

[RU] Act to Counteract Video Piracy Online

IRIS 2013-8:1/33

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On 2 July 2013, the President of the Russian Federation signed into law the Statute amending several statutes of civil law, procedural law and information law. The new Act introduces a number of measures aimed at boosting the ability of rightsholders to cease stop distribution of illegal video content via the Internet.

According to the Statute, a new Article was introduced into the Civil Code (Art. 1253.1) providing rules for liability of so called “internet mediators”, i.e. those either providing technical transmission of the information on the Internet (internet providers) or providing the hosting of information on websites. An Internet provider shall not be liable for any infringements of intellectual property rights if he/she does not initiate transmission of the material, does not modify the material in the course of its transmission, and does not know that using such material is illegal. A hosting provider as well shall not be liable for any infringements if he/she does not know that using such material is illegal or ceases the illegal use of material as soon as he/she receives written notification from a rightsholder. Despite these immunities from liability, Internet mediators shall be obliged to block illegal content in cases specified by procedural law.

The Statute introduced a brand-new procedure for using injunctive remedies in cases of protection of intellectual property rights in video content (amendments to the Civil Procedure and Arbitrage Procedure Codes). A rightsholder who has a reasonable suspicion that his/her rights in audiovisual content are being violated on the Internet shall be entitled to apply for a court order prescribing the blocking of the video content on the infringing website. Such an order shall be granted as a preliminary measure prior to filing a lawsuit. If a rightsholder does not bring an action within the following 15 days, the court order expires.

In order to provide effective law enforcement practice some additional procedural rules were suggested. First, all disputes concerning the use of video content on the Internet shall be resolved in a single court - Moscow City Court (court of general jurisdiction). It means inter alia that the jurisdiction of arbitration (commercial) courts (those resolving disputes of an economic nature) is modified. Another important innovation is that a rightsholder shall have the right to appeal for the court order online; a special function shall be provided on the website of the Moscow City Court. Copies of court orders sanctioning the blocking of websites (or pages of websites) shall be hosted on the website of the Court and

provided both to the claimant and to the Federal Service for Supervision in the Sphere of Telecoms, Information Technologies and Mass Communications (supervisory authority).

Another important innovation in the Statute is the introduction of the content-blocking procedure (amendments to the Statute “On information, informational technologies and protection of information”). A rightsholder, after obtaining the court order shall request the supervisory authority to order the blocking of illegal content on the Internet. The said body shall notify a hosting provider of a website containing illegal content. The latter shall inform the owner of website about the supervisory authority’s notification. If neither the hosting provider nor the owner of the website reacts to the notification, the supervisory authority shall require Internet providers to block the illegal website or content. The supervisory authority’s requests are obligatory for Internet providers.

The Statute entered into force on 1 August 2013.

Федеральный закон Российской Федерации от 2 июля 2013 г. N 187-ФЗ г. Москва "О внесении изменений в отдельные законодательные акты Российской Федерации по вопросам защиты интеллектуальных прав в информационно-телекоммуникационных сетях"

<http://www.rg.ru/2013/07/10/pravo-internet-dok.html>

Federal Statute of 02 July 2013 # 187-ФЗ “On amending certain legislative acts of the Russian Federation regulating aspects of the protection of intellectual property rights in telecommunication networks”

