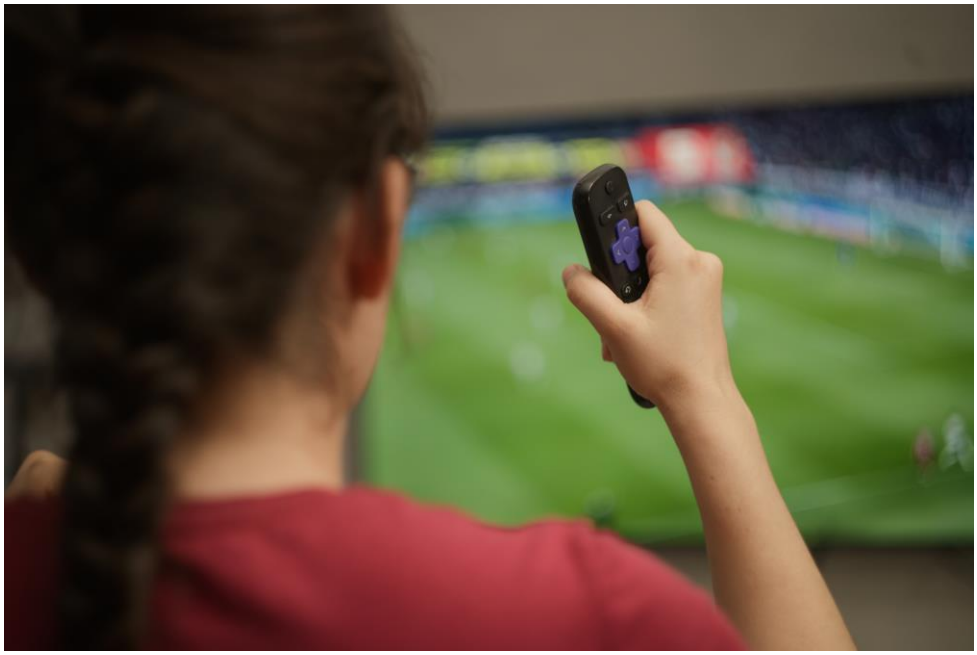
STUDY

Requested by the JURI committee

European Parliament

# Countering online piracy of sports and broadcast in the EU



Policy Department for Justice, Civil Liberties and Institutional Affairs

Directorate-General for Citizens' Rights, Justice and Institutional Affairs

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# Countering online piracy of sports and broadcast in the EU

**Abstract**

This study addresses the spread of live-content piracy in the EU, focusing on unauthorised sports and broadcast streaming via illegal IPTV services and apps. The analysis is focused on the EU legal framework, Commission Recommendation (EU) 2023/1018, national enforcement practices, and technological tools. The study identifies key legal and policy gaps. In conclusion, a set of recommendations is presented, in order to strengthen, harmonise, and accelerate anti-piracy enforcement across the Union.

This study was commissioned by the European Parliament's Policy Department for Justice, Civil Liberties and Institutional Affairs at the request of the Committee on Legal Affairs.

This document was requested by the European Parliament's Committee on Legal Affairs.

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# LIST OF ABBREVIATIONS

| | |
|---|---|
| **AGCOM** | Italian Communications Regulatory Authority |
| **ARCOM** | French Regulatory Authority for Audiovisual and Digital Communication |
| **CJEU** | Court of Justice of the European Union |
| **DNS** | Domain Name System |
| **DSA** | Digital Services Act |
| **DSM** | Directive (EU) 2019/790 on copyright in the Digital Single Market |
| **ECR** | European Conservatives and Reformists |
| **EDPPI** | Committee for the Notification of Copyright and Related Rights Infringement on the Internet |
| **Recommendation** | EC Recommendation (EU) 2023/1018 |
| **Resolution** | EP Resolution of 19 May 2021 |
| **EC** | European Commission |
| **EP** | European Parliament |
| **Infosoc** | Directive 2001/29/EC Information Society Directive |
| **IPTV** | Internet Protocol Television |
| **IPRED** | Directive 2004/48/EC |
| **OCSSPs** | Online content-sharing service providers |
| **OTT** | Over-the-top |
| **TRLPI** | Royal Legislative Decree No. 1/1996 |
| **TMG** | Telemediengesetz |
| **UrhG** | Urheberrechtsgesetz |
| **UrhDaG** | Urheberrechts-Diensteanbieter-Gesetz |

