



RIGHTS ALLIANCE

Status on the illegal marked
- Annual report 2020

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Preface

- status on the past year

The Danish Rights Alliance rounded off the year 2020 with one of the biggest breakthroughs in the work of fighting the illegal market on the Internet. In the last days of the year, the IP Task Force under the State Prosecutor for Serious Economic and International Crime (Prosecution Service) succeeded in definitively shutting down the last illegal services anchored in Denmark after Rights Alliance's preparatory work and collection of evidence. Among the now "homeless" users of the services, the reactions are divided. Some continue their activities on foreign services, some try to set up new Danish illegal services, while others fear the consequences of continuing and have stopped their illegal use. One thing is for sure though; that the closing of the Danish-based services will have a significant impact on the mechanisms of the illegal market in the future. The mentioned services, which functioned as closed networks, and their Danish backers have been hotbeds for illegal sharing of Danish-produced movies, series, books, articles, and music, which from the closed networks have seeped further into the international, "open", illegal market.

Although this closing in itself is epoch-making for our work, it is at the same time important to note that according to the analysis agency Mediavision's report from the spring of 2020, a total of 370,000 Danes consume illegal content annually. In addition to the closed networks, there are a massive number of open services that are also dedicated to distributing content illegally. They survive primarily on advertising revenue and are operated from abroad without any special connection to Denmark. This fact helps to emphasize how important it is that our efforts continue to ensure that illegal Danish content has difficulty finding new ways to the users. Throughout the year, we have seen an increasing tendency for illegal content to find its way to otherwise legal services, such as Facebook and YouTube. In 2020, we have therefore intensified our work with the online platforms' responsibility for copyright infringement - e.g., through dialogue with the platforms and in the work of implementing Article 17 of the EU Copyright Directive in Danish law.

In this annual report, we provide an insight into the past year's work in Rights Alliance, our successes, and challenges. At the same time, we provide a status of the illegal market and the Danes' use of it, and we go into depth on developments within e.g., Rights Alliance's campaigns, enforcement, and policy initiatives.

Organisation Information

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Agenda

Under the regulations, Rights Alliance' core task is to protect the rights of the creative industry on the Internet through enforcement and information.

Key figures

- *Data and the developments in the illegal market*

Right Alliance's work is largely based on data, that gives a specific picture of the behaviour of the Danes in the illegal market on the Internet, and thus also show how we can best respond to the illegal behaviour. The following section will delve into the exact data and developments we have seen in the Danish illegal market in 2020. Our data are partly collected from data provider SimilarWeb, who measures traffic to illegal websites, and partly from the digital marketing agency Mediavision's annual survey "Nordic Piracy – Spring 2020" on user behaviour in the Nordic region.

The Danes' use of illegal websites

Illegal services with a range of movies and TV series make up eight out of the ten most popular illegal services among Danes. Figures from the data provider SimilarWeb show that Danes, as in 2019, have visited illegal services approx. 12 million times a month (Chart 1), and an average stable level of visitors is seen through the year 2020. Data from previous years have shown that there are often increases in visitor numbers in January, April, July, October and December, as these months has an increased number of major movie releases. If we take a closer look at the individual months in 2020, however, we see a "hump" in traffic and fluctuations in user behaviour throughout the spring, from February to May.

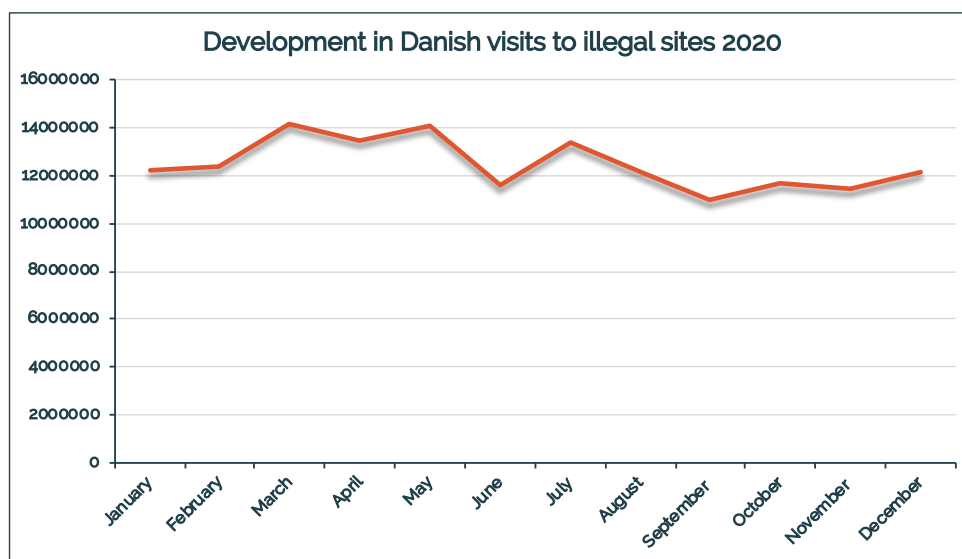


Chart 1) The number of Danish visitors to illegal services from January to December 2020. Data extracted from SimilarWeb.

The fluctuation is possibly due to the Danish lockdown due to COVID-19, where Danes have been more at home than they normally would be. Thus, the fluctuation may also help to explain that the traffic to illegal services in 2020 was stably high, while in 2019 we saw a decrease in traffic.

However, although the number of Danish visits to illegal services has not changed significantly through 2020, there has been an important development in the number of Danish users. Data from Mediavision show a decrease in the number of Danish users from 450,000 users in 2019 to 370,000 users in 2020. We attribute the decrease to, among other things, the effective blocking effort in the Share With Care collaboration between Danish internet providers in the Telecom Industry Association and Rights Alliance and the Code of Conduct agreement, which is the focal point of the blocking cooperation, which was revised in 2020 in order to keep up with developments in the illegal market.

Unfortunately, the decrease in the number of users is probably also because the users have moved to other platforms, where consumption cannot be measured immediately in the data sets from Mediavision and SimilarWeb. A new challenge that has become clearer in recent years is the increasing decentralization of illegal content to legal services, such as YouTube and Facebook. Here it is not possible to measure the illegal consumption, and here the users are not necessarily aware that they are consuming illegal content, as the service itself is legal. Data from Mediavision show that 44 percent of Danish 'pirates' use YouTube and 32 percent of Danish pirates use Facebook to find illegal content. Mediavision's study only deals with those users who are aware that they are consuming illegally. Thus, there are probably far more users using illegal content on legitimate platforms without being aware that this is the case.

