WORKSHOP ON ONLINE IPR INFRINGEMENT DETECTION AND INVESTIGATION

KENNETH WRIGHT | BANGKOK | 10th SEPTEMBER 2019

www.ipkey.eu
VOLUNTARY MEASURES AND SELF-REGULATORY INITIATIVES TARGETING ONLINE INFRINGEMENTS

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VOLUNTARY MEASURES

• VOLUNTARY AGREEMENTS.

• BETWEEN PARTIES (INCLUDING RIGHTS HOLDERS AND INTERMEDIARIES).

• OFTEN RELATING TO THE DIGITAL ENVIRONMENT.

• ADDRESSING (ONLINE) IP INFRINGEMENT.

• WITH AIM OF REDUCING IT.
VOLUNTARY MEASURES

• FLEXIBLE AND FAST.

• COMPLIANT WITH LAW.

• IP LEGISLATION.

• DATA PROTECTION.
1. NOTICE AND TAKE DOWN.

2. PAYMENT PROCESSORS.

3. ADVERTISING.

4. BLOCKING.

5. CONCLUSION.
NETHERLANDS - NOTICE AND TAKE DOWN

• LAUNCHED OCTOBER 2008.

• PURPOSE TO ESTABLISH A PROCEDURE FOR ISPs.

• IPR - COPYRIGHT AND RELATED RIGHTS, TRADEMARKS AND DESIGNS.

• STAKEHOLDERS - BREIN, ECP AND INTERMEDIARIES.

• TERRITORIAL SCOPE - NETHERLANDS.

• CORRESPONDENCE - EMAILS.
NETHERLANDS - NOTICE AND TAKE DOWN

1. The content provider is known
   - Contact the content provider and request the removal of the content
   - Advice the notifier to reach an agreement
   - Provide the notifier with the contact details of the content provider

2. The content provider is unknown
   - Remove the content

Inform the Notifier and not taking-down the content

Remove the content

Contact the content provider and request the removal of the content

Agreement
   - Official Report to the Police

No Agreement
   - Bring the dispute to the Court
1. NOTICE AND TAKE DOWN.

2. PAYMENT PROCESSORS.

3. ADVERTISING.

4. BLOCKING.

5. CONCLUSION.
US - PAYMENT PROCESSORS

• LAUNCHED JANUARY 2012.

• PURPOSE TO REPORTS SELLERS OF FAKES TO PAYMENT PROCESSORS.

• IPR - COPYRIGHT AND RELATED RIGHTS, TRADEMARKS AND DESIGNS.

• STAKEHOLDERS - RIGHTHOLDERS, IACC, IPR CENTRE, PAYMENT PROCESSORS.

• TERRITORIAL SCOPE - GLOBAL.

• CORRESPONDENCE - UMBRELLA PORTAL.
1. NOTICE AND TAKE DOWN.

2. PAYMENT PROCESSORS.

3. ADVERTISING.

4. BLOCKING.

5. CONCLUSION.
AUSTRIA - ADVERTISING

• LAUNCHED APRIL 2014.
• PURPOSE TO STOP ADVERTISING ON INFRINGING WEBSITES.
• IPR - COPYRIGHT AND RELATED RIGHTS.
• STAKEHOLDERS - WERBERAT, RIGHT HOLDER ASSOCIATIONS AND ADVERTISERS.
• TERRITORIAL SCOPE - AUSTRIA.
• CORRESPONDENCE - WERBERAT ONLINE COMPLAINT FORM.
1. NOTICE AND TAKE DOWN.

2. PAYMENT PROCESSORS.

3. ADVERTISING.

4. BLOCKING.

5. CONCLUSION.
DENMARK - BLOCKING

• LAUNCHED SEPTEMBER 2014.

• PURPOSE TO BLOCK ACCESS TO ILLEGAL SERVICES ON THE INTERNET.

• IPR - COPYRIGHT AND RELATED RIGHTS, TRADEMARKS AND DESIGNS.

• STAKEHOLDERS - RIGHT HOLDER ALLIANCE, TELEINDUSTRIEN AND ISPs.

• TERRITORIAL SCOPE - DENMARK.

• CORRESPONDENCE - EMAILS.
1. NOTICE AND TAKE DOWN.

2. PAYMENT PROCESSORS.

3. ADVERTISING.

4. BLOCKING.

5. CONCLUSION.
CONCLUSION

1. INTERMEDIARIES CAN BE EFFECTIVE ALLIES.

2. VOLUNTARY MEASURES - QUICKER IMPACT.

3. VOLUNTARY MEASURES - CHEAPER.

4. VOLUNTARY MEASURES - MAY BE ONLY OPTION.

STUDY
on voluntary collaboration practices in addressing online infringements of trade mark rights, design rights, copyright and rights related to copyright

Directed by the European Commission, IP Key South-east Asia is implemented by the European Union Intellectual Property Office (EUIPO)