



Press release

Bonn, 11 March 2021
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Online Copyright Clearance System arranges block of streaming site

Jochen Homann: "System helps to avoid long, expensive legal proceedings"

The Online Copyright Clearance System (CUII) is a joint initiative of affected companies, industry associations and internet service providers (ISPs) set up to examine the blocking of websites that systematically infringe copyright. Today it has arranged the blocking of the website S.TO SERIEN STREAM because content on the site infringed copyright. Providers can use Domain Name System (DNS) blocking to restrict their customers' access to such sites.

"The clearance system is a fast and efficient way to block websites that are systematically infringing copyright," said Jochen Homann, Bundesnetzagentur President. "The new system will help to avoid the long, expensive legal proceedings that rights holders have had to rely on up to now. The Bundesnetzagentur is doing its part to uphold the requirements of net neutrality."

Previously, rights holders had to go to court to get a DNS block, but the clearance system allows the block to be put in place faster and by all ISPs involved.

The Bundesnetzagentur's role

A DNS block can only be implemented if it is lawful and meets net neutrality requirements. It is the Bundesnetzagentur's job to check whether these requirements are fulfilled. The setting up of a DNS block is only compatible with net neutrality requirements if it is necessary to enforce national legislation, because generally, all data on the internet has to be treated equally and it is not allowed to block content.

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If the clearance system recommends that a requested DNS block should be implemented, the Bundesnetzagentur considers the net neutrality aspects and provides the CUII with its opinion. The ISPs only set up a DNS block if there are no net neutrality concerns. If, for example, the circumstances change or website operators submit complaints, the Bundesnetzagentur has the right to examine the block again.

The Bundeskartellamt has considered the founding of the clearance system and its planned tasks with respect to competition law and has not raised any objections to the launch. (See press release from the Bundeskartellamt https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilung/2021/11_03_2021_DNS%20Clearingstelle.html)

Background: copyright infringement

Rights holders, such as music or film studios, often lack practical, efficient ways of taking action against operators of websites whose business model is based on copyright infringement. Illegal streaming sites are often run from countries outside Europe that either refuse to cooperate with the authorities or make cooperation difficult, but the sites can be accessed from Germany.

Rights holders can request that the ISP block such sites if there is no other way of resolving the infringement and the block is reasonable and proportionate. The CUII considers whether requests made by rights holders fulfil the legal requirements enabling a block to be put in place.

The Bundesnetzagentur is an authority under the responsibility of the Federal Ministry for Economic Affairs and Energy. Its core tasks include supervising the energy, telecommunications, postal and railway markets.

As part of its mandate, the Bundesnetzagentur ensures that as many undertakings as possible can use the infrastructure in these sectors so that consumers benefit from competition and favourable prices.

The authority employs over 2,900 people at its headquarters in Bonn and Mainz and its 46 regional offices.