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Telecommunications Industry Association in Denmark: Code of Conduct for handling decisions by the courts of law or authorities concerning blocking of websites due to rights infringements

Following a request from the Danish Ministry of Culture and as part of a number of measures introduced to reduce the scope of rights infringements on the Internet, the members of the Telecommunications Industry Association in Denmark (TI) have adopted this Code of Conduct (CoC), which aims to simplify and promote the implementation of decisions on DNS blocking. In this Code of Conduct, 'decision' means a decision concerning the blocking of websites directed at an Internet Service Provider (ISP) made either by a court of law or by another public authority based on specific legislation.

The agreement comprises an annexe which describes the procedure set out in the CoC in more detail. So as not to hamper the fulfilment of the purpose of the agreement, this annexe is not made public.

The purpose of the CoC is to ensure that decisions concerning DNS blocking of websites directed at a single TI member (or possibly another ISP domiciled in Denmark) are implemented, via TI in a one-stop-shop procedure, within 7 working days by TI members, including their subsidiaries or other affiliated enterprises. The various steps in this one-stop-shop procedure are described in the annexe which is exempt from publication so as not to hamper the fulfilment of the purpose of the agreement.

The starting point is thus that a rights holder (for example represented by RettighedsAlliancen, an alliance of rights holders in Denmark) goes to court with a claim that a particular website be blocked, for example due to an infringement of rights. If a court of law or other public authority finds in favour of the claimant and orders a particular member of TI (or another Danish ISP) to implement DNS blocking, the rights holder communicates this decision to the TI secretariat. TI then immediately communicates the decision to the TI members which, on this basis, arrange for DNS blocking as soon as possible and within 7 working days of TI having communicated the decision at the latest.

The communication displayed on the blocked websites will be based on and refer to the platform which has been developed jointly by the Danish Consumer Council, the Danish Ministry of Culture, TI and RettighedsAlliancen under the joint Share With Care initiative.

Also, the CoC means that in case of the DNS blocking of a website based on a decision as described above, TI members will block additional DNS addresses if the rights holder documents that the content is exactly the same, only the website configuration has been changed to a different address. At the same time, this element means that the rights holder in question accepts financial liability vis-à-vis the ISP provider in the event that the blocking of a website based on the information provided proves to be unjustified and the owner of the website successfully lodges a claim for compensation against the ISP provider.

This CoC constitutes a voluntary agreement between the members of TI, who will endeavour to comply with the agreement. However, the CoC does not preclude a TI member from contesting the case if this is deemed necessary for specific reasons. TI cannot be held responsible for the extent to which members comply with the agreement.

CoC is concluded as a voluntary agreement with a view to promoting the enforcement of current legislation; in the event of changes to these assumptions, the agreement will be revised or repealed.

Telecommunications Industry Association in Denmark (TI)