

United States Senate

WASHINGTON, DC 20510

VIA ELECTRONIC TRANSMISSION

July 13, 2023

Ms. Shira Perlmutter
Register of Copyrights and Director
United States Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559

Dear Register Perlmutter:

We write to express our interest in addressing online copyright infringement emanating from commercial foreign websites and to understand what additional tools can be made available to United States copyright owners to combat this piracy, which is seriously harming our creative economy. In particular, we are interested in the effectiveness of no-fault injunctive relief currently available to copyright owners in many countries – a remedy not available in the United States.

Last year, Congress held discussions among content owners, internet service providers, technology companies, libraries, public interest advocates, and domain name registries/registrars about a potential legislative solution to combat digital commercial piracy. That endeavor focused on the possibility of adding a no-fault injunctive remedy procedure to our law, by which a court would order an internet service provider to prevent access to foreign websites dedicated to copyright infringement.

The Office, in its May 2020 report on Section 512 of the Digital Millennium Copyright Act and its June 2020 follow-up letter, identified no-fault injunctions as being used in dozens of countries around the world. The Office did not, however, make any specific recommendations with respect to adopting this remedy in the United States, citing a lack of empirical evidence to weigh the benefits of no-fault injunctions against any potential downsides.

Other countries have continued to offer this remedy in the nearly three years since the Office issued its report. As we consider what additional tools may be necessary to address foreign online commercial piracy, we request that the Office provide an update on any reports regarding the effectiveness of no-fault injunctive remedies in other countries.

United States Senate

WASHINGTON, DC 20510

Your prompt attention to this matter is greatly appreciated. Please reply with any updates by no later than September 13, 2023. We look forward to working with you on this important matter.

Sincerely,



Thom Tillis
United States Senator



Chris Coons
United States Senator



Richard J. Durbin
United States Senator



Mazie Hirono
United States Senator



Lindsey Graham
United States Senator



Marsha Blackburn
United States Senator



The Register of Copyrights of the United States of America

United States Copyright Office · 101 Independence Avenue SE · Washington, DC 20559-6000

October 28, 2023

The Honorable Thom Tillis
United States Senate
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Washington, D.C. 20510

The Honorable Chris Coons
United States Senate
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The Honorable Richard J. Durbin
United States Senate
711 Hart Senate Office Building
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The Honorable Mazie Hirono
United States Senate
109 Hart Senate Office Building
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The Honorable Lindsey Graham
United States Senate
211 Russell Senate Office Building
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The Honorable Marsha Blackburn
United States Senate
357 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senators Tillis, Coons, Durbin, Hirono, Graham, and Blackburn:

Thank you for your July 13, 2023 letter regarding the effectiveness of no-fault injunctive relief as a means for addressing online copyright infringement emanating from commercial foreign websites. No-fault injunctive relief allows courts to order internet service providers (ISPs) to prevent users from accessing websites primarily dedicated to copyright infringement, without the need to address the providers' possible liability. This remedy has been adopted in many countries, but as you note is not currently available in the United States.

In 2020, the Copyright Office issued a report, *Section 512 of Title 17*, which discussed no-fault injunctions as a tool for combating infringement.¹ The Report observed that websites primarily dedicated to copyright infringement are frequently located abroad, outside the jurisdiction of the United States, which shields them from monetary and equitable remedies here.² It also found that no-fault injunctive relief was increasingly available in other countries and provided an overview of laws in the United Kingdom, Australia, India, and the European

¹ U.S. COPYRIGHT OFFICE, SECTION 512 OF TITLE 17, at 58–61, 193–96 (2020) (“SECTION 512 REPORT”), <https://www.copyright.gov/policy/section512/section-512-full-report.pdf>.

² *Id.* at 193.

Union.³ The Office refrained from making specific recommendations regarding adoption of this remedy and advocated further study.⁴

Your letter asks that the Office provide an update on any research or reports regarding the effectiveness of no-fault injunctive remedies in other countries. Based on a review of publicly available information, we can report that no-fault injunctions are now being used in substantially more countries around the world. These countries have adopted a range of safeguards to avoid adverse effects on non-infringing content. A number of recent academic studies and government evaluations have concluded that such injunctions can be effective, at least when they target a sufficient number of infringing sites.

