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ISPs Forced To Block Illegal Streaming Website In Uruguay

Dr. Virginia Cervieri (Cervieri Monsuárez & Associates) · Thursday, May 16th, 2019

The Uruguayan Criminal Court of First Instance Specialized in Organized Crime has ordered internet service providers (ISPs) to block websites that retransmit sporting events illegally, thereby infringing the copyright to this content (*Fox International Channels v. Puerto 80 Projects SLU*). This is an important judicial precedent in Uruguay where no such blocking order had been issued previously.

ROJADIRECTA is Uruguay's best-known website that streams sports events around the world, without authorization from the rights holders.

FOX INTERNATIONAL CHANNELS ("Fox") is the exclusive holder of transmission rights for numerous events including the Copa Libertadores de América, Copa Sudamericana and Recopa Sudamericana.

On 5 May 2017, Fox filed a criminal complaint at the Criminal Court of First Instance Specialized in Organized Crime i.a. against the administrator and representative of Puerto 80 Projects SLU, owner of the ROJADIRECTA website, for violation of the copyrights owned by Fox. The legal basis of this complaint was Article 46 of Law No. 9,739, which provides for up to three years' imprisonment for anyone making a broadcast available to the public without written authorization, in order to obtain profits or cause unjustified damages.

As a result, the prosecutor requested the blocking of ROJADIRECTA's website by the ISPs that are authorized in Uruguay (twelve in total) and required the Specialized Judge in Organized Crime to notify these twelve authorized ISPs to block public access to the ROJADIRECTA websites.

In compliance with the ruling, the twelve ISPs were notified on 16 March 2018, and the blocking procedure was to be completed by 23 March 2018. Despite the notification, access to the ROJADIRECTA website, www.rojadirecta.me, remained available.

Fox requested a reiteration of the notification, demanding compliance with the measure within 48 hours. On 15 June 2018, Sentence No. 644/2018 was issued, maintaining the blocking order.

Evidence was filed on 27 June 2018, and 24 hours later, Uruguay's largest ISP had blocked access to the illegal ROJADIRECTA website.

Currently, it is impossible to access www.rojadirecta.me from Uruguay.

It is remarkable not only that the blocking order was issued and enforced, but also that the Prosecutor requested it without the individuals who were responsible for the infringement being identified or specifically located.

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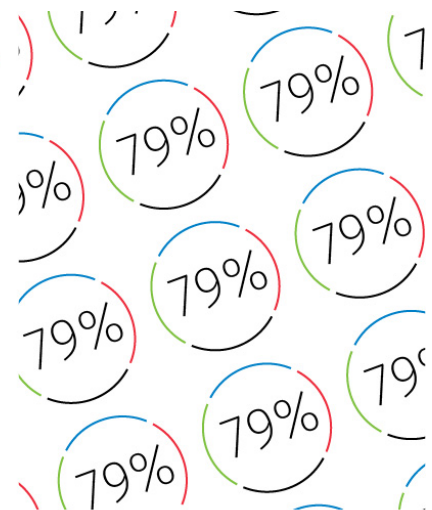
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