



**Asia-Pacific
Economic Cooperation**

2021/CTI/WKSP2/009

Day 1 Session 2

Specific Aspects of Copyright and Related Rights Protection on the Internet

Submitted by: Content Overseas Distribution Association



**Workshop on Protection of Intellectual
Property Rights in Digital Content Trade
20-21 April 2021**



Specific aspects of copyright and related rights protection on the Internet

April 20th, 2021

Content Overseas Distribution Association (CODA)



About CODA 1



- **Name:**

Content Overseas Distribution Association (Abbreviation: **CODA**)

<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





About CODA 2



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

Corporate members: 32 companies

■ Animation 10 companies

- Aniplex Inc.
- ADK Emotions Inc.
- Sunrise Inc.
- Shogakukan-Shueisha Productions Co., Ltd.
- STUDIO GHIBLI INC.
- Toei Animation Co., Ltd.
- TMS ENTERTAINMENT CO.,LTD.
- NIPPON ANIMATION CO., LTD.
- HAPPINET CORPORATION
- BANDAI NAMCO Arts Inc.

■ Others 1 companies

- YOSHIMOTO KOGYO CO.,LTD.

■ Music 5 companies

- Avex Inc.
- FWD Inc.
- KING RECORD CO., LTD.
- PONY CANYON INC.
- UNIVERSAL MUSIC LLC

■ Films 4 companies

- SHOCHIKU Co.,Ltd.
- TOEI COMPANY,LTD.
- TOHO CO., LTD.
- NIKKATSU CORPORATION

■ TV programs 8 companies

- TOKYO BROADCASTING SYSTEM TELEVISION, INC.
- TV Asahi Corporation
- Nippon Television Network Corporation
- Japan Broadcasting Corporation (NHK)
- Fuji Television Network, Inc.
- YOMIURI TELECASTING CORPORATION
- WOWOW Inc.
- TV TOKYO Corporation

■ Publishing 4 companies

- KADOKAWA CORPORATION
- KODANSHA LTD.
- SHUEISHA Inc.
- Shogakukan Inc.



About CODA 3



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

Organizational members: 12 Organizations

- Japan Satellite Broadcasting Association
- COMPUTER ENTERTAINMENT SUPPLIER'S ASSOCIATION
- The Association of Copyright for Computer Software
- Digital Comic Association
- Digital Content Association of Japan
- Motion Picture Producers Association of Japan, Inc.
- Japan Video Software Association
- Japan Magazine Publishers Association
- The Association of Japanese Animations
- Japan Patent Attorneys Association
- The Japan Commercial Broadcasters Association
- The Anti Counterfeiting Association

Supporting members: 9 companies and organizations

- Sony Music Entertainment (Japan) Inc.
- Tezuka Productions Co., Ltd.
- Japan Association of Music Enterprises
- the Federation of Music Producers Japan
- Japan Book Publishers Association
- The Recording Industry Association of Japan (RIAJ)
- BANDAI CO.,LTD
- BANDAI NAMCO Rights Marketing Inc.
- Morisawa Inc.