Increased Adoption of No-Fault Injunctive Relief

According to a study by the Information Technology & Innovation Foundation (ITIF), as of 2022 at least thirty-three countries actively used no-fault injunctive relief. This represents an increase of 32% from the numbers noted three years ago in the Section 512 Report.⁵ These countries include major economies such as Australia, the European Union member states, India, Israel, Singapore, South Korea, and the United Kingdom. In addition, since the issuance of the Report, several free trade agreements concluded by other countries have included provisions requiring the availability of this remedy.⁶

We note that no-fault injunctive relief has become prevalent enough that the U.S. Chamber of Commerce’s Global Innovation Policy Center (GIPC) now includes its availability as a factor in scoring a country’s IP climate.⁷ Its 2023 International IP Index “saw notable improvements” in the copyright environments of countries around the world that it attributed in part to the increase in no-fault injunctive relief over the past decade.⁸

³ *Id.* at 58–61, 195 n.1035. In addition to the Section 512 Report, the Senate Subcommittee on Intellectual Property’s March 10, 2020 hearing includes information detailing other countries’ use of no-fault injunctions. *Copyright Law in Foreign Jurisdictions: How Are Other Countries Handling Digital Piracy?: Hearing Before the Subcomm. on Intell. Prop. of the S. Comm. on the Judiciary*, 116th Cong. (2020).

⁴ SECTION 512 REPORT at 196.

⁵ NIGEL CORY, INFO. TECH. & INNOVATION FOUND., A DECADE AFTER SOPA/PIPA, IT’S TIME TO REVISIT WEBSITE BLOCKING 22 (2022) (“ITIF, A DECADE AFTER”), <https://www2.itif.org/2022-revisiting-website-blocking.pdf>. At the time of the Section 512 Report, at least 25 countries actively used this remedy. SECTION 512 REPORT at 58–59, 59 n.309.

⁶ *See* Free Trade Agreement Between the European Union and New Zealand, E.U.-N.Z., art. 18.53, July 9, 2023; Free Trade Agreement Between New Zealand and the United Kingdom of Great Britain and Northern Ireland, N.Z.-U.K., art. 17.70, Feb. 28, 2022; Free Trade Agreement Between the United Kingdom of Great Britain and Northern Ireland and Australia, Austl.-U.K., art. 15.89, Dec. 16, 2021.

⁷ GLOB. INNOVATION POL’Y CTR., U.S. CHAMBER OF COM., INTERNATIONAL IP INDEX 414 (11th ed. 2023) (“GIPC INTERNATIONAL IP INDEX”), https://www.uschamber.com/assets/documents/GIPC_IPIndex2023_FullReport_final.pdf.

⁸ *Id.* at 62–63.

As no-fault injunctions have become more common, some jurisdictions have expanded their scope through dynamic injunctions that target websites that quickly shift domain names or move infringing content to another website. A 2021 report by the European Union Intellectual Property Office (EUIPO) describes the use of dynamic injunctions, which were pioneered in the United Kingdom to target additional sites whose “sole or predominant purpose is to enable or facilitate access” to the infringing websites targeted in an original court order.⁹ The EU’s Parliamentary Research Service has highlighted the usefulness of dynamic injunctions in the context of live sports, which pose unique challenges because the value generally diminishes at the end of the live broadcast, requiring real-time enforcement.¹⁰ Citing this study, the European Commission recently adopted a Recommendation on combating online piracy of sports and other live events that encourages EU member states to provide for dynamic injunctions.¹¹

In considering and evaluating no-fault injunctive relief, many stakeholders, scholars, courts, and regulators have stressed the importance of procedural safeguards to ensure due process and proportionality. In recognition of that fact, the U.S. Chamber of Commerce’s GIPC’s *International IP Index* considers whether injunctive relief is “based on a clear, transparent, expeditious, and standardized procedure” and protects due process.¹²

Different countries have adopted a range of such safeguards. The European Union permits no-fault injunctions “only if they are strictly targeted to bring the infringement to an end and if they do not disproportionately impinge on fundamental rights, do not impose ‘excessive

