

## Annual report 2024

### Introduction

The BREIN Foundation provides collective protection of copyright and related rights for creators, performing artists and the creative media industry such as producers, publishers, broadcasters, distributors and platforms. Associated with BREIN are around thirty industry and collective management organizations and their members, together thousands of creators and companies related to music, films, series, books, writings, images and games.

The year 2024 was an eventful one for the BREIN Foundation. The trusted face of the foundation, Tim Kuik, retired. With this, Tim closed one chapter and the new director Bastiaan van Ramshorst opened a new one, supported by the new head of legal affairs Birre Büller and the rest of the team. As a token of gratitude Tim, in the presence of family, (former) colleagues, (former) directors, BREIN affiliates and other interested parties was honored with two awards: the Bronze Crocus of the Lange Voorhout, presented by VOI©E and the Stichting Federatie Auteursrechtbelangen, and the appointment as Officer in the Order of Orange-Nassau.

Artificial Intelligence (AI) has been gaining traction among BREIN's affiliates. BREIN conducted extensive investigations into infringing datasets on which Generative AI models are trained and into unlawful AI models and was able to successfully complete the first AI investigations. BREIN seizes opportunities for enforcement against unlawful and infringing use of AI and does so for the benefit of all member industries.

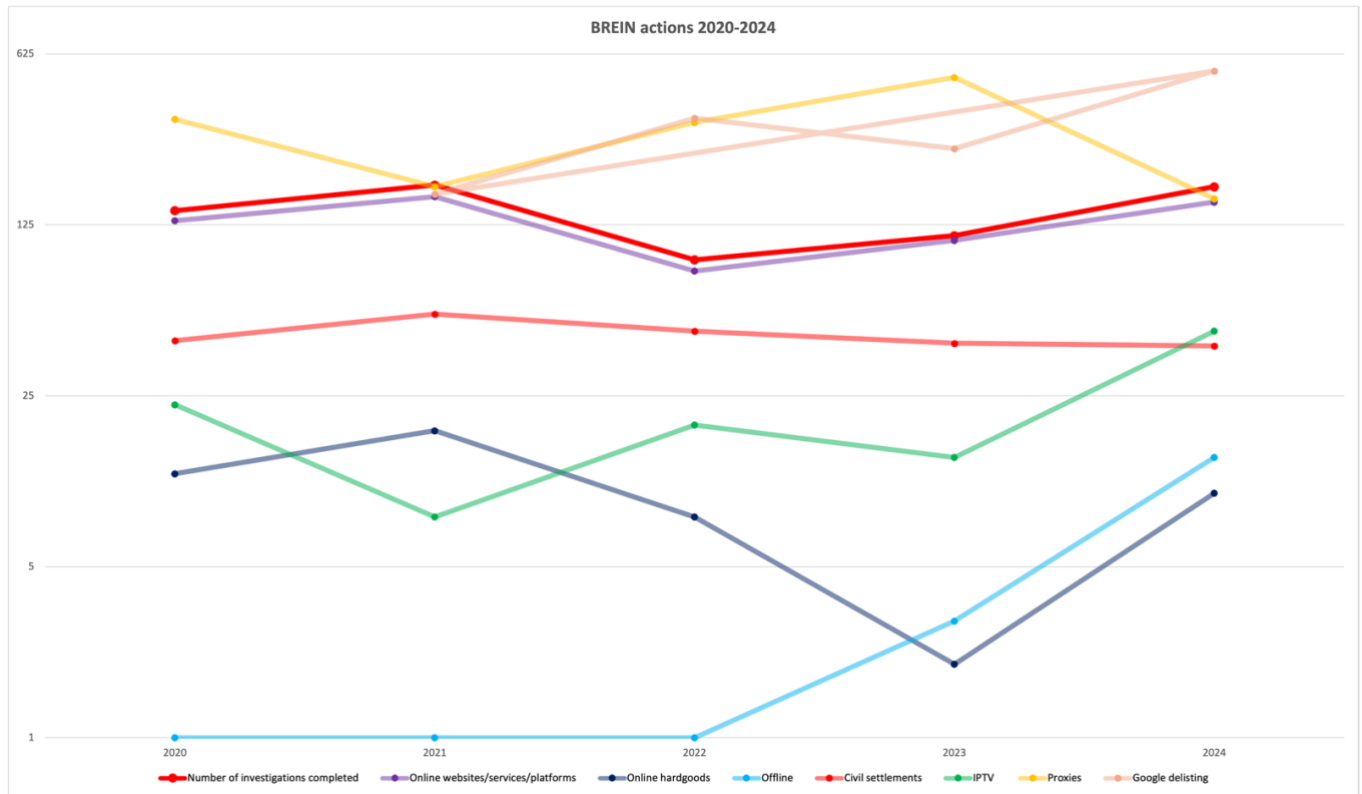
Apart from AI-related infringements and the increase in illegal vinyl, music piracy stabilized. Video and books related piracy increased. The biggest threat to audio-visual affiliates is in illegal IPTV. The renewed interest by criminal justice authorities to address IPTV-related infringements criminally as well, is good news for all copyright holders. The threat of criminal enforcement of copyright and related rights has precedent and impact on potential infringers and how copyright infringement is generally viewed.



## Numbers

BREIN performed the following numbers of enforcement actions in 2024. All actions cover music, video (films and series), books, writings, images and games, unless otherwise stated.