# EXECUTIVE SUMMARY

## Background

Preliminary findings of this study were presented to the European Parliament's Committee on Legal Affairs (The JURI Committee) on 22 June 2026.

In particular, the purpose of this study is:

- to provide a detailed description and analysis of the spread and increase of live-content piracy in the EU, mainly unauthorised streaming of sports and other live broadcasts through IPTV and apps;
- to provide a detailed analysis of the current EU legal framework and possible gaps in it, including the attempts to reform it through the European Parliament's resolution of 19 May 2021 with recommendations to the Commission on the challenges faced by sports event organisers in the digital environment (2020/2073(INL)), Commission Recommendation (EU) 2023/1018 and its assessment, as well as available estimates of the costs of such gaps;
- to provide a detailed description and analysis of how individual Member States apply enforcement measures, especially the use of injunctions, blocking orders and cooperation with intermediaries; the paper could also include other mechanisms aimed at combating live-content piracy if available; it should identify best practices as well as analyse the level of fragmentation between Member States and its consequences for rights holders;
- to provide an overview of technological tools for blocking illegal streaming; the paper can also explore other solutions for more effective detection and removal of illegal live broadcasting;
- to provide detailed recommendations proposing adjustments to the current IPR framework to effectively combat online piracy of sports and broadcast in the EU.

## Scope and mandate

The study was requested to provide a detailed description of the growth of live-content piracy in the Union and to assess how this phenomenon has evolved technologically and economically. It was also tasked with identifying the limits of the current EU framework, including the extent to which existing rules can support timely and proportionate enforcement against live retransmissions. In doing so, the paper situates live piracy not as a marginal infringement problem, but as a structurally significant challenge for the sports and audiovisual sectors.

## Legal framework

The EU framework governing live-content piracy is based on a combination of copyright, enforcement and platform-regulation instruments rather than on a dedicated regime for live events. The study examines the role of the InfoSoc Directive, the Intellectual Property Rights Enforcement Directive (IPRED), the Digital Single Market Directive (DSM Directive) and the Digital Services Act (DSA), together with the European Parliament's Resolution and the Commission's 2023 Recommendation, and concludes that these instruments provide useful foundations but do not fully address the time-sensitive nature of live broadcasting. The result is a legal framework that is functional in principle, but incomplete in practice when confronted with real-time infringement.

## National enforcement

The study reviews how Member States use injunctions, blocking orders and intermediary cooperation in practice, with particular attention to Italy, France, Germany, Spain, the Netherlands and Belgium. It identifies significant divergence in institutional design and procedural speed, but also a clear tendency toward more dynamic and technologically adaptive blocking measures, especially where live content is concerned. This

diversity reflects experimentation at national level, but it also produces fragmentation and uneven protection for rightsholders across the Union.

### Technological tools

The study also considers the main technological tools available to combat illegal streaming, including IP blocking, DNS blocking, dynamic injunctions and related forms of targeted intervention. While these tools can be effective in disrupting access during the live transmission window, they also raise concerns about circumvention, overblocking, operational burden and proportionality. For that reason, technological enforcement must be understood as useful but limited, and always dependent on appropriate legal safeguards.

### Main findings

The evidence reviewed suggests that live-content piracy is no longer a marginal form of infringement, but a structured and economically resilient segment of the piracy ecosystem, particularly in relation to sports broadcasting. It also shows that the current EU and national response remains fragmented, with considerable differences in legal remedies, technical implementation and the speed of intervention available to rights holders. In practice, this fragmentation weakens the predictability and consistency of enforcement within the internal market.

