



# **2019 Copyright Act Amendment -Curbing Illegal Streaming Devices-**

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**CHINESE TAIPEI**

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**PUERTO VARAS, CHILE**

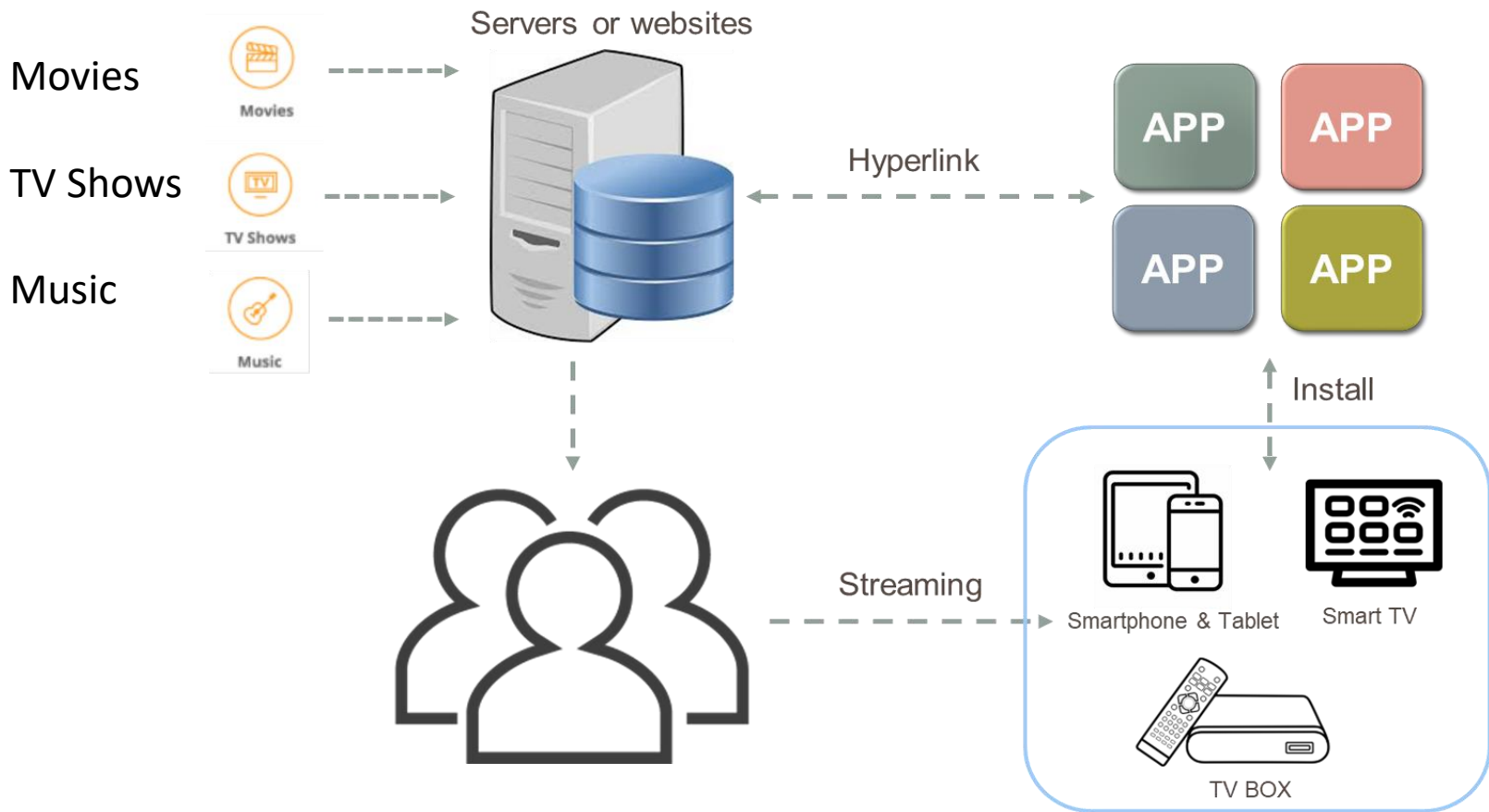


# Outline

- What is a streaming device?
- Why does a device become illegal?
- Problems in enforcing the Copyright Act
- Key revisions

# What is a streaming device?

- Apps accessing online audio-visual contents via hyperlinks
- Users use these apps to watch said contents.





