



WEBKONTROL

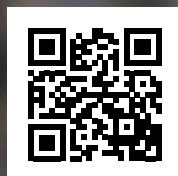
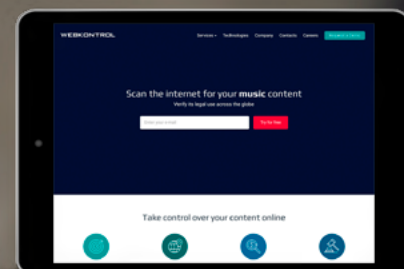
You create it. We protect it.

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CONTENT REMOVAL PROCEDURE IN RUSSIA

WELCOME TO WEBKONTROL

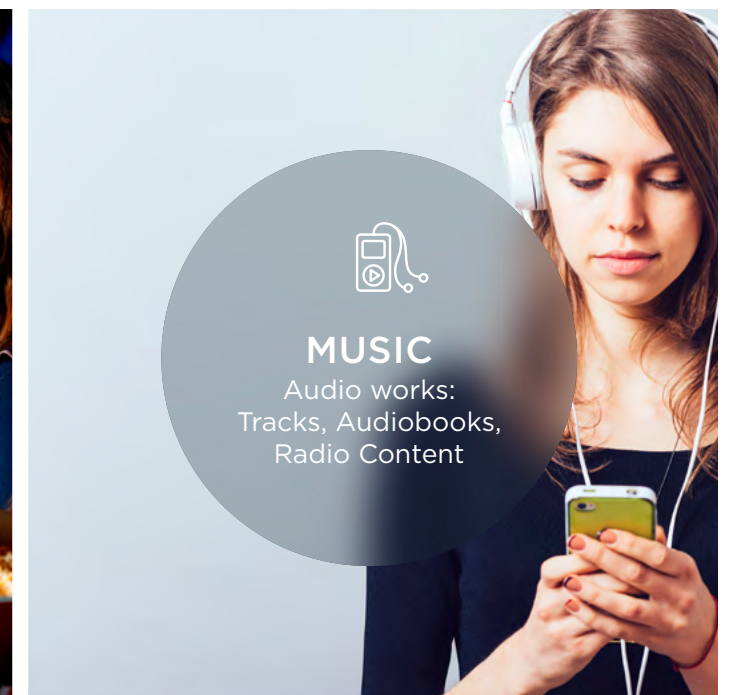
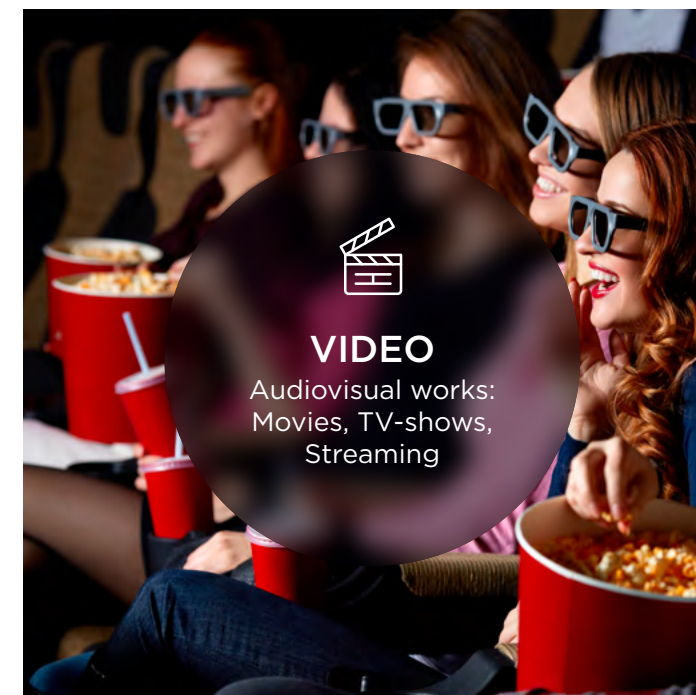
WEBKONTROL is an international tech company that applies a technology-centered solution to fight against online piracy and creates the path to content monetization. Major film and software producers trust us to protect their intellectual property rights on the Internet.



webkontrol.com

CONTENT REMOVAL PROCEDURE IN RUSSIA

Russia has implemented anti-piracy laws allowing right holders to effectively protect their content online



OVERVIEW

Step-by-Step Guide under the Federal Law No. 187-FZ of August 1, 2013

STEP 1.