### Recommendations

The paper recommends adjustments to the current IPR framework to make enforcement against live-content piracy faster, more coherent and more proportionate. It supports clearer and more harmonised rules on injunctions and blocking measures, stronger safeguards for intermediary cooperation, better oversight of technical enforcement, and improved access to legal content offers as part of a broader anti-piracy strategy. These adjustments should aim to preserve the effectiveness of enforcement while reducing the risks of overreach and unnecessary burden on intermediaries.

Overall, the study argues that the EU should move from a mainly soft-law and nationally fragmented approach toward a more structured framework capable of responding to live piracy in real time. This would improve legal certainty for rightsholders and intermediaries alike, while preserving the balance between effective enforcement, proportionality and fundamental rights. In that sense, the next policy step should be not simply stronger enforcement, but more coherent enforcement.

# 1. INTRODUCTION

The study addresses the growing problem of live-content piracy in the European Union, with particular emphasis on the unauthorised online retransmission of sports and other live broadcasts through illegal IPTV services and apps.

## 1.1. Purpose of this study

The JURI Committee has called on this study to provide a structured analysis of live-content piracy as a distinct enforcement challenge within the EU digital environment. The objective is not only to describe the phenomenon, but also to situate it within the wider legal, institutional and technological framework that governs online copyright enforcement.

In particular, the study aims to examine how live piracy differs from other forms of online infringement, why it has become a priority issue for the Union, and how the current framework responds to the specific time-sensitive nature of live broadcasts. It also seeks to identify the main areas in which the existing system remains incomplete, fragmented or insufficiently adapted to the realities of live retransmission.

## 1.2. Context and policy background

The issue of live-content piracy has gained increasing prominence in the European policy debate because of the rapid growth of illegal IPTV services, app-based piracy and other technologically flexible forms of retransmission. These services can replicate the commercial appeal of lawful broadcasting while undermining the economic value of live events in a matter of minutes.

This study builds on the Resolution which highlighted the need for more effective and timely responses to unauthorised live retransmissions. It also reflects the policy direction later taken by the Recommendation, which sought to encourage faster handling of notices, stronger cooperation between stakeholders and more dynamic forms of blocking.

## 1.3. Analytical approach

The study adopts a comparative legal and policy approach, combining desk research with an examination of the relevant EU instruments, selected national enforcement models and key developments in case law. It also draws on available empirical and technical studies in order to assess how live-content piracy operates in practice and how enforcement tools are used to address it.

Rather than treating live piracy as a purely doctrinal issue, the study examines the interaction between substantive rights, procedural remedies and technical infrastructures. That approach is necessary because the effectiveness of enforcement in this field depends not only on the legal basis for intervention, but also on the speed, adaptability and precision of the measures used.

## 1.4. Structure of the study

The study first sets out the scale and evolution of live-content piracy in the EU and explains why sports and other live broadcasts pose a particular challenge. It then analyses the current EU legal framework, including the relevant copyright, enforcement and platform-regulation instruments, as well as the Resolution and the Recommendation.

The study then turns to national enforcement practices, with specific attention to injunctions, blocking orders and cooperation with intermediaries in selected Member States. It next reviews the main technological tools available to combat illegal streaming and their practical limitations. Finally, it draws

together the main lessons from the analysis and sets out recommendations for strengthening the EU framework.

# 2. THE GROWTH AND CONSOLIDATION OF LIVE-CONTENT PIRACY IN THE EUROPEAN UNION

KEY FINDINGS

Live-content piracy in the EU has become a structured and economically resilient market centred on illegal IPTV, dedicated apps and other real-time retransmission models, especially for sports. It is no longer a matter of isolated links, but of organised services that replicate lawful streaming offers.

