

Public consultation on Counterfeit and Piracy Watch-List

Fields marked with * are mandatory.

Introduction

Purpose and context of the consultation

Infringements of intellectual property rights (IPR), and in particular commercial-scale counterfeiting and piracy, cause significant economic losses for rightholders and legitimate businesses as well as to those whose employment depends on such businesses. These infringements undermine the European Union's comparative advantages in innovation and creativity to the detriment of EU citizens and pose significant risks to consumer health and safety as well as to the environment. Besides, IPR infringements, and in particular counterfeiting and piracy also seriously harm European business trading outside the European Union.

Therefore, the European Commission launches today a public consultation which aims at identifying online and physical marketplaces located outside the European Union that are reported to engage in or facilitate substantial IPR infringements, and in particular piracy and counterfeiting.

The European Commission – on the basis of input from the stakeholders – after thorough verification of the information received – intends to publish an update of its so called “Counterfeit and Piracy Watch List” towards the end of 2020. This list will again identify and describe the most problematic marketplaces – with special focus on online marketplaces – in order to encourage their operators and owners as well as the responsible local authorities and governments to take the necessary actions and measures to reduce the availability of IPR infringing goods or services.

The European Commission will continue to monitor the measures and actions taken by the local authorities in relation to the listed marketplaces as well as the measures and actions taken by the operators and marketplace owners to curb IPR infringements. The owners and operators of these marketplaces will be urged to adopt business models that rely on the licensed distribution of legitimate content and products and to work with rightholders and enforcement officials to address infringements.

The responsible government authorities will also be expected to intensify their efforts to investigate reports of IPR infringements in such marketplaces, and to pursue appropriate enforcement actions if needed. The list is an effective tool also to raise consumer awareness concerning the environmental, product safety and other risks of purchasing on these marketplaces.

The Counterfeit and Piracy Watch List is not an exhaustive list of the reported marketplaces and service providers and does not purport to make findings of legal violations. It does also not provide the Commission services' analysis of the state of protection and enforcement of IPR in the country or countries concerned.

The European Commission requests written contributions from stakeholders identifying marketplaces that should be included in the Counterfeit and Piracy Watch List for 2020. Marketplace operators and service providers appearing in the first Counterfeit and Piracy Watch List of 2018 are also invited to submit written contributions in which they present the actions they have taken to address IP infringements on their platforms or while providing their services.

Deadline

Please submit your written contribution and comments as well as your questions by **1 June 2020** to the following functional mailbox:

TRADE-COUNTERFEIT-AND-PIRACY-WATCH-LIST@ec.europa.eu

PART 1 - Identification of the contributor

TRANSPARENCY AND CONFIDENTIALITY

Received contributions may be published on the Commission's website, with the identity of the contributor. Please state your preference with regard to the publication of your contribution.

Please note that regardless of the option chosen, your contribution may be subject to a request for access to documents under Regulation (EC) No 1049/2001 on public access to European Parliament, Council and Commission documents. In such cases, the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

Disclaimer: Please note that in case you opt for anonymity the Commission will not display your first name, last name (for natural persons and organisations), email address (for natural persons and organisations), postal address and register ID number in the Transparency Register (for organisations). The Commission will not update contributions or position papers. It is the responsibility of the contributor to make sure that their contribution, position paper or any sort of supporting documents are clear of any trace of identification.

* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

About you

For practical reasons please reply in English or French, but you are welcome to submit your contribution in any of the 24 official languages of the EU. Please indicate in which language you are replying.

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Joanna

* Surname

Przybyło

* Email (this won't be published)

joanna.przybylo@sygnal.org.pl

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
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| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> São Tomé and Príncipe |
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| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Serbia |
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| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Armenia | <input type="radio"/> Falkland Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore |
| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Martinique | <input type="radio"/> Sint Maarten |
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| <input type="radio"/> Bahamas | <input type="radio"/> French Guiana | <input type="radio"/> Mexico | <input type="radio"/> Somalia |
| <input type="radio"/> Bahrain | <input type="radio"/> French Polynesia | <input type="radio"/> Micronesia | <input type="radio"/> South Africa |
| <input type="radio"/> Bangladesh | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Barbados | <input type="radio"/> Gabon | <input type="radio"/> Monaco | <input type="radio"/> South Korea |
| <input type="radio"/> Belarus | <input type="radio"/> Georgia | <input type="radio"/> Mongolia | <input type="radio"/> South Sudan |
| <input type="radio"/> Belgium | <input type="radio"/> Germany | <input type="radio"/> Montenegro | <input type="radio"/> Spain |
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| <input type="radio"/> Benin | <input type="radio"/> Gibraltar | <input type="radio"/> Morocco | <input type="radio"/> Sudan |
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| <input type="radio"/> Bhutan | <input type="radio"/> Greenland | <input type="radio"/> Myanmar /Burma | <input type="radio"/> Svalbard and Jan Mayen |
| <input type="radio"/> Bolivia | <input type="radio"/> Grenada | <input type="radio"/> Namibia | <input type="radio"/> Sweden |

- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria

- Burkina Faso
- Burundi

- Cambodia

- Cameroon

- Canada
- Cape Verde
- Cayman Islands

- Central African Republic
- Chad
- Chile
- China

- Christmas Island
- Clipperton
- Cocos (Keeling) Islands

- Colombia
- Comoros

- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia

- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait

- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue

- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania

- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo

- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam

- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

*** Organisation name**

255 character(s) maximum

Sygnal Association

*** Organisation size**

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

*** If you are a trade, business or professional association, please provide information on your members (numbers, names of member organisations).**

