Specific Aspects of Copyright and Related Rights Protection on the Internet

Submitted by: Content Overseas Distribution Association
Specific aspects of copyright and related rights protection on the Internet

April 20th, 2021
Content Overseas Distribution Association (CODA)
About CODA

- **Name:**
  Content Overseas Distribution Association (Abbreviation: CODA)
  [http://www.coda-cj.jp](http://www.coda-cj.jp)

- **Purpose:**
  CODA was founded to actively promote the international distribution of Japanese content, such as music, films, animation, TV programs and video games, as well as to help all the entities in contents industry make a concerted effort to reduce piracy around the world.

- **History:**
  - August 2002: Founded as a voluntary organization in response to a call by the Ministry of Economy, Trade and Industry (METI) and the Agency for Cultural Affairs (ACA)
  - April 2009: Registered as a general incorporated association
### Corporate members: 32 companies

<table>
<thead>
<tr>
<th>Animation 10 companies</th>
<th>Music 5 companies</th>
<th>TV programs 8 companies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aniplex Inc.</td>
<td>Avex Inc.</td>
<td>TOKYO BROADCASTING</td>
</tr>
<tr>
<td>ADK Emotions Inc.</td>
<td>FWD Inc.</td>
<td>SYSTEM TELEVISION, INC.</td>
</tr>
<tr>
<td>Sunrise Inc.</td>
<td>KING RECORD CO., LTD.</td>
<td>TV Asahi Corporation</td>
</tr>
<tr>
<td>Shogakukan-Shueisha Productions Co., Ltd.</td>
<td>PONY CANYON INC.</td>
<td>Nippon Television Network Corporation</td>
</tr>
<tr>
<td>STUDIO GHIBLI INC.</td>
<td>UNIVERSAL MUSIC LLC</td>
<td>Japan Broadcasting Corporation</td>
</tr>
<tr>
<td>Toei Animation Co., Ltd.</td>
<td></td>
<td>(NHK)</td>
</tr>
<tr>
<td>TMS ENTERTAINMENT CO., LTD.</td>
<td></td>
<td>Fuji Television Network, Inc.</td>
</tr>
<tr>
<td>NIPPON ANIMATION CO., LTD.</td>
<td></td>
<td>YOMIURI TELECASTING CORPORATION</td>
</tr>
<tr>
<td>HAPPINET CORPORATION</td>
<td></td>
<td>WOWOW Inc.</td>
</tr>
<tr>
<td>BANDAI NAMCO Arts Inc.</td>
<td></td>
<td>TV TOKYO Corporation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Others 1 companies</th>
<th>Films 4 companies</th>
<th>Publishing 4 companies</th>
</tr>
</thead>
<tbody>
<tr>
<td>YOSHIMOTO KOGYO CO., LTD.</td>
<td>SHOCHIKU Co., Ltd.</td>
<td>KADOKAWA CORPORATION</td>
</tr>
<tr>
<td></td>
<td>TOEI COMPANY, LTD.</td>
<td>KODANSHA LTD.</td>
</tr>
<tr>
<td></td>
<td>TOHO CO., LTD.</td>
<td>SHUEISHA Inc.</td>
</tr>
<tr>
<td></td>
<td>NIKKATSU CORPORATION</td>
<td>Shogakukan Inc.</td>
</tr>
</tbody>
</table>
## About CODA 3

