



Existing antipiracy measures have a hard time in countering growth of pirated content in the Russian Internet

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We wrote in “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” about the antipiracy memorandum signed by media and Internet companies in Russia in 2018 [see at <https://www.lexology.com/library/detail.aspx?g=1e3d6106-ae3a-4aa7-99fc-d88dc58c8e21>]. This was an additional tool besides the statutory sanctions for distribution of pirated content on the Internet. Initially, the major media players agreed that rightholders could include links to films and series made available for upload without their authorization to a special register, and IT companies voluntarily blocked such pirated resources and removed links from search results in out-of-court procedures.

The antipiracy memorandum was, though, agreed as a temporary solution to the piracy problem, while relevant amendments to the law “On information, information technologies and information security” no. 149-FZ (Information Law) shall be adopted by the Russian Parliament. Since 2018, the term of the antipiracy memorandum has been extended several times, including the most recent extension in December 2021.

With such latest renewal of the memorandum, IT companies supplemented the document with a new procedure for removing from search results domain names embodying infringing materials, not only links to the pages of sites. This shall be applicable to domain names that subsequently provide access to pirated content, which shall be considered recidivist offenders. This new remedy is expected to boost the use of



Internet resources with legitimate video content.

Neither the amendment to the Information Law, nor the version of the antipiracy memorandum are enacted and in force yet, so IT companies are *de facto* currently acting of their own free will. Yandex is one of the companies most actively involved in the process as the major Russian corporation providing Internet-related products and services, including search engine and web portal services. As it were, the company reported removing from its search engine results more than 24 mio. links to pirated content during the life of the memorandum.

On its part, the Russian authority for information control (the Federal Service for Supervision of Communications, Information Technology and Mass Media - Roskomnadzor) reported blocking 59k links to pirated content and its mirrors during 2021. This marks an almost double increase compared to the 30k

links removed by the Roskomnadzor in 2020.

The total number of pirated links voluntarily removed by the members of the Antipiracy memorandum from search results by January 2022 was 40 mio. However, industry experts say that the number of links to pirated content downloaded in the social networks and other resources by users nonetheless doubled in 2021, whilst pirated content on torrent resources (resources operating on peer-to-peer file sharing basis, so that content is distributed by uploading pieces of content from different users) decreased, so there is only a 24% total increase of pirated content in the Russian Internet.

Internet industry players believe that the adoption of amendments to the Information Law incorporating the tools agreed in the Memorandum could improve antipiracy policies and the protection of copyright media.





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