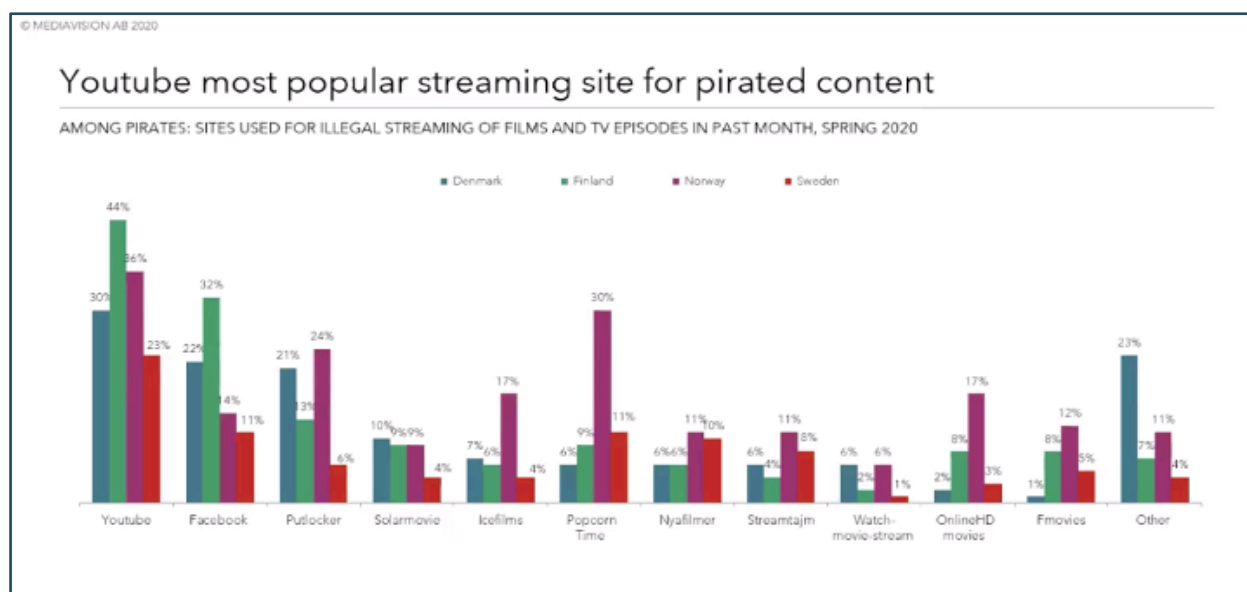


Chart 2) Data from Mediavision's survey show, that among the Nordic 'pirates', YouTube and Facebook are among the most popular services for illegally streaming movies and TV. The blue bar shows the Danish users.

Blocking effects

Blocking is still one of the most effective tools to prevent Danish users from using illegal services. By 2020, Rights Alliance has had 196 illegal domains blocked, and the overall effect of these blockings is a 73 percent drop in website traffic.

The reason why the blocking effect is not 100 percent must primarily be found in the following two factors:

- i. The use of VPN connections and alternative DNS providers means that there are users that we cannot reach with the blockings
- ii. There are still several internet providers, e.g., semi-public access points, such as educational institutions, municipal Wi-Fi, and the like, that are not included in the blocking collaboration.

In 2020, we have focused on blocking the so-called "mirror sites" of illegal services. "Mirror site" is the name of an illegal service that moves to a new URL often with automatic redirection from the already blocked service. For example, one can mention thepiratebay.org, which has been blocked in Denmark for many years, but continuously generates new websites with access to exactly the same content as the already blocked service - just with a new URL.

The volatile nature behind mirror sites, which often have a short lifespan and are therefore more difficult to detect, has required higher systematization and faster handling. Therefore, Rights Alliance updated the Code of Conduct agreement on which the blockings are based, and had it, among other things, extended with a dynamic blocking option that implements the dynamic blocking court decisions, i.e., that the court does not have to rule on each of the new URLs if they offer the same illegal content. The task of Rights Alliance is to identify the new addresses and pass them on to ISPs so that they can be blocked.

These reports to the Telecom Industry Association have been made monthly throughout 2020, and systematization has had the result that out of the 196 pages we have had blocked in 2020, 195 of them are mirror sites, which also offer illegal content such as movies, music, TV series, literature, and live sports.

Developments in 2020

Although 2020 has offered a standstill in large parts of society, Rights Alliance has nevertheless managed to keep pace with - and develop - our core tasks, from enforcement and investigation to campaigns and political initiatives. In the following, the developments of the past year in the various areas are reviewed.

Enforcement

Rights Alliance's work on copyright enforcement covers a wide range of tools and legal devices, which will be reviewed below. 2020 has i.a. offered a ground-breaking shutdown of the Danish-anchored illegal services based on our own investigative competencies and a strong effort from the IP Task Force in the Prosecution Service.

Blocking cases

In 2020, the effective blocking system that Rights Alliance has designed and developed in Denmark in recent years was challenged in the legal field. The operators behind several of the services that we went to court to get convicted and blocked, opposed the blockings and tried to defend their interests - but without success. It is beneficial that the blocking system is being challenged and the law behind it is being tested, as it helps to strengthen the cooperation on blockings in Denmark.

In two of the cases where the operators have opposed the blocking, a verdict was handed down in 2020:

Live sports on Rojadirecta:

The Spanish company that manages Rojadirecta appealed the district court ruling, claiming that the service is not illegal as there is also legal content available. However, the High Court agreed with Rights Alliance and LaLiga that a service dedicated to illegal activities is illegal - regardless of the presence of legal content. At the time of the case back in 2018, Rojadirecta had no less than 19,000 Danish visitors in just one month and has thus given many users the opportunity to stream live football matches, e.g., matches from the Spanish first division to which LaLiga has the rights. The High Court ruling has created significantly better conditions not only for football leagues,

but also broadcasters and other distributors of live sports and TV content. The ruling is a milestone in the work of rights protection, as it is the first time that live streams of TV content have been blocked. The case is currently pending before the district court in the 'follow-up trial', which the rights holders are obliged to bring after a blocking order.

Stream ripping on Yout:

In 2019, Rights Alliance was able to get several so-called "stream ripping" services blocked. These are services that download content from, e.g., YouTube and convert playbacks to downloads that can be saved and used in offline mode. The operator behind one of the reported stream ripping services, Yout, opposed the blocking, which is why a separate case was being filed against Yout. The intervening service argued at the Court in Holbæk in 2020 that the service was not illegal and thus should not be blocked by the Danish telecom companies. However, it did not succeed in convincing the court of this, and the service was ruled illegal and thus blocked in Denmark. The case is, like the aforementioned, the first of its kind in Denmark.