The Main Initiatives of CODA

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

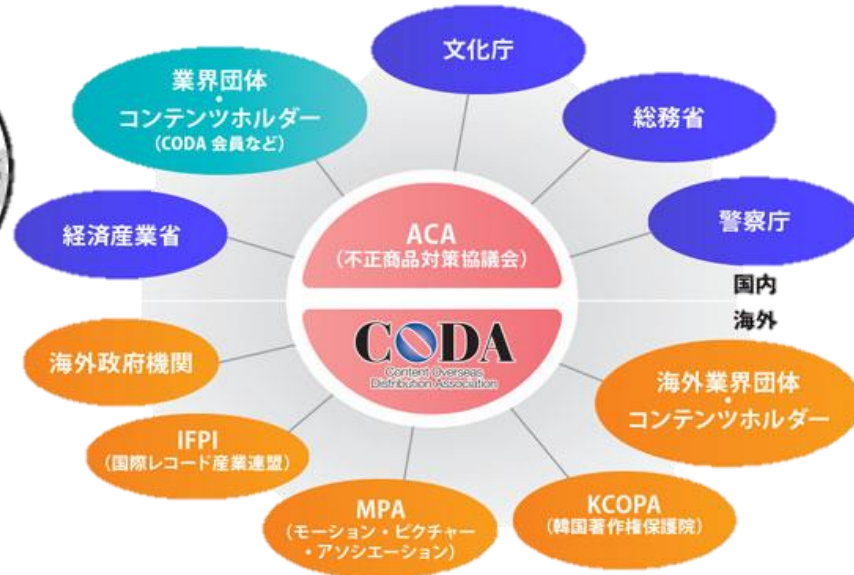
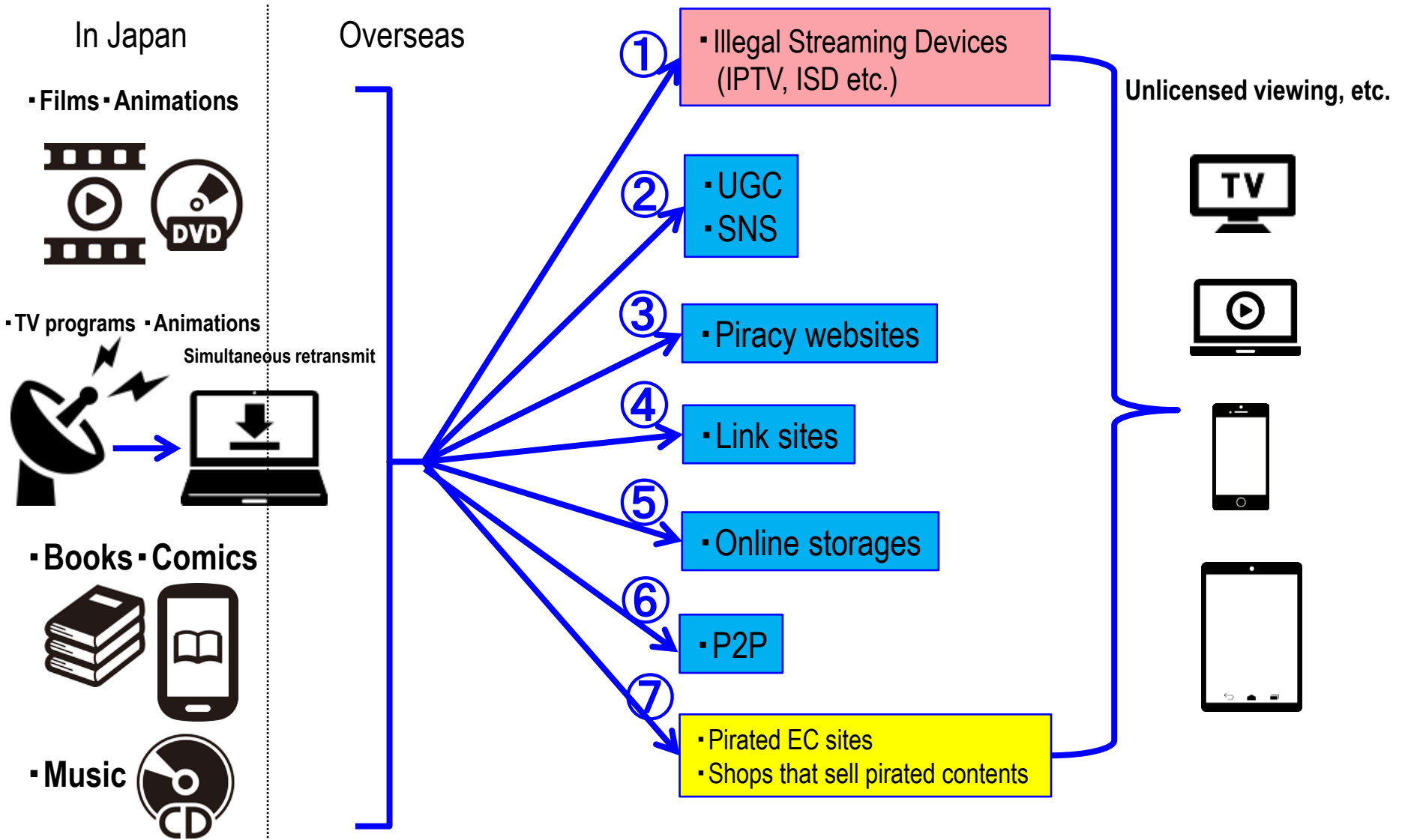
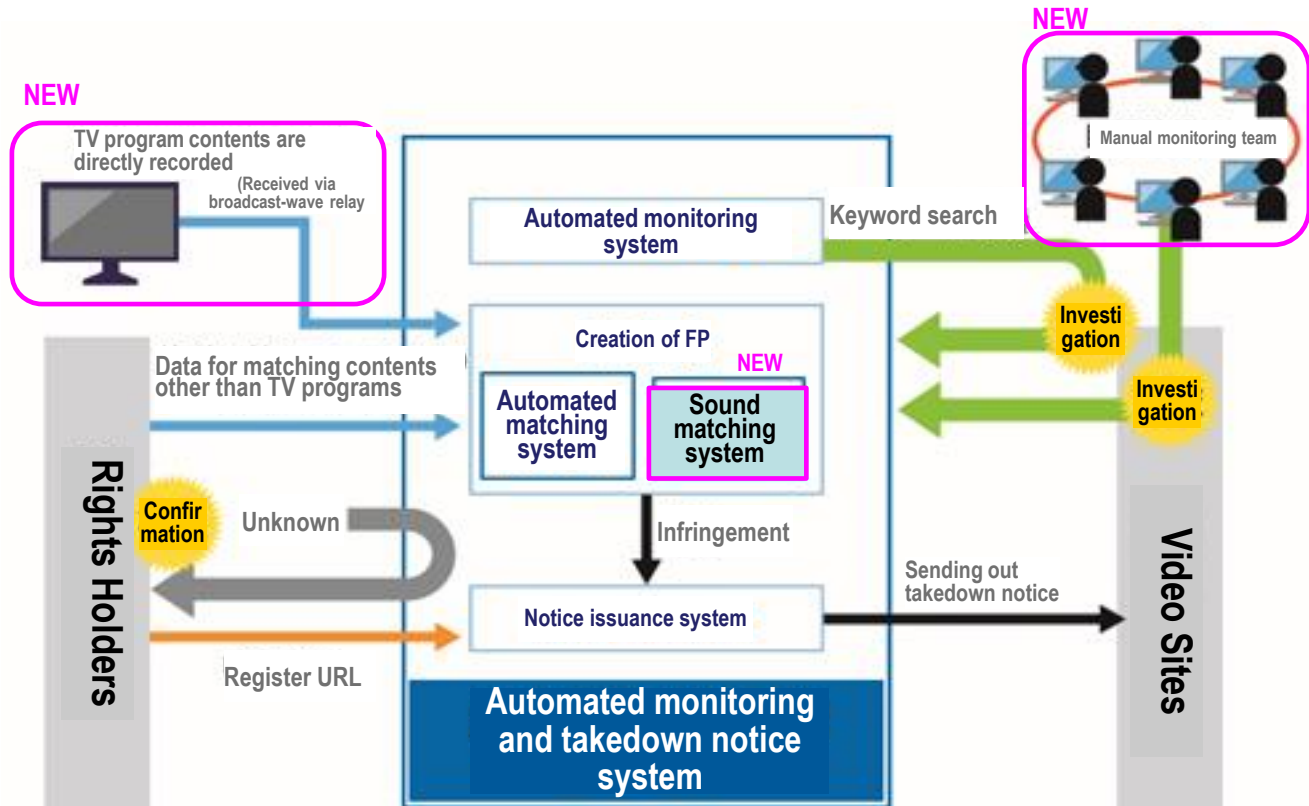


