



REPORT ON THE ACTIVITIES OF SECTION TWO OF THE INTELLECTUAL PROPERTY COMMISSION (Data as of September 30 2019)

A. DATA ON THE NUMBER OF COMPLAINTS

A.1. Total number of complaints

- Since the entry into operation of Section Two of the Intellectual Property Commission ("IPC") in March, 2012, **631 complaints** have been filed (*13 of them filed in 2019*), of which **353** were incomplete and needed a correction request.

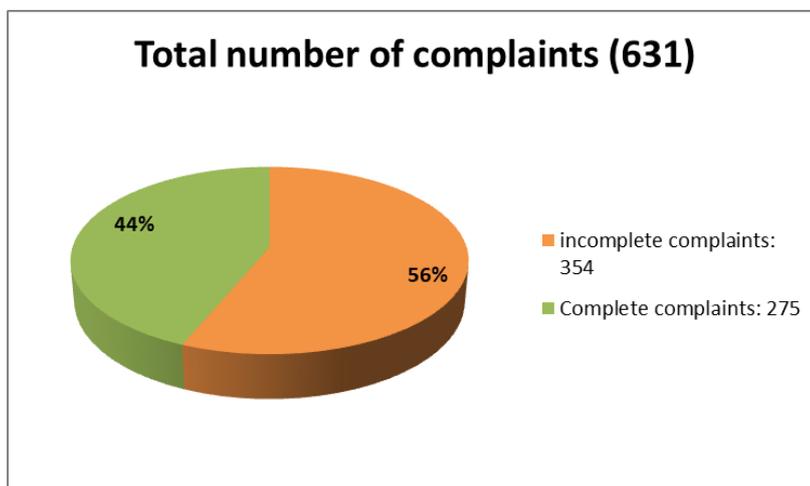


Figure 1. Total number of complaints filed before Section Two of the IPC.

- Out of the 631 complaints, **271** have not been further processed because of the **withdrawal of the complainant**, triggered by his fail to correct the initial complaint.

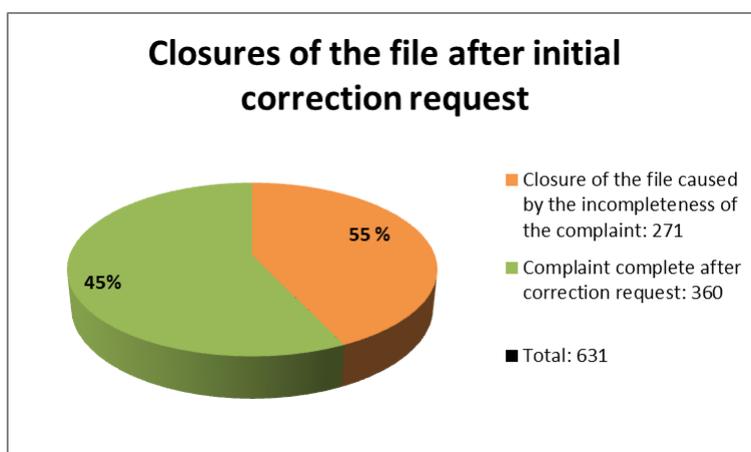


Figure 2. Closures of the file after initial correction request.

A.2 Further processed files

- Out of the **360 complaints** that have turned out to be complete and in compliance with Royal Decree 1889/2011, **304 have already been completely processed**. Of those 304 files, **176 have already triggered the formal opening of the proceedings**; whereas **128 have been closed due to the disappearance of the object of the procedure** (may it be because of the take down of the infringing contents, the cease of activity of the website, or the impossibility of identifying the infringers). The remaining **56 files are under investigation, prior to the formal opening of the proceedings** (investigations relating the identification of infringers and the proof of the infringements).