Claim for a preliminary
injunctive relief

1
DAY

STEP 2.

Statement of claim

2-15
DAYS

STEP 3.

Entry into legal force

30
DAYS / 1 MONTH

STEP 1.

CLAIM FOR A PRELIMINARY INJUNCTIVE RELIEF

IN ORDER TO APPLY FOR PRELIMINARY INJUNCTIVE
RELIEF WITH THE MOSCOW CITY COURT,
WEBKONTROL:

- 1.1. Collects hard copies of the following documents:
 - Corporate documents (Certificate of Incorporation, Certificate of Good Standing, By-laws (if any), Incumbency Certificate).
 - Chain-of-title documents (assignment/exclusive license agreements, copyright registration certificates, affidavits).
 - Documents confirming copyright infringement.
- 1.2. Translates documents into Russian and certifies them by the notary public.
- 1.3. Applies for the preliminary injunctive relief with the Moscow City Court (via online form or delivers documents to the court)
- 1.4. In 1-2 days, the Court grants the preliminary injunction and orders Roskomnadzor to send notices to hosting providers and websites' owners.
- 1.5. The right holder has 15 days to submit the statement of claim so that the preliminary injunctions could remain in force until the final judgement is made. Otherwise, the Court will revoke the injunction.

STEP 2.

STATEMENT OF CLAIM

- 2.1. WEBKONTROL prepares the statement of claim against hosting providers or websites' owners (if possible) to stop any unlawful use of the content. WEBKONTROL takes part in court hearings until the court decision is made.
- 2.2. WEBKONTROL participates in court hearings until the Court's final decision.

STEP 3.