- 339 files completed <sup>i</sup>
- 179 investigations completed <sup>ii</sup>
- 155 illegal sites/services/platforms stopped
- 11 platforms, 9 IP addresses and 525 unique domains dynamically blocked at DNS level <sup>iii</sup>
- 525 illegal websites completely removed from search results by Google <sup>iv</sup>
- 160 proxies/mirrors stopped<sup>v</sup>
- 46 illegal traders IPTV/VOD subscriptions stopped
- 14 IPTV ads removed by Google <sup>vi</sup>
- 47 streaming sites taken offline
- 3 major uploaders, administrators and/or scripters investigated and stopped
- 166,945 Google search results removed <sup>vii</sup>
- 3,677 interventions involving removal of online ads for illegal copies
- 40 settlements, including 7 'knock & talks' <sup>viii</sup>
- 3 judicial ex parte orders obtained
- 10 online cases involving physical media were handled
- 14 checks conducted at record fairs<sup>ix</sup>
- 16 .nl and 7 .eu domain names taken offline

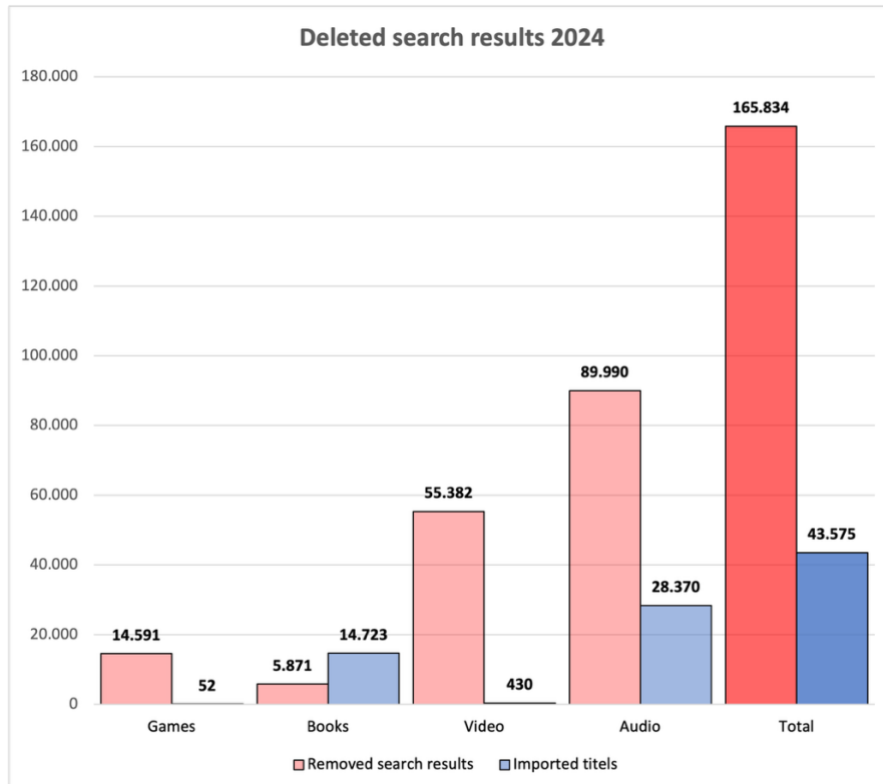


*Note: This graph gives a global insight into the numbers of actions carried out by BREIN over the past five years. Because certain actions and activities by their nature occur more frequently than others, the Y-axis has been chosen to increase exponentially. The number of completed investigations, the red line, is the sum of the purple and two blue lines. The purple line concerns all actions against illegal websites, services and platforms. The two blue lines are about the sale of physical products (mainly vinyl) online and the controls of record fairs offline, respectively. Completed investigations means that individuals were actually summoned and files were completed with a settlement or the service was permanently taken offline. The light red line represents civil settlements. The green line represents the numbers of IPTV sellers (resellers) stopped by BREIN. Yellow are the proxies and mirrors of illegal websites stopped by BREIN after summons. Pink are the numbers of illegal websites and proxies and mirrors that BREIN reported as part of the blocking cases based on the blocking covenant to the access providers that made these websites inaccessible to their subscribers. The same websites were also reported to Google and removed from search results completely.*

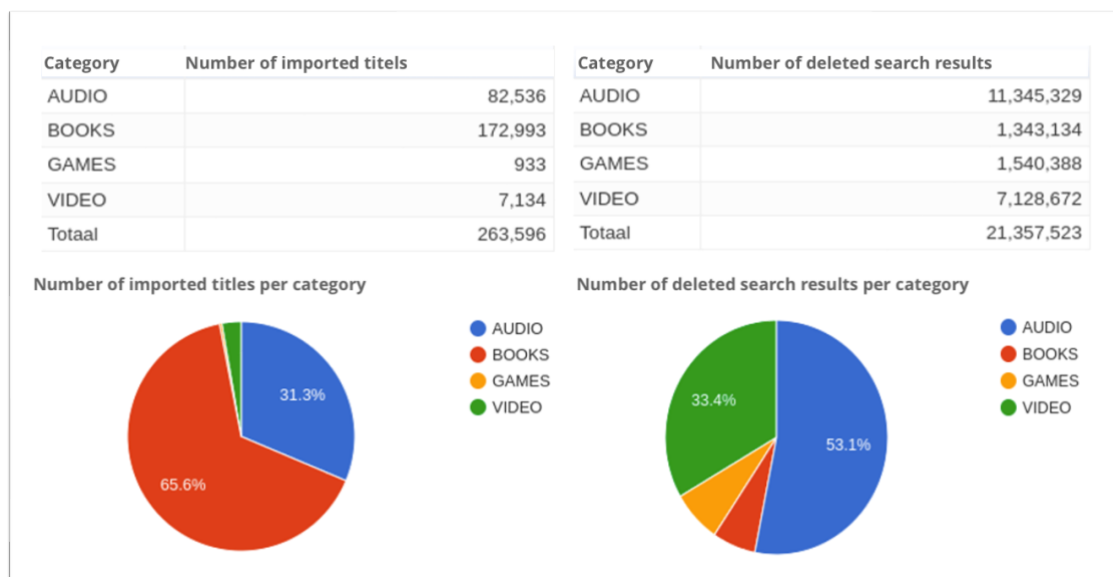
- *Removed Google search results to illegal sources (BREIN+)*

The BREIN+ program aims to remove Google search results to illegal sources, with the goal of ensuring that consumer searches point to unauthorized content as little as possible. In addition to removing Google search results, the notification also has the effect of pushing websites from which many search results have been removed down in search results by Google. Research has shown that consumers focus significantly less on lower search results. Since the start of the BREIN+ program, BREIN has sent out more than 21 million individual notifications to Google at the request of rights holders. Last year over 165 thousand search results were reported by BREIN to Google. <sup>x</sup>

*Deleted search results 2024:*



*Total number of deleted search results since program start:*



## Highlights<sup>xi</sup>

### Criminal

The Dutch fiscal police (FIOD) officially designated IPTV as a phenomenon in 2024. This means higher priority and more budget for combating illegal IPTV. As a result, there is more room for investigation and ultimately more criminal cases. The national IP hotline will continue to exist for other cases as well.