IP Task Force, criminal cases and claim for damages

In 2020, the IP Task Force in the Prosecution Service has really proved effective. At the end of the year, the Task Force, on the basis of a number of operations - which also extended beyond Denmark's borders - succeeded in de facto closing the last Danish-anchored illegal file-sharing networks. The international nature of the operation sent the important and clear signal that the criminal backers cannot hide by staying outside Denmark. Earlier this year, the State Prosecutor for Serious Economic and International Crime also participated in a large-scale, internationally coordinated operation in which authorities in the USA, Canada, and Europe, including Denmark, arrested a total of 11 people, incl. three Danes, in a comprehensive case of illegal sale of films and IPTV subscriptions. This type of large, complex cases can only succeed because the Task Force today possesses the specialized competencies it requires to be able to lift the cases.

In 2017, Rights Alliance, together with, among others, the Danish Chamber of Commerce and Danish Industry, took the initiative to point out the need for an IP Task Force with the police. This resulted in the establishment of a trial scheme in 2018, which was made permanent in 2019.

On the basis of i.a. the competent work of the IP Task Force, this year has also offered conviction in a large number of criminal cases:

File sharing on NextGen:

The three defendants behind the file sharing network NextGen were convicted by the court in Sønderborg of exploiting peer-to-peer file sharing and BitTorrent technology for their own gain by giving users illegal access to movies, series, music, and books without the consent of the rights holders. From February 2010 to November 2015, the network's approx. 45,000 users had access to up to 76,000 illegal files with copyrighted works. The three defendants received suspended prison sentences of resp. 9 months with terms of 150 hours of community service, 6 months with terms of 120 hours of community service and 60 days with terms of 80 hours of community service. All three judgments were made suspended taking into account the long case processing time. Rights Alliance reported NextGen to the Prosecution Service back in 2015, before the establishment of the IP Task Force, and the reduction of sentences thus emphasized the importance of fast case processing and the addition of technical competencies to the police, as has happened with the permanent establishment of the IP Task Force in 2018.

Complicity in illegal streaming:

In January 2020, the Supreme Court ruled that there was complicity in the sharing of illegal streaming, when a today 41-year-old man guided the download and use of the illegal service Popcorn Time. The Supreme Court upheld the district court ruling, which reads six months' suspended sentence, terms of 120 hours of community service and confiscation of more than DKK 500,000. Rights Alliance reviewed the case back in 2015 and the precedent, the first of its kind in all of Europe, leaves an important imprint in digital enforcement options.

Sale of study books:

A woman from Vanløse was sentenced to 20 days probation by the court in Nykøbing Falster after selling the access to 115 textbooks via Dropbox. For DKK 20, the defendant sold access to the digital textbooks stored in Dropbox without agreement with the publishers. She advertised for the books on DBA (equivalent to e.g. The Yellow Pages or Craigslist), from which she sold access to the files. The ad was discovered during Rights Alliance's monitoring of illegal distribution of content on the web, and with a quick response - also from the police - we managed to remove the ad and put a definite stop to the sale after a short period of activity. The case ended as a confession case, and the defendant received her sentence of 20 days probation as well as confiscation of her modest earnings.

Transport and delivery of counterfeit goods:

A global carrier originating in Denmark received a fine of DKK 50,000 after pleading guilty to complicity in copyright infringement. From May 2014 to September 2016, the company had shipped and delivered copies of Danish design from the site Nlini.com, whose owner in 2019 was sentenced to a longer prison term for extensive sale of illegal copies.

Resale of counterfeit goods:

A café in Frederiksberg received a fine of DKK 20,000 for illegal sale of 24 copies of Hans J. Wegner's Y-chair at DBA. The café pleaded not guilty and did not accept the fine for the illegal resale. The 24 copies of Y-chairs were handed over to the police for destruction.

Claims for damages in criminal cases

It must not be possible to commit copyright infringement, and it must show in the sentencing. Therefore, in 2020, Rights Alliance initiated a purposive effort to contribute to raising the claims of damages in criminal cases within our area to a higher level. It is also important that claims for damages are included in the criminal case, rather than having to run a lengthy civil case afterwards.

This requires that Rights Alliance prepare an adequate basis for our claims based on inventory principles recognized in case law. When there are no appropriate principles in case law, Rights Alliance selects some precedent that we conduct in civil law to establish appropriate principles. Historically, there have been challenges in getting claims for damages processed in criminal cases, but we are now trying to reverse that with this strategy.

We are currently working to get claims for damages in already pending criminal cases. The first cases will be decided at the beginning of 2021, and we will continuously adjust our efforts based on our experience.

Investigation and user effort

Rights Alliance has upgraded technical investigation and programming of specialized tools to assist our enforcement work. This by virtue of the criminal perpetrators of illegal services - and the dedicated users - becoming more creative in their ways of sharing and consuming illegal content.

It is crucial that we are able to investigate and report anyone who abuses our members' works, especially considering the IP Task Force's recent operations and communications, where it is clearly emphasized that no offenders are protected when it comes to copyright infringement. Of course, it requires IT technical expertise to uncover identities behind crime on the Internet.

Illegal behaviour on the Internet must be documented so that it can be used both as evidence in a possible trial and as material for statistical processing. Our research and collected data have the character of systematic collection over a long period of time, and the analyzes we carry out are based on a research foundation.

User effort

Already in 2019, it was decided to put increased focus on the users who, as individuals, commit systematic violations of the Copyright Act, among other things as part of the initiatives in the Growth Plan for the Creative Industries. But especially in the wake of the series of operations that the IP Task Force in the Prosecution Service took against the backers behind Denmark's last illegal file sharing network at the end of 2020, it was clear that there is a group of users who stubbornly stick to their illegal activities, and that these users, despite police interference, continue to share and consume films, series, literature, and articles illegally.

Rights Alliance therefore sharpens its focus on these so-called "dedicated" or "systematic" users, who are undoubtedly aware that they have been involved in illegal sharing and consumption.

Application for action

Rights Alliance has, on behalf of four design members, sent applications for action to customs in both Denmark and the EU during 2020 to protect the members' rights (copyright, trademarks, and designs) at the European borders. During the year, we have dealt with three customs stops, after which illegal copies have been confiscated and destroyed by The Danish Customs Agency.

