

**DECISION BY THE DEPARTMENT TO COMBAT ONLINE INFRINGEMENTS OF
COPYRIGHT AND RELATED RIGHTS AND THE ILLEGAL EXPLOITATION OF ONLINE
GAMES OF CHANCE**

OF APRIL 1, 2025 CONCERNING ORDER RR/25/00020

Having regard to the law of June 15, 1935 on the use of languages in judicial matters ;

Having regard to the law of July 18, 1966 on the use of languages in administrative matters ;

In view of the protection of copyright, neighboring rights and database rights provided for by Book XI of the Code of Economic Law, in particular articles XI.164 and following of the Code of Economic Law;

Having regard to the summary proceedings brought pursuant to Articles XVII.34/1 et seq. of the Code of Economic Law (hereinafter "CEL");

In view of the Royal Decree of April 18, 2024 concerning the creation of the Department for Combating Infringements of Copyright and Related Rights Committed Online and the Illegal Exploitation of Online Games of Chance (hereinafter referred to as the "Department");

Having regard to the order of the President of the French speaking Court of Enterprise of Brussels of March 28, 2025, bearing reference RR/25/00020, received by the Department on March 28, 2025;

The department has given an independent and impartial opinion on the application of the interim measures contained in the above-mentioned order.

I. Measures contained in the order

By order of March 28, 2025, the President of the French speaking Court of Enterprise of Brussels declared the plaintiffs' claims admissible and well-founded and consequently :

- found that the domain names identified in Appendix 1.a and b (the Target Sites) provide access to Internet sites that infringe the neighbouring rights of producers and broadcasters (art. XI.209, §1, CEL and art. XI.215, §1, CEL) belonging to the Complainants;
- found that the services of the Intermediaries are used by the operators of the Target Sites to infringe related rights belonging to the applicants;
- ordered VOO, ORANGE BELGIUM, PROXIMUS, TELENET, DIGI COMMUNICATIONS BELGIUM, CLOUDFLARE, GOOGLE LLC and GOOGLE IRELAND LTD, CISCO SYSTEMS and CISCO OPENDNS, in their capacity as intermediaries within the meaning of Article XVII.14, §4, CEL to :
 1. implement, at their own expense, within the framework of their respective domain name resolution systems, DNS blocking measures likely to prevent access from Belgian territory :

- Target Sites ;

- domain names giving access to the Target Sites, via mirror sites and/or redirections, which will be notified to them by the Department and/or the applicants;
 - Internet sites that replicate the Target Sites through *copycats* that will be notified to them by the Department and/or the applicants, it being understood that for this category of sites, the applicants undertake, as part of the regular updates of blocking measures, to only request the blocking of Internet sites that meet the following cumulative criteria:
 - i. they meet the confidential criteria set out in Confidential Appendix 2.b ;
 - ii. like the Target Sites, they are structurally dedicated to mass counterfeiting of audio-visual content, particularly sports content;
 - iii. In particular, they offer content over which the applicants have exclusive rights;
 - iv. they are available in Belgium;
 - v. no license has been granted to the operators of these sites by the applicants.
2. implement, at their own expense, within the framework of their respective domain name resolution systems, measures likely to unblock access, from Belgian territory, to any domain name that has already been notified to the Intermediaries pursuant to the order to be made but whose sole or predominant purpose is no longer to provide access to or replicate a Target Site, which will be notified to them subsequently by the Department and/or the applicants;
 3. implement the aforementioned blocking and unblocking measures in the manner, frequency and timeframe determined by the Department;
 4. take redirection measures, so that their customers who have attempted to access a blocked domain name are redirected to an Internet page whose content will be determined by the Department in collaboration with the applicants;
- ordered VOO, ORANGE BELGIUM, PROXIMUS, TELENET, DIGI COMMUNICATIONS BELGIUM, in their capacity as intermediaries within the meaning of Article XVII.14, §4, CEL, to apply these technical blocking and redirection measures to all their customers who have subscribed to an Internet access service, regardless of the type of subscription concerned (private, professional, mobile or fixed);
 - ordered CLOUDFLARE, GOOGLE LLC and GOOGLE IRELAND LTD, CISCO SYSTEMS and CISCO OPENDNS to pay a penalty of 100,000 euros per day of non-compliance, which will apply from the second day following the deadline given to the intermediaries to implement the blocking measures;
 - noted the confidential nature of Appendix 2 of the request attached to the order;
 - set the time limit provided for in article XVII.34/4, para. 1 CEL at six months, starting from the Department's decision setting out the terms and conditions for applying provisional measures;
 - ordered the applicant to pay her own costs, including the €165 registration fee;
 - declared the order enforceable.