Illegal IPTV also has the full attention of Europol, Eurojust<sup>xii</sup> and the EUIPO. Among other things, this regularly leads to criminal actions in the Netherlands at the request of foreign investigative agencies. Where possible, BREIN and foreign sister organizations of BREIN contribute to this.



- *Additional charges filed in largest ever criminal action against online piracy*

In the ongoing Dutch IPTV criminal case against a large internationally operating IPTV network that led to the arrest of several suspects residing in the Netherlands in 2023, BREIN filed an additional complaint against an additional suspect in fiscal year 2024. Fiod published a podcast about the criminal case in 2024: <https://open.spotify.com/episode/1AdbD8pfpQQSqBYxeOOdP>

The criminal case is expected to go to trial in 2025, with the first convictions to follow soon after.

- *Other criminal complaints*

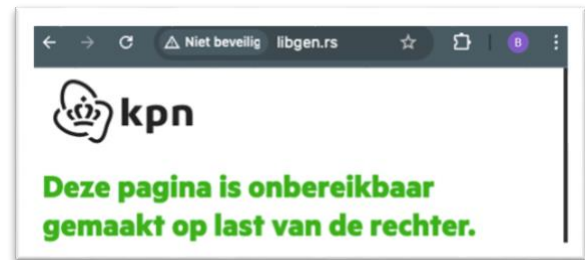
In 2024, BREIN filed several other criminal complaints. These cases are expected to result in arrests in 2025. Because of ongoing criminal investigations, BREIN can only make announcements about them after arrests have been made.

## Civil

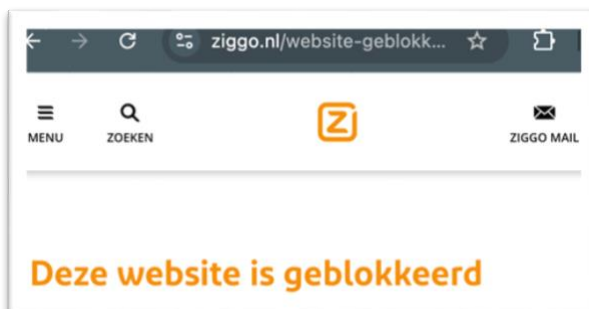
- *Blocking orders for 11 clusters of illegal sites and hundreds of proxies and mirrors, further blocking actions in preparation*

Following the existing dynamic blocking orders for the nine most popular obviously illegal bittorrent and streaming platforms and hundreds of copies of these websites in the form of proxies and mirrors, a fourth and fifth dynamic blocking order was issued by the Rotterdam District Court in 2024 at the request of BREIN.

The fourth blocking order against access provider M7/Online.nl related to the two very largest so-called "shadow libraries" containing unauthorized copies of several tens of millions of books and scientific and educational publications and articles. At issue were Library Genesis and Anna's Archive. These so-called *shadow libraries* are making many thousands



of unauthorized copies of copyrighted books, journals and articles available for free. The preliminary relief judge found that the platforms Library Genesis and Anna's Archive make copyrighted works available to the public on a large scale. BREIN tried to address the parties behind the sites as well as the hosting companies involved and other relevant intermediaries to get the services taken offline.



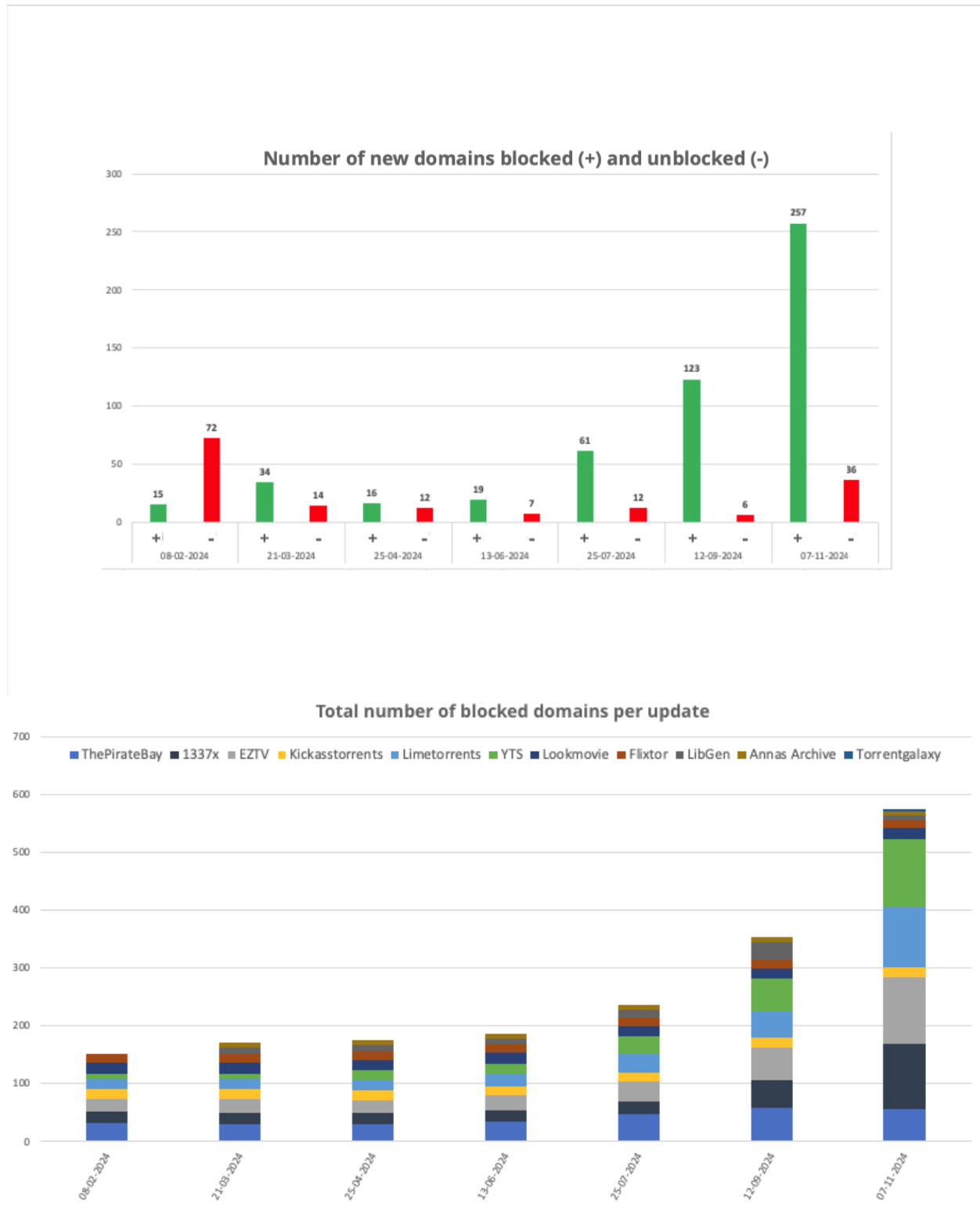
These parties are all based abroad and mostly anonymous. The preliminary injunction judge ruled that the Internet access provider must block and keep blocked its customers' access to domain names and IP addresses, within 5 business days of being noticed by BREIN. These same shadow libraries also appear to play an important role in training large AI language models about which more below.