At the same time, through our members, we have received information about CVR-registered companies in both Denmark and other EU countries that import infringing products, and about which we have been able to inform the respective customs authorities. Due to the situation with COVID-19, it has not been possible for The Danish Customs Agency to hold customs seminars for licensees in 2020.

Monitoring

Rights Alliance monitors a wide range of online platforms where illegal content is shared. Especially on Facebook and various online marketplaces, such as DBA, which in themselves is legal, there are illegal sales of textbooks and design furniture. That is why we especially monitor under the auspices of the campaign Os Der Elsker Viden (ODEV) and our efforts in the field of design. A recent trend is the illegal sharing of movies and series on Facebook, where we also keep a close eye on pages and groups, especially on Facebook and YouTube, dedicated to this type of infringement. We are therefore working to gain better and more efficient access to the enforcement tools of these platforms (see page 23).

The general picture for 2020 is that DBA and Facebook are the preferred legal platforms for illegal sales and sharing due to the low-risk users perceive to be thereby. We have a good and ongoing dialogue with DBA and at the same time, we hope that it will soon be a requirement that you validate your person with NemID, if you want to sell on the platform, so that the advertisers can thereby be identified when illegal copies are sold.

In 2020, we closed three groups on Facebook that were dedicated to selling illegal copies of furniture.

Under the auspices of ODEV, Rights Alliance is present in close to 100 Facebook groups targeting students, where we monitor illegal sharing of textbooks. It has two effects; we get rid of illegal files, while we can engage in direct dialogue with the users who share illegally. It is our experience that the direct dialogue helps to shift behaviour when it comes to sharing textbooks. We also see that the administrators of the Facebook groups in which we are present are good at communicating our messages, which is valuable as we are thus present where the illegal sharing takes place.

We also use the knowledge we gain from our monitoring work to enter into a direct dialogue with the individual educational institutions, and our experience is that if we can go to the institution with specific examples of infringements, they show greater interest in engaging in the fight against illegal textbooks as well as communicating the campaign messages (see page 15).

At present, Rights Alliance's monitoring is done manually, which is resource and time consuming. We are in the process of developing an automatic monitoring tool using artificial intelligence, which will be able to assist us in our work with monitoring.

Campaigns and project

Despite the presence of COVID-19 in Denmark, Rights Alliance - although with postponements caused by the authorities' work with Covid-19 - has continued to work with campaigns and projects that support the fight against rights infringements. 2020 has therefore offered both operations and further development.

Share With Care

The SWC collaboration on blocking and user information between the Ministry of Culture, Rights Alliance and the Telecom Industry Association began in 2012. In 2020, SWC3, led by Rights Alliance, was the framework for the development of several initiatives, e.g., an update of the Code of Conduct agreement with the internet providers in the Telecom Industry Association, a further development of the search engine FilmFinder, the development of a URL checker and a new digital teaching course for the primary school called '*Del – Med Omtanke*' (Think Before You Share) (see page 17).

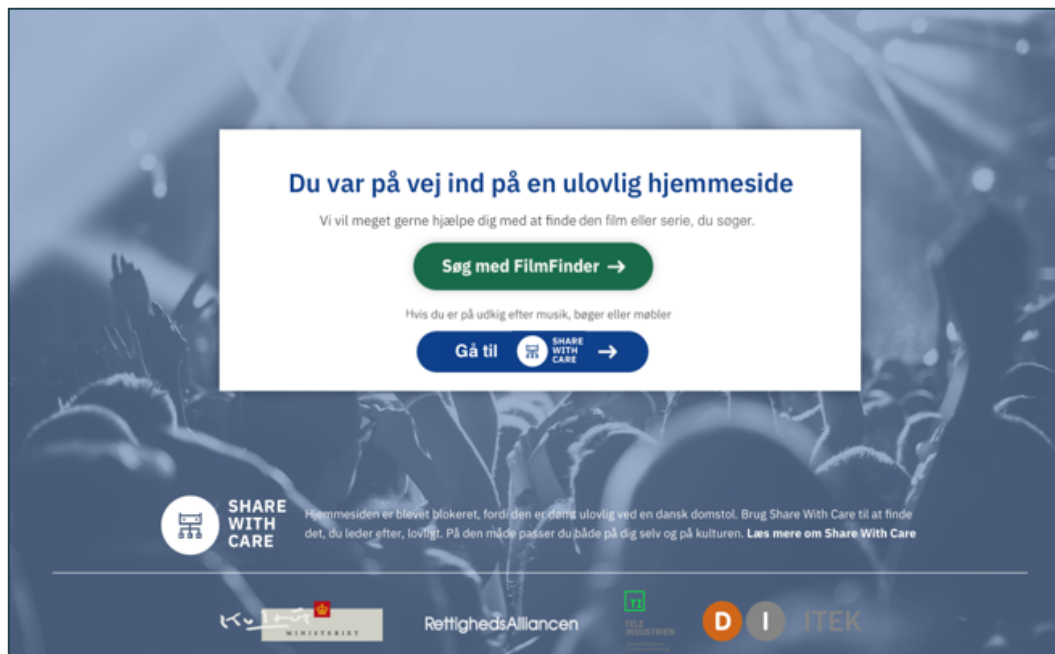
Code of Conduct

A focal point of SWC cooperation is the so-called Code of Conduct (CoC), which obliges the members of the Telecom Industry Association, the Internet service providers, to quickly and effectively block services that have been ruled illegal by a court. The blocking is carried out through a blocking sign (see picture 1), which users encounter when attempting to access an illegal service.

The Code of Conduct collaboration was expanded to include the FDA (Forenede Danske Antenneanlæg) in 2019 and in 2020 the collaboration was expanded once again, this time with Aarhus University. The expectation is to have the collaboration extended to more universities in 2021, and in addition, Rights Alliance has initiated a dialogue with Dansk Energy to get local fiber broadband providers to join.

As case law in the field of copyright has developed in recent years based on decisions in several precedent cases led by Rights Alliance, it was necessary to revise the agreement with the Telecom Industry Association in April 2020, so that case law is also reflected in the agreement. Thus, i.a. the possibility of dynamic blockings is one of the significant advances in the revised CoC. Dynamic blockings mean that not only one website address is subject to blocking, but that the blocking follows when the illegal services switch to new website addresses.