⁹ See EUR. UNION INTELL. PROP. OFF., STUDY ON DYNAMIC BLOCKING INJUNCTIONS IN THE EUROPEAN UNION 14–15, 31, 40, 44 (2021) (“EU DYNAMIC INJUNCTIONS STUDY”), https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/2021_Dynamic_Blocking_Injunctions/2021_Study_on_Dynamic_Blocking_Injunctions_in_the_European_Union_FullR_en.pdf; Twentieth Century Fox Film Corp. v. British Telecomms. PLC [2011] EWHC (Ch) 2714 [56] (Eng.). The EU report reviews the breadth of subject matter of no-fault injunctions (*i.e.*, whether they extend beyond copyright to other areas of intellectual property), their temporal and territorial scope, the types of websites and intermediaries targeted, evidentiary requirements, cost allocation, and the various technical methods used, among many other issues. See EU DYNAMIC INJUNCTIONS STUDY at 59–62. On dynamic injunctions, see generally Giancarlo Frosio & Oleksandr Bulayenko, *Website Blocking Injunctions in Flux: Static, Dynamic and Live*, 16 J. INTELL. PROP. L. & PRAC. 1127, 1133–37 (2021) (discussing many of the same research findings); Despoina Farmaki, *The Effectiveness of Blocking Injunctions Against ISPs in Respect of Online Copyright Infringement in Europe: A Comparative Analysis from the UK, Greece and the Nordic Countries*, 4 STOCKHOLM INTELL. PROP. L. REV. 6, 16 (2021) (advocating that the European Union adopt a dynamic approach modeled off the “notice and block” regime used in the United Kingdom); Pranay Bali & Nayantara Malhotra, *To Block or Not to Block?: Analysing the Efficacy of Website Blocking Orders and Dynamic Injunctions in Combating Digital Piracy*, 11 INDIAN J. OF INTELL. PROP. L. 179, 189–96 (2020).

¹⁰ EUR. PARLIAMENTARY RSCH. SERV., CHALLENGES FACING SPORTS EVENT ORGANISERS IN THE DIGITAL ENVIRONMENT, at I–II, 7–8 (2020), [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654205/EPRS_STU\(2020\)654205_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654205/EPRS_STU(2020)654205_EN.pdf).

¹¹ Commission Recommendation 2023/1018 of 4 May 2023 on Combating Online Piracy of Sports and Other Live Events, 2023 O.J. (L 136) 83.

¹² GIPC INTERNATIONAL IP INDEX at 420.

obligations’ on intermediaries and address the risk of over- and under-blocking.”¹³ This requires courts to balance several fundamental rights, including consumers’ freedom of information and internet access, freedom of expression, and right to privacy and data protection; ISPs’ freedom to conduct a business; and copyright holders’ intellectual property rights.¹⁴ The EU report on dynamic injunctions identifies certain common procedural requirements, including the need to show ownership of the infringed material, provide evidence of the alleged infringement, and establish the reasonableness and proportionality of the requested relief.¹⁵ Some member states mandate that the parties identify and agree to safeguards in advance or require rightsholders to inform ISPs when targeted websites are inactive or no longer providing infringing content.¹⁶

Countries outside of the European Union incorporate similar safeguards. In the United Kingdom, the “injunction must be (i) necessary, (ii) effective, (iii) dissuasive, (iv) not unduly costly or complicated, (v) avoid barriers to legitimate trade, (vi) a fair balance between the fundamental rights engaged, (vii) proportionate and (viii) safeguarded against abuse.”¹⁷ Proportionality is the key factor as “consideration of the other factors feeds into the proportionality analysis.”¹⁸

Certain jurisdictions, such as Australia, impose a threshold requirement that the infringing website must have “the primary purpose or the primary effect of infringing, or facilitating an infringement, of copyright.”¹⁹ Likewise, in Singapore, the website must be a “flagrantly infringing online location,” which is determined by considering and weighing several statutory factors, including “whether the primary purpose of the online location is to commit

¹³ EU DYNAMIC INJUNCTIONS STUDY at 8, 59–60.

¹⁴ Christophe Geiger et al., *Intermediary Liability and Fundamental Rights*, in THE OXFORD HANDBOOK OF ONLINE INTERMEDIARY LIABILITY 138–52 (Giancarlo Frosio ed., 2020); Jan Bernd Nordemann, *Website Blocking Under EU Copyright Law*, in THE ROUTLEDGE HANDBOOK OF EU COPYRIGHT LAW 367–69 (Eleonora Rosati ed., 2021).

¹⁵ EU DYNAMIC INJUNCTIONS STUDY at 32, 60. Another study focuses on the cross-border challenges arising from the territorial nature of copyright enforcement, even in a region like the EU which has taken steps to harmonize law across member states. Citing research on the effectiveness of no-fault injunctions, the study proposes the establishment of an EU-wide order for cases of “obvious” infringement and means for “fast-tracking” injunctions elsewhere once an order has been granted in a particular state. EUR. PARLIAMENT, POL’Y DEP’T FOR CITIZENS’ RIGHTS AND CONST. AFFS., CROSS BORDER ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN EU 15, 65–66, 78–79 (2021), [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/703387/IPOL_STU\(2021\)703387_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/703387/IPOL_STU(2021)703387_EN.pdf).