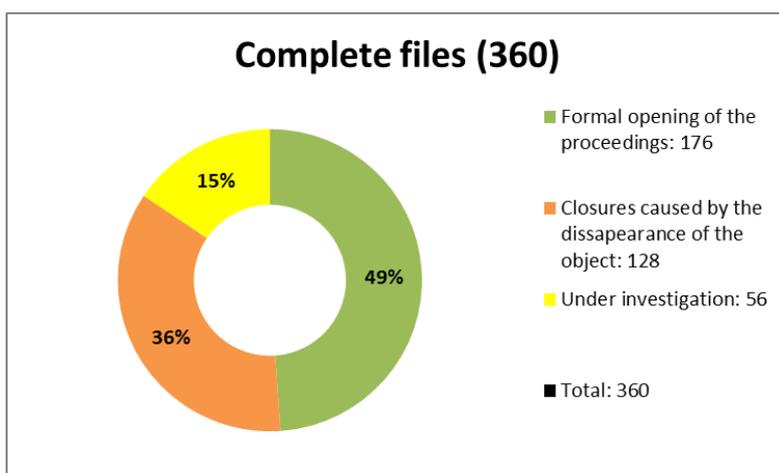


Figure 3: Complete files.

A.3 Files that have triggered the formal opening of the proceedings

- Out of the **176 files** which have triggered the **formal opening of the proceedings**:
 - In **112 files**, the file have been closed (in **109 files, because of the withdrawal of the infringing contents after the initial request**, and in **3 files, because the deadline expired**).

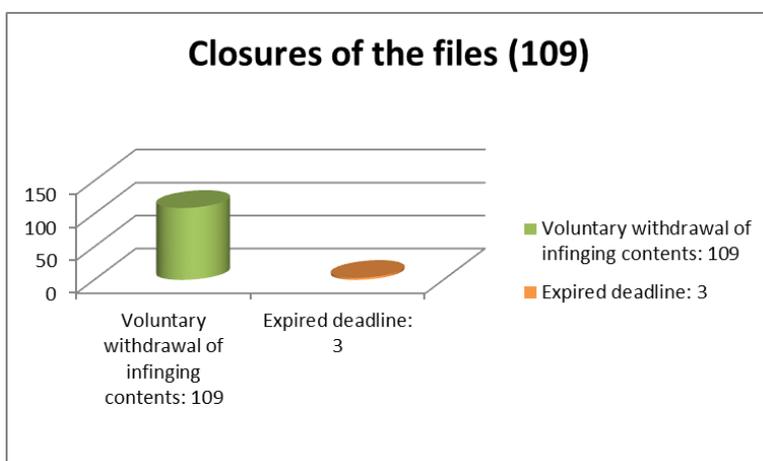


Figure 4: Closures of the files.

- 67 files have triggered a Final Resolution ordering the take down of contents:
 - In 27 of those files, the infringing website has complied with the resolution, and it has taken down the contents or ceased its activity.
 - In 4 of those files, the take down was not complete, but it was not possible to execute the resolution.
 - 4 of those files are ongoing, currently in the process of obtaining judicial clearance for execution measures, as the infringer have failed to comply with the resolution.
 - As to the remaining 30 files, judicial clearance has been granted for the blocking of the website after the failure to comply with the resolution.
 - In 2 of those files, it has been transferred to the Ministry of Culture and Sport for, finally, the imposition of a penalty of 375.000 euros of very serious administrative infringement typified in the article 195 of the Law of Intellectual Property.

A.4. Conclusion

- **Summing up**, out of the **630** filed complaints, **577 have been completely processed**, i.e., **92,46 % of all filed complaints**.