The fifth blocking order against access provider Odido resulted in a blocking order against the extremely popular illegal BitTorrent platform Torrentgalaxy which was visited over 900,000 times a month by Dutch citizens and where content can be found from all sectors of BREIN's affiliates. Following summonses from BREIN, MagnetDL an equally large illegal BitTorrent platform went offline voluntarily, making blocking of this service unnecessary. The court found that TorrentGalaxy was infringing copyrights on a large scale. The service refused to comply with BREIN's requests and has therefore been blocked by the Dutch access providers in accordance with the covenant<sup>xiii</sup>. This involves a dynamic blocking of TorrentGalaxy's domain names, IP address and proxies and mirrors. Access provider Odido put up a defence. According to the provider, BREIN would first have to litigate against foreign hosting providers before BREIN could request blocking by Dutch access providers. The judge did not go along with this.

The number of copies (proxies and mirrors) of blocked websites is increasing. This is probably due to the increase in the number of blocked websites worldwide. The websites that BREIN has blocked concern the largest and most popular illegal sources in the Netherlands. These sites are also popular in other countries and are therefore also blocked in those other countries. At the beginning of 2024, 208

domains were blocked by Dutch access providers at BREIN's request. By the end of 2024, this number had grown to 574.

*The graph below shows how many domains were blocked last year across seven updates by access providers and how many domains were unblocked because they no longer referred to illegal content; usually because the domains went offline. The bottom graph shows the total number of blocked domains per blocking update.*





- ***Dutch actions against artificial intelligence (AI) related services***

A relatively new and immediately important focus area for BREIN is artificial intelligence (AI). BREIN took a large Dutch-language dataset offline for the first time in 2024. This dataset was intended to train generative AI models. Following a tip, BREIN discovered that this dataset consisted of illegal copies of tens of thousands of Dutch books, millions of lines from news articles from Dutch news websites such as nu.nl and Dutch subtitles of countless movies and TV series from illegal sources.

The huge dataset was compressed so that it could easily be used to train AI models such as large language models (LLMs). Reproducing/copying the data and thus data mining from illegal sources is never allowed. Even data mining from legal sources with a copyright reservation requires permission from the copyright holders. After the dataset was taken offline, BREIN investigated Dutch LLMs which were trained on this dataset only to have it taken offline.

AI-related actions come in many guises. For example, BREIN also took an illegal website offline offering for sale instrumental versions of songs. The service offered these instrumental versions of existing popular musical works without permission from rights holders. Using AI, the vocals had been filtered out of the recordings. BREIN identified the administrator of the website and summoned him to cease his offer, sign a cease and desist declaration, and pay compensation. The administrator complied with BREIN's demands.



BREIN also gave several presentations to its affiliates and interviews to the media on enforcement against AI-related infringements such as against unauthorized datasets for training AI models and generative AI models trained on such datasets.

About forty lawsuits have now been filed in the United States<sup>xiv</sup> against providers of AI models. These include cases against *Open AI* and *Meta* regarding LLMs *ChatGPT* and *LLaMA* but also against generative AI music services *Suno* and *Udio*.

These proceedings will take quite some time. In Europe, the first AI lawsuits have also begun. For example, Germany's Gema has sued two AI companies<sup>xv</sup> and French publishers have also started a lawsuit<sup>xvi</sup>. However, American law differs from European law. Therefore, it is important that litigation also takes place in Europe - preferably in the Netherlands - so that courts and eventually the EU Court of Justice in Luxembourg can explain how the relevant European rules should be interpreted. The AI cases started by BREIN in 2024 have not yet resulted in any proceedings. Should a provider of an illegal AI training dataset or provider of an infringing AI model refuse to comply with BREIN's requests, BREIN will litigate about it.

- ***Evaluation of blocking covenant rights holders and IAPs***

The blocking covenant signed in October 2021 by IAPs and rights holders<sup>xvii</sup> mandates periodic review. In June, the various parties involved in the blocking covenant met to evaluate the covenant - after the written round at the end of 2023.

