

**Directorate-General for
Economic Inspection
Direction B – Internet Watch Unit**

经济监察总司

方向B：互联网观察小组

Fabrice Bihay

What we do 我们的工作：

- Online investigations and surveillance on:

对如下领域开展在线调查与监督：

- E-commerce 电商
- Specific legislations (ex: resale of concerts/sports events tickets...) 具体法律条例（如：演唱会 / 体育赛事门票倒卖）
- Black work （以现金支付方式）逃税
- Telecom (sms, calls, apps...) 电信（短信、电话、APP）
- (scams) （诈骗）

2 main sources for our investigations

我们的主要调查来源

- Upon complaints/reportings from customers, companies, other official bodies ...
接到消费者、企业、其他机构等的投诉 / 举报
- Upon own initiative: specific sectors, specific issues
自发行动：针对具体行业，针对具体问题

Special investigation powers 特殊调查权：

- Collect all useful information for investigations
收集所有对调查有用的信息
- Demand all necessary information to identify offending traders
要求提供识别违法交易者所需的全部必要信息
- Demand and take free copies of all necessary data files
要求提供、免费复制所有必要数据文件

Special investigation powers 特殊调查权

- Demand all necessary information to identify offending traders = asking for identification of:

要求提供识别违法交易者所需的全部必要信息 = 确认下列信息

- owners of phone numbers 电话号码所有者
- owners of bank accounts 银行账户所有人
- user of IP addresses (with timestamps) IP地址用户（带时间戳）
- user details on selling platforms, social medias, etc. 售卖平台、社交媒体等登记的用户详情

Our powers 我们的职权

- Collaboration with other Belgian official bodies
与其他比利时政府机构合作
- International collaboration with other countries through formal networks
通过正式网络与其他国家合作
- Taking websites down, or making them unavailable through Belgian ISP's
通过比利时互联网服务提供商，删除或者屏蔽网站
- Impose administrative fines or pass the file to a prosecutor
处以行政罚款或者移交检察机关

Internet Investigations 互联网调查

- Special powers for identification (see above)
特别识别权（见上）
- OSInt (Open Source Intelligence), amongst others Investigation on Social Medias
开源情报（OSInt），包括社交媒体调查等
- Screening of registered Domain Names (.be)
筛查已注册域名（.be）



Social Medias: Mostly Facebook and Instagram

社交媒体：主要是Facebook与Instagram

- Facebook pages, profiles and groups
Facebook页面、用户档案和小组
 - Additional problem: Facebook ads
 - 其他问题：Facebook广告
- Instagram profiles
Instagram 用户档案

