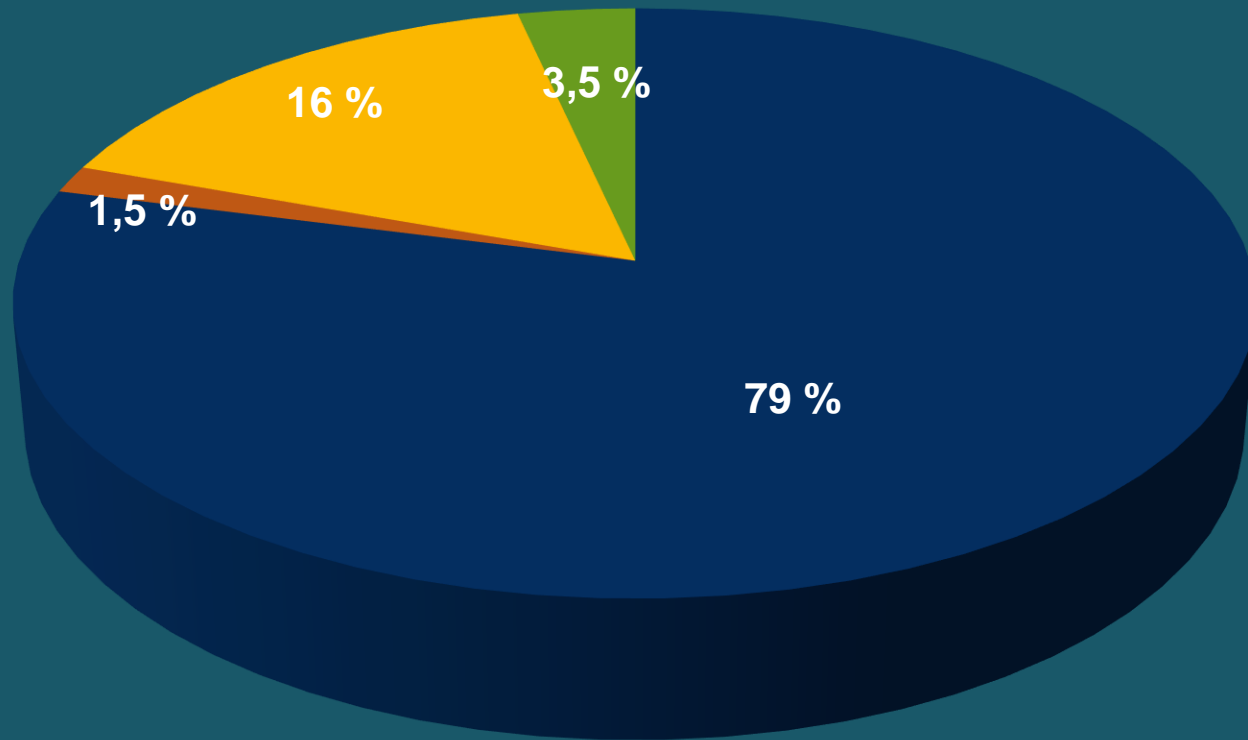


Guide to legal content

# INTRODUCTION OF DYNAMIC BLOCKINGS – LEGAL DEVELOPMENT

- District Court ruling of February 8, 2017
- Blocking injunctions focus on the infringing service, not the specific domains
- Courts accept that all (incl. future) domains providing access to an infringing service shall be blocked by ISPs
- Includes mirror sites, proxies and all future domains
- RA will inform the ISPs of additional domains and guaranty that they provide access to the initial infringing sites.
- Akin to UK developments e.g. the Premier League blocking case of March 8, 2017.

# EFFECT



**79 %** choose to leave the site

**1,5 %** choose to read more information about the test

**3,5 %** went to the list of legal sites

**16 %** ignored the sign and went on

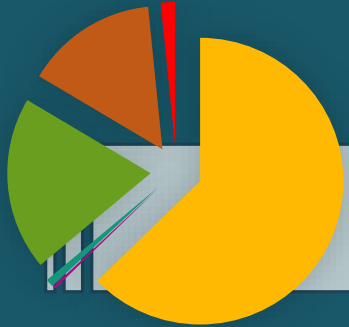
SHARE



WITH CARE



# FOLLOW THE USERS AND NUDGE THE FLOW



**UPS**

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Du har prøvet at få adgang til en hjemmeside, som indeholder materiale, der krænker kunstnerens ophavsret. Derfor er internetudbydere blevet pålagt at blokere for adgang til siden.