In addition to the Dutch access providers (IAPs), these include (representatives of) creators and producers and BREIN. The evaluation took place under the guidance of the Ministry of Safety and Justice and Economic Affairs. The widely supported general conclusion is that the covenant is successful. There are no complaints about the functioning of the covenant and the processing of the updates that BREIN sends to the IAPs



every 6-8 weeks. To the extent that there are differences of opinion, these will be discussed further in the future and also the parties will keep track of the effective functioning of the blockings.

- **Registry strategy: notifications to SIDN and EURID**

The Dutch domain registry, Stichting Domeinregistratie Nederland (SIDN) changed its policy at the end of 2023 so that one is no longer allowed to register a domain in the name of an intermediary. EURid's terms and conditions also include such a provision. This created the possibility for BREIN to have popular .nl and .eu domains made inaccessible if they were domains registered in the name of intermediaries concealing the identity of the domain owners. Now that this is contrary to the new terms and conditions, SIDN, at BREIN's request, made sixteen domains inaccessible and EURid nine. In all cases, these were obviously illegal services aimed at illegal films, music, games and books.

- **Agreement with Dutch hosting providers**

BREIN agreed on a confidential agreement with a number of Dutch hosting providers. This includes arrangements on how to deal with infringing services and on the *know-your-customer* policy. This concerns the identification of new customers and also how to deal with existing customers who (facilitate) infringe(ments).

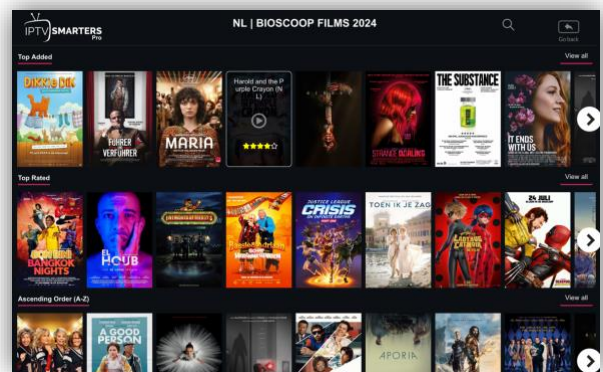
- **Actions against illegal IPTV**

Both the offering and selling of illegal IPTV subscriptions and their use constitutes an infringement.<sup>xviii</sup> Research shows that a significant percentage of Dutch people use<sup>xix</sup> an illegal IPTV subscription and that this use is increasing.<sup>xx</sup>

BREIN again took action last year against dozens of (re)sellers of illegal IPTV subscriptions in the Netherlands. BREIN also addressed a number of sellers in Belgium insofar as they targeted the Dutch market with their illegal merchandise.

The subscriptions are sold separately or together with media boxes. After identification, BREIN summons the illegal sellers, often calling in the help of bailiffs. If the sellers do not comply voluntarily, either an *ex parte* court order or a (draft) subpoena follows. In total, BREIN has stopped 46 sellers of illegal IPTV during 2024.

In 2024 BREIN reached working agreements with the Beverwijk Bazaar market to crack down on IPTV offerings.



The core of the agreements boils down to a three-stage approach where the Bazaar (i) first warns the stall tenant; and (ii) makes the tenant pay a fine in the event of a repeat offender; and (iii) proceeds to terminate the lease in the event of a detected repeat offender after fine.

It was also agreed that BREIN can request the identifying details of traders at the Bazaar from the organization after showing that infringements are taking place. Two tenants had their lease terminated in 2024 based on the agreements made. Repeated checks and purchases at the Beverwijk Bazaar remain necessary to identify and deal with IPTV traders.

As explained above in the section on criminal law, BREIN has filed a number of IPTV-related criminal complaints and provided the Dutch police and the prosecution with information about IPTV infringements.

From an unexpected source, BREIN was "helped" by a service called TVSmart. The service advertised intensively via YouTube and Google for media players that would, for a one-time fee, grant legal access to content from virtually all streaming services and TV channels which would save consumers €2,000.00 in subscription fees per year. TVSmart then delivered media players without the promised content. Buyers of the TVSmart product thus paid a lot of money and received an otherwise worthless media player. BREIN increasingly sees criminals using illegal websites and services with entertainment content such as movies and TV series to scam consumers or make them targets of phishing and malware. BREIN warns consumers about this on its website.

In fighting IPTV, BREIN cooperates with several organizations. For example, in addition to sister organizations from other countries, BREIN cooperates with Irdeto, which is also involved in combating IPTV.

- ***Actions against illegal Usenet<sup>xxi</sup>***

Investigations by BREIN last year led to the identification and tackling of three major uploaders on Usenet platforms such as spotweb. The summoned uploaders signed a cease and desist declaration with a penalty clause, paid compensation and requested Usenet providers to remove their uploads. One uploader on spotweb posted a rectification on spotweb as part of the settlement.

At the end of December 2024, BREIN received a writ of summons from usenet provider NSE. Earlier, in 2011, BREIN obtained a judgment against NSE ordering this commercial usenet provider to cease copyright infringements. This judgment was later overturned by the Amsterdam Court of Appeal, but the court also ruled that NSE - if it resumed operations - had to implement an effective NTD procedure and (to be determined) additional measures to counter infringements. NSE claims to have suffered damages from the service of the later annulled judgment. These proceedings are expected to take quite some time.

As is well known, Usenet was initially established as a discussion forum with newsgroups. However, since the introduction of binaries, which allow images and sound to be converted into text, it has degenerated into a platform primarily focused on illegal content and pornography. Effectively fighting infringement on Usenet puts the axe to the root of its revenue model, as it is primarily based on the sale of subscriptions for access to Usenet servers, on which copyrighted content is kept available for long periods of time.

- ***Actions unauthorized vinyl***

Trade in unauthorized vinyl continued to be a problem in 2024, illegal pressings of Dutch-language repertoire on 7-inch vinyl as well as infringing records with works by popular pop artists are widely offered and require enforcement.