ENTRY INTO LEGAL FORCE

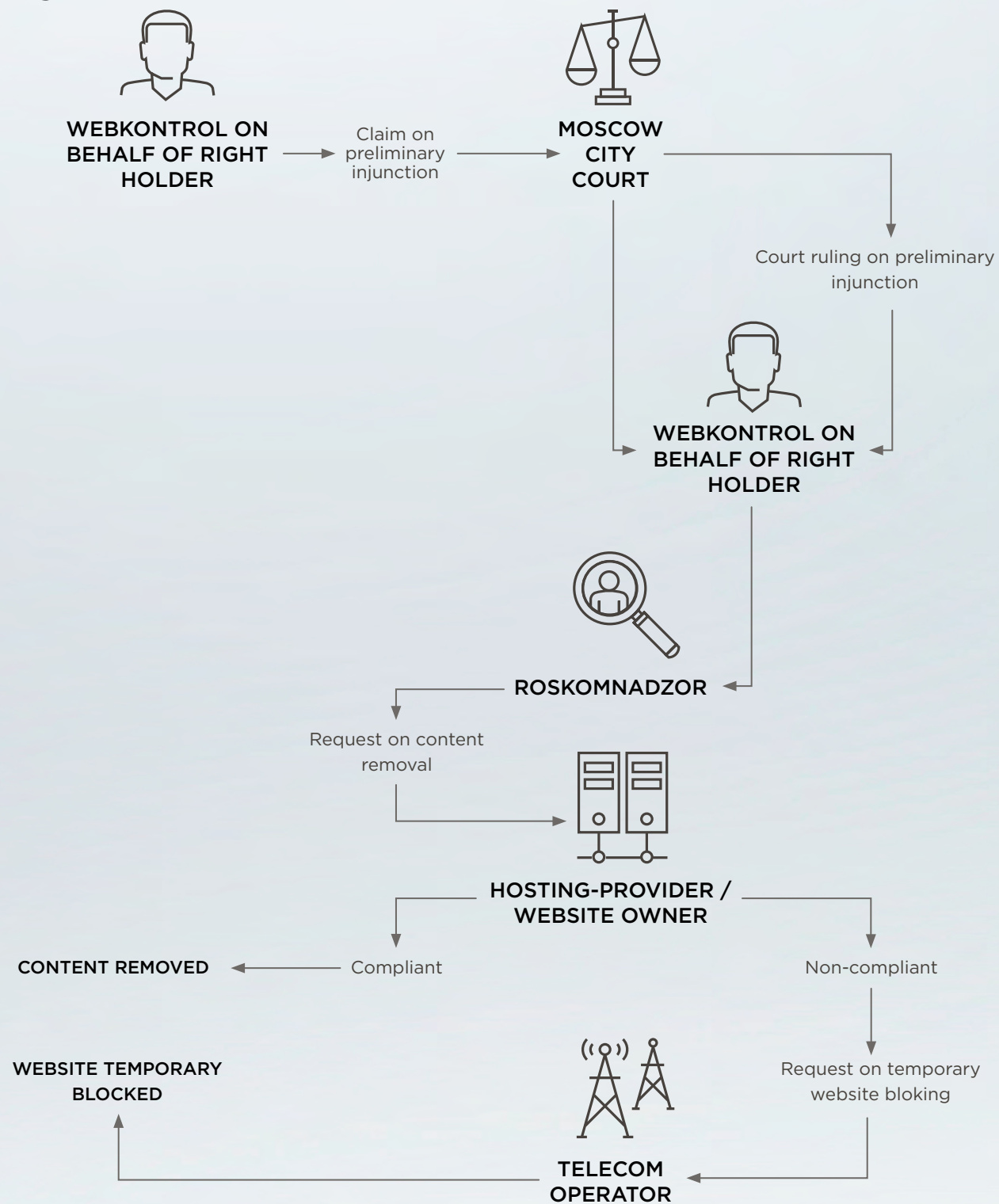
- 3.1. WEBKONTROL takes part in the enforcement proceedings which include obtaining a stamped and sealed court decision after it comes into force.

CONTENT
REMOVAL
PROCEDURE

ESCALATION PROCEDURE

for preliminary two-week injunction under the Federal Law No. 187-FZ of August 1, 2013