**Members:** (as of April 1, 2021)

<table>
<thead>
<tr>
<th>Organizational members: 12 Organizations</th>
<th>Supporting members: 9 companies and organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Japan Satellite Broadcasting Association</td>
<td>• Sony Music Entertainment (Japan) Inc.</td>
</tr>
<tr>
<td>• COMPUTER ENTERTAINMENT SUPPLIER'S ASSOCIATION</td>
<td>• Tezuka Productions Co., Ltd.</td>
</tr>
<tr>
<td>• The Association of Copyright for Computer Software</td>
<td>• Japan Association of Music Enterprises</td>
</tr>
<tr>
<td>• Digital Comic Association</td>
<td>• the Federation of Music Producers Japan</td>
</tr>
<tr>
<td>• Digital Content Association of Japan</td>
<td>• Japan Book Publishers Association</td>
</tr>
<tr>
<td>• Motion Picture Producers Association of Japan, Inc.</td>
<td>• The Recording Industry Association of Japan (RIAJ)</td>
</tr>
<tr>
<td>• Japan Video Software Association</td>
<td>• BANDAI CO., LTD</td>
</tr>
<tr>
<td>• Japan Magazine Publishers Association</td>
<td>• BANDAI NAMCO Rights Marketing Inc.</td>
</tr>
<tr>
<td>• The Association of Japanese Animations</td>
<td>• Morisawa Inc.</td>
</tr>
<tr>
<td>• Japan Patent Attorneys Association</td>
<td></td>
</tr>
<tr>
<td>• The Japan Commercial Broadcasters Association</td>
<td></td>
</tr>
<tr>
<td>• The Anti Counterfeiting Association</td>
<td></td>
</tr>
</tbody>
</table>
1. Contents Protection/ Promotion of legitimate content distribution:
   • Joint enforcement (CJ Mark operation etc.)
   • Measures against hardgoods piracy
   • Measures against online infringement
   • Business matching

2. Collaboration with regulatory bodies:
   • Carrying out training seminars
   • Development of cooperative relationship with regulatory bodies of various economies, such as Copyright Administration of the People’s Republic of China (NCAC), Korea Copyright Protection Agency (KCOPA), and Hong Kong Customs

3. Collaboration with Japanese and foreign government bodies and trade associations:
   • Agency for Cultural Affairs (ACA), METI, MIC, MOFA, and other related ministries in Japan, Motion Picture Association (MPA), International Federation of Phonogram and Videogram Producers (IFPI), etc.

4. Educational activities:
   • Holds events targeted at consumers and industry stakeholders, PR activities
Illustration of Online Copyright Infringement

In Japan
- Films • Animations
- TV programs • Animations
- Books • Comics
- Music

Overseas
1. Illegal Streaming Devices (IPTV, ISD etc.)
2. UGC • SNS
3. Piracy websites
4. Link sites
5. Online storages
6. P2P
7. Pirated EC sites
   • Shops that sell pirated contents

Unlicensed viewing, etc.
CODA’s Automated Contents Monitoring and Takedown Center

- **June of 2016:** Human (Manual) monitoring started as Demonstration experiment.
- **July of 2016:** Creation of Digital Fingerprint from aired TV contents (Automated).
- **December 2017:** Use of Sound Digital Fingerprint started.
The video matching system can be circumvented by changing the size or aspect ratio of the video itself, adding frames [Picture-in-Picture (PiP) ], as well as inverting or rotating the orientation.
# Takedown notices to UGC Sites

<table>
<thead>
<tr>
<th>Site name</th>
<th>Accumulative result (August 2011 to March 2020)</th>
<th>2019 result (April 2019 to March 2020)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of notices</td>
<td>No. of Takedowns</td>
</tr>
<tr>
<td>Youtube</td>
<td>350,187</td>
<td>350,187</td>
</tr>
<tr>
<td>Dailymotion</td>
<td>114,735</td>
<td>114,735</td>
</tr>
<tr>
<td>Pandora</td>
<td>106,153</td>
<td>106,152</td>
</tr>
<tr>
<td>Youku</td>
<td>103,670</td>
<td>103,668</td>
</tr>
<tr>
<td>Tudou</td>
<td>85,864</td>
<td>85,823</td>
</tr>
<tr>
<td>Facebook</td>
<td>55,154</td>
<td>53,953</td>
</tr>
<tr>
<td>Bilibili</td>
<td>43,220</td>
<td>35,956</td>
</tr>
<tr>
<td>Others</td>
<td>227,108</td>
<td>142,294</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,086,091</strong></td>
<td><strong>992,768</strong></td>
</tr>
</tbody>
</table>
## Takedown notices to UGC Sites 2