The preventive effect of the structural visits and checks on record fairs is bearing fruit. BREIN has good cooperation agreements with the organizations of record fairs. First BREIN makes a tour of the entire fair and, with the help of experts from record companies, inspects the offerings and determines which market stalls offer infringing records. Then we make ourselves known with clearly recognizable red BREIN jackets. Exhibitors with small numbers of unauthorized vinyl must hand over the infringing records (after which they will be destroyed) and sign a standard cease and desist declaration with



penalty clause. If they infringe again in the future, this will cost them €500.00 per infringing record. Only once in the past year was a trader found offering predominantly unauthorized vinyl, this trader was

removed from the fair in consultation with the organization. Visits and checks remain necessary to prevent the supply of unauthorized vinyl at Dutch record fairs.

Legal retailers are also guilty of selling unauthorized vinyl. For example, BREIN found unauthorized grey bootlegs (recordings of live radio/TV concerts) of the label I Love Vinyl in (the leaflet of) Lidl supermarkets. On the basis of two obtained powers of attorney from rightholders, BREIN was able to write to Lidl to cease and desist from offering these two albums and to hand over purchasing information. Lidl transferred the full profits.



Unauthorized vinyl is also offered through legitimate *online* channels. For example, a trader sold bootleg and counterfeit vinyl through ecommerce website Bol.com. After being summoned, he settled with BREIN and signed a cease and desist declaration with a penalty clause.



Unauthorized vinyl is further offered mainly on online marketplaces, BREIN identifies sellers and summons them to cease and desist the unauthorized offer, demands a cease and desist declaration and claims the costs incurred. Identifying information regarding the source of the vinyl works is always part of the settlement. BREIN obtained two ex parte injunctions against dealers of

unauthorized repress vinyl. At the request of the Dutch well known group Normaal, BREIN addressed traders who wanted to get a piece of the pie from the 50th anniversary of Normaal by producing and selling illegal vinyl. Normaal's frontman Bennie Jolink warned fans and BREIN cracked down on illegal supply.

### • *Actions Against Cyberlockers*

Distribution of illegal copies through cyberlockers is a threat to all sectors of BREIN's affiliates. If a cyberlocker is hosted in the Netherlands, and BREIN is able to gather sufficient evidence of the illegal nature of the service, then we tackle it. For example, a Dutch hosting provider provided name and address details of the person responsible for the backend servers of an illegal video hosting service at BREIN's request. This service provided consumers access to popular movies and television series. Because the person apparently has an address in Vietnam, the file was transferred to international colleagues.

- *Actions against supply of unauthorized e-books and other writings*

Illegal copies of Ebooks are mostly traded through online marketplaces. BREIN monitors these platforms on a daily basis and removes advertisements for infringing products. Sellers of illegal offerings often create a limited number of ads with specific popular book titles but when contacted, these traders often turn out to have libraries with illegal copies of thousands of ebooks available. BREIN identifies these large-scale and persistent sellers and then they must sign a cease-and-desist declaration with a penalty clause and pay the costs. Often BREIN uses a bailiff to enforce the demand letters. In exceptionally serious cases, BREIN obtains an ex parte order through the courts to call the infringer to order.

The blocking of the hugely popular shadow libraries LibGen and Annas Archive were milestones in enforcement against illegal ebooks and articles last year. See also the section on blocking in this regard.

The first AI case in BREIN's history was based largely on the infringements of thousands of books by BREIN's affiliates. After summons, the dataset containing more than 70,000 books, millions of lines from news articles of websites such as nu.nl and subtitles of countless movies and TV series from illegal sources went offline. See also for this the chapter on artificial intelligence.

- *Miscellaneous*

BREIN received a request to assist in an investigation into pre-release offerings on Soundcloud. BREIN investigated the offer, after which it was found that only the title of the announced (but not yet released) track was used. The stream was immediately reported and taken offline.

At BREIN's request, a Dutch hosting provider shut down a site where movies and TV series could be requested via a chatbot.

In late 2023, BREIN started reporting IPTV ads to Google in order to make unauthorized IPTV offerings less findable in the Google search engine. After receiving a number of reports, Google disabled the search term "IPTV" for advertisers last year.

TikTok removed accounts advertising IPTV at BREIN's request. The offering of IPTV on TikTok happens under the radar because TikTok has blocked the function to search for "IPTV" on the platform and instead displays a warning in which TikTok states that illegally streaming digital content violates its terms and conditions.

- *Outreach*

BREIN has met with many external parties and shared knowledge over the past year. In a digital world where enforcement organizations are looking for efficient enforcement options, knowledge sharing is very important.

BREIN was introduced to the ATKM (Authority on Online Terrorist and Child Pornographic Material). The ATKM was established relatively recently. The ATKM faces many of the same enforcement challenges as BREIN.

BREIN became acquainted with So-da.nl, a party that handles standard civil settlements for shoplifting. This involves 30,000 settlements per year, mainly related to shoplifting in good cooperation with the police.

BREIN was in contact with the Center for Cybersecurity Belgium about the Belgian Anti Phishing Shield (BAPS)<sup>xvii</sup>. This is a system that alerts Internet users when they go to fraudulent or malicious sites. Belgian IAPs block these websites. Each time a user clicks on a link, a DNS request is sent to the IAP. Using BAPS security, the IAP's DNS server compares the Web site the user is trying to access with a list of known malicious websites. If the requested website is on this list, the IAP's DNS server redirects the user to a

warning page. This system works basically the same as website blocking under the Dutch blocking covenant. BREIN applauds this system and has brought it to the attention of the Dutch government.

BREIN participated in the roundtable on trusted flaggers organized by the ACM to discuss the establishment of trusted flagger status. In the Netherlands the ACM has been designated as Digital Services Coordinator (DSC). BREIN also opts for Trusted Flagger status which should enhance the effectiveness of BREIN's enforcement against illegal sources.<sup>xxiii</sup>

Among other things, BREIN spoke with its German colleagues to exchange experiences around blocking illegal websites and the covenants made in Germany and NL on the subject.