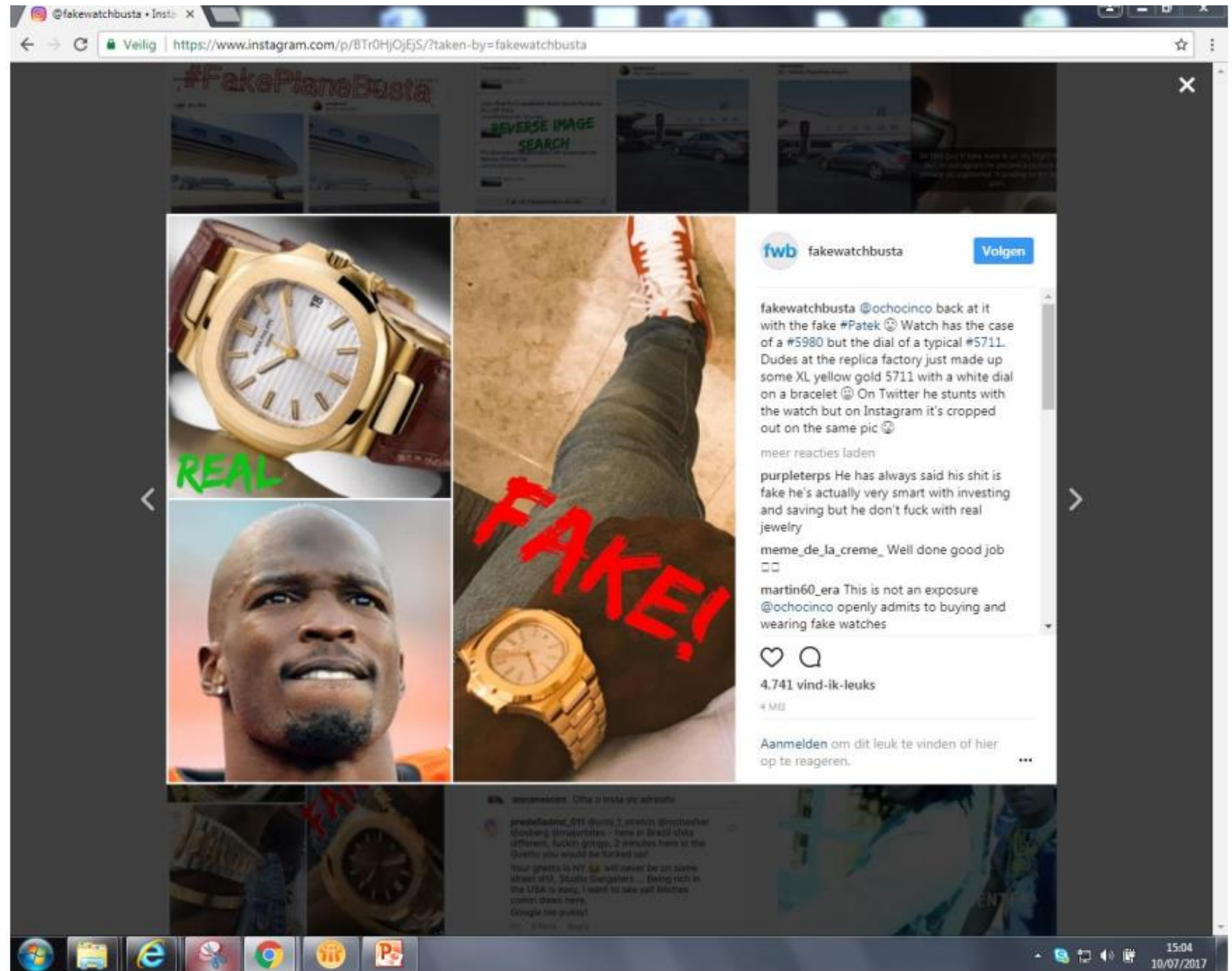
Instagram

- **20% fakes** on Instagram fashion posts
(Source: Washington Post study)

Instagram上的时装相关帖子，**20%为虚假信息**

(来源：《华盛顿邮报》调研结果)

- Famous influencers often also wear counterfeit goods ...
知名网红也常穿戴假冒商品.....



Creating profiles 创建用户档案

- Allowed to patrol on the internet (Court of Cassation 28 March 2017)
允许互联网巡查 (最高上诉法院 , 2017年3月28日)
 - Case: Police accessed an invite-only dark web marketplace to do findings. Court says patrolling public spaces also includes the internet.
 - 案例：警察对实行邀请制的暗网市场进行访问和调查。法院认为，对公共空间的巡查也包括对互联网的巡查。
- Create profiles, but no credible or provocative ones
创建用户档案，但不能包含真实信息或挑衅信息
- ≠ Undercover
≠ 卧底调查

Mystery shopping 神秘顾客购物

- New competence: mystery shopping
新型能力要求：神秘顾客购物
- But not for counterfeiting & piracy ...
并非出于打击假冒或盗版目的
- No test purchases
不可试购
- Private detectives: mystery shopping + test purchases
私家侦探：神秘顾客购物 + 试购

Identifications 识别

- Facebook/Instagram: www.facebook.com/records
 - One year history
一年历史资料
- Telephone number, IP address or e-mail address
电话号码、IP地址或电邮地址
 - Since June 2017: no more anonymous SIM cards
自2017年6月起：禁止匿名SIM卡

Law Enforcement Online Requests 在线执法请求



Request Secure Access to the Law Enforcement Online Request System

We disclose account records solely in accordance with our terms of service and applicable law.

If you are a law enforcement agent who is authorized to gather evidence in connection with an official investigation, you may request records from Facebook through this system.

☐ I am an authorized law enforcement agent and this is an official request

Request Access

Warning: Requests to Facebook through this system may be made only by governmental entities authorized to obtain evidence in connection with official legal proceedings pursuant to Title 18, United States Code, Sections 2703 and 2711. Unauthorized requests will be subject to prosecution. By requesting access you are acknowledging that you are a government official making a request in official capacity. For further information please review the [Law Enforcement Guidelines](#).

Registreren	Aanmelden	Messenger	GSM	Vrienden zoeken	Badges	Mensen	Pagina's	Plaatsen	Spelletjes
Locaties	Over	Advertentie aanmaken	Pagina aanmaken	Ontwikkelaars	Jobs	Privacy	Cookies	Gebruiksvoorwaarden	Help

Facebook © 2015
Nederlands (België)



Case study: IP TV 案例研究：IP电视

- Cheap tv subscription offers on social media
社交媒体提供的廉价电视订阅服务
- Around € 100 for an IP TV box
一台互联网电视盒约100欧元
- European Court of Justice: Piracy
欧盟法院判定：盗版
(C-527/15, 26 April 2017)
(C-527/15号案例 , 2017年)

4K



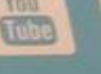
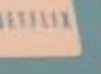
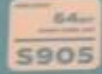
€ 99.95

SONIC^{4K}



Ultra HD Smart TV Box

Maakt van iedere TV een Smart TV.
Installeer populaire apps, speel games
en stream online uw video en muziek.