II. Scope of the mandate given to the Department

- Decision on the application of provisional measures :

In his judgement, the President of the Court of Enterprise empowered the Department, in accordance with articles XVII.34/1. §9 and XVII.34/3. § 2 of the CEL, to implement the provisional measures in order to guarantee their effectiveness. The Department may not extend, limit or modify the scope of the order.

The President of the Court has instructed the Department to determine the terms of application of the measures ordered, in consultation with the applicants and the Intermediaries, in particular:

- the exact timetable for the implementation by the Intermediaries of the measures ordered, it being understood that this timetable must respect the principle that blocking must be effective 1h30 before the start of each Pro League match, provided that the Intermediaries have received at least 2 working days' notice of the order or an update ;
- notification format for updates ;
- the content of the web page that users will see instead of the pirate site they tried to access.

- Updated list of infringing digital services:

In accordance with article XVII.34/1. § 8, the President of the Court of Enterprise has extended the provisional measures to all or part of a website replicating the website identified in the order and subject to the provisional measures, or to any address giving direct access to it.

It has instructed the Department to implement and coordinate the updating of the measures ordered and in particular :

- to identify, with the assistance of the complainants insofar as this is necessary, domain name bypasses (redirects, mirror sites, *copycats*) ;
- to act as an intermediary between applicants and intermediaries, notably by notifying intermediaries of Target Sites and updates.

- Monitoring the effectiveness of measures :

Lastly, the President of the Court of Enterprise has instructed the Department to ensure that the Intermediaries actually implement the measures ordered, on the one hand via confirmations obtained from the Intermediaries and, on the other, via practical checks carried out by the Department itself.

III. Decision by the Department

1. Decision of the department concerning the application of the provisional measures

- Implementation schedule

In accordance with court order RR/25/00020, the timetable for implementing blockades must respect the principle that blocking must be effective 1.5 hours before the start of each Pro League match, provided that Intermediaries have received at least 2 working days' notice of the order or an update.

The 2025 play-off schedule is as follows:

- Day 1 : 3/29, 3/30
- Day 2 : 4/5, 4/6
- Day 3 : 4/12, 4/13
- Day 4 : 4/20
- Day 5 : 4/23, 4/24
- Day 6 : 4/27
- Day 7 : 5/1, 5/3
- Day 8 : 5/10, 5/11
- Day 9 : 5/17, 5/18
- Day 10 : 5/25

In view of the schedule for the start and end of the 2025 play-offs, it appears that the first blocks should be effective on **Saturday April 5, 2025 at 7:15pm**, on condition and with the understanding that the Department will notify the intermediaries no later than **Wednesday April 2, 2025 at 7:15pm**.

The court order also covers other competitions to be held within the framework of the Pro League.

The details of these competitions have not yet been announced. The Department can at his discretion revise the schedule in coordination with the applicants and intermediaries upon receipt of new information concerning future Pro League competitions.

The intermediaries GOOGLE LLC and GOOGLE IRELAND LTD, CISCO SYSTEMS, CISCO OPENDNS and CLOUDFLARE are ordered by Order RR/25/00020 to pay a penalty of 100,000 euros per day of non-compliance, which will apply from the second day following the deadline granted to the intermediaries to implement the blocking measures, including the deadlines granted to the intermediaries to update the blocking lists of infringing digital services.

The implementation of the blockings will be reassessed by the Department after a period of 18 months. At the end of this period, the Department will take into account the effectiveness, proportionality and any other relevant factor brought to its attention, and reserves the right to take a new decision should a change in the terms of application prove necessary.

In addition, for the duration of the measures, the applicants or any interested party may inform the Department that one of the websites or digital services subject to blocking has lost its infringing character.

If necessary, the Department will send intermediaries a list of infringing websites or digital services to be unblocked, and will remove them from the blacklist.

- Notification format

The Department will prepare an Excel document and a document in CSV format containing the full FQDNs (*Fully Qualified Domain Names*) and URLs (*Uniform Resource Locators*) of the infringing digital services to be blocked.