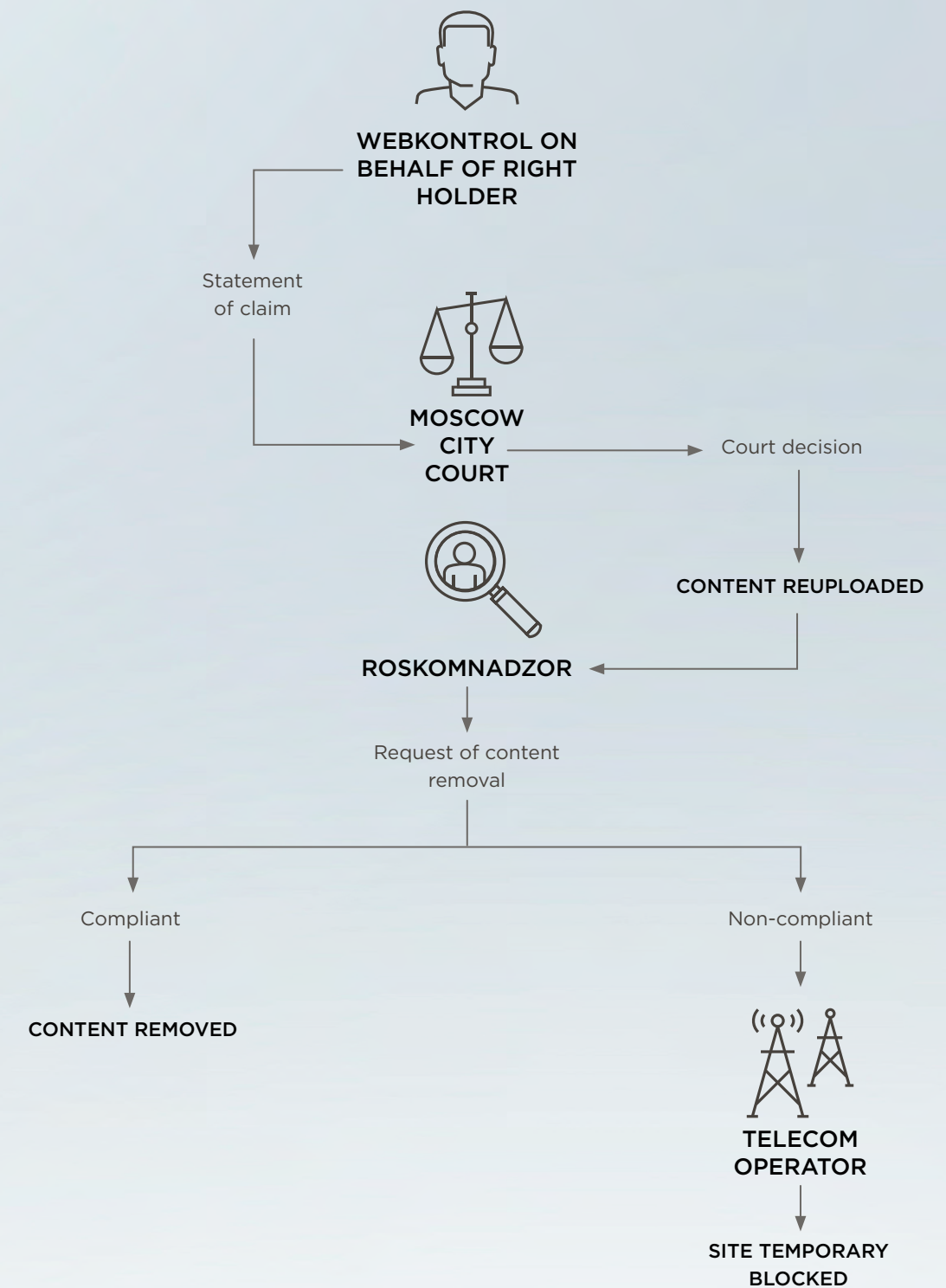
STAGE 1



ESCALATION PROCEDURE

for obtaining a Court decision on content removal under the Federal Law No. 187-FZ as of August 1, 2013