QUALITY EXPERIENCE

XSARIUS[®]

Made to enjoy

XSARIUS[®]

SONIC^{4K}
Ultra HD Smart TV Box

www.xsarius.com



NEDERLANDSE QUICK INSTALL GUIDE



SONIC^{4K}



XSARIUS

www.xsarius.com

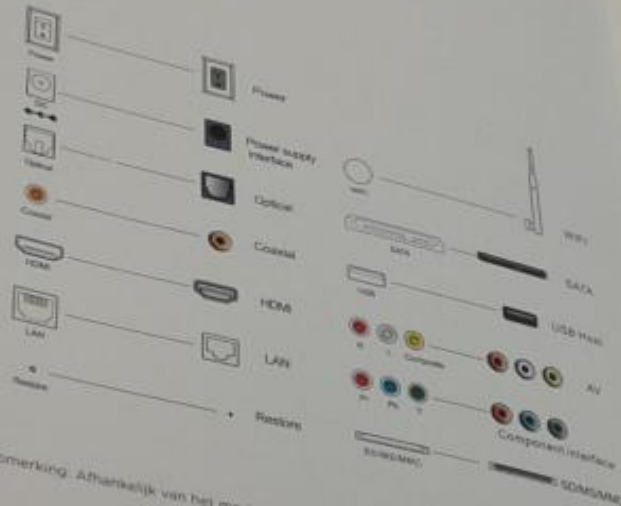
Accessoires

1. AC/DC Adapter
2. Afstandsbediening
3. HDMI kabel
4. SCART kabel
5. Handvat voor de afstandsbediening

Opmerking: afhankelijk van het model kunnen de accessoires afwijken zijn.

- 1. 100V
- 2. 110V
- 3. 220V
- 4. 230V
- 5. 240V

1 Aansluitingen



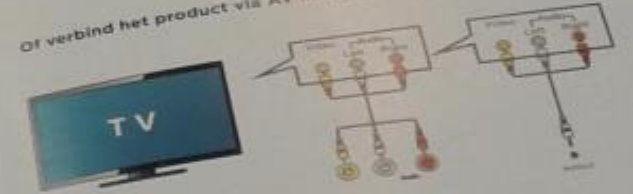
Opmerking: Afhankelijk van het model kunnen de connecties afwijken zijn.

2 Sluit het product aan op uw TV

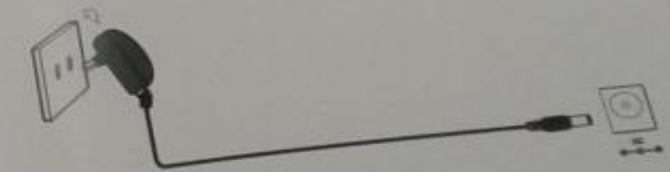
Opmerking: Schakel uw TV uit voor het aansluiten van het product op uw TV. Gaat verder met de volgende stappen.



Of verbind het product via AV kabel indien geen HDMI aanwezig.



3 Sluit de stroomkabel aan





SEARCH...

