[FR] Blocking of streaming sites illegally retransmitting Roland-Garros tennis matches

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The *Fédération française de tennis* (French Tennis Federation – FFT), the official organiser of the Roland-Garros French Open tennis championships held in Paris from 16 May to 5 June 2022, discovered that several websites accessible on French soil were broadcasting, free of charge, live streams of matches to which it held the exclusive broadcasting rights. On the basis of Article L. 333-10 of the French Sport Code, introduced under the Act of 25 October 2021, it filed a summons for urgent proceedings against the main Internet access providers in order to prevent the 19 sites in question being accessed on French soil, in particular by blocking their domain names.

The judge noted that the principal objective of the sites in question was to broadcast sports competitions, especially tennis matches, to at least some of which the FFT held exclusive audiovisual exploitation rights. Since they provided access to data that did not constitute private correspondence, the sites were classified as online public communication services. Moreover, although the sites were in English, French users could navigate them easily because they simply had to click on the players' names in order to access the match they wanted to watch. The FFT had therefore provided sufficient proof that the sites in question provided access to tournament matches without permission, which constituted "serious, repeated breaches" of the FFT's exclusive rights within the meaning of Article L. 333-10 of the Sport Code, committed through "services for which the unauthorised transmission of sports competitions is a primary objective".

The judge therefore decided to grant the requested measures. In view of the urgency, and even though the match calendar had been published a long time in advance, it appeared proportionate to give the Internet access providers a maximum of two days following the announcement of the decision to implement the blocking order. While these measures remained in force, the FFT could also pass to ARCOM the name of any site illegally broadcasting Roland-Garros matches that had not already been identified when the decision was taken, in order to implement the powers granted to ARCOM under Articles L. 333-10 III and L. 333-11 of the Sport Code. The provision for dynamic blocking mechanisms was one of the main benefits of the new Act of 21 October 2021. Finally, the judge ruled that the cost of the blocking measures should be split among the parties in accordance with a future agreement to be concluded under the aegis of ARCOM.

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Tribunal judiciaire, Paris, (ord. réf.), 25 mai 2022, FFT c/ SA Orange et a.

Paris court of justice (urgent procedure), 25 May 2022, FFT v SA Orange et al

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