Vi vil opfordre dig til at bruge nogle af de mange muligheder for lovlig deling af film, musik mm. Du kan se en samlet oversigt på [www.sharewithcare.dk](http://www.sharewithcare.dk)

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**TDC**      **SHARE WITH CARE**

Hjertevarme dramaer

Voldelige kriminalfilm

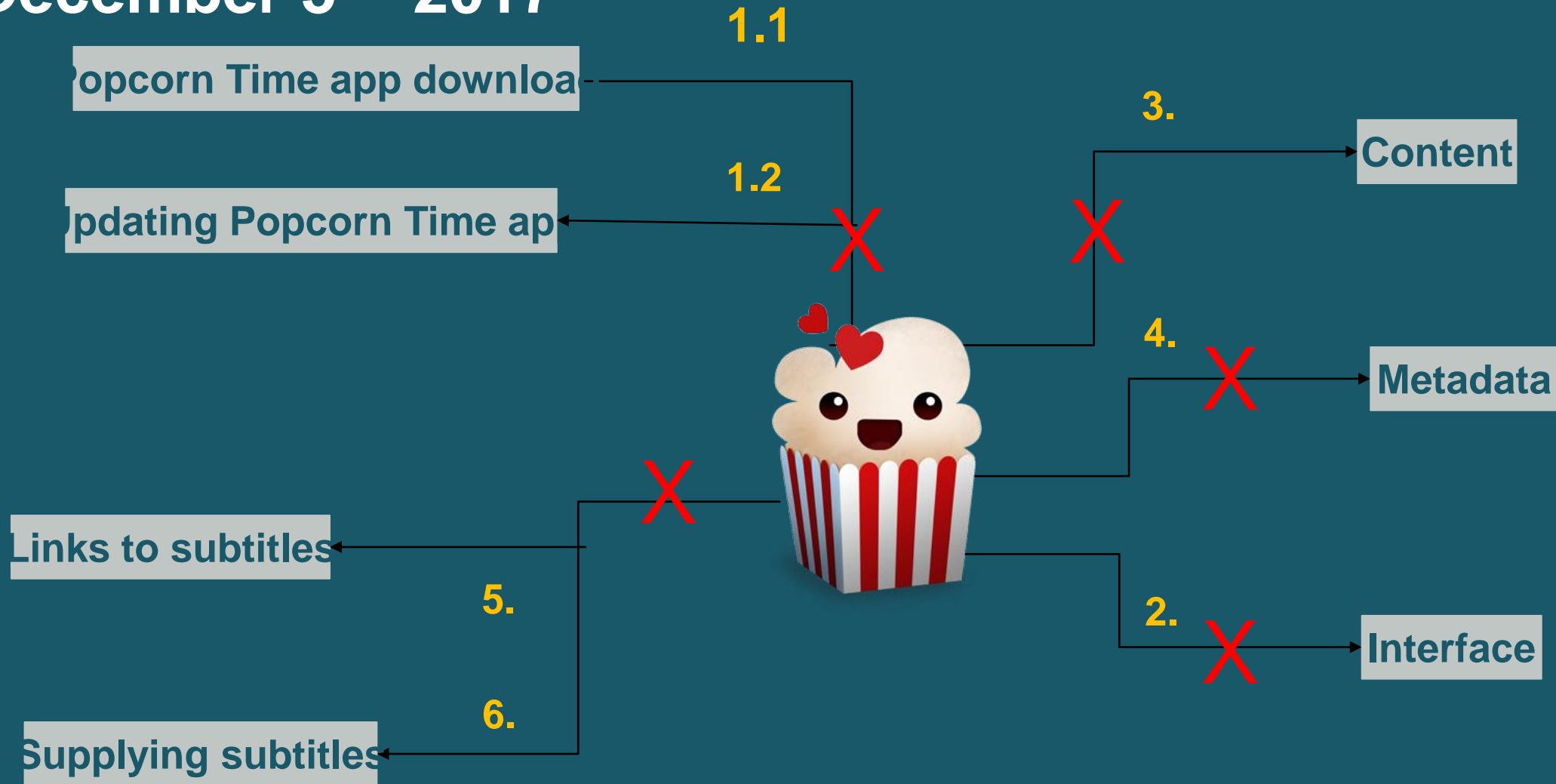
Search platform – find it legally

Fordi du så Sherlock

Fordi du så RoboCop

Legal  
service

# Popcorn time civil blocking ruling as of December 5<sup>th</sup> 2017



DK ISPs ordered to block three main forks and disable access to all relevant

# DEVELOPING THE CIVIL ENFORCEMENT TOOLS

FROM WEBSITE BLOCKINGS TO BLOCKING DECENTRALISED SERVICES  
POPCORN TIME AND BEYOND...