¹⁶ See EU DYNAMIC INJUNCTIONS STUDY at 30–31.

¹⁷ *Columbia Pictures Indus. Inc. v. British Telecomms. PLC* [2021] EWHC (Ch) 2799 [23], [25] (Eng.) (quoting *Nintendo v. Sky UK Ltd.* [2019] EWHC (Ch) 2376 [41] (Eng.)).

¹⁸ *Id.* at [25].

¹⁹ Peter Carstairs, *The Inevitable Actors: An Analysis of Australia’s Recent Anti-Piracy Website Blocking Laws, Their Balancing of Rights and Overall Effectiveness*, 31 AUSTL. INTELL. PROP. J. 280, 285, 295–96, 300–01, 307 (2021) (quoting Copyright Act 1968 (Cth) s 115A (Austl.)).

or facilitate rights infringements.”²⁰ Other factors include whether access to the website has been disabled by courts in other countries on infringement-related grounds, whether the owner of the website shows a general disregard for copyright, whether the website guides users on how to circumvent any infringement-related disabling, and the volume of traffic.²¹ Courts in India have applied a similar framework, evaluating whether a website is “flagrantly infringing” or “rogue” by examining such factors as the primary purpose of the website, the flagrancy of infringement, infringement-related orders in other countries, anti-circumvention methods, and the volume of traffic.²² The court may issue an order only if it is “necessary and proportionate,” which requires it to consider whether less restrictive means are available.²³

Effectiveness of No-Fault Injunctions

A number of empirical studies on the effectiveness of no-fault injunctions were conducted prior to the Section 512 Report.²⁴ The Report noted that some found that no-fault injunctions led to statistically significant reductions in piracy, but others saw little or no effect.²⁵ A leading study, which has since been published in a peer-reviewed academic journal, offers one explanation for the differing results. The authors concluded that using injunctions to target multiple infringing websites at the same time raises costs on infringing behavior sufficient to induce consumers to shift from illegal channels to legal subscription services.²⁶ A 2020 study

²⁰ Copyright Act, 2021 (Act No. 22/2021) §§ 99, 325 (Sing.).

²¹ *Id.* § 99.

²² UTV Software Comms. Ltd. v. 1337x.to [2019] CS(COMM) 724/2017, [59]–[60] (India).

²³ *Id.* at [76]–[77].

²⁴ For a compilation of the various studies, see Brett Danaher et al., Piracy Landscape Study: Analysis of Existing and Emerging Research Relevant to Intellectual Property Rights (IPR) Enforcement of Commercial-Scale Piracy 42–43 (Mar. 20, 2020) (prepared for U.S. Pat. & Trademark Off.), <https://www.uspto.gov/sites/default/files/documents/USPTO-Piracy-Landscape.pdf>. The empirical research is also summarized in Michael D. Smith, *What the Online Piracy Data Tells Us About Copyright Policymaking*, HUDSON INST. (Apr. 17, 2023), <https://www.hudson.org/intellectual-property/what-online-piracy-data-tells-us-about-copyright-policymaking>; Michael D. Smith & Rahul Telang, *The Enforcement of Intellectual Property Rights in a Digital Era*, in TRADE IN KNOWLEDGE: INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT IN A TRANSFORMED GLOBAL ECONOMY 498, 514–18 (Antony Taubman & Jayashree Watal eds., 2022).

²⁵ SECTION 512 REPORT at 195–96.

²⁶ Brett Danaher et al., *The Effect of Piracy Website Blocking on Consumer Behavior*, 44 MIS Q. 631 (2020) (finding that targeting single sites is also less likely to be effective). The study examined consumer behavior in the United Kingdom during three separate episodes: preventing access to one major infringing website in 2012, preventing access to 19 in 2013, and preventing access to 53 in November 2014. *Id.* at 634–35. The researchers monitored consumers’ internet activity before and after the courts’ orders to evaluate consumers’ use of the targeted websites, of any remaining infringing websites, of virtual private networks (VPN) to circumvent those orders, and of legal paid streaming websites. *Id.* at 636–37. When access to a single infringing website was prevented, consumers continued to access infringing content through other infringing websites or found ways to bypass the disruption. *Id.* at 649. By comparison, when access to multiple infringing websites was disrupted at the same time, overall levels of piracy decreased and paid subscriptions increased. *Id.* The authors concluded that targeting enough sites “sufficiently increase[s] the search and learning costs associated with additional piracy.” *Id.*