Recent evidence shows that, even where overall online piracy has stabilised, illegal IPTV and live sports piracy remain highly significant. This segment has become more specialised and profitable, driven not only by enforcement gaps but also by pricing, convenience and fragmentation in legal offers.

The technical structure of live piracy makes enforcement difficult. Pirate services rely on distributed infrastructure, domain switching and intermediary-dependent delivery chains, so ex post takedowns are often too slow to be effective during the live event itself.

Blocking measures are widely used, but they are blunt instruments. IP and DNS blocking can disrupt access temporarily, yet they do not remove the infringing content and can also affect lawful services hosted on the same infrastructure.

The evidence from national studies confirms both the persistence of piracy and the fragmentation of responses across Member States. Blocking can produce measurable results, but it also creates overblocking risks, uneven compliance and significant operational burdens for intermediaries.

The main policy implication is that effective enforcement requires speed, coordination and more targeted measures. Blocking and notice-and-action tools remain useful, but only as part of a broader and more carefully supervised strategy.

## 2.1. Live-Content Piracy in the EU: Market Growth, Enforcement Gaps and National Evidence

Live-content piracy in the European Union has become increasingly concentrated around unauthorised IPTV services, illicit applications, and other forms of real-time retransmission, with particular intensity in relation to sports broadcasting. While overall online copyright infringement in the Union has in some periods stabilised or declined, illegal IPTV has emerged as a structurally significant and economically resilient segment of the piracy ecosystem.

In this context, particular attention should be paid to the conclusions emerging from recent studies undertaken by institutions of the Union and national organisations.

In 2019, the estimated 13.7 million illegal IPTV users in the EU spent on average around EUR 5.7 per month on such services. This fact points to the consolidation of piracy as a subscription-based consumer offer rather than merely an informal or occasional activity. This shift is relevant, because it lies in the fact that illicit IPTV increasingly replicates the commercial logic of lawful pay-TV and over-the-top services, offering bundled live channels, premium sports, and on-demand content through highly accessible user interfaces.

The research concluded that, despite an average 15.1% decline in overall access to pirated online content between 2017 and 2018, illegal IPTV providers were generating close to EUR 1 billion annually. showing that

live and linear television piracy was not following the same trajectory as other categories of online infringement[1].

In 2020 – before COVID19 – the study "Charting Global Sports Piracy", based on an online quantitative survey conducted by Ampere Analysis in March 2020, testified that among more than 6,000 sports fans aged 18–64 who watch sports on TV in ten countries (Brazil, Egypt, Germany, India, Italy, Jordan, Malaysia, Saudi Arabia, the United Kingdom and the United States), segments the audience through k-means clustering into five consumer groups defined by pay-TV/OTT subscriptions, use of illegal content, devices, behavioural drivers and ethical attitudes. Only 16% of online sports fans report never watching sports through illegal sources, while over half of them (51%) state that they consume pirated sports content at least once a month. At the same time, this audience is already strongly "paying": 89% have a pay-TV service or OTT platform at home, and within this group 44% watch sports via legal OTT services every week. Among those who use illegal sites or services, more than one quarter (29%) have paid to access them (streaming sites, IPTV apps, modified devices), and among viewers who regularly watch sports from illegal sources, 42% follow sports events on a daily basis, with an engagement level more than 60% higher than the average fan[2].

In another study published in March 2023, three principal models of live event piracy were identified: subscription-based IPTV, open IPTV streams, and open web streaming. That typology is relevant for the purposes of this study because it demonstrates that live piracy is no longer limited to ad hoc web links, but encompasses durable and organised service models capable of serving mass audiences. The operators of such services frequently rely on distributed technical infrastructures, domain switching, mirrored services, and intermediary-dependent delivery chains involving hosting, content delivery, DNS resolution, search engines, and application environments. As a result, enforcement based solely on ex post takedowns is often