Illegal IPTV poses a major threat to the AV industry. BREIN is in contact with various affiliated parties and sister organizations about this to exchange experiences and cooperate. On the initiative of a large Dutch commercial broadcaster, a group of stakeholders has been assembled to talk with BREIN about jointly combating illegal IPTV. The goal is to reduce IPTV piracy as much as possible. Also, at the initiative of the Dutch fiscal police (FIOD), lawyers and technicians from BREIN and other parties met to discuss combating illegal IPTV. It was an informal meeting where general (not case specific) experiences were exchanged and knowledge was broadened.

- **Other news**

- (i) **USTR: Notorious Markets for Counterfeiting and Piracy 2023**

An 'honorable mention' for BREIN on page 12 of the USTR: Notorious Markets for Counterfeiting and Piracy 2023 report that came out in 2024. In the 'Positive Developments' section; 'Enforcement Activities: Pirated Content': *"In other enforcement efforts, Dutch anti-piracy group BREIN conducted 458 investigations that resulted in the shutdown of 449 piracy sites and services."* The USTR closes that chapter with a pat on the back for the anti-piracy/counterfeiting efforts, collectively and individually, of all "trading partners".

- (ii) **European Commission Recommendations on strengthening IP enforcement and live content**

The European Commission's designation of March 19, 2024<sup>xxiv</sup> encourages member states, right holders and intermediaries to take effective and proportionate measures against intellectual property infringements that are a growing problem in the EU. In addition to piracy of copyrighted material, the designation also covers other IP rights such as trademark law.

Earlier (in May 2023), the Commission issued a Recommendation on tackling online piracy of sports and other live content.<sup>xxv</sup> This Recommendation is relevant to combating illegal IPTV through which live sports and other events are also broadcast. The Recommendation includes blocking access to illegal live streams.

- (iii) **AI Act enters into force<sup>xxvi</sup>**

On Aug. 1, 2024, the European Artificial Intelligence Act (AI-Act) came into force. Its purpose is to promote the responsible development and deployment of AI in the EU. The AI Act contains two provisions of particular relevance to copyright. According to Section 53(1)(c) and (d), providers of AI models must:

- (1) introduce policies to comply with EU copyright rules, and in particular to comply with the rules on text and data mining (Article 4(3) of Directive (EU) 2019/790, and
- (2) meet the transparency requirement i.e. provide a sufficiently detailed overview of the content used to train the AI models.

Not all AI Act obligations go into effect immediately.



#### (iv) Consultation DSA guidance ACM

The ACM has published for consultation a draft guideline for intermediaries on how to deal with the requirements of the DSA. BREIN discussed this guidance with its international colleagues and BREIN attended a round table meeting at the ACM on the implementation of the DSA and the requirements placed on trusted flaggers. Meanwhile, the Dutch implementation law regulating the national supervision of compliance with the rules of the DSA has entered into force, and rightholder organizations can apply for trusted flagger status.<sup>xxvii</sup>

#### (v) Evaluation of Enforcement Directive

BREIN participated in the review of the EU Enforcement Directive. The Enforcement Directive has been very relevant in recent years for the legal development of civil enforcement in intellectual property cases in general and for BREIN's cases in particular. Efficient and effective enforcement tools such as website blocking by IAPs and the judicial ex parte injunction have been introduced by the EU Enforcement Directive (in combination with the Copyright Directive). With an ex parte order, BREIN can file a petition with the court after which a pirate - without being heard - can be ordered to cease infringing on forfeiture of a penalty payment. Such an injunction can be obtained within a few days.

#### (vi) 'EU Counterfeit and Piracy Watch List'<sup>i</sup>

BREIN submitted a contribution to the consultation regarding the 'EU Counterfeit and Piracy Watch List' in August. The European Commission wants to identify online service providers from outside the EU that engage in or profit from IP infringement. The Commission is asking rights holders and organizations such as BREIN to submit a written list of these services for inclusion on the list. In addition to specific parties (both infringing services and intermediaries), BREIN also pointed the Commission to relevant international piracy trends.

The new list will be published in the second quarter of 2025. The EC's intention is to encourage listed parties and local authorities to take action against IP infringement.

#### (vii) IPTV - international enforcement

European police forces regularly take large illegal IPTV services offline. Often Dutch police also play a role in this because relatively often servers are located in the Netherlands. For example, an internationally organized police action took place against a criminal IPTV network that provided 2,500 television channels and thousands of VOD titles to 22 million users. Worldwide, 11 suspects were arrested, 112 searches conducted, 29 servers seized and 100 domains made inaccessible. 560 IPTV resellers were also identified, cash and cryptocurrency were seized, and drugs and firearms were found. Organized crime is behind the IPTV networks. Consumers lost the money for their prepaid subscriptions.

The Spanish and Italian governments have started handing out fines to consumers who use illegal IPTV.

#### (viii) EUIPO

EUIPO has established a "*dedicated network of administrative authorities*."<sup>xxviii</sup> This network was created to regularly exchange information on measures and *good practices* used in member states to tackle online piracy. The network consists of representatives of administrative authorities. Since BREIN is not an administrative authority, it is not part of the network but BREIN was invited to explain its experiences and work.

The EUIPO report: Online copyright infringement in the European Union - films, music, publications, software and TV (2017-2023) from November 2024<sup>xxix</sup> shows a growth in online piracy for the Netherlands in general. On average, Dutch Internet users visited an illegal website 12.5 times per month in 2022. This

increased to an average of 14 visits per month in 2023. Streaming sites, torrent sites, download sites and stream rippers, depending on the type of content, remain popular as do illegal IPTV websites.

## Footnotes

<sup>i</sup> These concern closed files. This number does not regard ongoing projects such as the removal of Google search results, online ads and blocked websites and cases that are not handled as a separate file.

<sup>ii</sup> Of the 339 cases, 179 involved extensive investigations leading to the taking offline of an illegal website or, for example, a settlement with an infringer.

