

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.

The public consultation aims at identifying online and physical marketplaces as well as service providers located outside the European Union that are reported to engage in, facilitate or benefit from substantial IPR infringements.

After publication and thorough verification of the information received, the European Commission services intend to publish the new version of its so-called 'Counterfeit and Piracy Watch List' towards the end of 2022. This list will identify and describe the reportedly most problematic marketplaces/service providers 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 claimed availability of IPR infringing goods or services.

The European Commission services will continue to monitor the measures and actions taken by the local authorities in relation to the listed marketplaces and service providers as well as the measures and actions taken by the operators and owners to curb the alleged IPR infringements. The owners and operators of these marketplaces/service providers 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 list may contribute to the action by responsible government authorities to investigate reports of IPR infringements in such marketplaces or service providers, and to pursue appropriate enforcement actions if needed. The 'Watch List' is an effective tool also to raise consumer awareness concerning the potential environmental, product safety and other risks of purchasing IPR infringing products.

The Counterfeit and Piracy Watch List is not an exhaustive list of the reported marketplaces and service providers and does not purport to present any findings of legal violations. Neither does it provide the European Commission services' analysis of the state of protection and enforcement of IPR in the country or countries concerned.

The European Commission services request written contributions from stakeholders identifying marketplace /service providers that may fulfil the criteria to be included in the Counterfeit and Piracy Watch List for 2022. Online marketplaces or service providers are encouraged to report on the measures they have taken to avoid or reduce IPR infringements by third parties on their services.

All the contributions need to be sufficiently substantiated, notably with regard to alleged infringements, which must be supported by impartial and reliable sources, including references to publicly available information. Stakeholders may choose to have their submissions published anonymously.

All contributions will be published for written comments by interested parties, with a reasonable deadline. Additionally, the European Commission services will make reasonable efforts to contact the reported marketplaces and service providers and invite them to submit their written responses to the allegations. Marketplace operators and service providers appearing in the previous Counterfeit and Piracy Watch List are also invited to submit written comments 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 contributions and comments by **14 February 2022** only to the following functional mailbox:

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

Please note that any submissions outside this mailbox will not be processed for the purposes of the Watch List

PART 1 - Identification of the contributor

TRANSPARENCY AND CONFIDENTIALITY

Received contributions will be published on the Commission's website, with the identity of the contributor, unless you choose the option of anonymous publication below.

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. *Please note that any detail allowing your identification submitted as part of your contributions will not be anonymized.*

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

- Owner of IP rights
- 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
- Answer 12

* 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.

- | | | | |
|-------------------------------------|--------------------------------|-------------------------------------|---|
| <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"/> | <input type="radio"/> Lithuania | <input type="radio"/> |

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| | Dominican Republic | | Saint Vincent and the Grenadines |
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| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
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| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Martinique | <input type="radio"/> Sint Maarten |
| <input type="radio"/> Australia | <input type="radio"/> Fiji | <input type="radio"/> Mauritania | <input type="radio"/> Slovakia |
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| <input type="radio"/> Azerbaijan | <input type="radio"/> France | <input type="radio"/> Mayotte | <input type="radio"/> Solomon Islands |
| <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"/> Bolivia | <input type="radio"/> Grenada | <input type="radio"/> Namibia | <input type="radio"/> Sweden |
| <input type="radio"/> | <input type="radio"/> Guadeloupe | <input type="radio"/> Nauru | <input type="radio"/> Switzerland |

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
- 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
- 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
- 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

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| <input type="radio"/> Colombia | <input type="radio"/> Jersey | <input type="radio"/> Pitcairn Islands | <input type="radio"/> United States
Minor Outlying
Islands |
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| <input type="radio"/> Congo | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal | <input type="radio"/> US Virgin Islands |
| <input type="radio"/> Cook Islands | <input type="radio"/> Kenya | <input type="radio"/> Puerto Rico | <input type="radio"/> Uzbekistan |
| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Qatar | <input type="radio"/> Vanuatu |
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| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Romania | <input type="radio"/> Venezuela |
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Futuna |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Western Sahara |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena | <input type="radio"/> Yemen |
| <input type="radio"/> Democratic
Republic of the
Congo | <input type="radio"/> Lesotho | <input type="radio"/> Ascension and
Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Kitts and
Nevis | <input type="radio"/> Zimbabwe |
| | | <input type="radio"/> Saint Lucia | |

* 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: BBC Worldwide Polska, CANAL+ Polska, Columbia Pictures, Cyfrowy Polsat, Ekstraklasa S.A., FOX International Channels Poland, HBO Polska, Irdeto, 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 organizes trainings and workshops, carries out various educational activities, makes reports and prepares positions on subjects related to the IP protection.