The Department will send these documents within the aforementioned deadlines by e-mail to each intermediary referred to in the order underlying this decision, using the e-mail addresses communicated to the Department.

For ISPs, this will be done by means of a confidential contact list communicated in advance to the Department by each ISP referred to in the order underlying this decision, i.e. VOO, ORANGE BELGIUM, PROXIMUS, TELENET and DIGI COMMUNICATIONS BELGIUM.

For CLOUDFLARE, GOOGLE LLC and GOOGLE IRELAND LTD, CISCO SYSTEMS and CISCO OPENDNS, these companies must provide the Department with an electronic communication channel enabling the Department to communicate its decisions to them without delay, as well as updates to the lists of infringing digital services and the lists of infringing digital services included in the order in the absence of service of the order. Pending receipt of the preferred communication channel by these parties, the Department will use the contact e-mail addresses in its possession.

All intermediaries send the Department confirmation that they have implemented blocking with redirection in their DNS server, by return e-mail to the Department's e-mail address: anti-piracy@economie.fgov.be

- Redirect page

Internet service providers are redirecting Belgian users wishing to browse the blocked infringing digital services to the Department's landing page, <https://redirect.economie.fgov.be/bapo-blocked-content>, which displays the following message, in all three national languages as well as in English:

"You are attempting to access a digital service providing access to content protected by copyright or related rights without the authorization of the holder of such rights, or to an online game of chance operated without a license.

Access to this illegal service has been blocked by order of the President of the Court of Enterprise of Brussels. Services infringing copyright or related rights are blacklisted. This list and other information are available on the FPS Economy website.

Any person who maliciously or fraudulently infringes copyright or related rights may be punished by a fine of between 500 and 100,000 euros, or by a prison sentence of between one and five years. Violations of the law on games of chance may also be subject to criminal prosecution.

To find out more about legal online content offers, visit the Agorateka website.

2. Update of the list of infringing digital services

Subsequent to the present decision, the Department will make findings in which it will establish the websites or digital services that replicate in whole or in part the infringing websites or digital services identified in the order or any address giving direct access to them.

The measures and the procedures for applying the measures will also apply to all infringing digital sites or services identified in these findings. These findings will bear the reference [date of finding]-BAPO-C-FR-001/[number of finding].

The Department will communicate the updated list to the recipients of the measures in accordance with the same formalities as those specified above.

- Websites and digital services identified by applicants

Applicants may communicate to the Department the identification data of any website or digital service that replicates in whole or in part the infringing websites or digital services identified in the order, or any address giving direct access to them, in accordance with the terms below.

The communication by the rights holder of the identification data of websites and digital services will be made by e-mail to the dedicated address of the Department anti-piracy@economie.fgov.be and/or on a sharing link communicated by the Department.

The communication includes the following elements:

- Data identifying the websites or digital services in question, including FQDNs and URLs in the form of an Excel file and a file in CSV format;
- Indication of the qualification of this site or service (mirror or *copycat*, *brand name*, redirection);
- Time-stamped screenshots or video captures that confirm the total or partial similarity of this website or digital service to one of the websites or digital services referred to in the ordinance;
- Any other element enabling the Department's agents to ascertain the total or partial similarity of this website or digital service to one of the websites or digital services referred to in the order.

This data will be sent in the form of a zipped parent folder containing the Excel or CSV file listing each website and digital service concerned, and a folder for each website or digital service concerned containing time-stamped screenshots or video captures and any other elements.

Rightholders are limited to sending a **weekly list**, which they will communicate to the Department no later than **4 days** before the broadcast of the match for which the applicants wish the list of blocked sites or digital services to be updated

If one of the websites or digital services sent to the Department by the applicants does not meet the cumulative conditions cited in the order, the Department will inform the applicants that it will not be included in the next list update. It is possible for applicants to reintroduce a file for this digital site or service for the following week.

The total **number** of new infringing digital sites or services to be examined by the Department may not exceed **100** per week.

- Websites and digital services identified by the Department

The Department identifies websites or digital services that replicate in whole or in part the infringing websites or digital services identified in the Order, or any address giving direct access to them, using the cumulative criteria cited in the Order and set out above (see point I).