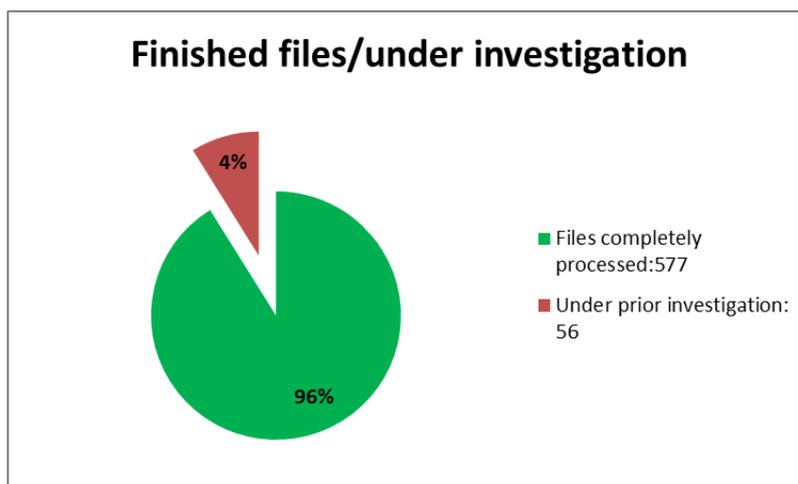


Figure 5: Finished files/under investigation.

B. COPYRIGHT INFRINGING WEBSITES AFFECTED BY THE ACTIVITIES OF THE INTELLECTUAL PROPERTY COMMISSION

The data described above only reveal the total number of files which have been investigated and solved, but it does not show **the real number of infringing websites which have been affected by the activities of the Intellectual Property Commission**. In this regard, **most of the files have affected two or more websites**.

Specifically, regarding the **total number of affected websites**, we can provide the following data:

The **176** formally opened files have affected **345 infringing websites**:

- **308 websites** have been held main responsible of copyright infringement, out of which **170** were linking websites.
- **37 additional linking websites** were initially notified as third parties/intermediaries.

The **128** files which were closed due to the disappearance of the object before the formal opening of the procedure have affected **135 additional websites** that have taken down infringing contents at the request of the Intellectual Property Commission.

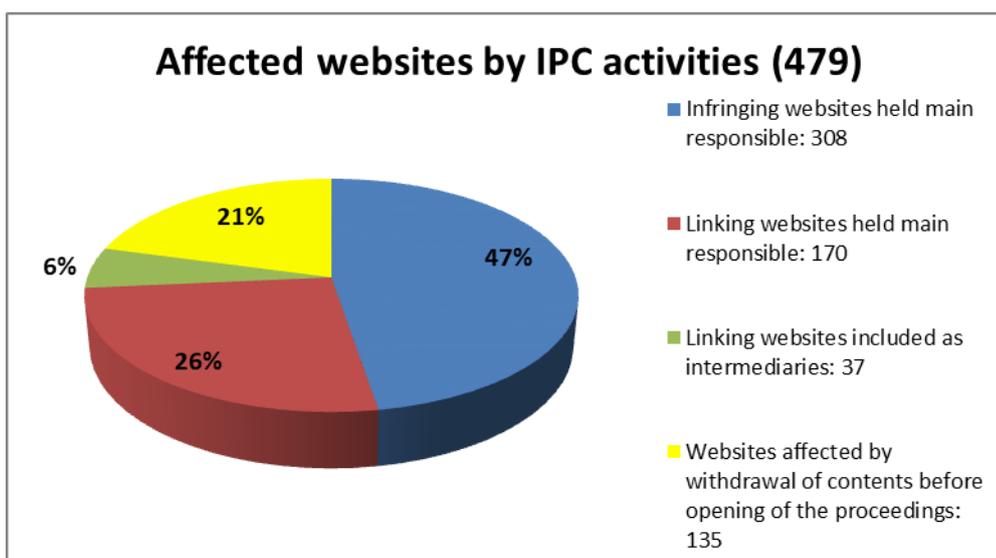


Figure 6. Affected websites by the activities of the IPC.

Thus, **the total number of affected websites by the activities of the Intellectual Property Commission adds up to 479**. Out of those 479 affected websites, **444** have taken down the infringing contents identified by the Intellectual Property Commission after the final resolution. Hence, **92,69% of the required websites have taken down the infringing contents**.

