

## *Europol In Our Sites X*

# Takedowns in Belgium – a new method

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**Direction B - Anti-Counterfeiting and Internet watch unit**

<https://economie.fgov.be>

## DG for Economic Inspection

- Part of Federal Public Service Economy
- Economic regulations of Belgian internal market
  - Belgian customs (FPS Finances): borders
- Most inspectors are also officers of judicial police

## DG for Economic Inspection

- Anti-counterfeiting and anti-piracy unit
  - 8 inspectors
- Internet surveillance unit
  - 7 inspectors
- Europol actions
  - In Our Sites & Aphrodite

## Statistics In Our Sites

2018	IOS IX	1079
2017	IOS VIII	3060
2016	IOS VII	2599
2015	IOS VI	328
2014	IOS V	47
	IOS IV	6
2013	IOS III	20
	IOS II	34

## Registry actions

- EURid (.eu)
  - 36 520 suspensions (2 October 2018)
  - 25 756 suspensions (29 January 2018)
  
- DNS Belgium (.be)
  - 2 918 suspensions (2018)



Adidas Stan Smith W Femmes  
Legend Ink S10/Legend Ink  
S10/Ftwr Blanc

€99.89 **€57.70**  
Economie : 42%

[Product Details](#)



Adidas Superstar 80s W Femmes  
Core Noir/Core Noir/Cardboard

€125.16 **€74.37**  
Economie : 41%

[Product Details](#)



Adidas Tech Super W Femmes Core  
Noir/Ftwr Blanc/Bold Rose

€82.94 **€49.18**  
Economie : 41%

[Product Details](#)



Adidas Tech Super W Femmes Core  
Noir/Ftwr Blanc

€99.02 **€58.29**  
Economie : 41%

[Product Details](#)



Nike Hyperchase  
€123.79 **€73.55**  
Economie : 41%



Nike Free Hypervenom  
€125.16 **€74.37**  
Economie : 41%



Nike Free Hypervenom  
€119.74 **€70.81**  
Economie : 41%

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## Classic legal method

- Art. 39bis of the Code of Criminal Procedure
  - Senior Crown prosecutor or investigating judge
  
- Anything possible:
  - Seizure of domain or server
  - DNS or IP blocking by ISP's (foreign websites)
  - Redirect visitors to a STOP page

## Administrative domain procedures

### Verify contact details of domain holder (“bad WHOIS”)

- Suspicion of false data
  - Correct or prove within 14 days
- Based on registry’s terms & conditions
  - ICANN form (.com, .net, etc.) :  
<https://forms.icann.org/en/resources/compliance/complaints/whois/inaccuracy-form>
- Priority procedure within 24 hours (phishing - malware)

## Notice & action protocol .be

- Protocol between Economic Inspection and DNS Belgium (.be registry)
- Takedown of infringing .be domains within 1 working day
- Since 1 december 2018
- Second member state after UK (Nominet)
- Voluntary basis
- Committee + transparency report possible

## Notice & action protocol .be

- Notify infringement to DNS Belgium
  - Domain name offline within 1 working day
  - Redirect to custom STOP page
  - E-mail to domain name holder
- Domain name holder has 14 days to comply
  - Economic Inspection has 14 days to confirm
- Domain name withdrawn after 6 months



De website die u tracht te bezoeken, bevat inbreuken op de Belgische economische wetgeving.  
Deze website werd geblokkeerd op vraag van de Algemene Directie Economische Inspectie van de Federale Overheidsdienst Economie.  
Indien u beheerder of eigenaar van de website bent en u meent dat deze maatregel ten onrechte is genomen, kunt u dat [hier melden](#).

Le site web que vous essayez de consulter contient des infractions à la législation économique belge.  
Ce site web a été bloqué à la demande de la Direction générale de l'Inspection économique du Service public fédéral Economie.  
Si vous êtes gestionnaire ou propriétaire de ce site web et pensez que cette mesure a été prise à tort, vous pouvez le [signaler ici](#).

Die Website, die Sie zu besuchen versuchen, enthält Verstöße gegen die belgische Wirtschaftsgesetzgebung.  
Diese Website wurde auf Anweisung der Generaldirektion Wirtschaftsinspektion beim Föderalen Öffentlichen Dienst Wirtschaft blockiert.  
Sollten Sie als Verwalter oder Inhaber dieser Website der Meinung sein, dass diese Maßnahme zu Unrecht getroffen wurde, dann können Sie das [hier melden](#).

The website you are trying to visit, infringes on the Belgian economic legislation.  
This website was blocked at the request of the Directorate General Economic Inspection of the Federal Public Service Economy.  
If you are the owner or administrator of this website and you consider this measure was not necessary, you can [report that here](#).

## Notice & action protocol .be

- Based on terms & conditions DNS Belgium
  - a) *The registrant represents and warrants that: [...]*
    - 3) *the domain name is not registered for an **unlawful purpose**; [...]*
  - c) *DNS Belgium reserves the right to suspend domain names, terminate the registration or limit the service in any way at the **request** or order of the government.*

## Notice & action protocol .be

- Biggest issue: liability
  - Civil vs. criminal
  - Compromise: “*common liability law applies*” to Economic Inspection + voluntary intervention

## Notice & action protocol .be

- Two criteria:

1. *“infringements which are **most harmful** to the interests to be protected, committed by companies which **deliberately** violate economic law and which nevertheless continue their illegal activity,”*
2. *“and against which the **traditional legal means** available to the Inspection's agents **can not be effectively used**”*





For the .be protocol we require:

- A confirmation of the IPR infringement
- A reference to the IP right
- A liability clause and your authority to make the statement. We accept the same liability clause as PIPCU to make things easier.

**Jelle Van Loo, Inspector**  
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