



Ministerio
de Industria,
Energía y Minería


URSEC
Unidad Reguladora de
Servicios de Comunicaciones

Uruguay: actions to combat “piracy” & IP violation of audiovisual content

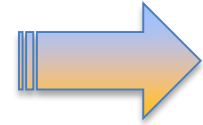
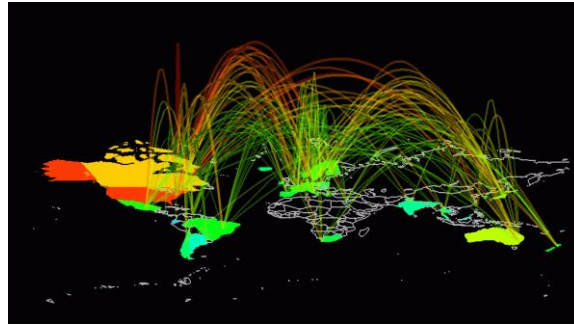
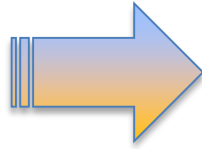
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Agenda

- Introduction
- Implemented actions:
 - Legal Framework
- Regulatory actions
- Challenges faced
- Roadmap and future actions
- Conclusions

Introduction



- Piracy harms formally established organizations: audiovisual, television operators for subscribers, public broadcasting television services.
- Evidence suggests that intellectual property rights are not respected, and other rights over audiovisual signals and content are infringed, in unfair competition with the established services.
- There is a growing offer of services which are provided illegally, especially by using the Internet protocol.
- An effort is being made to fight against the provision of signal services and audiovisual content, which are distributed or used without the authorization of the owners. There is a particular emphasis on those which are provided with support in new technologies and telecommunications networks.

Legal Framework – Regulatory Background

- **Law 18.159 of 30/07/2007**: All natural and legal persons, public and private, national and foreigners, who develop economic activities, with or without profit, in the Uruguayan territory, should abide by the *principles of free competition*.
- **Copyright and Intellectual Property Law** 9.739 of 17/12/1937 and art. 20 of Law 17.616 of 10/1/2003 and by articles 12 and 13 of Decree 154/04 of 3/5/2004.
- **Law 17.520 of 19/07/2002**: punishes with a fine to those who capture signals transmitted by any means, intended exclusively to be received under the subscriber regime without being so; and to those who, with or without profit, carry out in favor of a third party, the installations, manipulations, or any other activity necessary to obtain signals that require subscription.
- **Decree 276/12 of 24/8/2012**: prohibits the import and sale of satellite receivers that do not have the authorization of the Regulator.

New audiovisual content regulations

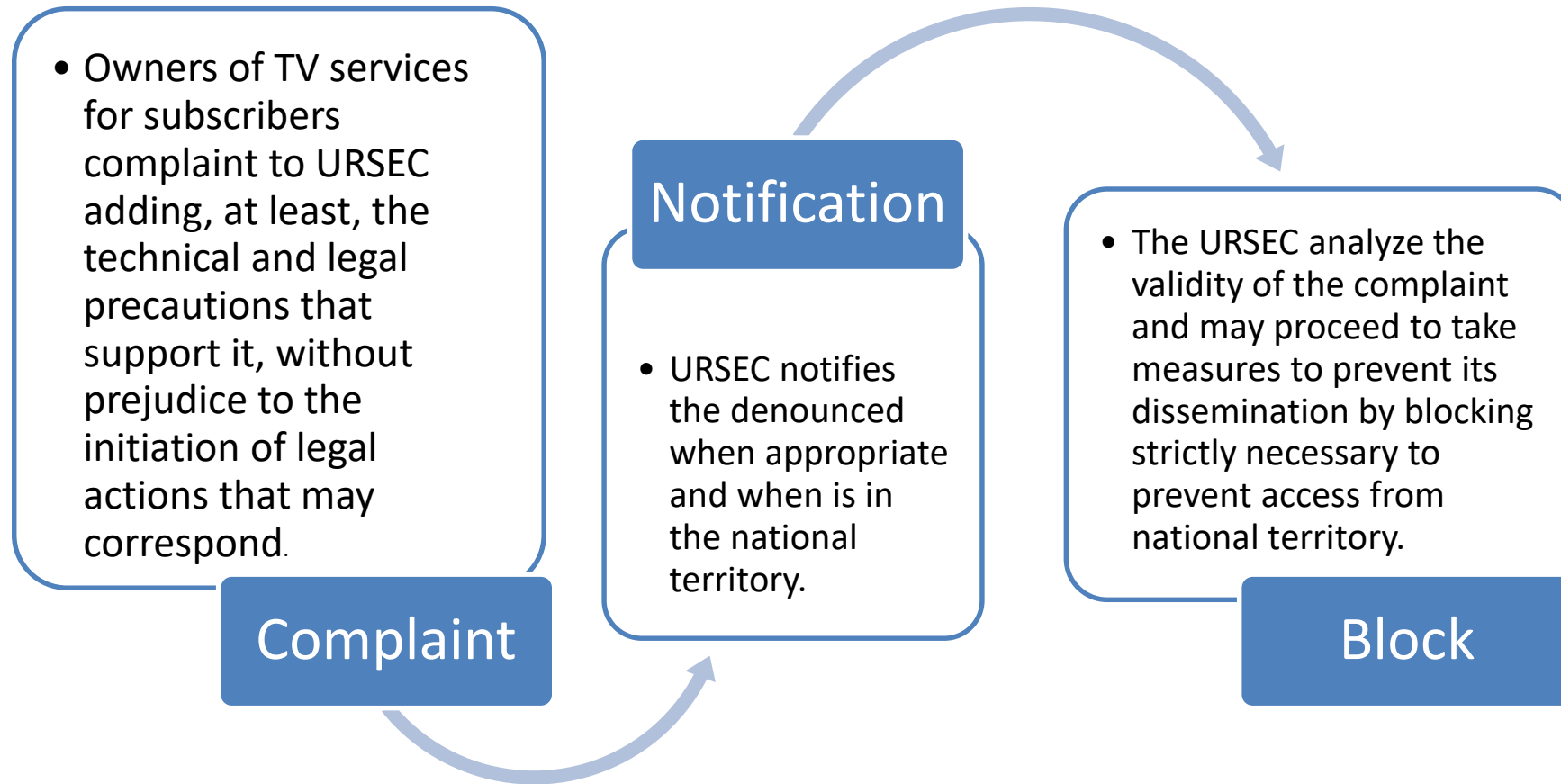
A recently approved legal framework has proposed having a precautionary measure that allows the **Regulatory Authority to temporarily block access** from the national territory to sites whose providers do not have the distribution authorization, from the rights holders of audiovisual content, for a period of no more than 30 calendar days and subject to judicial review.