The Department may provide applicants with a list of infringing digital services it has identified as part of its search for mirror, *copycat* and redirect sites and services. In such cases, the Department will request confirmation from the rights holders that no license to operate has been granted by the rights holders to the operators of these digital sites or services. The Department will only proceed with blocking once this confirmation has been received.

3. Monitoring the effectiveness of the measures

Each ISP and DNS service provider covered by this decision sends the Department confirmation that the block has been implemented in their DNS server with redirection, by return e-mail to the Department's e-mail address: .anti-piracy@economie.fgov.be

The Department will regularly check, at random, by connecting to the DNS servers of ISPs and DNS service providers, that the blocks have been implemented.

The Department, if necessary with the assistance of the applicants, will regularly measure the traffic on the domain names and/or URLs concerned in order to measure the effectiveness of the measures.

If the Department deems the implementing measures taken by the addressees of an order to be insufficient, excessive or obsolete, it refers the matter to the President of the Court of Enterprise, in accordance with article XVII.34/1 of the Code of Economic Law, with a view to having the order or the implementing measures withdrawn or modified (art. XVII.34/3. § 5 of the Code of Economic Law).

IV. Respect for fundamental rights and freedoms

By order of March 28, 2025, the President of the Court of Enterprise of Brussels:

- found that the sites in question, whether streaming sites or IPTV, enable unauthorized broadcasting of the applicants' programs, by offering users unlawful access to live or deferred broadcasts of Belgian Pro League matches;
- found that these acts constitute a clear and unquestionable infringement of the broadcasters' neighbouring rights, depriving the applicants of control over and monetization of their content;
- noted the considerable nature of the infringements, both in quantitative terms, in view of the access given to thousands of works without authorization, and in qualitative terms, in view of the broadcasting of content at critical times, i.e. when sporting competitions are being broadcast live;
- Found that the facts of the case and the exhibits submitted are such as to reasonably justify the measures postulated, insofar as:
 - users are in no way deprived of access to the content concerned on legal offers;
 - the sites and offers targeted by the blocking request are structurally infringing and do not host any lawful content;

- the blocking measures requested constitute a proportionate and effective response to the violations observed, limiting their impact to the objective pursued.

Considering that the present decision implements the order of March 28, 2025 without introducing any additional limitations, the present decision endorses the motivation of the aforementioned order.

The blocking of DNS servers by the addressees of the measures is necessary to achieve the desired objective of protecting copyright and related rights, as the digital sites and services targeted by the applicants are structurally infringing and a real threat to the applicants' related rights.

By means of the redirection page set up by the Department and implemented by the intermediaries at DNS server level, the user will be made aware of the protection of copyright and related rights, and will be redirected to legal offers.

Blocking these websites and digital services also helps protect consumers, who are often exposed to fraudulent practices such as phishing

The Department's decision does not impose excessive constraints on intermediaries in relation to the objective to be achieved. A precise list of domain names and URLs to be blocked, as well as the time and date of blocking, are specified at least 48 hours in advance by the Department, enabling intermediaries to take notice of the sites concerned and to plan the implementation of blockings. This methodology does not require the implementation of new procedures or infrastructures that would place an excessive burden on intermediaries. This process also enables the recipients of the measures to maintain their status as neutral intermediaries.

In order to take into account of the intermediaries' corporate rights and the fundamental rights of users, the Department plans to re-evaluate the implementation of blocking after a period of 18 months. Based on the experience of other authorities abroad with dynamic blocking at DNS server level, the Department believes that 18 months is a reasonable period of time to ensure that the illegal offer comes to an end, or that Internet users turn away from this illegal offer. This period is adapted to achieve the desired goal, i.e. to block domain names and URLs that have been verified by the Department until the user is discouraged from visiting these infringing digital sites and services.

At the end of this period, the Department will take into account effectiveness, proportionality and any other relevant factors brought to its attention, and reserves the right to take a new decision should a change in the application methods prove necessary.

In addition, for the duration of the measures, the applicants or any interested party may inform the Department that one of the digital sites or services subject to blocking has lost its infringing character.

If necessary, the Department will send intermediaries a list of infringing websites or digital services to be unblocked, and will remove them from the blacklist.

Consequently, the present decision takes into account the fundamental rights and freedoms of the persons concerned in accordance with article XVII.34/3 § 2 paragraph 3 of the Code of Economic Law and gives reasons for this in accordance with article 2, §4 of the Royal Decree of April 18, 2024 relating to the creation of the Department.