The crucial thing about dynamic blockings is that the court does not have to rule on each of the new URLs if they offer the same illegal content. The task of Rights Alliance is to identify the new URLs and pass them on to ISPs so that they can be blocked.

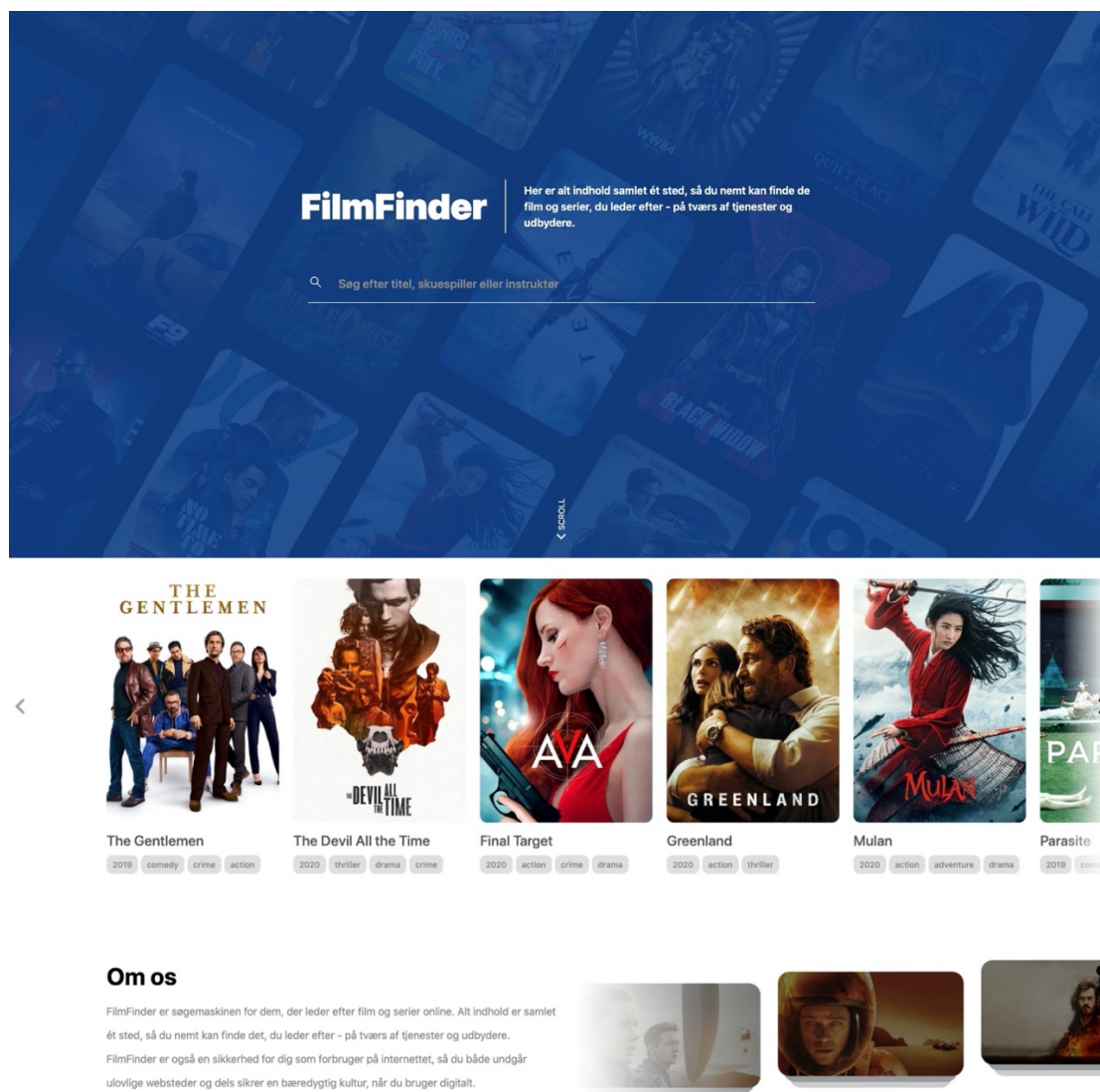


Picture 1) The blocking sign that the user encounters on an illegal website after a court blocking.

FilmFinder

The search engine FilmFinder, launched at the same time as Share With Care 2.0 as part of the blocking sign, has significantly increased the value of SWC efforts to the users. Via FilmFinder, the user can search for a specific film or series and be presented with the legal services that offer what they are looking for - across platforms and services.

In 2020, the process with expanding the search engine's search and sorting functions and getting it to cover more providers started, just as work is also being done on a more dynamic user interface. The new version is expected to be launched in the first quarter of 2021, where the expansion, i.e., will include references to the cinema service kino.dk, so that users when searching for cinema current films are referred to ticket purchases on Kino.dk.



Picture 2) The new, more dynamic homepage of www.FilmFinder.dk which will be launched in 2021

URL checker – 'Is it legal?'

Under the auspices of Share With Care, a new feature was developed for the campaign's website in 2020, a so-called 'URL checker', which allows users to enter and search for a specific website address and get answers to whether the given page has been judged illegal by a Danish court. However, using the URL checker does not guarantee that a page is legal, but is merely indicative, as the database it pulls from is not exhaustive.

As many illegal services appear very 'professional', and thus can be difficult for most users to determine the legality of, the URL checker is a very relevant tool to make available.

Os Der Elsker Viden

Os Der Elsker Viden (We Who Love Knowledge (ODEV)) is a campaign that was launched in 2017 in a collaboration between i.a. authors and publishers. The purpose of the campaign is to help students in higher education to understand the rules for sharing textbooks, as well as what is legal and illegal behaviour. At the same time, the campaign wants to create a culture where illegal copying and sharing is considered 'extremely illegal', and that it has several consequences - not just for the individual student, but for society in general.

ODEV uses various measures to put an end to the illegal sharing of textbooks. One of the primary approaches is dialogue with the institutions as well as information for the students on several platforms where the illegal sharing takes place - on social media and online marketplaces (see page 11).

The campaign uses a large number of graphics, just as we in our communication refer to the website [OsDerElskerViden.dk](https://osderelskerviden.dk), where you can find further information about the current rules and the consequences of using illegal textbooks. In addition, we use advertising on online marketplaces, social media, and via Google Ads.

The campaign is active throughout the year, but the efforts are intensified around the start of studies and semesters, where we know that the students are actively searching for textbooks.