Illustration of Online Copyright Infringement



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.

Circumvention of Digital Finger Print matching



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



Site name	Accumulative result (August 2011 to March 2020)			2019 result (April 2019 to March 2020)		
	No. of notices	No. of Takedowns	Compliance rate	No. of notices	No. of Takedowns	Compliance rate
Youtube	350,187	350,187	100.00%	264,615	264,615	100.00%
Dailymotion	114,735	114,735	100.00%	23,820	16,697	70.10%
Pandora	106,153	106,152	99.99%	17,217	16,030	93.11%
Youku	103,670	103,668	99.99%	15,963	15,962	99.99%
Tudou	85,864	85,823	99.95%	14,365	1,391	9.68%
Facebook	55,154	53,953	97.82%	12,701	190	1.50%
Bilibili	43,220	35,956	83.19%	11,958	367	3.07%
Others	227,108	142,294	-	46,132	30,053	-
Total	1,086,091	992,768	91.41%	406,771	345,305	84.89%

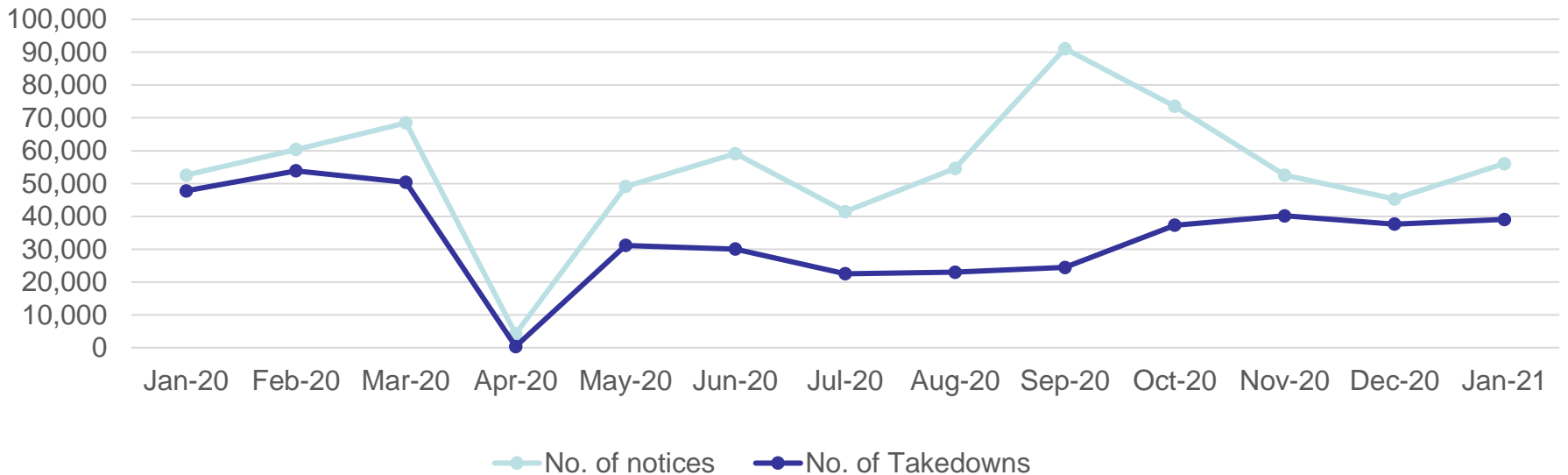


Takedown notices to UGC Sites 2



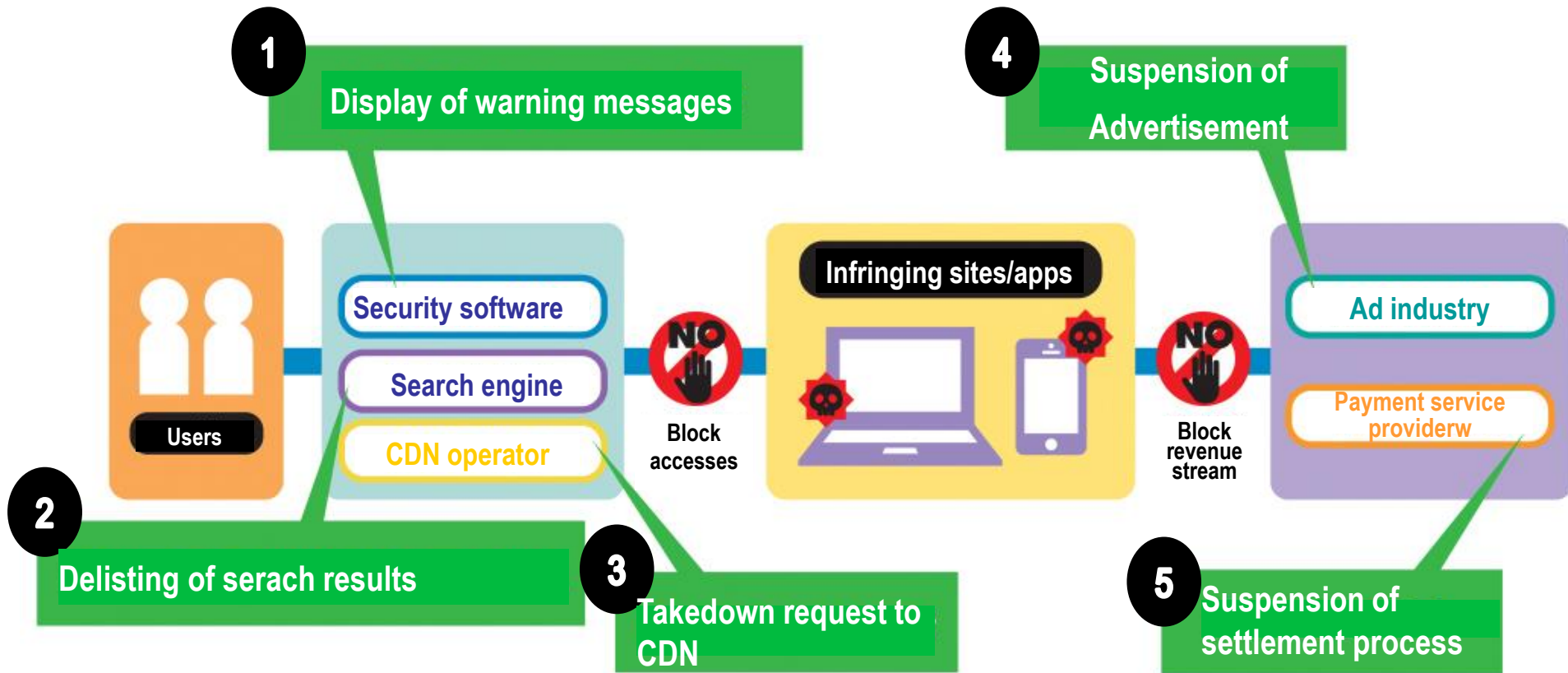
Takedown notices (From January of 2020 to January of 2021)

	2020/01	2020/02	2020/03	2020/04	2020/05	2020/06	2020/07	2020/08	2020/09	2020/10	2020/11	2020/12	2021/01
No. of notices	52,539	60,364	68,493	4,286	49,085	59,142	41,442	54,598	91,052	73,516	52,565	45,321	56,064
No. of Takedowns	47,769	53,883	50,384	386	31,175	30,071	22,551	23,018	24,480	37,340	40,201	37,660	39,062
Compliance Rate	90.90%	89.30%	73.60%	9.00%	63.50%	50.80%	54.40%	42.20%	26.90%	50.80%	76.50%	83.10%	69.70%





Indirect Measures taken by CODA



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.

A screenshot of a YouTube video player showing a video titled "なつよ" (Natsu yo). The video player has a red box around the video thumbnail and another red box around the "U-NEXT" logo. Below the video player, there are several red boxes labeled "Ads" pointing to various advertisements on the page, including one for "なつよ (イロハ 第01話)" and another for "HDオスメの動画".

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.

A screenshot of a link site listing anime titles. The site has a red box around the list of titles and another red box around the "U-NEXT" logo. Below the list, there are several red boxes labeled "Ads" pointing to various advertisements on the page, including one for "名探偵コナン 第79話" and another for "ジュエルペット マンガカルチェンジ 第26話".

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.

A screenshot of an app interface showing a list of anime titles. The app has a red box around the list of titles and another red box around the "U-NEXT" logo. Below the list, there are several red boxes labeled "Ads" pointing to various advertisements on the page, including one for "ハイキュー!!" and another for "Hi☆sCooool! セハガール".

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)