<sup>iii</sup> The number of simultaneously blocked domains on Jan. 1, 2024, totaled 208. At the end of the year, a total of 574 domains were blocked. During the year, 525 domains were added and 159 domains were dropped/unblocked. Blocking is a dynamic operation, i.e. BREIN monitors it and regularly sends updates for blocking or unblocking, especially proxies and mirrors. This is a labor-intensive exercise. Since January 1, 2018, it involves thousands of proxies/mirrors in dozens of updates. Changes to the several dozen blocked main domains, as well as some IP addresses, also occur but much less frequently.

<sup>iv</sup> BREIN's inhouse attorney at law also sends the updates to Google, which then removes the reported domains from search results.

<sup>v</sup> I.e. after summons by BREIN. A proxy redirects to the original website via a different name/address. A mirror is a copy of the content of the original website. In practice, the difference between a proxy and a mirror cannot be seen but both are used to circumvent website blocks.

<sup>vi</sup> In response to these reports and BREIN's reports to Google in 2023, Google changed its advertising policy and it is no longer possible to advertise on the search term "IPTV".

<sup>vii</sup> Please note, BREIN only reports to Google titles that are provided to BREIN by rights holders. The number of reports is decreasing since the start of blocking illegal sites. Such blocking involves making many hundreds of thousands of search results inaccessible in each case. Cyberlockers and YouTube are only addressed if requested in a concrete case by an affiliated party. Many right holders report (also) through their own 'vendors' and in the case of YouTube often licenses are in place.

<sup>viii</sup> Most BREIN cases involve stopping the infringement, usually taking the site, or infringement(s) offline, only in cases where the responsible party involved is identified, BREIN can settle or litigation takes place. A "knock & talk" involves a home visit, often preceded by an ex parte order. A settlement consists of a cease and desist declaration with a penalty clause and compensation for costs and possible damages.

<sup>ix</sup> These checks were carried out in consultation with the organizers and after warning the traders. So-called "usual suspects" stayed away or traded only legal product.

<sup>x</sup> The domains of which BREIN requests blocking from access providers are also reported by BREIN to Google, which completely removes these websites from its search results. With that, per domain, often thousands of illegal search results go out of the index at once. These numbers are not included in the number of 165,834 and the graphs below. A side effect of delisting entire websites in this way is that the number of reports from BREIN based on individual search results for illegal offerings is gradually decreasing.

<sup>xi</sup> In view of privacy regulations, BREIN does not publish domain or company names and aliases or other data when it is traceable to natural persons.

<sup>xii</sup> See, for example, <https://www.eurojust.europa.eu/news/crackdown-illegal-streaming-network-22-million-users-worldwide>

<sup>xiii</sup> <https://www.tweedekamer.nl/downloads/document?id=2021D41853>

<sup>xiv</sup> <https://chatgptiseatingtheworld.com/2024/08/27/master-list-of-lawsuits-v-ai-chatgpt-openai-microsoft-meta-midjourney-other-ai-cos/>

<sup>xv</sup> <https://www.gema.de/de/aktuelles/ki-und-musik/ki-klage>

<sup>xvi</sup> <https://www.sne.fr/press-release-authors-and-publishers-unite-in-lawsuit-against-meta-to-protect-copyright-from-infringement-by-generative-ai-developers/>

<sup>xvii</sup> <https://www.tweedekamer.nl/downloads/document?id=2021D41853>

<sup>xviii</sup> <https://curia.europa.eu/juris/document/document.jsf?docid=190142&doclang=nl>

<sup>xix</sup> <https://www.aapa.eu/illicit-iptv-in-europe-an-aapa-economic-report>

<sup>xx</sup> <https://euipo.europa.eu/tunnel->

[web/secure/webdav/guest/document\\_library/observatory/documents/reports/2024\\_online\\_copyright\\_infringement/2024\\_online\\_copyright\\_infringement\\_in\\_the\\_EU\\_FullR\\_en.pdf](web/secure/webdav/guest/document_library/observatory/documents/reports/2024_online_copyright_infringement/2024_online_copyright_infringement_in_the_EU_FullR_en.pdf)

<sup>xxi</sup> The usenet is a precursor to the Internet and for many years has been used almost exclusively for the illegal sharing of protected content such as movies, series, music, books and games. Content is uploaded to usenet where it is kept available mainly by commercial usenet providers who sell access subscriptions. Spot web, indexing sites and usenet communities then share spots or nzb links that facilitate finding and downloading the files.

<sup>xxii</sup> <https://baps.safeonweb.be/baps>

<sup>xxiii</sup> As soon as the opportunity opened up, BREIN filed an application in early 2025.



<sup>xxiv</sup> [https://single-market-economy.ec.europa.eu/publications/commission-recommendation-measures-combat-counterfeiting-and-enhance-enforcement-intellectual\\_en](https://single-market-economy.ec.europa.eu/publications/commission-recommendation-measures-combat-counterfeiting-and-enhance-enforcement-intellectual_en)

<sup>xxv</sup> <https://digital-strategy.ec.europa.eu/en/library/recommendation-combating-online-piracy-sports-and-other-live-events>

<sup>xxvi</sup> [https://commission.europa.eu/news/ai-act-enters-force-2024-08-01\\_nl](https://commission.europa.eu/news/ai-act-enters-force-2024-08-01_nl)

<sup>xxvii</sup> <https://www.rijksoverheid.nl/actueel/nieuws/2025/02/03/nederlands-toezicht-van-start-op-digitale-diensten-die-onder-de-dsa-vallen>

<sup>xxviii</sup> <https://www.euipo.europa.eu/en/observatory/enforcement/combating-piracy>

<sup>xxix</sup> [https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document\\_library/observatory/documents/reports/2024\\_online\\_copyright\\_infringement/2024\\_online\\_copyright\\_infringement\\_in\\_the\\_EU\\_FullR\\_en.pdf](https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/2024_online_copyright_infringement/2024_online_copyright_infringement_in_the_EU_FullR_en.pdf)