To date Sygnal has conducted ca 300 trainings for over 20 000 representatives of law enforcement agencies, including police officers from Economic Crime Units, prosecutors and police academies. We have also run a dozen or so workshops for the representatives of our members' companies.

We initiate and conduct educational campaigns, prepare reports, analyses and positions.

Sygnal takes active part in legislation processes related to economically substantive provisions. We participate in the consultations on the follow the money regulations i.e. a strategy applied against the commercial manifestations of IPRs' infringements.

Sygnal has provided its members with possibility to cooperate and enhance effectiveness of video content theft prevention. Workshops and continuous cooperation allow for sharing experience and joint monitoring of market phenomena. We collaborate with other professional organisations pursuing the same goals.

One of the recent ongoing initiatives of the Association is campaign addressed to advertisers and media houses within the 'Follow the Money' approach considered both by the European Commission as well as the Council of Europe as the most effective tool to fight against commercial distribution of illegal content online. Sygnal Association supports advertisers and media houses in making informed advertising spend decisions. Based on monitoring of advertisements displayed at certain illegally operating websites it prepares a Table of Reported Violations. Such actions make it possible to verify the scale of the problem on an ongoing basis and to obtain details of advertisers illegally distributing video content and of advertisements posted on such sites.

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/ services (if possible in an order of priority) and the reasons why you believe that these markets/services should be included in the Counterfeit and Piracy Watch List or reported as allegedly engaging in, facilitating or benefiting from counterfeiting and piracy. To receive full consideration, written comments should be as detailed as possible, include supporting documents and refer to publicly available sources, where possible.

Marketplaces/services/measures that you wish to report on:

between 1 and 6 choices

You can report on several types of services, by clicking on the relevant services. Please note that the questions on online services differ from the questions on physical marketplaces.

- Online service offering access to or facilitating access to copyright protected content
- Online e-commerce platforms
- Online pharmacies
- Physical marketplaces
- Measures taken by marketplaces/service providers
- Other

The past and present domain name of the website (and of the mirror sites and derived sites)

ogladaj.to

Available registration information of the online service

domain name registrar: Tonic Domains Corporation (USA)

Name and location of the hosting provider / operator

FISHNET COMMUNICATIONS LLC, Russia

Information on the volume of internet traffic on the website, including number of visitors, average time spent on the site or page views

Traffic by countries according to similarweb.com: 74% Poland, 9% Holland, 8% United Kingdom; average visit duration according to similarweb.com: 5 minutes 30 seconds;

Estimate of the number of counterfeits and pirated goods offered or sold on the website and the number of infringing files streamed, shared, seeded, leeches, downloaded, uploaded or otherwise distributed, reproduced or made available to the public

About 17 400 files

Information on the popularity of the website (e.g. by Alexa ranking)

Unique visitors per month according to siteworthtraffic.com (February 2022): 183 690

Revenue sources of the website, such as sales, subscriptions, donations, upload incentives, or advertising and the methods by which that revenue is collected

The website charges "premium account users" (subscriptions) via virtual currencies (BTC,ETC, LTC, etc.) and online exchange office

Main categories of pirated/ counterfeit goods and services sold, distributed or made available on the website

Polish and foreign movies and series, including blockbusters

Estimated volume of counterfeit/ pirated products or services or other data on the market's scale, its reach or relative significance in a given geographic area or with respect to a category of goods or services

Significant

Estimates of economic harm caused to the rightholder resulting from the piracy/ counterfeiting and a description of the methodology used to calculate the harm

Any known health or environmental damage caused by the counterfeit products distributed through the website

Any known civil, administrative or criminal enforcement actions decided against the website and the outcome of such enforcement actions (court judgements, orders)

No

Any action taken by the operator or owner of the website to avoid or reduce counterfeiting and piracy on the website

Copyright notices are sent to the administrator and the hosting provider on a regular basis, but without effect

Additional actions taken by the online service provider to remove, limit or discourage the availability of counterfeit/ pirated goods or services, including policies to prevent or remove access to such goods or services, or to disable seller or user accounts; the effectiveness of marketplace's/operator's policies and guidelines in addressing counterfeiting/piracy; and the level of cooperation with rightholders and law enforcement authorities

Semi-compliant with notice & takedown procedure, reported content is selectively removed and reappears.

Is the website operated, owned or affiliated with the government of a third country?

- Yes
- No

As regards geographical indications, which European rightholders are the most affected by the website and the origin of counterfeit products

Polish rightsholders are the most affected by the website

Any additional information on the service

You can upload additional information as a file below (in case you choose to reply anonymously, please redact any personal details in your attachment)

The maximum file size is 1 MB

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

I agree with the [privacy statement](#)

Background Documents

[Privacy statement](#)

Contact

[Contact Form](#)