

Copyright news: the most visited torrent site in Lithuania has been recognized as a “pirate” and ISP’s will have to block access to it at their own expense

On 15th of January 2019, Lithuanian Court of Appeal ruled that the most visited torrent site in Lithuania, Linkomanija.net, must be blocked by Internet service providers (ISP’s) at their expenses. The case has been ongoing for 2 years already and is likely to open the doors to “pirate” site blocking in Lithuania.

The Lithuanian Copyright Protection Association (LATGA) began its blocking efforts against the “pirate” site in 2016 when it filed a lawsuit at the Regional Court of Vilnius demanding that several local ISPs prevented their subscribers from accessing the site. In November 2017, the Court sided with LATGA and instructed the country’s largest ISP’s to block access to the site. The decision was appealed.

The Lithuanian Court of Appeal has made a favourable decision to LATGA and has stated that Linkomanija.net is basically a “pirate” site for sharing information, which is copyright protected. Therefore, in assessing the proportionality of the legal measure requested by LATGA (blocking the site trough ISP’s), the need for copyright protection outweighs the right of users of Linkomanija.net.

The Court also declared that ISPs have an obligation to contribute to the removal of infringements of the law on the Internet, which includes an obligation to bear the proportionate costs involved. An ISP is a legal person responsible for any transmission of infringing content to its customers and third parties, as the ISP - by providing access to the network - provides Internet users with an opportunity to perform this transmission by giving access to an Internet website that allows its users to use third-party protected materials made available on the Internet. As such, an ISP is an intermediary whose services are used in violation of copyright or related rights. ISPs will have to block access to the site at their own expense.

Hopefully, recent case-law on infringements and enforcement of intellectual property rights is one step closer to a more effective protection of the Rights holders on the Internet.



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