

## **Website-Blocking Injunctions Against Internet Access Providers Under EU and U.S. Copyright Law—The Slow Death of the Global Internet or the Emergence of the (Local) Rule of Law?**

*Research project*

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Abstract:

The vast majority of today's online copyright infringements are no longer committed over peer-to-peer networks; instead, today's infringements are committed when individuals access regular websites that illegally offer movies, music, or e-books for download or as a stream. Consequently, rights holders, particularly in the EU, are increasingly using a new remedy against online copyright infringement: website-blocking injunctions. By obtaining such injunctions, rights holders have forced many Internet access providers in the EU to block access to specific infringing websites.

This research project will provide a comparative analysis of the statutory basis and case law in the EU and the U.S. with respect to how current copyright law interprets website-blocking injunctions against Internet access providers and Internet backbone providers. In particular, the paper will examine how the two legal regimes take such issues into consideration as: (1) proportionality, (2) the burden on the service providers required to implement the blocking mechanisms, and (3) the interference with the fundamental right to free speech.

Finally, the paper will assess the potential effects of website-blocking injunctions. On one hand, they may lead to fragmentation of the Internet, and, as a result, possible fragmentation of markets and cultures. On the other hand, website-blocking injunctions may be an effective means of enforcing existing copyright laws, thereby strengthening the rule of applicable local law.

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