In October 2020, Epinion conducted a survey among students on the use of digital textbooks in higher education. The study showed, among other things, that 50 percent of the students who use digital textbooks have acquired at least one digital textbook illegally. The acquisition is typically made through friends or fellow students. It is thus a very widespread problem that emphasizes the importance of our continued work against illegal sharing of textbooks, as it will otherwise have far-reaching consequences for the 'food chain' behind - and the quality of - the Danish teaching materials.

The study shows that information about what is legal and illegal can have great influence, but it is necessary that at the central level, both at the ministerial level and from the political side, it is stated how illegal sharing of textbooks is a serious problem, which can have serious consequences. There is a need for the educational institutions to also take responsibility and clearly state to the students that illegal sharing is an unacceptable norm, which has consequences - both for maintaining the high level of professionalism and not least for the individual student in terms of risk for sanctions. It is an important value signal that educational institutions take on a responsibility to curb students' illegal sharing of textbooks. They have a responsibility to send clear signals about their position on offenses, such as the illegal sharing of textbooks. The steering committee behind ODEV has decided to intensify the efforts towards the educational institutions in 2021 by bringing the issue higher up through the system.

Os Der Elsker Film

In 2020, especially young Danes were still large consumers of illegal content such as films and series. A user survey, conducted by the analysis agency Mediavision in the spring of 2020, showed that Danish users alone stream and download 19 million movies and 27 million episodes a year, of which 4 million of the movies and 6 million of the episodes are Danish-produced. Furthermore, an analysis from the Danish Chamber of Commerce 'Illegal streaming and download in Denmark 2020' shows that 41 percent of Danes aged 18-29 have streamed or downloaded illegal content within the past 12 months.

The illegal consumption is therefore palpable, and therefore Rights Alliance has in the past year worked on a relaunch of the campaign Os Der Elsker Film (We Who Love Movies), for which we have received support from the Danish Film Institute, Biografklub Danmark Fonden, Producer Rettigheder Danmark and the Ministry of Culture.

Os Der Elsker Film version 2.0 develops on the large-scale cinema campaign with Danish actor Lars Brygmann and the associated teaching course that was launched in a collaboration with Egmont and Nordisk Film back in 2016.

When the relaunch of Os Der Elsker Film will run from the spring of 2021 and three months onwards, emphasis will be on strengthening the community of young Danes who love movies. Through a series of humorous graphics and videos with Danish actors, they will be reminded that there are many good reasons to watch movies legally, just as there are only bad excuses for not doing so.

Overall, the content of the campaign will strike three important messages:

- We who love movies support movies
- Movies will not be the same if we do not pay for them
- Streaming and downloading illegal content has consequences

To promote the messages, we use several ambassadors from the film industry, including the actors in the campaign videos, just as we are working on finding even more ambassadors from different parts of the industry, to convey the consequences of illegal streaming.

Constructivity and humour are key words in the Os Der Elsker Film campaign, where the goal is for fewer young people to access and use illegal services to watch movies and series. Therefore, the target group becomes aware of the consequences of illegal use through the campaign. Both the personal consequences, but also the consequences for the entire film industry's production chain and ultimately the movies of the future.

The campaign will be launched on social media - where the target group is. The campaign is particularly aimed at young people between the ages of 16 and 25, as they are most likely to use illegal content. The campaign video will also be on the big screen when the Danish cinemas reopen. According to the plan, the campaign should have been executed in 2020, but has been postponed to the spring of 2021 due to COVID-19 and the lockdown of Danish cinemas, where the campaign is expected to run from April to June.

Del – Med Omtanke

'Consent' and 'copyright' can be difficult concepts for children and young people to understand. Therefore, the Ministry of Culture, UBVA (Udvalget Til Beskyttelse Af Videnskabeligt Arbejde) and Rights Alliance, in collaboration with the educational publisher Alinea, have prepared the digital teaching course 'Del – Med Omtanke' for the primary and lower secondary school grades 5-7.

'Del – Med Omtanke' provides students with tools to understand, use and respect both copyright and consent. The teaching is divided into three chapters that cover topics such as: "Is it always OK to share?", "Copyright is your guarantee of fun - and safety!" and "Use the Lakserytteren's (Danish YouTuber) three good advice when you create content yourself". Among other things, the students learn why it is illegal to show others on the internet without asking for permission, and that they must produce a work themselves and set clear guidelines for how it may be shared. Students also meet a rapper, an actor, a writer, and a YouTuber who talks about how it feels to have their content abused and how dependent their work is on their rights being respected.

Due to COVID-19 in 2020, Del – Med Omtanke could only be tested at a single school, but here the course was very well received by both the teachers and the students. An impact survey with tests before and after the course shows a markedly increased understanding of the concepts, and awareness of one's own and others' rights.

The results emphasize that the notion that children and young people are digital natives simply because they become acquainted with the Internet and various electronic gadgets at an early age is not correct. Navigating safely on the internet requires knowledge and therefore it is important to train them to be able to navigate responsibly online.

The course has been freely accessible to all primary schools from January 2021, and since its launch in January, 809 users, i.e., instructors, have already used the course, which has reached more than 3700 sessions. The course was also presented at a webinar in collaboration with the Ministry of Culture and UBVA in January 2021, which has led to inquiries about access to the course from i.a. libraries and teaching aid centres.

Design survey

In October 2020, a user survey of the Danes' behaviour in connection with the purchase of replica furniture and lamps was financed. The study was conducted by the market research and data analytics company YouGov and funded by Træfonden and Træets Uddannelses- og Udviklingsfond.

The first phase of the survey was a survey among Danes, which was conducted in November 2020 and which shows that 11 percent of Danes have bought replica furniture within the past five years, and 19 percent expect to buy replica within the next two years. DBA and Facebook are the primary platforms, from which the Danes purchase. The survey also shows that 40 percent of respondents know that it is illegal to resell replica once you have acquired it.

The second and last phase of the user survey consist of qualitative focus group interviews with buyers of replica furniture and lamps and will focus on the actual behaviour when purchasing as well as how to make them change behaviour. The focus groups will meet at the beginning of 2021.

The purpose of the user survey is, in addition to uncovering the Danes' behaviour and thoughts about buying replica furniture, to be able to use the knowledge we have gained from the survey for a focused information campaign against buying design replicas.

Political initiatives and collaborations

Rights Alliance has primarily had three political focuses in 2020: the media settlement agreement, the growth initiatives for the creative industries, and the implementation of the EU Commission's directive on copyright in Danish legislation. In addition, the year has offered a large number of collaborations across industries both within and outside Denmark's borders. Collaborations that year after year prove to be absolutely essential in the fight against the illegal market on the Internet.

