



Self-regulation and the Internet. Russian media and Internet companies plan to propose legislative amendments on the removal of Internet links to pirated content to replace existing Counter-piracy Memorandum

📅 07/02/2020 📖 INTELLECTUAL PROPERTY, RUSSIA

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The Russian press recently reported that media and Internet companies extended the validity of the 2018 Counter-piracy Memorandum (the Memorandum) providing a mechanism of removal of links to pirated content from Internet search outputs at the request of copyright owners, till the end of January 2021.

The Memorandum was signed in 2018 between Russian media companies and major Internet companies and provided a

voluntary framework for the removal of links to pirated content based on a list of Internet pages with pirated content created by the rightholders. This extrajudicial procedure was devised as an alternative to the lengthy and demanding judicial procedures envisaged by Russian law (see our article "Counter-piracy Memorandum of Russian media and Internet companies is extended awaiting legislation amendments to Law "On Information, information technologies and information protection" in Lexology at



<https://www.lexology.com/r.ashx?!=8RBN45M>).

Initially, the parties concerned had planned legislative amendments introducing a similar procedure within the law “On Information, information technologies and information protection” (Federal Law no.149-FZ dated 27 July 2006) by September 2019 and file it with the Russian parliament for approval. The process fell behind schedule, and the Memorandum was extended first till end of 2019. In January 2020 the parties extended it for another year.

The amendments to Russian law suggested by the media companies were discussed with the Federal Service for supervision of communications, information technology and mass media (the Roskomnadzor), but still raise issues and questions.

The Memorandum envisages the maintenance of a special registry operated by industry associations, with links to pirated content provided by producing media companies as copyright owners. Internet companies agreed that

they would watch for updates of the registry and promptly remove such links. The current extrajudicial procedure provides an opportunity to protect copyright in practice only for large media companies, whilst the law should protect all rightholders in the same way. The media companies suggested involving the Roskomnadzor as a supervisory authority for the verification of claims of the copyright holders and as a dispute resolution body. However, the Roskomnadzor seems reluctant to act in that capacity and would like the industry to create self-regulatory mechanisms without involving State authorities. In case the Federal Service is entrusted with roles and duties, these should be laid out in detail in the amendments to the law.

All stakeholders confirm that the extension of the Memorandum does not mean that the legislative amendments will be left behind, and means instead that enough time should be left to discuss and prepare a well-balanced solution.



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