STAGE 2



TIMELINE GUIDANCE

for content-removal procedure

FULL TIMELINE
3 months



* Depends on when all entitling/CoT documents are presented

TIMELINE
GUIDANCE

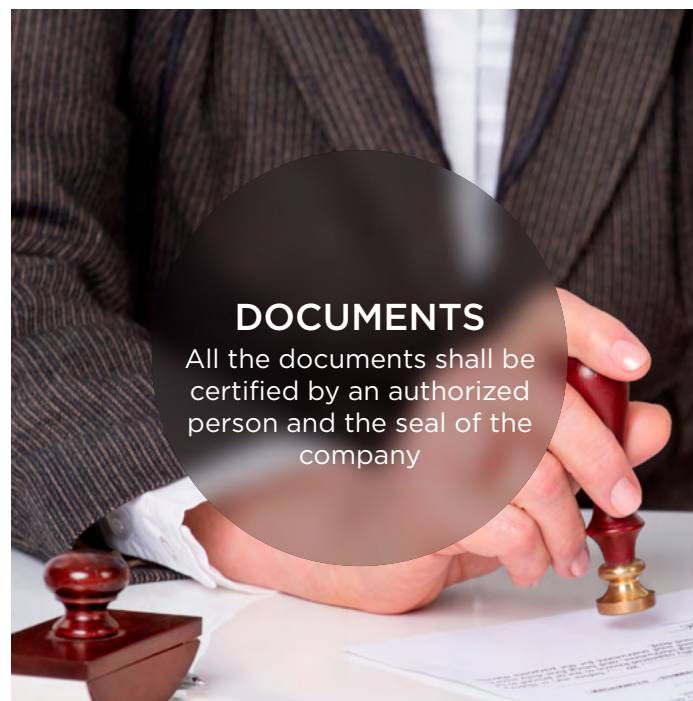
DOCUMENTS TO BE SUBMITTED TO THE COURT

1. A Power of Attorney empowering WEBKONTROL and its lawyers to appear before the court on behalf of the right holder (apostilled and certified by the notary public);
2. Assignment/exclusive license agreements, copyright registration certificates, an affidavit confirming that the company holds all right, title and interest in and to the content;
3. Corporate documents:
 - Certificate of Incorporation
 - Certificate of Good Standing
 - By-Laws (in any)
 - Incumbency Certificate authorizing corporate official (CEO, Vice President, etc.) to sign contracts, PoAs, affidavits, etc. on company's behalf.

MOSCOW CITY COURT HAS NOT YET COME TO UNIFORMITY IN JUDICIAL PRACTICE ON THE REQUIREMENTS TO THE DOCUMENTS SUBMITTED. HOWEVER, THERE ARE SOME GENERAL REGULATIONS THAT ARE APPLIED:

- all foreign-language documents shall be presented with translations into Russian;
- it is possible to submit extracts with the necessary information from the document instead of the whole document;
- the Court may ask for the notary certification or apostilization of the documents.

THE ABOVE LIST OF DOCUMENTS IS NOT EXHAUSTIVE AND MAY BE AMENDED DEPENDING ON THE RIGHT HOLDER AND THE TYPE OF CONTENT PROTECTED



PRACTICE INDICATORS

Legal Department works with IT and Monitoring Departments to provide accurate hourly updated information on infringing websites

50,000+

**INFRINGEMENTS
STOPPED**

Over 50,000 links with illegal content have been removed

500+

**WEBSITES
PROSECUTED**

We have won cases against over 544 largest infringing websites

40+

**COPYRIGHT
HOLDERS**

We are honoured to represent major production and film distribution companies

100%

**CLAIMS
SATISFIED**

We proceed with every case within the shortest possible time

PERMANENT SITE BLOCKING

PERMANENT SITE BLOCKING

under the Federal Law No. 364-FZ of May 1, 2015

THE FEDERAL LAW NO. 364-FZ STIPULATES THE OPPORTUNITY FOR PERMANENT SITE BLOCKING

On May 1, 2015 the second Anti-Piracy law was introduced and implemented a procedure of permanent site blocking.

MAIN REQUIREMENTS

- The court decision on content removal came into force (see page 3);
- The website illegally uploaded right holder's content more than once;
- Second lawsuit is initiated against the same website by the same right holder after content removal procedure (see page 3).

MIRROR SITE BLOCKING

under the Federal Law No. 156-FZ as of October 1, 2017

Right holders may block mirror sites by submitting applications to the Ministry of Communications. The procedure is well-tested and takes only 1 day to block a mirror. The procedure is applied to search engine operators which shall deindex mirror sites within only 3 days upon receiving a notice from the Ministry of Communications.