Protection of Danish 'infrastructure'

A solid and healthy infrastructure is essential when it comes to rights protection. The term 'infrastructure' is used about the basic preconditions for the protection of content products. The infrastructure must enable a versatile and effective effort that is continuously updated to handle both the development of the illegal services and the technological development.

The infrastructure is a combination of:

- Legislation that is framing and flexible
- Government involvement in public/private partnerships, where resources are allocated from both sides
- Industry collaborations with all relevant actors
- Voluntary agreements with relevant actors in the form of e.g., Code of Conduct (see page 12), Codex (see page 22) etc.
- Updated technical tools that make it possible to follow the developments in the illegal market.

That is why Rights Alliance in 2020 has i.a. focused on making it clear that the state needs to provide resources to maintain and update the infrastructure.

It is untenable for economically pressured parties, such as producers and the media, to finance the fight against the illegal sharing of content, such as films, music, television, and news articles alone.

The Government's growth initiatives

A special focus for Rights Alliance's political efforts in 2020 has been on the previous government's 'Growth Plan for the Creative Industries' and the follow-up growth initiatives from May 2019. Rights Alliance's communication with authorities and politicians has therefore aimed to continue the Growth Plan's initiatives and have them specified and implemented.

The growth initiatives contain important proposals for improved enforcement options, such as the use of 'trusted notifiers', a more efficient court procedure in blocking cases, as well as strengthening the efforts against persons who systematically infringe copyright.

However, the authorities' implementation of the initiatives largely came to a standstill in 2020 due to COVID-19, but Rights Alliance has been persistent with the relevant ministries in the call for the initiatives to be carried out into specific use, which has also led to specific results.

In 2021, we will continue our work for the implementation of the growth initiatives on effective judicial processing in the event of blockings and for more focus on user responsibility in relation to systematic infringements (see page 10).

Article 17 of the Copyright Directive

Implementation of Article 17 of the Copyright Directive on platform responsibility in Danish law has begun, and the legal draft, which was published in December 2020, provides for an effective approach to enforcement, of which the three most important elements are that:

- tools for removal must be technology- and platform-neutral as well as dynamic. This means that the tools must constantly follow the technical development and be effective in protecting against unauthorized uploads
- the platforms must make monitoring and removal tools available to all rightsholders, and not just to large companies
- trusted notifiers, in the form of industry associations such as Rights Alliance, must have priority over reports of rights violations

Thus, the bill represents opportunities for an improvement of the framework for the work of Rights Alliance, as it is proposed that the social sharing platforms, such as Facebook and YouTube, in certain circumstances be imposed a direct responsibility for the content offered on their services. The focus of Rights Alliance will be on ensuring that the tools become operational in practice.

Rights Alliance submitted its consultation response in early 2021 with comments and specifications.

Nordic collaborations

Rights Alliance enters and engages in a number of Nordic collaborations, which will be reviewed in the following.

NAPO (Nordic Anti-Piracy Organizations)

The Nordic cooperation between rights organizations, NAPO, met virtually with the MPA (Motion Picture Association) in October where it was agreed that the annual survey on user behaviour in the Nordic countries, prepared by the analysis agency Mediavison, will in the future continue under the auspices of NAPO. The studies cover the development in user behaviour in the illegal market more than five years ago and thus provide an opportunity to assess the effect of various measures as well as an insight into new trends. The study is valuable for Rights Alliance, but as it is relatively costly to carry out, it has so far been covered by the Swedish Film- och TV-Branschens Samarbetskommitté (FTVS), which has meant severe restrictions on access to and use of the results. NAPO will therefore now take over the study and thus the right to use it - and at the same time seek to reduce the price.

At the NAPO meeting, several priorities were also drawn up regarding the joint Nordic effort in relation to increased coordination on enforcement and other measures in relation to the illegal market. NAPO will bring these priorities to the Nordic Council's meeting in the spring of 2021 via the relevant national ministries.

Dissemination of the Code of Conduct to other Nordic countries

Another aspect of Nordic cooperation in 2020 was that Rights Alliance was asked to present the Danish model for the Code of Conduct (see page 12) to Swedish ISPs, as some of these are interested in introducing CoC agreements after having lost several blocking-cases.

Rights Alliance has subsequently been in dialogue with relevant stakeholders to promote the establishing of CoC in Sweden, but the internet providers in Sweden, with the exception of a few, have generally been dismissive. This may be due to the lack of active Swedish government involvement.

At the end of 2020, Rights Alliance was also asked to give a presentation on CoC for the Greenlandic and Faroese Internet providers with a view to joining CoC and using the Danish cooperation list of services that the Danish Internet providers in the CoC agreement have committed to block. We will follow up on this very positive inquiry in 2021.

Carrier responsibility

In 2020, Rights Alliance met with Danish Industry, Danish Freight Forwarders Association and PostNord to call for increased awareness of carrier liability in connection with the distribution of infringing products, such as copy furniture, purchased via illegal services. Rights Alliance's inquiry took place on the basis that the Prosecution Service has led transport companies to adopt fines for the transportation of illegal goods (see page 9), but without a judicial review of the responsibility. Danish Industry welcomed the inquiry and has subsequently informed their transport members, just as PostNord showed interest in an increasing attention on the matter. Danish Freight Forwarders Association was more hesitant with reference to the unresolved legal situation.

Dialogue Forum and Codex

Online advertising is one of the digital business models that are being misused to fund criminal activity. As digital ad purchasing is largely an automated process with many actors, ads for legal products can inadvertently end up on illegal sites, thus helping to fund illegal activity. Therefore, in 2017, Rights Alliance in the Ministry of Culture's Dialogue Forum took the initiative to establish an agreement with advertisers and payment intermediaries to block ads on and payments to convicted illegal services. This led to a desire to adopt a new, simplified and more general Codex.

The new Codex was formally approved at the Dialogue Forum meeting back in December 2019, where several key digital players (see picture 3), including the largest Danish media companies, media agencies, payment intermediaries and industry associations, have joined forces with Rights Alliance and the Ministry of Culture to voluntarily commit to prevent ads, payment, and traffic from legitimate businesses from ending up on illegal services.



3) The signatories of Codex.

Based on this, Rights Alliance has in 2020 initiated the operation of the so-called cooperation list, which is a list of information about websites that have been ruled illegal by the courts. Rights Alliance makes the list available to the Ministry of Culture,

who forwards it to the signatory actors in the Codex agreement. The actors then block ads, payment, and traffic from ending up on the illegal pages that appear on the list.