by the Motion Picture Association applied the same methodology to more recent data from Australia and likewise found that no-fault injunctions against multiple infringing websites encouraged a shift to legal channels.²⁷ Consumer surveys conducted by the Coalition Against Piracy in the Asia-Pacific region also indicate that no-fault injunctive relief reduces infringement and leads consumers to turn to legal alternatives.²⁸

Other more recent analyses by foreign governments support the conclusion that no-fault injunctions can be effective. In France, a government agency in 2022 concluded that “measures to block illegal sports broadcasting sites have proven effective: the majority of Internet users confronted with these blocks have not persisted with their infringing viewing, resulting in a drop in the audience for infringing websites.”²⁹ Also in 2022, the Australian government began a review of its copyright enforcement landscape, including the effectiveness of its no-fault injunction mechanism.³⁰ In framing its review, the government noted evidence suggesting that such injunctions “had a positive effect in reducing the extent to which consumers are accessing content through websites that are infringing copyright.”³¹ It pointed to a 2021 survey it had commissioned, which found that of the consumers who encountered targeted websites, 59% stopped trying to access the material, and 18% sought to access it through legal channels.³² Another survey it commissioned in 2022 had similar findings—60% of consumers who encountered a targeted website gave up accessing the material, and 14% sought lawful access.³³

²⁷ MOTION PICTURE ASS’N, MEASURING THE EFFECT OF PIRACY WEBSITE BLOCKING IN AUSTRALIA ON CONSUMER BEHAVIOR: DECEMBER 2018 (2020), <https://www.mpa-apac.org/wp-content/uploads/2020/02/Australia-Site-Blocking-Summary-January-2020.pdf>. In the study, researchers measured the impact of a December 2018 “wave” of no-fault injunctions in Australia in which 233 domains associated with 99 websites were targeted. *Id.* at 2. An evaluation of consumers’ pre- and post-wave visit data showed a 5% increase in the use of legal websites, substantiating earlier research. *Id.* at 7–8.

²⁸ 2023 CAP Consumer Surveys Continue to Show the Benefits of Effective Site Blocking, ASIA VIDEO INDUS. ASS’N (May 15, 2023), <https://avia.org/2023-cap-consumer-surveys-continue-to-show-the-benefits-of-effective-site-blocking/>.

²⁹ 40% of Live-Streamed Sports Consumers Experienced Being Blocked from Infringing Websites in the First Half of 2022, L’ESSENTIEL (ARCOM, Paris, Fr.), Oct. 2022, at 5, https://www.arcom.fr/sites/default/files/2022-11/Essentiel%2024-10-2022_EN_LQP.pdf.

³⁰ ATT’Y-GEN.’S DEP’T, AUSTL. GOV., COPYRIGHT ENFORCEMENT REVIEW: ISSUES PAPER 13–15 (2022), https://consultations.ag.gov.au/rights-and-protections/copyright-enforcement-review/user_uploads/copyright-enforcement-review-issues-paper.pdf.

³¹ *Id.* at 14.

³² See ORIMA RESEARCH, CONSUMER SURVEY ON ONLINE COPYRIGHT INFRINGEMENT 2021: SURVEY FINDINGS REPORT 93 (2021), https://www.ag.gov.au/sites/default/files/2023-02/consumer-survey-on-online-copyright-infringement-2021_report.pdf.

³³ ORIMA, CONSUMER SURVEY ON ONLINE COPYRIGHT INFRINGEMENT 2022: SURVEY FINDINGS REPORT 106 (2022), https://www.ag.gov.au/system/files/2023-02/consumer-survey-on-online-copyright-infringement-2022_report.pdf.