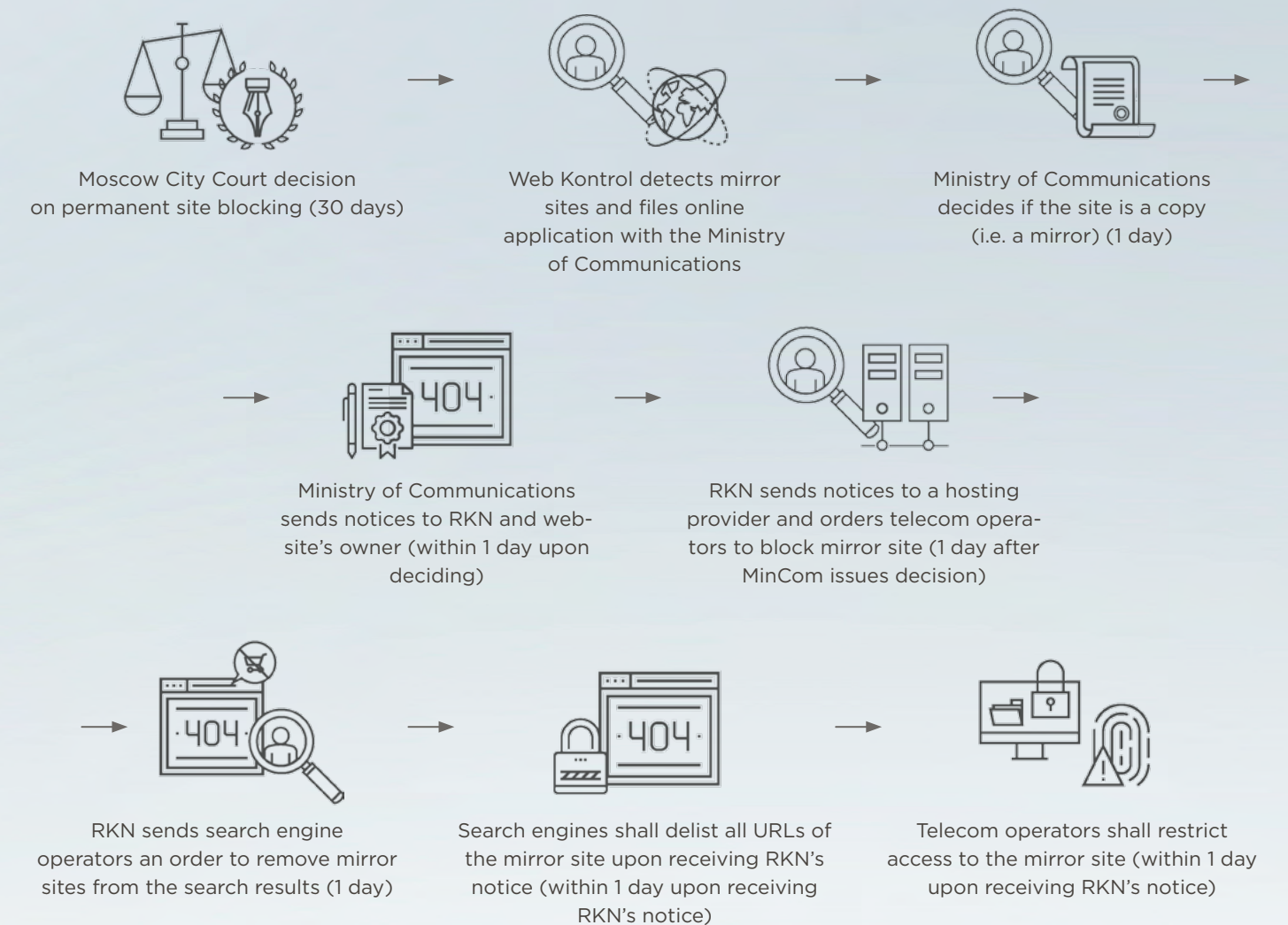
MAIN REQUIREMENTS

Right holder obtained two decisions of the Moscow City Court:

- (1) Content removal; and
- (2) Permanent site blocking decision.

The infringing website shall meet the mirror site criteria introduced by the Order of the Government No. 1225 as of October 7, 2017 (see p. 16).

ESCALATION PROCEDURE



**MIRROR SITE
BLOCKING**

TIMELINE GUIDANCE*



* The deadline to block a mirror site – 3 days upon receiving right holder’s application
** Depends on the number of mirror sites, their characteristic analysis

MIRROR SITE CHARACTERISTICS

order of the RF Government No.1225 as of October 7, 2017



GENERAL RESEMBLANCES
(website colours, design, website template, arrangement of elements)



SIMILARITIES OF DOMAIN NAMES



SIMILAR CONTENT POSTED ON THE WEBSITE
(copyright objects or information necessary to access such objects via Internet)



USERS MAY ACCESS THEIR ACCOUNT USING THE SAME LOGIN DETAILS



TECHNICAL CORRESPONDENCE OF THE WEBSITES
(redirect, names reserved on the same IP-address)



SIMILAR CONTACT DETAILS OF WEBSITES' ADMINISTRATORS

NOTES

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



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