### Takedown notices (From January of 2020 to January of 2021)

<table>
<thead>
<tr>
<th>Month</th>
<th>2020/01</th>
<th>2020/02</th>
<th>2020/03</th>
<th>2020/04</th>
<th>2020/05</th>
<th>2020/06</th>
<th>2020/07</th>
<th>2020/08</th>
<th>2020/09</th>
<th>2020/10</th>
<th>2020/11</th>
<th>2020/12</th>
<th>2021/01</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of notices</td>
<td>52,539</td>
<td>60,364</td>
<td>68,493</td>
<td>4,286</td>
<td>49,085</td>
<td>59,142</td>
<td>41,442</td>
<td>54,598</td>
<td>91,052</td>
<td>73,516</td>
<td>52,565</td>
<td>45,321</td>
<td>56,064</td>
</tr>
<tr>
<td>No. of Takedowns</td>
<td>47,769</td>
<td>53,883</td>
<td>50,384</td>
<td>386</td>
<td>31,175</td>
<td>23,018</td>
<td>22,551</td>
<td>23,018</td>
<td>24,480</td>
<td>37,340</td>
<td>40,201</td>
<td>37,660</td>
<td>39,062</td>
</tr>
<tr>
<td>Compliance Rate</td>
<td>90.90%</td>
<td>89.30%</td>
<td>73.60%</td>
<td>9.00%</td>
<td>63.50%</td>
<td>50.80%</td>
<td>54.40%</td>
<td>42.20%</td>
<td>26.90%</td>
<td>50.80%</td>
<td>76.50%</td>
<td>83.10%</td>
<td>69.70%</td>
</tr>
</tbody>
</table>

### Graph

- **No. of notices**
- **No. of Takedowns**

- **Colors:**
  - Cyan: No. of notices
  - Blue: No. of Takedowns

- **X-axis:** January 2020 to January 2021
- **Y-axis:** 0 to 100,000
Indirect Measures taken by CODA

1. Display of warning messages
2. Delisting of search results
3. Takedown request to CDN
4. Suspension of advertisement
5. Suspension of settlement process

- Security software
- Search engine
- CDN operator
- Infringing sites/apps
- Ad industry
- Payment service provider

Users

Block accesses
Block revenue stream
A fact about Online Infringement

Piracy websites make profits through advertisement

Damages from UGC sites
Sites with contents posted by users. The latest Japanese contents are uploaded every day. The URL of the uploaded videos are then posted on the link sites immediately.

Damages from link sites
Aggregation of free contents such as animations and films, etc. Thanks to these sites, users can find illegal video files posted on UGC sites even if they do not have any identifiable titles.

Damages from apps
Apps that aggregates free contents such as animations, films, music, etc. Thanks to these apps, users can find illegal video files posted on UGC sites even if they do not have any identifiable titles.
An Initiative to stop placing advertisement on infringing sites

1. Infringing Website List (IWL)
   - We started providing Infringing Website List (IWL) to members of JIAA (Japan Interactive Advertisement Association) from June of 2018.
     - The list has been provided 14 times, so far.
       - FY2018: 06/08, 07/10, 10/16, 01/23
       - FY2019: 06/12, 06/26, 08/01, 12/03, 02/13
       - FY2020: 04/30, 08/12, 10/06, 11/16, 01/18
     - The list was downloaded all together 700 times by the JIAA members.