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1 Illegal IPTV in the European Union – Research on Online Business Models Infringing Intellectual Property Rights, EUIPO, 2019 https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/2019_Illegal_IPTV_in_the_European_Union/2019_Illegal_IPTV_in_the_European_Union_Full_en.pdf. It was an interdisciplinary study surveying legal, technical, and economic aspects of illegal IPTV and one of the first major reports to review the existing literature, the legislative framework, and case law in the EU, providing a structural analysis of existing business models with regard to the unauthorised delivery of television content over the internet. In addition, the report provides the first assessment of the magnitude of illegal IPTV across the EU in terms of active users and unlawful revenue obtained from infringing activities. Indeed, the EUIPO's 2019 research marked a turning point in the empirical assessment of the phenomenon, identifying unauthorised IPTV as a distinct and scalable business model within the broader online copyright infringement ecosystem. In the PRESS RELEASE – 8 June 2022 Young Europeans buy more fake products and continue to access pirated content (https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/IP_youth_scoreboard_study_2022/Press_release/IP_youth_scoreboard_study_pr_2022_EU_en.pdf), it was noted that up to 33% of young people (aged 15-24) access pirated digital content and the estimated EUR 83B lost revenues from piracy in the EU.

2 "Understanding sports fans and what drives their behaviours – Charting global sports piracy", Synamedia, 2020, https://www.synamedia.com/wp-content/uploads/2022/08/Charting-Global-Sports-Piracy-Report.pdf Moreover, this research identifies three macro-categories of fans and five behavioural clusters, with the following shares in the sample: Loyal Stalwarts, 26% of fans (cluster "Treasure Seekers", 26% of the total); Fickle Superfans, 31% (within them, "Internet Buccaneers" at 18% and "Content Plunderers" at 13% of the total); and Casual Spectators, 43% (including "Silver Islanders" at 20% and "Ocean Explorers" at 23%). Geographically, Fickle Superfans (Internet Buccaneers and Content Plunderers) are over-represented in India, Malaysia and MENA countries, Treasure Seekers are concentrated in Italy, the UK and Brazil, while Casual Spectators (Silver Islanders and Ocean Explorers) prevail in mature markets such as the US, Germany, Italy and the UK. Within the Fickle Superfans group essentially no fan claims not to use illegal content: almost all access pirated streams at least weekly, and Internet Buccaneers are the most intensive consumers of pirated content, with more than half having already cancelled or declaring an intention to cancel at least one pay-TV subscription because of their use of illegal services. Among Casual Spectators, only 17% of Silver Islanders state that they "never pirate", despite 100% of them judging the use of pirate services as morally wrong, whereas Ocean Explorers consider piracy universally acceptable and are the group most likely to choose illegal services even when priced at the same level as legal ones. Access methods range from "light" solutions, such as illegal feeds on mainstream social media (Facebook Live, Twitch, YouTube) and free or paid streaming aggregator sites, to software and IPTV apps on modified devices; Fickle Superfans are the most inclined to install and configure IPTV apps and dedicated devices, and more than 70% of Internet Buccaneers and around half of Content Plunderers pay for streaming sites, IPTV apps or modified devices.

ineffective for live broadcasts, particularly sports events, where a delayed intervention may be commercially meaningless. The central policy implication is that effectiveness depends on speed, coordination, and the ability to update blocking measures dynamically while the event is still ongoing[3].

More recent studies published by Union institutions have confirmed that piracy remains a substantial phenomenon across the Union, while also revealing internal shifts in modes of access and content categories.[4]

On the one hand, total digital piracy remained broadly stable in 2023, at around 10 illegal accesses per internet user per month; on the other hand, visits to websites offering pirate IPTV services increased, with sports-related live piracy identified as an area of growing concern within the television segment.

This trend indicates that the issue is not merely the persistence of piracy in general, but the reconfiguration of infringing activity towards services capable of capturing the value of premium live content. In practical terms, unauthorised IPTV services and dedicated applications allow users to access a large number of channels and live events through a stable subscription model, making infringement easier to systematise and harder to distinguish, from the user's perspective, from legitimate digital media services.