V. Publication of the Department's decision

In accordance with article XVII.34/3 §2 paragraph 5, the Department will publish this decision on the website of the FPS Economy at the following address:

<https://economie.fgov.be/en/themes/intellectual-property/intellectual-property-rights/copyright-and-related-rights/sanctions-and-legal-actions/online-piracy>

This publication will take place within **5 working days** of the date of this decision, i.e. by April 8, 2025 at the latest.

VI. Publication of the blacklist (article XVII.34/3, § 6 of the CRC)

The Department is responsible for maintaining and updating a list of websites and other digital content subject to provisional measures based on online infringement of copyright, related rights or the rights of database producers.

The Department publishes the list of infringing digital sites or services referred to in the order within **8 working days** of March 28, 2025 - the date of receipt of the order by the Department, in this case by April 9, 2025 at the latest.

The Department publishes an updated list of websites or digital services that replicate in whole or in part the infringing websites or digital services identified in the order or any address giving direct access to them, each time within **8 working days** the communication of the updated list to the addressees of the measures.

These publications can be found on the website of the FPS Economy at <https://economie.fgov.be/en/themes/intellectual-property/intellectual-property-rights/copyright-and-related-rights/sanctions-and-legal-actions/online-piracy>

When the provisional measures come to an end, the Department removes the infringing digital sites or services concerned from its blacklist.

VII. Sanctions

Article XVII.34/1 §9 paragraph 3 of the Code of Economic Law states that:

"The terms of application of the provisional measures, as specified by the Department, adapted where necessary to ensure their effectiveness, form an integral part of these measures, and the violation of the terms of application, provided that the Department's decision has been served on its addressee(s), gives rise to the same sanctions as those for non-compliance with the provisional measures, in particular any penalty payments to which they are subject, and for which the President of the Court of Enterprise has set the time at which they are due, taking into account the terms of application to be specified by the Department".

In this case, Order RR/25/00020 orders CLOUDFLARE, GOOGLE LLC and GOOGLE IRELAND LTD, CISCO SYSTEMS and CISCO OPENDNS to pay a penalty of 100,000 euros per day of non-compliance, applicable from the second day following the deadline given to the intermediaries to implement the blocking measures.

This penalty also applies in the event of non-compliance with the deadlines set for intermediaries to update blocking lists for infringing digital services.

VIII. Recourse

Several remedies against this decision are provided for in Title 1/1 of Book XVII of the Code of Economic Law:

A. Challenge before the President of the Court of Enterprise

Article XVII.34/3 §2, paragraph 6 of the Code of Economic Law states that :

"Within thirty days of the publication referred to in paragraph 5, any interested party, any legal entity referred to article 17, paragraph 2, of the Judicial Code, as well as any public institution pursuing the same ends as the legal entities referred to in article 17, paragraph 2, of the Judicial Code, may contest the Department's decision. The challenge is brought exclusively before the judge who handed down the order containing the provisional measures, the terms of application of which have been specified or adapted by the Department, by summons to the legal entity to which the Department belongs and to the beneficiary who lodged the original request".

B. Dispute before the Department

Article XVII.34/3 §3 of the Code of Economic Law states that :

"Any interested party, any legal entity referred to in article 17, paragraph 2, of the Judicial Code or any public institution pursuing the same ends as the legal entities referred to in article 17, paragraph 2, of the Judicial Code, may request the Department to modify the implementation of the order containing the provisional measures, in particular if it considers that these implementation methods unjustifiably infringe fundamental rights and freedoms, or to adapt them in order to guarantee their effectiveness. The reasoned request is sent to the Department by registered mail.

In the event of a request as referred to in paragraph 1, the procedure referred to in paragraph 2, subparagraph 6, is suspended, provided that both procedures have the same object. The Department informs the clerk's office of the President of the Court of Enterprise by e-mail of the requests referred to in paragraph 1^{er}".

Brussels, April 1:2025

Paul LAURENT

General Counselor in charge of the Service de lutte contre les atteintes au droit d'auteur et aux droits voisins en ligne et contre l'exploitation illégale des jeux de hasard en ligne (Department to combat infringement of copyright and related rights online and illegal online games of chance)