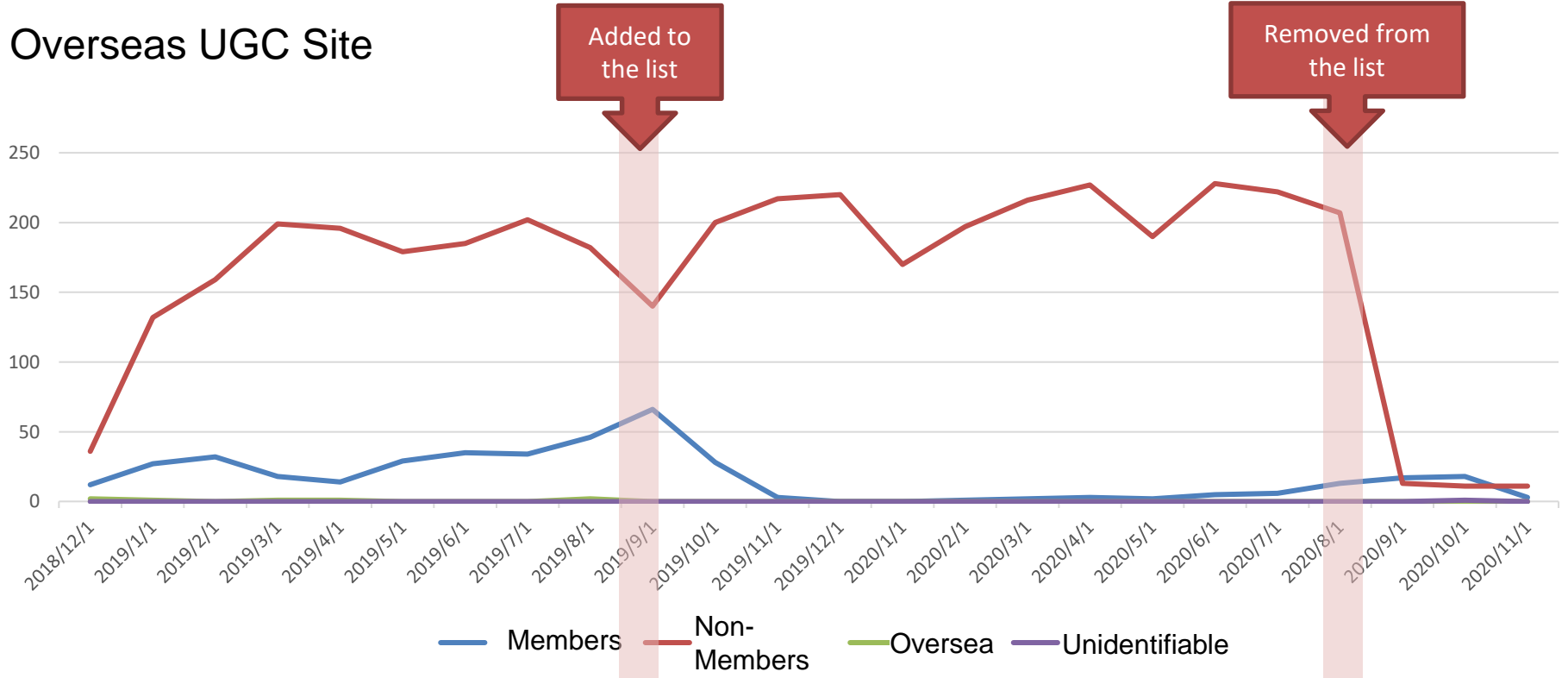
- Once we get cooperation from JIAA members, outsiders, providers that do not belong to the association, become the issue.
 - We sent out certified letters to outsiders twice: 2018/09/30, 2020/07/20

4. List of Infringing Apps

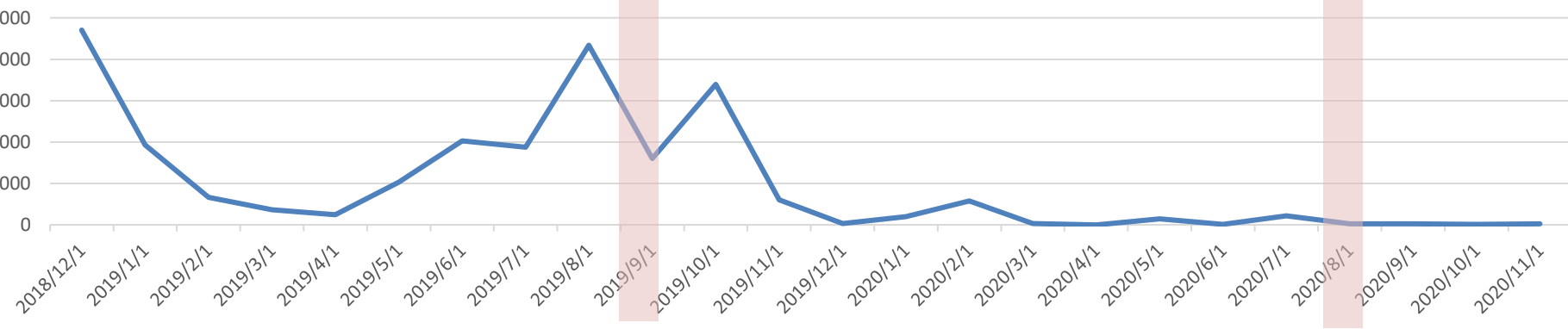
- We started to add infringing smart phone apps to the list as well from 2020/11/16.