SORT BY

GENRE

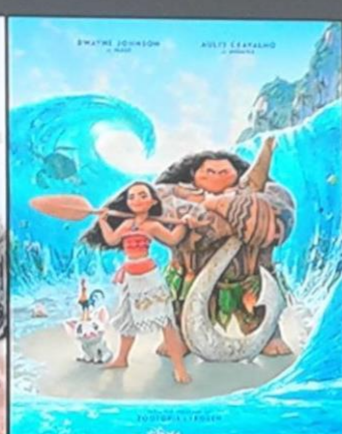
YEAR



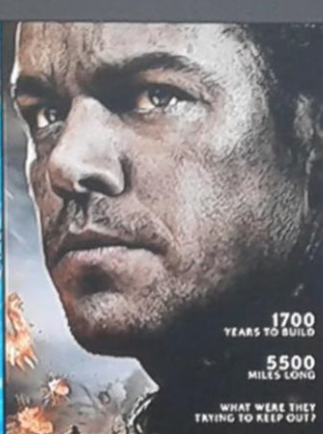
Split



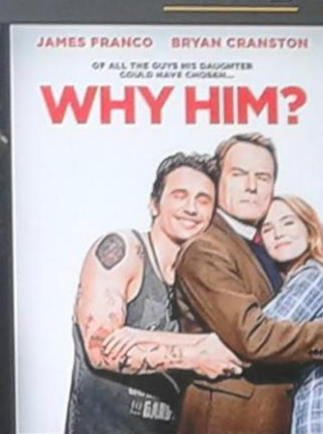
Monster Trucks



Moana



The Great Wall



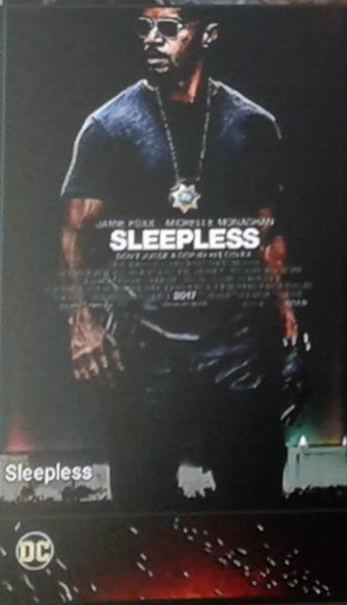
Why Him



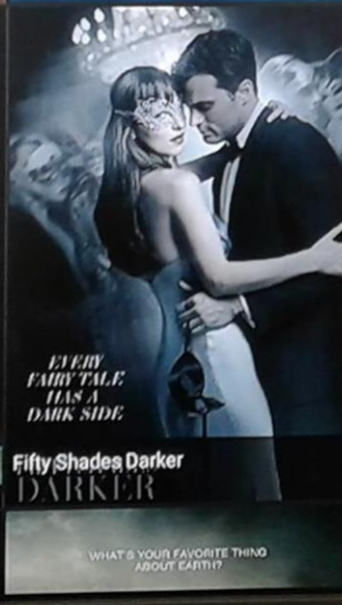
Sing



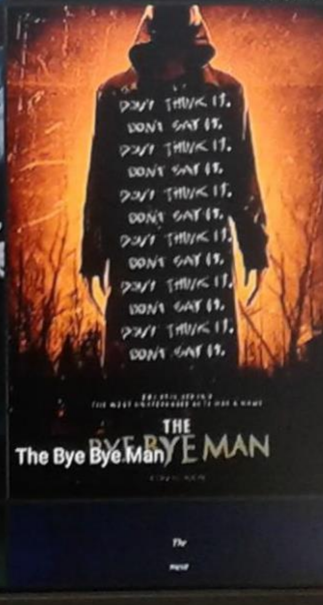
Rogue One A Star Wars Story



Sleepless



Fifty Shades Darker



The Bye Bye Man



The LEGO Batman Movie



King Kong

PHILIPS

Counterfeit website blocking

屏蔽假冒网站

Fabrice Bihay

Directorate-General for Economic Inspection

Direction B - Anti-Counterfeiting and Internet watch unit

经济监察总司

方向B：打假与互联网观察小组

<http://economie.fgov.be>

http://www.nikeairmax.eu/ Nike Air Max Store. Nike Air...

Bestand Bewerken Beeld Favorieten Extra Help

Valuta Euro

Home Inloggen Account aanmaken 0 item(s) Winkelwagen Afrekenen

NIKE HOME NIKE AIR MAX HEREN NIKE AIR MAX DAMES NIKE FREE HEREN NIKE FREE DAMES CONTACTEER ONS

Snel Zoeken

BESPAAR 50% KORTING
SNELLE VERZENDING WERELDWIJD

NIKE LUNARGLIDE 6
**LICHT, ZACHT
RESPONSIEF**

GA VERDER EN BLIJF LICHTVOELIG DANKZIJ DE STABIELSTE LUNARGLIDE OOI

KOOP DE 2014 NIEUWSTE NIKE AIR MAX SCHOENEN IN NEDERLAND



Nike Air Force 1 Laag Heren
Gebreide Blauw / Geel



Nike Air Max 87 Zwart / Grijs



Nike Air Max 2015 Mesh
Zwart / Oranje



Nike Air Max 90
Loopschoenen Wit / Rood /
Blauw



Nike Free Run 3 Dames
Schoenen Volt Groen / Blauw



Nike Air Max 1 Heren
Schoenen Wit Beige / Zwart

http://www.nikeairmax.com/ Nike Air Max Store. Nike Air...

Bestand · Bewerken · Beeld · Favorieten · Extra · Help

Valuta Euro

Home - Inloggen - Account aanmaken - 0 item(s) Winkelwagen - Afrekenen

NIKE HOME NIKE AIR MAX HEREN NIKE AIR MAX DAMES NIKE FREE HEREN NIKE FREE DAMES CONTACTEER ONS

Snel Zoeken

BESPAAR 50% KORTING
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KOOP DE 2015 NIEUWSTE NIKE AIR MAX SCHOENEN IN NEDERLAND



Nike Air Max 2013 Heren
Rood / Zilver University



Nike Air Max 90 Hyperfuse
Groen / Blauw

Nike Air Max 2012 Blauw /
Wit Mesh



Nike Air Max 2011 Mesh
Grijs / Oranje / Blauw



Nike Air Max 2012 Heren
Schoenen Soar Blauw / Zwart
-summit Wit



Nike Air Max 2014 Mesh
Loopschoenen

Which goods 哪些商品?