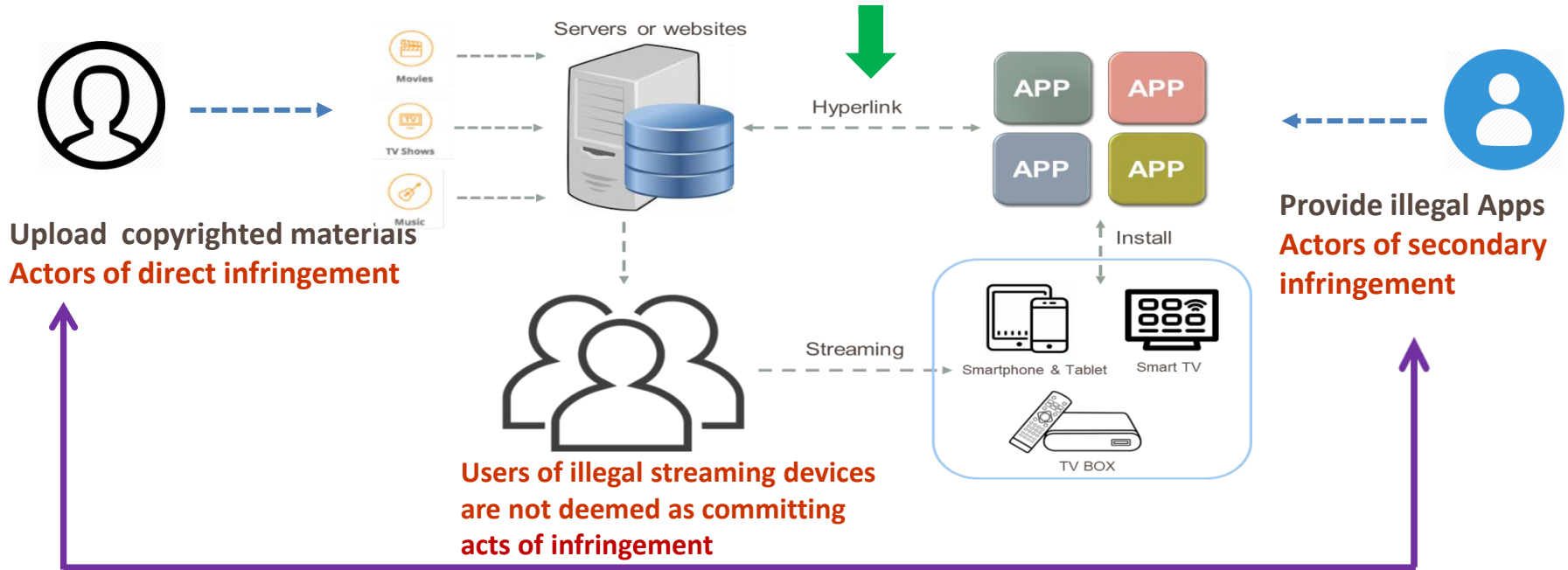
# Why does a device become illegal?

- In principle, apps-enabled streaming services should access contents authorized by right-holders.
- However, certain operators are providing access to illegal online contents on infringing rogue sites or servers via apps in order to avoid paying royalties.
- Some would profit by selling ISD (Illegal Streaming Device, e.g.: TV Box) with aforementioned capabilities.



# Problems in enforcing the Copyright Act

ISDs mainly facilitate access to overseas infringing websites.



In theory, if a seller knows that the hyperlinks in a streaming device connect to infringing audio-visual contents, and still provides the device to the public, they may be liable for being a joint principal offender or aider of infringing the public transmission right prescribed in Article 92 of the Copyright Act. In practice, however, it can be difficult to render such conviction because of the challenge in proving a joint offender-aiders relationship.



# Key revisions (effective on May 1)

- Subparagraph 8, Paragraph 1, Article 87 was added: knowing that the works broadcast or transmitted publicly by another person infringe economic rights, with the intent to provide the public access to such works by the Internet, acting as follows, and to receive benefit therefrom shall be deemed an infringement of copyright.

## Type 1

Providing computer programs connect to infringing TV programs, movies, music or comics ,etc..

## Type 2

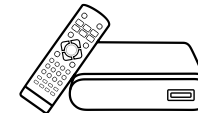
Instructing or assisting the installation of computer programs which connect to infringing works; presetting paths for installing such computer programs.

## Type 3

Manufacturing, importing or selling equipment or devices preloaded with computer programs connecting to infringing works.

APP

e.g. Apps facilitating access to large amount of infringing audio-visual contents



e.g. TV boxes with APPs facilitating access to large amount of infringing audio-visual contents

including both physical channels and e-commerce platforms



# The first legislation in the world to curb illegal ISDs



- Any person providing, selling or importing illegal TV boxes or apps will be held civilly or criminally liable.



- Clearer stipulation of types of infringing acts, which is advantageous for cracking down on these acts, curbing online infringement and protecting effectively right-holders' rights and interests.



# Measures and effects of the amendment

## Coordination & Cooperation

- To clarify doubts from consumers and retailers, and to facilitate cooperation between right-holder groups and selling channels, TIPO held relevant meetings and reached consensus as follows:
- Rather than taking immediate legal action, right-holder groups will advise retailers against selling illegal ISDs,.
- Right-holder groups will publish a list of illegal ISDs, and the retailers can then decide whether to stop selling them or not.

## Remarkable success

- According to right-holders:
- large online e-commerce platforms have stopped selling TV boxes on the list of illegal ISDs,
- illegal TV boxes are seldom available in brick and mortar stores.





**Thank you for your  
attention**