Results: Number of advertisements on an infringing site

Overseas UGC Site

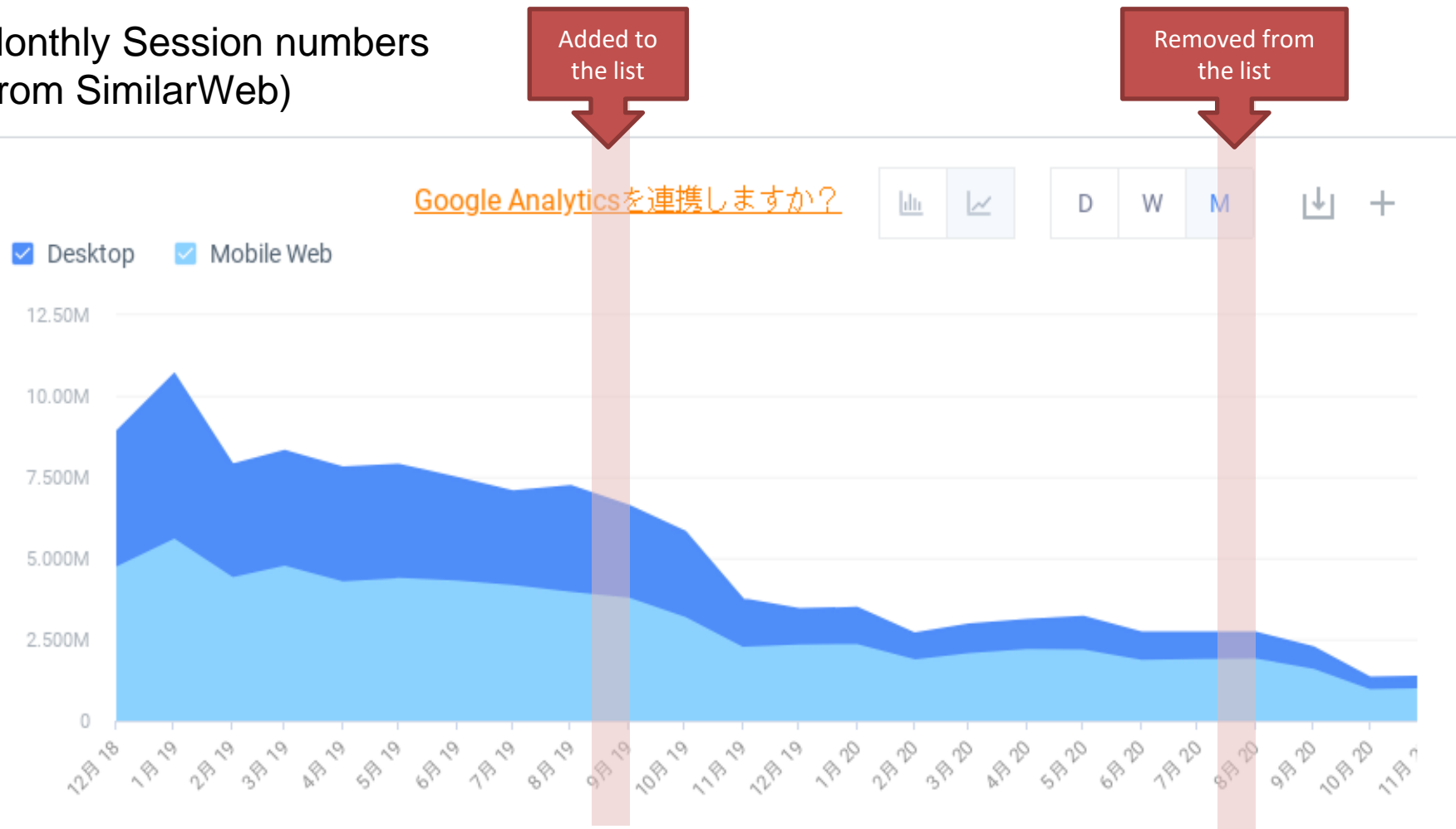


Number of takedown notices sent



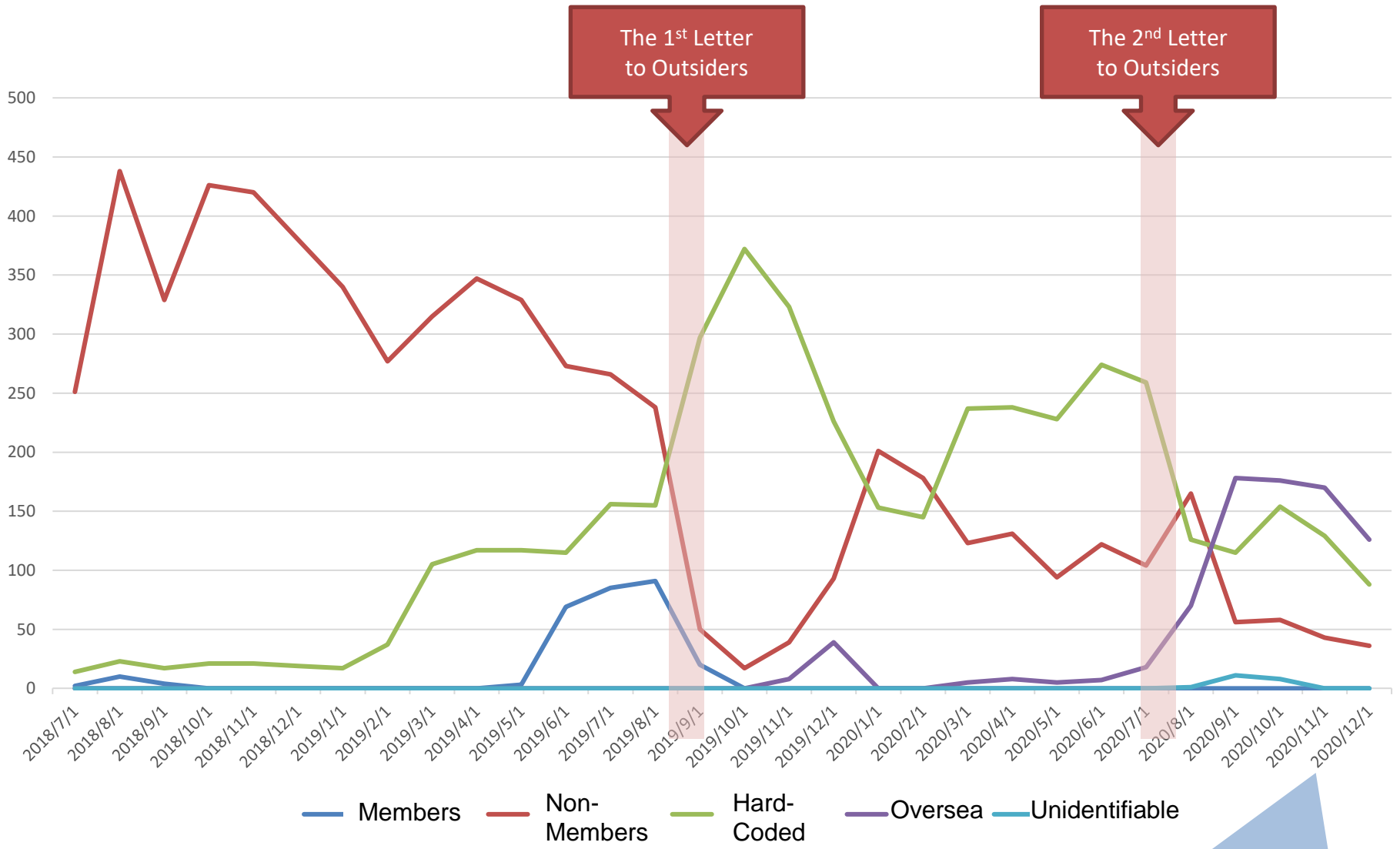
Overseas Infringing Site

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 1