1. Shoes (**50%** of all consumer complaints)
鞋类 (占消费者投诉的**50%**)
2. Clothing and textile
服装与纺织类
3. Leather goods
皮革类
4. Jewelry, watches and accessories
珠宝首饰、手表、配饰类
5. Medical and other physical devices (especially sunglasses)
医疗器械和其他实体设备 (尤其是太阳镜)

SURFACE WEB

SOCIAL MEDIA

Illicit commodities, especially drugs and counterfeit goods, are increasingly advertised and sold on social media platforms.

STANDARD BROWSING

Surface web platforms selling illicit commodities are often easy to find using simple internet searches, using a standard browser.

MARKETPLACES

Vendors often attempt to hide illegal goods among legal products.

Counterfeit medicines

Stolen goods

Illicit drugs

Child Sexual Exploitation Material

Malware and cybercriminal services

Trafficking of firearms

P2P

Peer-to-peer (P2P) platforms use clients running on users' devices to allow customers and vendors to connect directly with each other.

TOR BROWSING

The Darknet is a distributed anonymous network within the deep web that can only be accessed using software such as TOR, I2P and Freenet.

DARKNET

Surface web / dark web

表层网 / 暗网

- Counterfeiting = surface web (consumer web)
假冒 = 表层网 (面向消费者)

- Dark web = counterfeited currencies

暗网 = 假币

Source: Europol SOCTA 2017

来源：欧洲刑警组织2017年《重大有组织犯罪评估报告》

Action In Our Sites 各地发起的行动



- Started in the US (National Intellectual Property Rights Coordination Center)

在美国发起（国家知识产权协调中心）

- Since 2012 “Transatlantic”. Now mainly organised by Europol, in collaboration with US.

2012年开始“跨大西洋”。目前主要由欧洲刑警组织与美国合作开展。

United States 美国

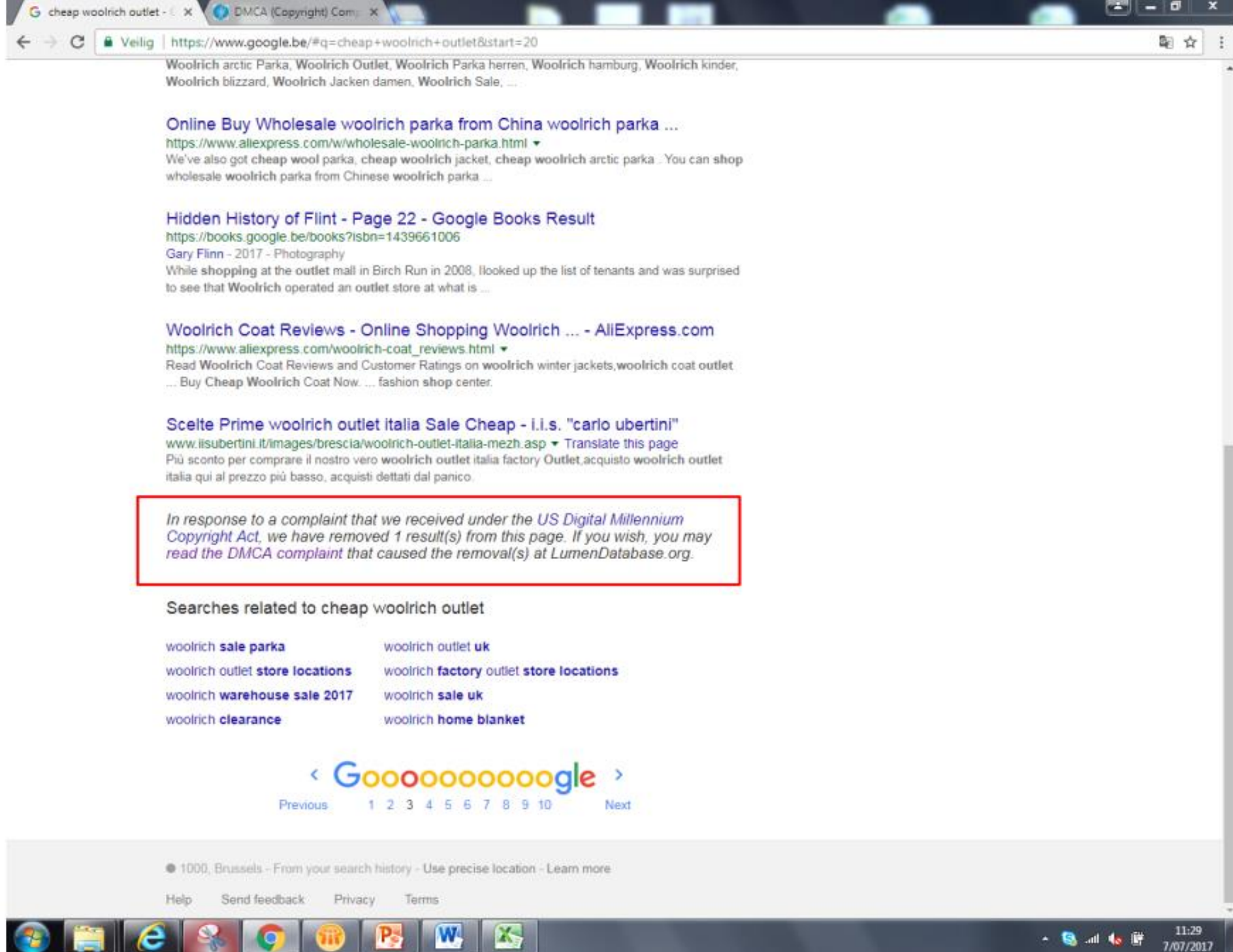
- Mainly private actions by trademarks:

