

FEEDBACK ON TOOLBOX TO COMBAT ILLEGAL STREAMING OF LIVE EVENTS

Combating online piracy of live content

Introduction

The Computer & Communications Industry Association (CCIA Europe) welcomes the opportunity to provide feedback to the European Commission's call for evidence on the toolbox to combat illegal streaming of live events.

CCIA Europe considers it highly important to protect intellectual property (IP). Our Members recognise they play an important role in combating piracy online and are committed to advancing their IP protection.

Below you will find our recommendations on key elements regarding illegal streaming of live events:

1. Balance the fight against piracy and the protection of fundamental rights
2. Target injunctions to ensure effectiveness
3. Focus on what is necessary while promoting stakeholder collaboration

Balance the fight against piracy and the protection of fundamental rights

Establishing clear and simple procedures to request and remove infringing content is important for effective IP protection. However, this needs to be balanced with the need to guard against false copyright claims, which would lead to excessive takedown of content.

Particularly when it comes to live content, the need for timely action needs to be carefully balanced against the risk of taking down content in response to false or abusive claims, given the strong implications of unjustified removals on fundamental rights, such as freedom of information.

An adequate balance between the rights and responsibilities of live events organisers and online service providers, with due consideration for the fundamental rights of users should be maintained in order to align any recommendations with the Digital Services Act's recently confirmed ban on general monitoring.

Where live content is concerned, it is necessary to ensure that the blocking doesn't go against fundamental rights such as freedom of expression and the right to information of the recipients of the service. Furthermore, access to judicial remedies for platforms, service providers and rightholders should be made available to mitigate the risk of abuses.

Target injunctions to ensure effectiveness

CCIA Europe considers that any blocking injunctions should respect fundamental rights as well as the application of international law. The upcoming Commission Recommendation needs to ensure that blocking injunctions have a limited territorial scope and are targeted, in line with Art. 9(2)(b) of the Digital Services Act (DSA).

Based on this, only those entities under direct jurisdiction of the national courts of the Member States should be able to receive injunctions from them. Furthermore, where possible without the risk of over-removal, any blocking orders should be targeted towards the proximate host of the live stream content and limited to those rightholders legitimately entitled to order its removal.

Focus on what is necessary while promoting stakeholder collaboration

CCIA Europe believes that any recommendation needs to be proportionate, respecting the general obligations indicated in Art. 3 of the [Directive 2004/48/EC](#).

At the same time, collaboration and open channels of dialogue between the relevant stakeholders is central to protecting intellectual property. Promoting cross-industry collaboration would send a message that concerned industry actors are aligned in their fight against IP infringement.

Many digital service providers and platforms in a position to implement additional measures already have policies and well established systems in place to deal with infringements of IP rights and to fight piracy. Tools such as reporting mechanisms, proactive detection and removal of abuse of their platforms or the disabling of accounts for repeating infringers are already being applied by the industry and should not be diminished by the upcoming Recommendation.

Collaboration between rightholders and platforms is also crucial to identify and combat piracy of live content online. By regularly engaging with creators and trade organisations focusing on IP issues, CCIA Europe's Members are able to gain insights and enhance their IP protection programmes, while developing new and innovative strategies to fight IP infringement.

Conclusion

CCIA Europe supports the European Commission's ongoing efforts to protect intellectual property and fight against illegal streaming of live events. We believe that the European Commission already has in place a strong legislative framework that will help fight against piracy, including the InfoSoc Directive¹, the Enforcement Directive², as well as the Digital Services Act (DSA)³ and the Digital Markets Act (DMA)⁴.

Targeted recommendations focused on enhancing cross-border as well as cross-stakeholder cooperation, while staying in line with existing legislation are crucial to increase the effectiveness of this initiative. CCIA Europe and its Members will continue to engage in good faith with the European Commission, the EUIPO and other stakeholders to ensure that the toolbox to combat the illegal streaming of live events proposes an efficient framework that allows for the cooperation of all stakeholders. We stand ready to provide any additional information.

¹ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32001L0029>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0048>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2065>

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R1925>

About CCIA Europe

- The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and Internet industry firms.
 - As an advocate for a thriving European digital economy, CCIA Europe has been actively contributing to EU policy making since 2009.
 - CCIA's Brussels-based team seeks to improve understanding of our industry and share the tech sector's collective expertise, with a view to fostering balanced and well-informed policy making in Europe.
- For more information, visit: twitter.com/CCIAEurope or www.ccianet.org