

Code of Conduct for handling decisions on blocking access to services infringing intellectual property rights

Concluded between Telecom Industry Association (TI) and The Danish Rights Alliance

Telecom Industry Association has, on behalf of its members at the invitation of the Ministry of Culture and as part of a series of measures to reduce the scope of rights infringements on the Internet, adopted this Code of Conduct (CoC), which aims at simplifying and streamlining the implementation of DNS blocking decisions. For the purposes of this CoC, 'decision' means blocking decisions directed against an Internet Service Provider (ISP), taken by an authority, e.g. a court, based on specific legislation.

The agreement includes an annex, which describes in more detail the procedure laid down in the CoC; this Annex is not published for the sake of achieving the purpose of the agreement.

The purpose of CoC is to ensure that decisions on blocking websites aimed at one TI member (or possibly another ISP resident in Denmark) via TI in a one-stop-shop procedure are implemented within 7 working days by TI members, including its subsidiaries and other affiliated companies. The individual steps in this one-stop-shop procedure are described in the annex, which is exempted from publication.

Thus, the starting point is that a rights holder, represented by Rights Alliance, goes to the courts/authorities with a claim of blocking of a specific website or service with associated website(s), e.g. due to a rights infringement. In this regard, each of the parties involved only covers its own costs. Prior to a blocking case and in the course of the trial, Rights Alliance must try to contact the service concerned and inform them about the case.

If a court/relevant authority accepts the claim and issues a block order against a selected TI member (or other Danish ISP), Rights Alliance will forward this decision to the TI Secretariat.

Immediately thereafter, TI will communicate the decision to TI members who, on the basis of this, will initiate DNS blockings of website addresses, as designated and disseminated by Rights Alliance, as soon as possible and no later than 7 working days after TI has received the request from Rights Alliance.

The ISPs do not make their own assessment of whether the DNS addresses in question are covered by the court/authority decision.

The communication on the blocked websites will be based on and refer to the platform developed in the joint effort¹ in collaboration between the Ministry of Culture, Telecom Industry Association, Rights Alliance and Danish Industry with the name Share With Care (www.sharewithcare.dk) and so that ISPs continuously ensure that the latest version of the communication is used.

Likewise, this CoC implies that when website addresses providing access to a service are DNS blocked on the basis of a decision as described above, TI members will block additional website addresses, if the rights holder, represented by Rights Alliance, guarantees that these website addresses also provide access to the service covered by the prior court/authority decision.

The Rights Alliance undertakes to detect and monitor which website addresses providing access to a service that are affected by a decision. At the same time, Rights Alliance undertakes to notify the Telecom Industry Association explicitly of which website addresses to block under a court or authority decision and under this agreement.

Such a blocking is further based on the fact that Rights Alliance has hereby committed to:

- inform the service, if possible, i.e. if contact information is explicitly stated on the service. This must contain information that the service infringes copyright, and that the service and its associated website address(es) will therefore be brought before the court with a request for an order that results in the blocking of the service's website address(es).
- In all respects related to the blocking, indemnifying the ISP provider(s), e.g. if the blocking of the additional website addresses results in litigation and if, e.g., claims are made against the ISP provider(s).
- To provide full case handling and communication in connection with any claims for compensation.

¹ The Danish Chamber of Commerce and The Danish Consumer Council have also participated.

This CoC is a voluntary agreement between TI's members and Rights Alliance. The CoC does not preclude a TI member from reserving the right to try the case separately if deemed necessary for special reasons. TI cannot be held responsible for the extent to which members live up to the agreement.

The CoC was made as a voluntary agreement for the purpose of promoting law enforcement under current legislation; in the event of changed conditions, the agreement will be revised or cancelled.

Telecom Industry Association (TI)
The Danish Rights Alliance