Throughout 2020, Rights Alliance has had a dialogue with several interested parties, and we have continuously had new signatories from the payment and advertising industry included in Dialogue Forum and Codex. Also, outside Denmark's borders, Dialogue Forum is an initiative that arouses interest. Therefore, in 2020, The CEO of Rights Alliance talked about the Dialogue Forum to British (IPOP) and Swedish working parties as well as the European Commission (DG Growth), just as WIPO (World Intellectual Property Organization) has also been briefed.

At a meeting in early 2021, the Dialogue Forum will be formally constituted with a new steering group and a business committee.

Dialogue on online platforms

Through the analysis agency Mediavision's data and Rights Alliance's own monitoring, it has become clear in recent years that there is an increasing decentralization of illegal content to legal services, such as YouTube and Facebook (see page 4). Rights Alliance has therefore been in continuing contact with the major social sharing platforms, Facebook and Google (YouTube), among others, in terms of accessing their tools for dismantling illegal content, i.e., Facebook's 'Digital Rights Manager' and Google's 'Content ID'.

The dialogue with Facebook has been constructive and accommodating, as Rights Alliance has gained access to the Digital Rights Manager tool (music and movies) and is now also on its way to being able to expand to other content areas. The tool enables Rights Alliance to download illegal content on the platform outside of Facebook's manual and resource-demanding notification form.

Google has been dismissive in terms of Content ID, but has become more accommodating during the year, possibly under the influence of the prospect of the revised Copyright Act (see page 20) and the late summer's pressure from the media when the film magazine Ekko published the article on 17 August 2020 "Google profits from movie thieves". Prior to the article, the journalists at Ekko had conducted a thorough investigation of the many uploads of illegal movies to YouTube and the platform's handling of them. Not surprisingly, they managed to find 31 pirated films on YouTube in just 15 minutes of searching - including a large number of Danish titles. The article questions Google's Content ID tool, and in the article, the CEO of Rights Alliance also criticizes the lack of accessibility to the system for small producers and industry associations that want to be able to represent and protect members' rights.

PR and visibility

2020 has been a year that has offered a lot of stories and messages that have been important for Rights Alliance to focus on. Rights Alliance often participates in the media as specialists in dealing with copyright and the illegal market. During the year, we launched a new website and a newsletter that helps to inform about topics of relevance to members and others with an interest in combating copyright infringement.

Website

In May, Rights Alliance launched a new website focusing on the copyright issues our members are experiencing. Members, as well as authorities, partners, and ordinary users, can find relevant news, information and guides to legal behaviour on the website, just as you will also be able to find information about e.g., law, enforcement, and Rights Alliance's many projects and collaborations across organizations, authorities, and countries.

The website also has a dedicated press room where journalists can find contact information, press releases, and news archives. It is also possible to sign up for a newsletter with the latest news from Rights Alliance.

As we from abroad experience a great interest in our work, there is also an English version of the website where the news that has international relevance is translated.

Newsletter

Rights Alliance publishes newsletters approximately twice a month. The newsletter today has more than 400 subscribers, covering both members, politicians, journalists, and other partners who want to stay up to date on our work and news within our field.

Events

Although COVID-19 has put an end to physical events, Rights Alliance held a few before the lockdown, just as we have managed to host a digital event:

- **Design weekend, March**

Rights Alliance and our design members participated in an event in March at Ingvarð Christensen in Vejle, who sells products to which most of our design members have the rights. Here we had brought illegal copies of both furniture and lamps, which visitors could try to distinguish from the real thing. At the same

time, we had the opportunity to have a good dialogue with consumers at eye level and hand out the design flyer. During the day, approx. 1000 people attended.

- **Seminar on the implementation of the new copyright directive, March:**
Rights Alliance, together with Confederation of Danish Industry, held a well-attended seminar on the day when the first Covid-19 lockdown was announced in the evening. It was with presentations from i.a. The Rights Alliance, the Ministry of Culture and the MPA. The seminar followed up on the seminar in September 2019 on the directive itself.
- **Digital follow-up meeting, October**
What should have been a physical follow-up meeting at the Danish Film Institute in September was converted into a digital event in October due to restrictions. At the meeting the participants were updated on the development of the illegal market in Denmark by both Rights Alliance and the analysis agency Mediavision. In addition, we gave a presentation of the enforcement options available in Facebook Digital Rights Manager and in Google's Content ID, as well as a presentation of the campaign Os Der Elsker Film 2, which will be launched in 2021.

Organisation

The pandemic has been tough in the creative industries, nor has Rights Alliance escaped from making organizational changes in the wake of the economic changes brought about by the crisis.

Today, our competencies are divided among nine permanent employees.

Goals for 2021

- What will happen in the coming year

Although the fight against the illegal market is generally successful, it is clear that the market itself is becoming more and more fragmented. We are seeing an increased decentralization of illegal content to social media, illegal services dedicated to sharing Danish media news articles, and methods of circumventing the media's paywalls. In other words, the ingenuity is great and illegal content has gained great value. Therefore, it is necessary to increase and expand the toolbox further, as we can no longer get by with effective blockings on dedicated illegal services.

Going forward, Rights Alliance also needs more effective and accessible removal tools on social media, and at the same time there is a need for strengthened government efforts, which we would like to see in the form of implementation of the growth initiatives. In addition, we need to ensure further public-private collaboration that financially ensure the continued development of the fight against the illegal market.

Finally, a focus point for Rights Alliance in 2021 will continue to be efforts aimed at users of illegal services. We have now reached the point where the police with the IP Task Force in the State Prosecutor for Serious Economic and International Crime have sent clear signals to both operators and dedicated users of illegal services. But they have also sent clear signals to all the Danes who use illegal services - that it is extremely illegal, and using illegal content has consequences. This is the first time we see the authorities in Denmark step in like this, and it is absolutely necessary for the continued protection of content against illegal copying and distribution.

At the same time, the IP Task Force today has a clear focus on sanctioning the dedicated users, and it is competent to handle complex cases as well as to communicate them. Therefore, in the coming year we will focus on sanctioning these dedicated users through criminal cases and claims for damages, so that we also get the greatest possible preventive effect in the future and completely unequivocally make it clear that it does not pay off being a criminal - not even on the Internet.

Copenhagen, February 2021

On behalf of The Board of the Danish Rights Alliance,

CEO Maria Fredenslund