2. WIPO Alert
   - We started providing Infringing Website List (IWL) to WIPO from October of 2020.
     - The list has been provided 3 times, so far.
       - FY2020: 10/06, 11/18, 01/18

3. Letters to Outsiders (Non–Members)
   - Once we get cooperation from JIAA members, outsiders, providers that do not belong to the association, become the issue.
     - We sent out certified letters to outsiders twice: 2018/09/30, 2020/07/20

4. List of Infringing Apps
   - We started to add infringing smart phone apps to the list as well from 2020/11/16.
Results: Number of advertisements on an infringing site

Overseas UGC Site

Number of takedown notices sent

- Members
- Non-Members
- Oversea
- Unidentifiable

Added to the list
Removed from the list
Overseas Infringing Site

Monthly Session numbers (from SimilarWeb)

From December of 2018 to November of 2020
Results: Number of advertisements on an infringing site

The site closed by 2020/12/20
Countermeasures against Infringing Websites

**Piracy website MioMio**

Sep. 2015: Takedown notice was sent to the registrar
  >Became inaccessible just for a day

June 2016: Information was supplied to the Copyright Administration of the People’s Republic of China (NCAC)

Nov. 2016: Administrative sanction was requested by CODA

Mar. 2017: Administrative guidance was given by Chinese government
  (The site was closed and a fine was imposed)
  >Geo-blocking was initiated by the site

Mar. 2017: Additional action was requested to the NCAC

June 2017: Information was supplied to the NCAC

  “Emergency Measure Against Piracy Websites on the Internet” was determined.

April 17, 2018: All videos were stopped (The site exists but videos are not viewable)

May 24, 2018: All videos except for certain animations became viewable again

March 28, 2019: Another administrative sanction was requested to the NCAC to identify the site owner and close the site (*)

March 24, 2020: Received a written oath of the site owner (stated to stop and never to publish illegal contents) through efforts of First Brave, who had been requested from CODA. On the same day, complete removal of the website was confirmed.

Pirated contents are still uploaded every day.
Countermeasures against Infringing Websites 2
~Cross-border online copyright infringements have become more complicated~

Site operator: In Brazil
Server location: In the US
Domain registration: In Sweden
In addition, a mobile app was available for their users to access the site.
Collaboration with Ethical Hackers (Cyber Security Experts) to track down and identify site operators for the purpose of strengthening our cross-border enforcement efforts against malicious infringing sites.

**Challenges**

① Overseas piracy sites that infringe a large volume of Japanese contents keep popping up.

② No method or framework is in place in Japan to swiftly identify operators of overseas infringing sites.

③ Any user can transmit a large amount of data at a fast speed thanks to availability of high performance mobile devices and diffusion of 5G communication technology.

→ Need to establish a method and framework to effectively investigate on overseas piracy.
Cross-Border Enforcement Project (CBEP)
Criteria to determine Target Infringement Sites

1. Infringement of Japanese contents in large number.
2. A high volume of traffic that consists mostly of the accesses from Japan.
3. Non-compliance with takedown notices from rightsholders.
4. Continued attempt to hide identities by using a CDN service and/or an overseas server.
Cross-Border Enforcement Project (CBEP) Countermeasures

Availability of domain registration and bullet proof hosting services that hide identifies of piracy site operators have made it increasing difficult to address online piracy.

To improve the situation, we will collaborate with ethical hackers (internationally active cyber security experts) and conduct digital forensic and digital profiling investigations using their professional skills. As to the services like CDN, we will file subpoenas and make attempts to obtain evidences that help us identify piracy site operators.

Investigation Method Examples

- Identify site operators by analyzing data that the ethical hackers accumulated on online communities and server software with their investigational techniques, knowledge and experiences.
- Identify site operators by analyzing data that the ethical hackers gathered from external archives with open source intelligence tool.
- Identify site operators using the ethical hackers’ global network by obtaining user registration information of bullet proof hosting services with support from cyber security experts of the economies in which the ISPs operate.
Based on concrete evidences, CODA will engage in cross border enforcement procedure through cooperative relationships we built with regulatory bodies of various economies and trade associations as well as support from Japanese government.
Thank you for your attention.