KODI



# OVERVIEW OF DK SITE BLOCKING CASE LAW

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**Allofmp3**

Copenhagen District Court order of 25. October 2006 (case F1 15124/2006)

**Mp3sparks**

Frederiksberg District Court order of 15. August 2007 (case FS7509/2007)

**The Pirate Bay**

The Danish Supreme Court order of 27. May 2010 (Case 153/2009)

**Grooveshark**

Frederiksberg District Court order of 20. February 2012 (FS 11-18685/2011)

**4 streaming sites**

Copenhagen District Court order of 8. October 2013 (BS 21C-3723/13)

**Interioraddict.co.uk**

The Maritime and Commercial Court order of 11. December 2014 (A-38-14)

**12 streaming & torrent sites**

Frederiksberg District Court order of 6. March 2015 (BS FOR-121/2015)

**19 streaming & torrent sites**

Frederiksberg District Court order of 20. August 2015 (BS FOR-1058/2015)

**Voga.com**

The Maritime and Commercial Court order of 17. November 2015 (A19-15)

**Voga Ltd**

The Eastern High Court order of 8. February 2016 (B-2633-15)

**Classicfurniture4u.com**

The Maritime and Commercial Court order of 30. May 2016 (A-18-15)

**15 streaming & torrent sites**

Frederiksberg District Court order of 25. August 2016 (BS FOR-563/2016)

**Dynamic blocking order**

Frederiksberg District Court order of 8. February 2017 (BS FOR-2317/2016)

**Popcorn Time blocking**

Frederiksberg District Court order of 5. December 2017 (BS FOR-969/2017)

**30 streaming & torrent sites**

Horsens District Court order of 20. February 2018 (BS-906/2017-HRS)

**8 replica furniture sites**

The Maritime and Commercial Court order of 21. February 2018 (A-51-17)

**Pending cases: Stream Ripping blocking case and 30 streaming and torrent sites**

# OVERVIEW OF LEGAL BASIS –

## ART 8.3

Article 8(3) was implemented into Danish legislation in 2002

No separate provisions implemented; Danish rules on preliminary injunctions already provided legal basis for blocking injunctions

**Danish Administration of Justice Act para 413 requirements for injunctions:**

- Relevant rightholders
- Injunction is the necessary remedy
- The urgency of activities requires action now and cannot await the traditional civil court system

OmnicomMediaGroup

DI ITEK



DANSKE MEDIER



EGMONT



NORDISK FILM



TELE  
INDUSTRIEN  
teleselskabernes  
branchesamarbejde

BFIH



Google



Diners Club  
INTERNATIONAL

IT-Branchen

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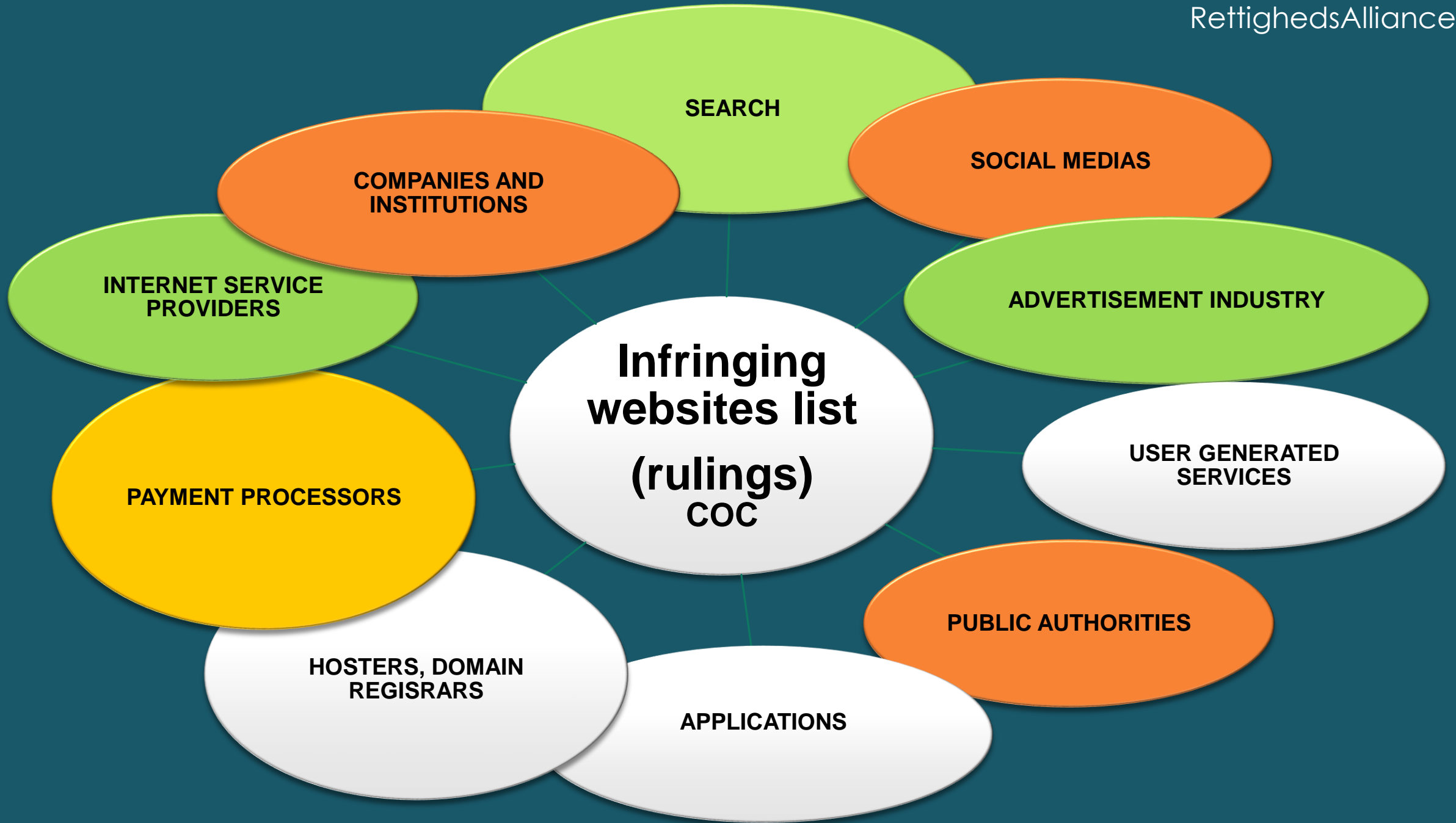
Microsoft

