

Blocking of Websites Which Contain Copyright Infringing Content in Various Asian Countries

	Singapore	Malaysia	Thailand	China	Indonesia
Does the possibility to block websites generally exist?	Yes	Yes	Yes	Yes	Yes
How can the blocking be achieved?	<p>1. By filing a complaint with the representative of the concerned Network service providers (NSPS), listed at IPOS (Intellectual Property Office of Singapore).</p> <p>2. By applying to the High Court for a Blocking Order. Prior to this, the owner of the “online location” from which an infringement of copyright is suspected must be notified and a deadline set for deletion/termination.</p>	<p>1 a. A complaint can be filed either with the KPDNKK’s (Ministry of Domestic Trade, Co-operation and Consumerism) Complaints Unit. In this case, the NIPP (National Intellectual Property Policy) investigates any offence under the IP Legislation.</p> <p>b. Or the complaint can be filed with the MCMC’s (Malaysian Communication and Multimedia Commission) Consumer Complaints Bureau. The complaint should provide supporting documents and a copy of a notification to the owner of the website.</p> <p>2. The High Court can be requested to block a website for IP right infringement.</p>	<p>1. By filing a complaint to the DIP (Department of Intellectual Property). The DIP then initial check the infringement issues and forward to the MDES (Ministry of Digital Economy and Society). The MDES will further file a petition with supporting evidence to the criminal court.</p> <p>Once the court has issued an order to remove or suppress the website, the MDES will distribute such order to various ISP (Internet Service Provider) to comply the court’s order.</p>	<p>1. The NSP (Network Service Provider) should be notified and the blocking of the related website requested.</p> <p>2. By filing a complaint to the authority and a request for an administrative order.</p> <p>The success of this approach depends on the evidence.</p> <p>3. By filing a lawsuit and request a preliminary injunction or a permanent ruling.</p>	<p>1. By filing a complaint with the Ministry of Communication.</p> <p>The complaint should describe illegal activity (infringement of intellectual property rights) on a website.</p> <p>The complaint should be submitted by letter and/or e-mail.</p> <p>If the Minister decides to act on the complaint, the subject website would be placed on a list of blocked sites and the Ministry would block access to the site from Indonesian IP addresses.</p>

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Which authority is competent to realise the blocking?	Only the High Court can grant a blocking order, which includes the requirement of the Network Service Provider to take reasonable steps to disable access to the infringing "online-location".	The MCMC (Malaysian Communication and Multimedia Commission) is entitled to block websites.	The MDES (Ministry of Digital Economy and Society).	Copyright infringements are regulated by the Copyright Office	The Ministry of Communication and Informatics
How long does the blocking last?	There are no strict time limits for the blocking. However, the High Court may revoke the order at any time, if there is no further reason to fear a flagrantly infringement.	In case of copyright infringements, the blocking by the MCMC only lasts for 5 days, if not renewed by court order.	The court order has no time-frame. The website will be blocked until the domain name is expired or the ISP is instructed otherwise.	In case of a preliminary Injunctions the blocking holds for 30 days if no lawsuit is filled.	The website will be permanently blocked.
Which steps/costs are involved?	A court proceeding can be relatively short, especially in case of a preliminary injunction. However, the costs of a proceeding are not low.		The process takes approximately 3-6 months and there is no government fee charged.	The court proceedings are relative high in cost, which has to be calculated in a specific case.	There are no applicable official charges.

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