It is important to highlight that the above mentioned figure includes **127 cases where the websites ceased its activities completely**:

- **9 websites** with the domain name **“.es”** have been **cancelled** by the public entity **Red.es**, following the request of the Intellectual Property Commission.
- **60 websites** have closed operations completely following the activities of the Intellectual Property Commission (whether because of information requirements or because of their notification as interested parties after the formal opening of the procedure).
- Moreover, **30 judicial decisions** have been taken, **giving clearance to block 136 domain names in Spain** which had been subject of the activities and resolutions of the Intellectual Property Commission.



C. OTHER INFORMATION OF INTEREST

- On June 15, 2018 it has been published, in the Official Gazette of the State, the resolution of the Minister of Culture and Sport which resolves the administrative procedure of sanctioning character against the owner of the website www.x-caleta.com, now www.x-caleta2.com, by the Commission of an administrative infringement qualified as very serious, established in article 195.6 of the consolidated text of the Law of Intellectual Property (TRLPI). The administrative sanction consists of a fine of 375,000 euros, also resolving the blocking of the activity declared infringing of the web for one year and the publication of the sanctioning resolution, at the expense of the sanctioned, in the Official Gazette (on November 15, 2018).
- On June 20, 2019, the Administrative Central Court of the National High Court (*Juzgado Central de lo Contencioso Administrativo de la Audiencia Nacional*) gave clearance to block more than 60 domains related to website ThePirateBay at the request of the Section Two of the Intellectual Property Commission. ThePirateBay was one of the largest websites in the world of copyright infringing contents.
- The provision of adequate human and technological resources to the Secretary of the Section Two of the Intellectual Property Commission is one of the priority projects. Likewise, **in 2018, the Section Two has processed 152 procedures** for the safeguarding of intellectual property rights on the Internet, which implies **a reduction of more than 70% in deadlines times** with respect to 2017, initiating in these months more procedures than in the whole year 2017. This is partly due to the possibilities offered by the new software provided by LaLiga, which allows reducing the deadlines dedicated to the identification of allegedly infringing websites' owner and the deadlines of the procedures.
- The Section Two publishes a list of more than 75 domain names that have been the subject of final resolutions, which can contribute, for example, to reduce the financing of these domains through publicity.
- Communication with intermediary service providers on the Internet is also working well. In its [Transparency Report for 2016](#), Google recognized the relevance of the activities of Section Two of the Intellectual Property Commission. For instance, requests for blocking and taking down contents claimed by Section Two to Google in the first six months of 2016 have generated blocking of more than 69,000 URLs, thereby preventing access to that number of tens of thousands of websites that offer illegal content on the Internet.
- In 2017, the Court of Justice of the European Union published its [Judgment](#) for the preliminary ruling on the case C-610/15, *Stichting Brein*. The question referenced to the Court was **whether BitTorrent services provided by The Pirate Bay could fall under the definition of communication to the public** according to European Union law, and hence it could trigger a primary infraction of copyright.

The Court of Justice have concluded that **those services do fall under the definition of communication to the public, standing for a primary infraction of copyright, due to the key role played by The Pirate Bay website to ease the exchange of files, by way of classifying, indexing and arranging metadata included in the torrent files.**

- Spain is conducted a clear and consolidated progress to protect intellectual property rights on the Internet. These advances are increasingly recognized and supported by the Office of the United States Trade Representative (USTR) [Special 301 Report](#), or in the report "**The roots of innovation**" of the US Chamber of Commerce, which praises the Spanish policy on intellectual property rights.
- The Administration is promoting the elaboration of a voluntary code of conduct between copyright holders and Internet intermediation services for the establishment of collaboration measures to combat copyright infringement on the Internet.
- The Ministry of Culture and Sport has presented the awareness campaign "[NO PIRATEES TU FUTURO](#)" with the support of several companies like LaLiga, ADIF, Atresmedia, Federación de Cines de España (FECE), Disney, Discovery Channel, Mediapro, Movistar +, Orange, Vodafone, PrisaRadio, Grupo Kiss Media and RTVE. This campaign shows the commitment of all those companies involved in the fight against piracy on the Internet.