主要是商标侵权类民事诉讼：

- DMCA notices to search engines

向搜索引擎发出DMCA（《美国数字千禧年版权法》）侵权
删除通知

- “Bulk” private court actions (default judgments)
- “批量” 民事诉讼法律行动（采用缺席判决）





Search all notices...

Go

DMCA (Copyright) Complaint to Google

SENDER

Woolrich

[Private]

... US

Sent on December 16, 2016



RECIPIENT

Google Inc

[Private]

Mountain View, CA, 94043, US

Received on December 16, 2016

SUBMITTER

Google Inc

OTHER ENTITIES: SUBMITTER PRINCIPAL

Re: Unknown

SENT VIA: UNKNOWN

NOTICE TYPE:

DMCA

Copyright claim #1

KIND OF WORK:

Unspecified

DESCRIPTION

The URL's listed below are abusing Woolrich brands through the use of copyrighted images and logos, which are used to promote counterfeit goods. These sites are not authorized to sell Woolrich goods or use any of the copyrighted images. I have a good faith belief that the information specified above is not permitted by applicable law. I swear, under penalty of perjury, that the information in this notification is accurate. Sincerely, Ivor Kisberg.

ORIGINAL URLS:

01. http://www.woolrich.com/woolrich/browse/men-coats-jackets-parkas-for-men/_/N-7zf
02. http://www.woolrich.com/woolrich/browse/women-coats-jackets-parkas-for-women/_/N-803
03. http://www.woolrich.com/woolrich/browse/men-shirts-for-men/_/N-84j
04. http://www.woolrich.com/woolrich/browse/women-shirts-for-women/_/N-83z
05. http://www.woolrich.com/woolrich/browse/men-pants-for-men/_/N-7zb

www.rebni.com

← → ↻ ① www.rebni.com



GREER BURNS & CRAIN
INTELLECTUAL PROPERTY LAW

WARNING: Website Shut Down!

The online store that formerly used this domain has been disabled, pursuant to a U.S. federal court order, for the sale of products bearing counterfeit trademarks.

To purchase authentic products,

Visit Ray-Ban.com

Visit Oakley.com

This domain was previously held for the sale of alleged counterfeit Ray-Ban and Oakley products. Control of this domain has been transferred to Luxottica Group S.p.A. ("Luxottica"), owner of the Oakley and Ray-Ban brands, pursuant to a temporary court order. Luxottica took this action to protect its brands and consumers from unknowingly purchasing counterfeit products.

Refund Information

We recommend that you contact your payment provider to obtain a refund.

Method of Payment:

Learn More

Notice to Defendants

Luxottica Group S.p.A. and Oakley, Inc. v. The Partnerships and Unincorporated Associations



10:57
7/07/2017

OPERATION IN OUR SITES VII



Statistics In Our Sites 各地统计

Year 年份		Total 总计	Belgium 比利时
2019	IOS X	30506	990
2018	IOS IX	33654	1140
2017	IOS VIII	20520	3322
2016	IOS VII	4580	2995
2015	IOS VI	999	411
2014	IOS V	292	154
	IOS IV	188	71
2013	IOS III	690	261
	IOS II	328	79

Process 流程

- Trademark holders can send domains to Europol via their national contact point
- 商标权利人可以通过国家联络点将域名提交欧洲刑警组织
- Europol distributes domains to their respective countries
- 欧洲刑警组织将域名分配给对应国家
- Belgium: .be (DNS Belgium) and .eu (EURid)
比利时：.be（比利时域名系统）和.eu（欧盟域名注册管理中心）