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

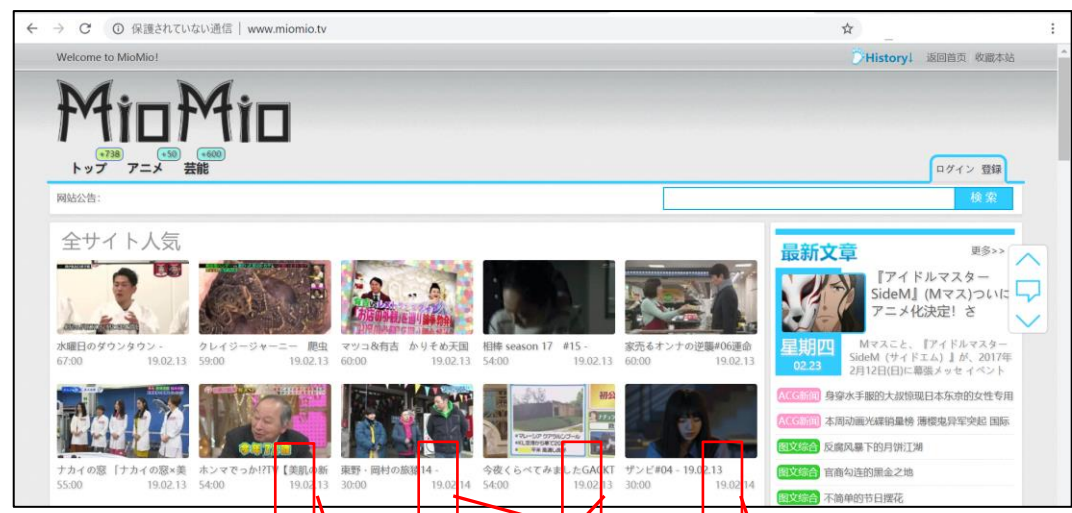
April 13, 2018: Intellectual Property Rights Strategy Office / Crime Control Ministerial Meeting
“Emergency Measure Against Piracy Websites on the Internet” was determined.

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.



