[IT] Italian Communications Authority orders the disabling of access to IPTV pirate servers

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On 19 October 2017, AGCOM (Italian Communications Authority) ordered the internet service providers under Italian jurisdiction, pursuant to its Regulation on copyright protection online (see IRIS 2014-3:1/31), to disable access to two IPTV servers for massive copyright infringements. The decisions were taken in conclusion of two proceedings deriving from complaints presented on 10 October 2017 by Mediaset Premium S.p.A., whose entire pay-TV offer was systematically made available via content delivery network (CDN) selectors.

Access to the pirated service was given upon payment of a fee, which was, however, significantly lower than the legal subscriptions. From a technical point of view, once each user's authentication had been verified through credentials embedded directly in each one of the given URLs, and payment had been made, users were provided with a list of URLs that allowed access to the livestreaming of programmes through HTTP protocol; subsequently, the user was redirected to the so-called “streaming server” of the requested content. Therefore, it was made possible for the user to view a vast quantity of pay-TV offers on all major devices (PCs, smart-TVs, smartphones, tablets).

Moreover, AGCOM found out during its proceedings that the websites used for promoting these illegal offers were using the images and logos of the audiovisual media service providers, and that the programmes made available were often among search engines’ first results, even as sponsored content. These elements, as well as the good quality of the programmes, may also have led users to believe that this was a legitimate offer. The findings of the proceedings led AGCOM to determine the occurrence of massive and serious violations: consequently, in compliance with the principles of gradualness, proportionality and adequacy, the preconditions existed for issuing an order to disable access to the websites, by DNS blocking, to be implemented by service providers within two days of the notification of the deliberations.

Delibere nn. 223/17/CSP and 224/17/CSP

https://www.agcom.it/documents/10179/8946952/Allegato+16-11-2017/bf3b9433-a402-4ae4-9824-61b6a18b91b8?version=1.0

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Delibere nn. 223/17/CSP and 224/17/CSP, "Decision pursuant to articles 8(2), 8(4) and 9(1d) of the Regulation on copyright protection on the electronic communication networks and proceedings pursuant to legislative decree 9 April 2003, no. 70"

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