WEBSITES AFFECTED BY FINAL RESOLUTION OF SECTION TWO OF THE INTELLECTUAL PROPERTY COMMISSION

Section Two of the Intellectual Property Commission, body integrated in the Deputy General Directorate for Intellectual Property of the Ministry of Education, Culture and Sport, safeguards intellectual property rights against its violation by information society services on the Internet.

In this sense, the Secretariat of the Section Two of the Intellectual Property Commission informs about infringing domain names which have been affected by a Final Resolution of the Section Two of the Intellectual Property Commission in order to encourage and promote the adoption of voluntary collaborative measures between intermediary services, electronic payment services and advertising services suppliers against these infringing websites.

The publication of the domain names of the information society services affected by a Final Resolution of the Section Two is compatible with Law 15/1999, of December 13, on the Protection of Personal Data, since domain names "are not personal data specifically protected by the Organic Law and its Regulations," as stated in the State Attorney's Report of the Ministry of Education, Culture and Sport, Report Exp. 17.0.917 -MLF.

Likewise, the aforementioned report is based on the criteria stated by the Data Protection Agency, the highest administrative authority in this area, upon conclusion of the State Attorney's Office that this publication "does not have the objective of putting the domain name in relation to a specific physical person, identified and identifiable (...) but to develop collaborative measures of the intermediary services, electronic payment services or the advertising services in respect of the services of the information society in respect of which final resolution has fallen of the Section Two of the Commission on Intellectual Property.

In this regard, it should be noted that the services of the information society in respect of which Final Resolution of the Second Section has fallen are the following:



DOMAIN NAMES AFFECTED BY A FINAL RESOLUTION OF THE SECTION TWO OF THE INTELLECTUAL PROPERTY COMMISSION

www.vooxi.com
www.equipo.gdn
www.equipo.xonline
www.musicalcloud.es
www.musicalcloud.com
www.pordescargadirecta.com
www.issuu.com
www.freeibros.org
www.freeibros.com
www.freeibros.me
www.dafenart.com
www.pelis24.com
www.pelis24.tv
www.pelis24.live
www.newpelis24.com
www.pelis24.life
www.pelisespaña.site
www.pelisespaña.club
www.pelisespaña.life
www.music-bazaar.com
www.music-bazaar.pro
www.music-bazaar.biz
www.music-bazaar.net
www.music-bazaar.movi
www.seriesflv.net
www.genteflowmp3.com
www.genteflowmp3.org
www.genteflowmp3.me
www.genteflowmp3.tv
www.genteflowmp3.one
www.divxtotal.com
www.x-caleta.com
www.harporfilm.es
www.grantorrent.net
www.grantorrent.com
www.mp3xd.com
www.fiuxy.com
www.fiuxy.net
www.fiuxy.biz
www.fiuxy.bz
www.fiuxy.co
www.fiuxy.eu
www.fiuxy.org
www.espaebook.com
www.espaebook.org

www.descargarmusica.me
www.verdirecto.tv
www.espapdf.com
www.espapdf.net
www.elitetorrent.com
www.elitetorrent.net
www.quedelibros.com
www.tucinecom.com
www.multiestrenos.com
www.goeat.com
www.newpct.com
www.bajatodo.net
www.bajatodo.xyz
www.cinefox.tv
www.thepiratebay.se
www.thepiratebay.org
www.thepiratebay.net
www.thepiratebay.com
www.compralia.es
www.peliculasonlineflv.net
www.veocine.es
www.exvagos.com
www.exvagos.tv
www.exvagos.pro
www.exvagos.li
www.exvagos.me
www.exvagos.ovh
www.exvagos.uk
www.exvagos.club
www.exvagos.net
www.equipo.xovh
www.todocvcd.com
www.todocvcd.net
www.x-caleta2.com
www.ultimoslanzamientos.com
www.pordescargadirecta1.com
www.harporfilm.com
www.soymp3.org
www.soymp3.net
www.soymp3.live
www.emudesc.com
www.grantorrent.com
www.grantorrent.net