Law 19.924 art. 712 of 18/12/2020: regulations on blocking audiovisual content => **regulatory Decree N° 345/2022 of 25/10/2022**

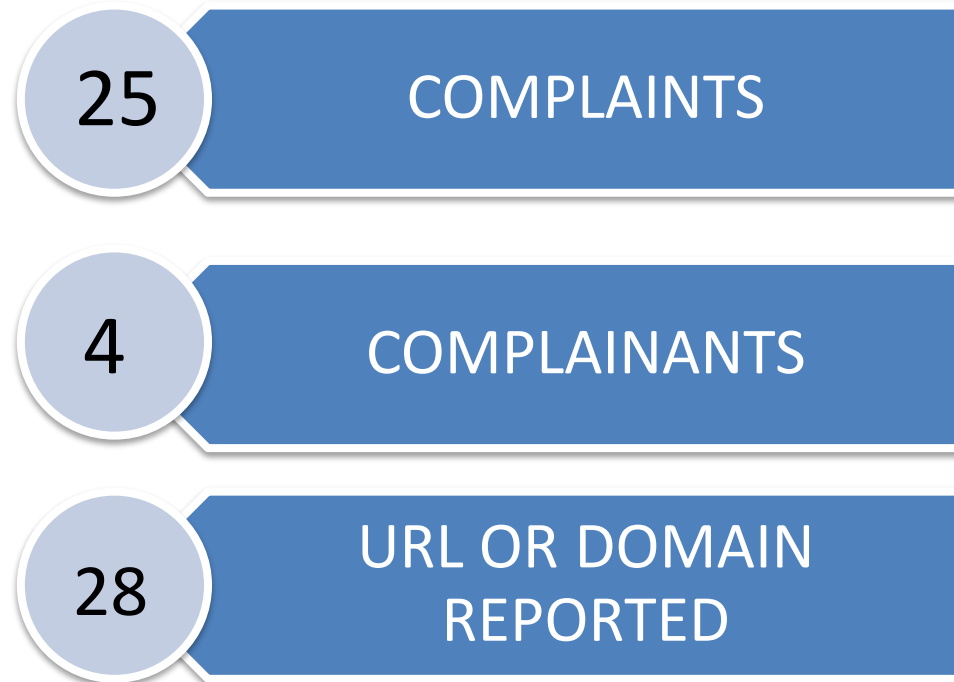
It empowers the Regulatory Authority (URSEC) to adopt sanctioning and preventive measures, for those who “broadcast” television services for subscribers through the internet or similar network, for commercial purposes, without being entitled to offer such signals.



How basically its Works:



Status of complaints @Sep/2023



On the official website, URSEC publishes and keeps updated a Public Registry of temporary electronic blocking requests sent to Internet Access Providers (ISP).

Challenges faced on the implementation

- **Consumer awareness:** making people understood about the danger of this kind of consumption
- **Collectives against:**
 - consumers (legal content is more expensive)
 - groups defending expression freedom (understand that freedom of information and expression must be prioritized)
- **Technical issues related to IP /URL's blocking:** some regulatory initiatives that propose restrictions on access and use of the Internet, either by blocking sites, domains, or involuntarily limiting access to content, would have some impacts different from that desired, specially blocking IP addresses (*avoid it!*)

Roadmap and future actions

- Improve online procedure
- The blocking period is for a maximum of 30 days, it must be proven again that there is non-compliance to re-block
- Future regulation of real-time blocking of sporting events misappropriation, with the condition that it would be carried out within the first 30 minutes of the match starting.

Conclusions

- The procedures to be implemented to combat multimedia content misappropriation must be carefully planned and taking into account all parties involved.
- Due to the dynamics allowed by current technology, the evasive movements of offenders are rapid and variable, making it convenient to analyze the state of the blockade in periods no longer than 30 days.

Thank you
Any questions?

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