Currently, the Association comprises almost 18 media and telecommunications companies operating in Poland. These include broadcasters, content developers, operators of digital platforms and companies from the IT sector. Companies operating in Poland or forming part of international corporations. Members of the Association include: A+E Networks Poland, BBC Worldwide Polska, Columbia Pictures, Cyfrowy Polsat, FOX International Channels Poland, HBO Polska, Irdeto, ITI Neovision, Kino Polska TV, NAGRA, Onet, Telewizja Polsat, Telewizja Polska, Turner Broadcasting System Poland, TVN Discovery Polska, NBCUniversal International Networks, Viacom International Media Networks Northern Europe, The Walt Disney Company (Polska).

*** Please indicate your organisation's main area/sector of activities/interest:**

Sygnal Association acts in favour of intellectual property rights of broadcasters, distributors, licensors, recipients of TV programmes and other multimedia content. It carries out large-scale educational and information activities. It organizes courses, workshops and conferences, and pursues educational initiatives. It prepares reports, studies and opinions on IPR protection and piracy prevention issues. It provides its members with an opportunity to cooperate and share experience, thus enhancing the effectiveness of activities related to the prevention of theft of audio and video content. It cooperates closely with organizations pursuing similar objectives.

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

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PART 2

Please clearly identify the marketplaces (if possible in an order of priority) and the reasons why you believe that the certain markets should be included in the Counterfeit and Piracy Watch List. To receive full consideration, written comments should be as detailed as possible and include supporting documents. Please indicate notably: your assessment of the impact of the marketplace on legitimate trade, any known enforcement activity against the marketplace and the state of play of that enforcement activity. [Information to be included](#), if possible.

Alternatively, you can upload the information as a file below.

The Sygnal Association acts in favour of intellectual property rights of broadcasters, distributors, licensors, recipients of TV programmes and other multimedia content, in particular the association monitors and fights criminal offences related to copyright infringements. In practice, we are confronted with the variety of “pirate” websites - some of them are streaming public and commercial television channels and some of them provide video-on-demand services.

As part of our “Follow the Money” campaign we have created the Table of Reported Infringements - a document containing information about the websites offering audio-visual content without rightsholder’s permission.

Following the assumption that especially advertisers understand how unethical it is to support websites which infringe IPRs, we have created a mechanism aiming to minimize the placing of online advertising on such websites.

In summary, our Table of Reported Infringements includes the following criteria (that must be cumulatively fulfilled):

1. Reports of copyright infringements are submitted by rightsholders of the content uploaded on reported websites, with the indication whether the infringement relates to particular programs, broadcasts or whether it relates to streaming retransmissions of all or chosen shows or broadcasts provided by broadcaster;
2. In case of websites providing only hosting services – lack of the website administrator’s response, in terms of instantly blocking access to the disputed material, according to the Polish Act of 18 July 2002 on Provision of Services by Electronic Means (including the complete lack of response, as well as selective blocking of access to the disputed material), or when after being temporarily blocked, the same disputed material is repeatedly re-published.
3. Repeated infringements – reports cannot be incidental and must be recurring. Also, when an infringement occurs and data regarding the website’s administrator is unavailable both on websites and in the register of Internet domains, which prevents authorized entities from taking steps provided for by law to protect their rights.

After applying our criteria, the list includes following data: a name of the website, entity whose content is uploaded, whether the website reacts to notification about violation, when the notification has been send and data regarding the monetization model used by the website (whether they are based on advertising model or on direct payments made by their users).

We are actively working on improving and updating our list. New edition, verified by an independent auditor, is prepared every few weeks. Nevertheless, said verification may also take place at any time at the request

addressed to the “Follow the Money” Campaign Council.

Although the Table of Reported Infringements is not publicly accessible, access can be granted on request addressed to the “Follow the Money” Campaign Council. It should be noted that all data is provided for information purposes only. The initiative’s most important objective is to help advertising agencies to exclude those legally questionable/ dubious websites from the media plan and verify if they choose proper environment for the client’s campaigns. Therefore, the Association monitors whose campaigns are published on the websites from the Table of Reported Infringements and tries to sensitise marketers, whose brands are found there, about the issue.

In that regard, it is worth mentioning that the Table of Reported Infringements is also implemented into the gemiusAdReal™- the measurement system for monitoring advertising campaigns. Based on this solution “blacklist alert” service can be activated and when an ad is found on blacklist website, clients are automatically notified.

“Follow the Money” approach and our Table of Reported Infringements bring measurable results. Before the introduction of this solution there were plenty of advertising materials of brands, even the top ones, on websites with copyright infringing content. Our experiences and daily observations suggest clearly that their amount has dropped significantly.

The attached list contains data on identified pirate websites located outside the European Union where rights of Polish copyright holders are being violated on a massive scale. Please note that said list has been drawn up on the basis of the Table of Reported Infringements described above, considering information to be included according to “Counterfeit and Piracy Watch List - Content of contributions”.

Please upload your file

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

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After the deadline you can submit additional information to the following functional mailbox:

TRADE-COUNTERFEIT-AND-PIRACY-WATCH-LIST@ec.europa.eu

I agree with the [personal data protection provisions](#)

Contact

TRADE-COUNTERFEIT-AND-PIRACY-WATCH-LIST@ec.europa.eu