Already in 2020, the European Parliament had underscored the significant economic impact of the online piracy of sports events, estimating that revenues generated through unlawful business models relying exclusively on users' subscription fees amounted to approximately EUR 522 million in 2019.[5]

The Parliament further noted the emergence of increasingly sophisticated piracy ecosystems. In particular, recent years have experimented the development of so-called "*Piracy-as-a-Service*" models, whereby operators provide ready-made technological infrastructures and ancillary services enabling third parties to establish, manage, and monetise fully operational piracy platforms with minimal technical expertise. In certain instances, such infringing services closely replicate the appearance, functionality, and user experience of legitimate streaming platforms.

At the same time, operators engaged in unauthorised retransmissions have adopted increasingly advanced resilience strategies designed to evade detection and circumvent enforcement measures. These developments underscore the need for continuous monitoring of evolving piracy techniques and anti-enforcement mechanisms, particularly in light of ongoing technological innovation and the emergence of new digital business models. Such trends may extend beyond sports content and adversely affect the ability of rightsholders to effectively enforce and protect their intellectual property rights.

In this respect, the regulatory gap identified appears to concern not so much the legal characterisation of sporting events as copyright-protected subject matter, but rather the effectiveness of the enforcement framework applicable to their unauthorised online dissemination. Particular attention has been devoted to

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[3] Live Event Piracy - Discussion Paper: Challenges and Good Practices from Online Intermediaries to Prevent the Use of Their Services for Live Event Piracy, EUIPO, 2023 https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/2023_Live_Event_Piracy/2023_Live_Event_Piracy_Discussion_Paper_FullR_en.pdf. The EUIPO published this discussion paper on live event piracy entitled "Live Event Piracy - Discussion Paper: Challenges and Good Practices from Online Intermediaries to Prevent the Use of Their Services for Live Event Piracy"#. This paper - probably the most relevant for the purposes of this report - identifies "live event piracy" as the illicit real-time retransmission of live events and treats it as a specific enforcement challenge, because the economic harm materialises during the event itself.

[4] Online Copyright Infringement in the European Union – Films, Music, Publications, Software and TV (2017–2023), EUIPO 2023 https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/2024_online_copyright_infringement/2024_online_copyright_infringement_in_the_EU_FullR_en.pdf

[5] Challenges facing sports event organisers in the digital environment, European Parliament, 2020, https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2020)654205.

the use of dynamic blocking mechanisms and to the platform liability regime under Article 17 of Directive (EU) 2019/790 on copyright in the Digital Single Market (hereinafter, the "**DSM Directive**"), notably in relation to issues of effectiveness, proportionality, and the growing reliance on private actors in the enforcement process[6].

Overall, live-content piracy in the EU has continued to expand in both scale and sophistication, driven by high consumer demand for premium live sports and events, combined with fragmented and often expensive lawful offers that frequently rely on multiple subscriptions and are further constrained by geo-blocking and territorial licensing. Empirical evidence from EU-level surveys on attitudes and behaviours indicates that a non-trivial share of Europeans, particularly younger users, still rely on illegal sources to access live content and often do not perceive such behaviour, when limited to personal use, as especially harmful or morally problematic, as shown by the EUIPO (European Union Intellectual Property Office) IP Perception Study 2023[7] and the EUIPO Observatory's latest online copyright infringement report[8].

At the same time, enforcement responses have focused heavily on supply-side measures such as website and IP-based blocking and dynamic blocking injunctions, which tend to be easily circumvented by both users and pirate operators, while generating significant operational costs and collateral risks for intermediaries and raising persistent concerns as regards proportionality, overblocking and the protection of freedom of expression and information, as highlighted in recent economic and legal assessments of blocking legislation and in the Commission's 2026 follow-up study on the application of the IPRED. In this context, the emerging evidence points to the need for a more balanced and demand-sensitive strategy that complements targeted, technologically up-to-date blocking tools with interventions aimed at improving the affordability, availability and cross-border accessibility of legal live-content offers and at reinforcing consumer awareness of lawful alternatives[9].