Hosting takedown: Try to take down the content (= the server) 托管删除：尽量删除内容（= 服务器内容）

- Not many webhosting companies in Belgium (EU: The Netherlands, France, Sweden, ...)
- 比利时的网站托管商不多（欧盟：荷兰、法国、瑞典.....）
- E-commerce directive (liability exemption for hosting)
- 电子商务指令（托管责任免除）
- “Bulletproof hosting” “防弹式” 托管
 - Anonymous 匿名
 - Cloud hosting 云托管
 - Difficult jurisdictions 司法管辖权难以界定



E-commerce directive 电子商务指令

■ Article 14 Hosting 第14条 托管服务

1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service, Member States shall ensure that **the service provider is not liable** for the information stored at the request of a recipient of the service, **on condition that**

若提供的社会信息服务包括存储由服务接受者提供的信息，成员国应当确保**服务提供者**不因根据服务接受者要求存储信息而**承担责任**，**条件是：**

(a) the provider **does not have actual knowledge of illegal activity or information** and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or information is apparent; or

服务提供者**对违法活动或信息不知情**，并就损害赔偿而言，提供者对显然存在违法活动或违法信息的事实或者情况不知情；或者

(b) the provider, **upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the information.**

提供者**获悉该事实或情况之后，迅速移除了相关信息，或者阻止他人获得该信息。**

2. Paragraph 1 shall not apply when the recipient of the service is acting under the authority or the control of the provider.

服务接受者的行动在提供者的授权或控制下进行的，不适用本条第1款。

3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement, nor does it affect the possibility for Member States of establishing procedures governing the removal or disabling of access to information.

本条不影响法院或行政机关根据成员国法律制度，要求服务提供者终止或者预防侵权行为；也不影响成员国就信息移除或阻止信息访问建立相关程序。

Website blocking 网站屏蔽

	Administrative 行政	Criminal law 刑法	“Third way” “第三种道路”
Difficulty 难度	Easy 简单	Time consuming + Paperwork 耗时+文件工作	+/-
Legal basis 法律依据	Terms & Conditions registry (or ICANN) 注册条款 (或ICANN)	Criminal procedure law (BE: public prosecutor) 刑事诉讼法 (比利时: 公 诉人)	Terms & Conditions + protocol with registry 注册条款+协议
What? 做什么?	Only takedowns 仅删除	Investigations 调查	Only takedowns 仅删除
Time frame 完成时间	14 days (.be & .eu) 14天 (.be和.eu)	Immediately 立即	Immediately 立即
Proof required 需要证据?	No 否	Yes 是	Yes 是

Administrative 行政

- Easy: fast + no paperwork 简单：快速+无文件工作
- Contact details check according to the T&C's of the registry (based on the ICANN rules)
根据注册条款核查联系人详情（基于ICANN规则）
- 14 days for .be and .eu
.be和.eu域名需要14天
 - Fast-track for phishing : immediately 打击钓鱼网站简易程序：即时性
- No banner/redirect option 无法加横幅 / 重定向

Terms & Conditions .be 比利时.be域名条款

- Article 8 b) As regards the quality control of the WHOIS database and the domain name system, DNS Belgium may conduct checks regarding the accuracy of the data referred to in Article 7, either on its own initiative, or following a complaint from a third party or **the government**. Registrants shall be required to cooperate actively in such checks and must share the necessary documents in support of the correctness of the data referred to in Article 7. If DNS Belgium has serious doubts about the accuracy of the registrant's contact data, it may suspend the domain name concerned (= disable it) and then initiate an infringement procedure pursuant to Article 3.d.
- 第8b)条：为WHOIS数据库和域名系统质量控制目的，比利时域名系统可自发或在接到第三方或**政府**投诉后，对第7条提及的数据准确性进行检查。注册人应积极配合检查，必须分享所需文件，证明第7条提及的数据准确性。如果比利时域名系统对注册人联系信息准确性产生严重怀疑，可以暂停相应域名（= 禁用），并依据第3.d条规定启动侵权处理程序。

Criminal law 刑法

- Time consuming + paperwork 耗时+文件工作
 - Not for “bulk cases” 不适合 “批量案例”
- Demand (with proof) to public prosecutor 需要（有证据）移交公诉人
 - Order based on criminal procedure law (criminal investigation) 基于刑事诉讼法的命令（刑事调查）
 - Seizure or access blocking (ISP's) 查封或者屏蔽（互联网服务提供商）
- Immediate + banner/redirect option 即时性+可以加横幅 / 重定向