Stofa:



# MoU

# ABOUT THE FUTURE INTERNET



# DANISH “DISRUPTION MACHINE”



Ruling



Infringing website list



Network using the list



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PAYkodex

Use cases

ADkodex

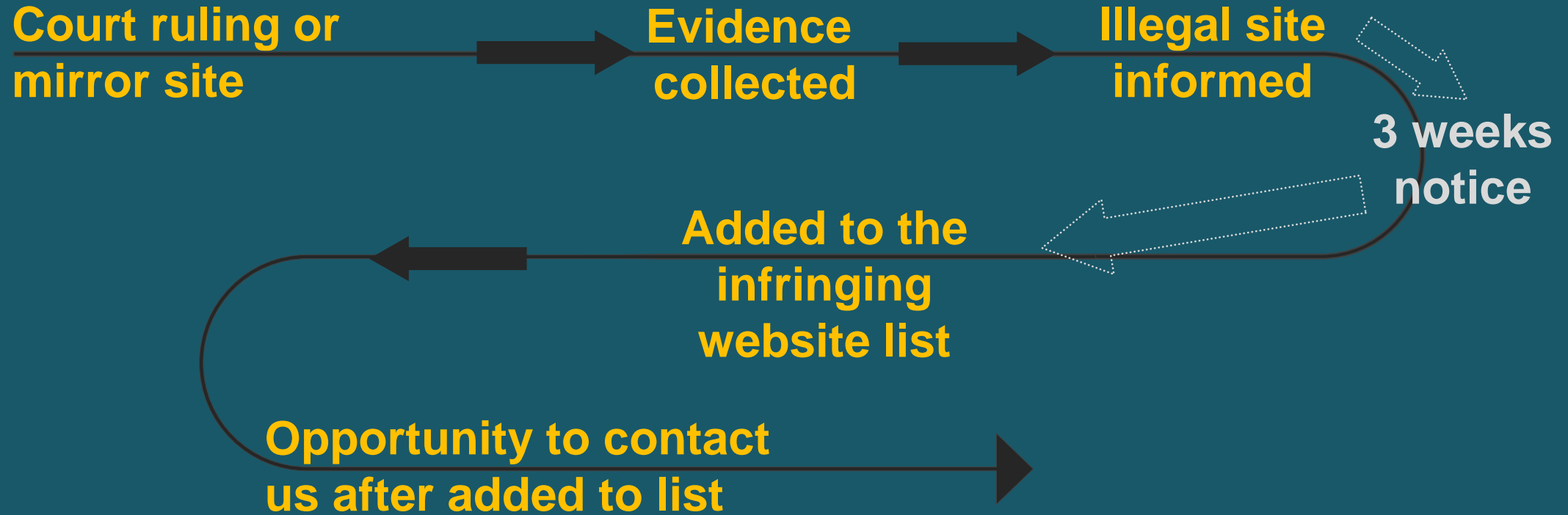
Blocked sites

“Is it illegal?”

Guides



# THE INFRINGING WEBSITE LIST



# Thanks

**Maria Fredenslund – Attorney-at-law, specialised in IP online  
Director, RettighedsAlliancen**

Maria.fredenslund@rettighedsalliancen.dk / +45 21647448

[www.rettighedsalliancen.dk](http://www.rettighedsalliancen.dk)