19.02.13

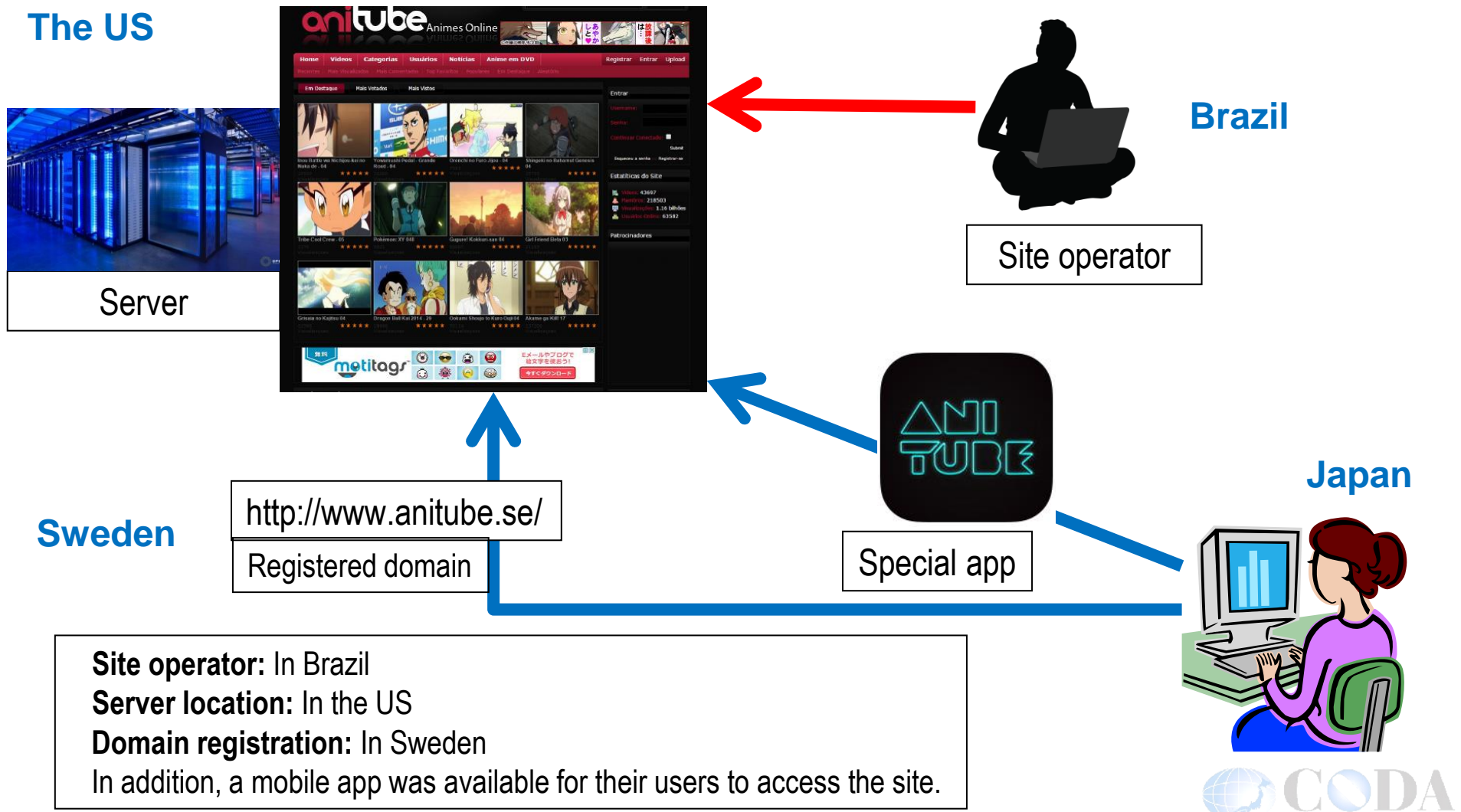
19.02.14

Pirated contents are still uploaded every day.



Countermeasures against Infringing Websites 2

~Cross-border online copyright infringements have become more complicated~



Cross-Border Enforcement Project (CBEP)

Background



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



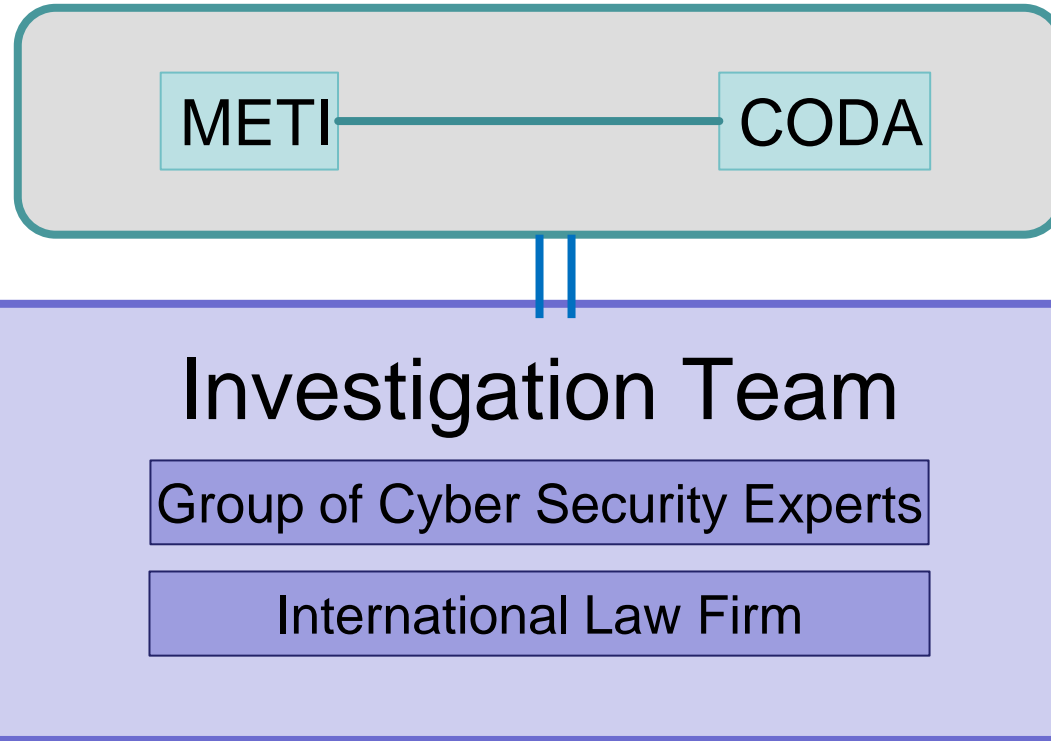
Availability of domain registration and bullet proof hosting services that hide identifies of piracy site operators have made it increasing difficult to address online piracy.

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 **ethicalhackers'globalnetwork** by obtaining user registration information of bullet proof hosting services with support from cyber security experts of the economies in which the ISPs operate.

Cross-Border Enforcement Project (CBEP) Implementation System



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.



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