Courts themselves frequently consider effectiveness in deciding whether to issue no-fault injunctions. In the United Kingdom, courts have found that such orders materially reduce the number of UK consumers who access the websites subject to the injunctive orders.³⁴ Likewise, courts in EU member states have found that no-fault injunctions are effective. For example, a decision by the Amsterdam Court of Appeal in the Netherlands found the measures to be sufficiently effective even though consumers would be able to turn to alternative infringing sites.³⁵ In Ireland, a court extended an injunction against infringing live-streaming websites after reviewing evidence that showed a decline in the percentage of consumers using illegal streaming devices.³⁶

Finally, countries including Denmark, Germany, and the Netherlands have established self-regulatory systems that rely on voluntary agreements with government oversight.³⁷ A 2023 empirical study examined the effectiveness of a voluntary agreement established by ISPs and rightsholders, which was administered by a monitoring agency.³⁸ Working with a telecommunications company, the authors compiled a dataset on household media consumption.³⁹ Comparing households that used the BitTorrent filesharing protocol (used as a proxy for piracy because of its association with infringing behavior) with those that did not,

³⁴ See, e.g., *Nintendo Co. v. British Telecomms.* PLC [2021] EWHC (IPEC) 3488 [32] (Eng.) (“Blocking injunctions are now generally accepted to be effective in reducing traffic to target websites. In other jurisdictions where predecessor sites have been blocked, traffic has significantly declined.” (citation omitted)); *Capitol Recs. v. British Telecomms.* PLC [2021] EWHC (Ch) 409 [79] (Eng.); *Young Turks Recordings Ltd. v. British Telecomms.* PLC [2021] EWHC (Ch) 410 [94] (Eng.).

³⁵ Hof Amsterdam 2 juni 2020, ECLI:NL:GHAMS:2020:1421 (*Ziggo B.V. en XS4all Internet B.V./Stichting BREIN*) (Neth.); see NIGEL CORY, INFO. TECH. & INNOVATION FOUND., WEBSITE BLOCKING IN EUROPE: DEBATED, TESTED, APPROVED, AND DEFENDED (2021), <https://itif.org/publications/2021/05/07/website-blocking-europe-debated-tested-approved-and-defended/>; Léon Dijkman, *Amsterdam Court of Appeal Issues Dynamic Blocking Injunction in Long-Running Dispute Between BREIN and ISPs*, THE IPKAT (July 5, 2020), <https://ipkitten.blogspot.com/2020/07/amsterdam-court-of-appeal-issues.html>.

³⁶ *Football Ass’n Premier League Ltd. v. Eircom Ltd.* [2020] IEHC 332 (Ir.).

³⁷ See DEAN S. MARKS & JAN BERND NORDEMANN, THE ROLE OF THE DOMAIN NAME SYSTEM AND ITS OPERATORS IN ONLINE COPYRIGHT ENFORCEMENT 15 (2022), https://www.wipo.int/edocs/mdocs/mdocs/en/wipo_ace_15/wipo_ace_15_7.pdf. The Intellectual Property Office of the Philippines recently announced the launch of a similar mechanism established by agreements with the National Telecommunications Commission and several ISPs. *IPOP HL Rolls Out New Site Blocking Rules to Stamp Out Piracy, Redirect Consumers to Legit Markets*, IPOP HL (Sept. 25, 2023), <https://www.ipophil.gov.ph/news/ipophil-rolls-out-new-site-blocking-rules-to-stamp-out-piracy-redirect-consumers-to-legit-markets/>.

³⁸ Filipa Reis, Miguel Godinho de Matos, & Pedro Ferreira, Controlling Digital Piracy Via Domain Name System Blocks: A Natural Experiment 9 (Jan. 3, 2023) (unpublished manuscript), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4335662. Unlike other studies focused on court-ordered measures, the process studied in this paper was purely administrative. *Id.*

³⁹ *Id.* at 5.

they found that targeting infringing websites resulted in a significant reduction in the Internet traffic of the BitTorrent users, indicating a decrease in piracy.⁴⁰

Conclusion

In sum, over the past three years there has been increased international adoption of the remedy of no-fault injunctions. Safeguards such as judicial oversight and clear statutory thresholds have been incorporated in those laws to protect due process. The publicly available information indicates that this remedy helps reduce online infringement when applied appropriately.

Please do not hesitate to contact me if you would like additional information or assistance.

Sincerely,



Shira Perlmutter
Register of Copyrights and Director,
United States Copyright Office

⁴⁰ *Id.* at 5–6. The study also examined whether consumers shifted to a specific set of legal alternatives consisting of TV viewership, video-on-demand, and paid TV channels and found only a modest, statistically insignificant increase in TV viewership. *Id.* at 6. While the results also suggested a possible increase in online streaming, the authors were unable to draw concrete conclusions from their data, and legal alternatives like Netflix were limited in the region studied at the time of the study. *Id.* at 6, 8, 47.