United States Belgium Belgium

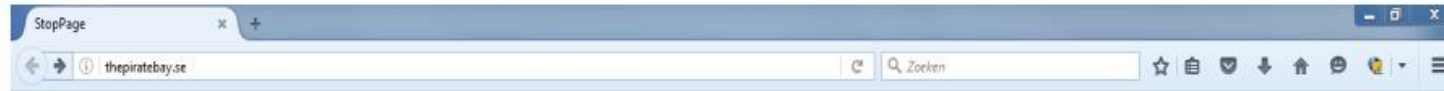
   

Operation In Our Sites
Project TransAtlantic V / Project Cyber Monday V

This domain name has been seized

Operation In Our Sites-Project TransAtlantic V is a coordinated effort by U.S. and European law enforcement agencies targeting websites and their operators that sell counterfeit goods.





U wordt naar deze stoppagina doorverwezen omdat de website die u tracht te bezoeken inhoud aanbiedt die door de Belgische wetgeving als illegaal wordt aanzien.
Indien u beheerder of eigenaar van deze website bent en u meent dat deze maatregel ten onrechte is genomen, kan u een fax sturen op het nummer +32(0)2/733.56.16.

Vous venez d'être redirigé vers cette page. Le site que vous essayez de consulter contient des informations illégales au regard de la législation belge.
Si vous êtes gestionnaire ou propriétaire de ce site web et si vous pensez que cette mesure a été prise à tort, vous pouvez toujours envoyer un fax au numéro +32(0)2/733.56.16.

Sie wurden auf diese Seite weitergeleitet! Die Seite, die Sie versuchen aufzurufen enthält, gemäß der belgischen Gesetzgebung, verbotene Inhalte.
Sollten Sie als Verantwortlicher oder Besitzer der Webseite mit dieser Maßnahme nicht einverstanden sein, schicken Sie ein Fax an die Nummer +32(0)2/733.56.16.

You have been redirected to this stop page because the website you are trying to visit offers content that is considered illegal according to Belgian legislation.
If you are the owner or administrator of this website and you consider to be wrongly redirected, you can report this by fax at +32(0)2/733.56.16.



“Third way”: notice & takedown

“第三途径”：通知并删除

- Also based on T&C's combined with a registry protocol, or a specific law

也以注册条款为依据，并结合注册协议或具体法条

- Big question: who's responsible / liable?

重要问题：由谁负责 / 由谁承担责任？

– + appeal procedure 上诉程序

- F.e. UK (PIPCU) together with Nominet (.uk)

比如，英国知识产权犯罪监督部门（PIPCU）与英国域名注册局（Nominet）



Report.belgium.be

Are you the victim of misleading practices, fraud or swindle? Or have your rights as a consumer or enterprise not been respected? Then choose the scenario that matches your problem and follow the various steps to report your problem to the competent services. You will always receive a reply in which we will try to provide an answer to your questions. The competent services will analyse your report and may carry out an investigation. They do not take any action in your individual dispute, nor do they provide any information concerning the investigation. For your individual problem, we exclusively refer to the reply that will be sent to you.

☐ I agree with the terms of use

New complaint

Adapt an existing complaint



Our partners



Commission d'éthique
pour les télécommunications

New challenges for takedowns & other options

**删除及其他选项
目前面临的新挑战**

Other options? 其他选项？

- Hosting takedowns 托管删除
 - Location, “bulletproof hosting” 托管地点问题， “防弹托管” 问题

Closing payment methods 关闭支付方式

- Cut advertising revenue 切断广告收入

Counterfeit chargebacks 假冒退款

- Chargeback when paid with credit card (Visa & Master Card) or PayPal (Buyer Protection)
使用信用卡（维萨卡、万事达卡）或PayPal支付时可申请退款（买家保护机制）
- All consumers informed about these possibilities for counterfeit complaints
要让所有消费者知悉相关假冒投诉途径

Blocking merchants 屏蔽商户

- Canada: “Project Chargeback”

加拿大：“退款计划”

(Canadian Anti-Fraud Centre, CAFC) (加拿大反欺诈中心)



- IACC: RogueBlock program

国际反假冒联盟：RogueBlock计划

(International AntiCounterfeiting Coalition)

– Since 01/2012: 5000+ merchants 从2012年1月开始：5000+商户

MoU's European Commission

欧委会谅解备忘录

1. online sales platforms (signed by eBay, Alibaba, ...)
互联网销售平台（签署方包括eBay、阿里巴巴等）
2. online advertising intermediaries
互联网广告中间商
3. payment service providers
支付服务提供商
4. transport companies
运输物流公司

Questions?

问题 ?

Fabrice Bihay

Inspector Internet Watch Unit 互联网观察小组监察员

DG Economic Inspection – FPS Economy

比利时FPS Economy管理局 经济监察总司

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