[FR] Microsoft and Google ordered to delist 90 websites broadcasting sports competitions for which Canal Plus holds audiovisual exploitation rights

IRIS 2024-2:1/11

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The Canal Plus Group holds the exclusive rights to broadcast the French rugby championship, known as the "Top 14", on French soil, as well as live Premier League football matches in France and Monaco, and in other territories on a non-exclusive basis. It also holds exclusive rights to broadcast some Champions League matches, with the rights to other matches held by the beIN company.

Having obtained a court ruling on 19 September 2023 that around 90 websites accessible in France were streaming live matches in numerous competitions more or less systematically and free of charge, in particular rugby and football matches to which it held exclusive broadcasting rights and/or neighbouring rights, the Canal Plus Group, under Articles L. 333-10 of the Sports Code and L. 216-1 of the Intellectual Property Code, filed a summons under the accelerated procedure against the companies Microsoft and Google as providers of online search engines, in order to prevent their users accessing the aforementioned websites on French soil. According to Article 333-10 of the Sports Code, the president of the judicial court can, in particular, order “all proportionate measures likely to prevent or put an end to this infringement, against any person likely to contribute to remedying it”.

The court observed that, even though most of the websites concerned were accessible in English, it was easy for French-speaking users to use them. These sites committed “serious and repeated” infringements, within the meaning of Article 333-10 of the Sports Code, of the Canal Plus Group’s rights to the sports competitions concerned by providing a service, one of the main purposes of which was the unauthorised broadcasting of sports competitions. There was therefore sufficient evidence to show that the sites concerned enabled Internet users to watch sports competitions to which the audiovisual group held exclusive exploitation rights without permission. The Canal Plus Group was therefore entitled to request measures to prevent or put an end to the infringement of its rights to the Premier League, Champions League and Top 14.

The court ordered Microsoft and Google to take all necessary measures within three days to prevent their users accessing the sites identified, and those that had not yet been identified on the date of the decision, on French territory (including overseas municipalities and regions) until the date of the last match in

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each of the three competitions, in particular by delisting sites that could be found using domain and associated subdomain names. Microsoft and Google were ordered to inform the Canal Plus Group when they had taken these measures and of any difficulties they encountered. Meanwhile, the plaintiff was asked, while the measures were in place, to inform ARCOM (the French audiovisual regulator) of the addresses of other sites that were illegally broadcasting matches in the competitions concerned.

TJ Paris, 21 décembre 2023, n° 23/14669 et 23/14720, Canal Plus c/ Microsoft et Google (2 décisions dans le même sens)

https://justice.pappers.fr/decision/22019de75425a901c4853709e5b4bd7152020933?q=23%2F14669+&date_decision_min=2023-12-21&date_decision_max=2023-12-21&juridiction%5B%5D=tribunal+judiciaire+de+paris

Paris Judicial Court, 21 December 2023, Nos. 23/14669 and 23/14720, Canal Plus v. Microsoft and Google

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