From the perspective of the findings reported in studies and reports published by national organizations, it emerges that, in the Italian context, the latest FAPAV (Federation for the Protection of Audiovisual and Multimedia Content Industries)/Ipsos survey for 2024 confirms that live-content piracy, including sports broadcasts, remains structurally widespread despite a slight decline in overall numbers[10]. According to this study, 38% of the adult population engaged in illegal consumption of films, series, TV programmes and live sports events at least once in 2024, corresponding to an estimated 295 million acts of piracy over the year. Sports content plays a central role in this picture: around 15% of adults report accessing live sports unlawfully, with football clearly dominant, followed by Formula 1, tennis and MotoGP. The aforementioned survey also highlights the importance of illegal IPTV services and streaming as primary access channels, alongside P2P download, social networks and messaging apps, which together support a technologically "up-to-date" and highly flexible pattern of consumption. Economically, FAPAV estimates that digital piracy in Italy leads to approximately EUR 2.2 billion in lost revenue and puts more than 12,000 jobs at risk, figures that underscore the macroeconomic relevance of the phenomenon even in a single Member State.

According to this research, two years after the adoption of Italy's anti-piracy law and the launch of the Piracy Shield platform, public awareness and support are high: 71% of Italians are aware of the legislation, 62%

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6 Quintais, João Pedro and Aznar, Miquel, Between Effectiveness and Fundamental Rights: Sports Piracy and the Privatization of Copyright Enforcement in the EU (April 10, 2026). Available at SSRN: https://ssrn.com/abstract=6674479 or http://dx.doi.org/10.2139/ssrn.6674479

7 https://en.bia-bg.com/service/view/31885/

8 https://www.euipo.europa.eu/en/publications/online-copyright-infringement-in-the-european-union-films-music-publications-software-and-tv-2017-2023

9 https://www.ceps.eu/ceps-publications/the-benefits-and-costs-of-website-blocking-legislation-an-economic-legal-and-policy-assessment/

10 https://fapav.it/indagine-fapav-ipsos-2024/

consider it effective, and 70% view Piracy Shield as a useful tool, while, according to the data provided by AGCOM, the system has blocked 122,481 illegal streaming sites with a reported error rate of just 0.0057%[11]. Furthermore, only two complaints were filed out of 122,481 Piracy Shield blocking reports, with the last recorded error occurring in October 2024; subsequent regulatory decisions largely confirmed the system's reliability, as one erroneous block resulted in sanctions against the operator, while another challenged block was upheld and went uncontested: Provision/Delibera 110/24/CSP (Smartone)[12], which concluded with a sanction imposed on the operator that was subsequently paid and not challenged, and Provision/Delibera 109/24/CSP (Nanomid)[13], in which the blocking measure was confirmed and the part did not file any appeal.

According to report of the *Autorité de régulation de la communication audiovisuelle et numérique* (hereinafter "**ARCOM**"), the illicit audience has declined by 34% since 2021, falling from 11.7 million users to 7.7 million in 2025, while legal consumption increased from 51.9 million to 54.2 million users (+4.4%) and the overall internet population grew from 53.4 million to 56.5 million users (+5.8%). The decline in piracy is visible across all major access channels[14]. Streaming and downloading remain the dominant forms of illicit consumption, accounting for 79% of piracy-related activity, yet their usage has decreased by 36% since 2021 and by a further 3% in 2025 alone. As stated by ARCOM, live-streaming piracy, particularly in relation to sports content, has experienced a 70% decline since 2021, although a marginal 1% increase was recorded in 2025, suggesting the persistence of a core audience for live events. Peer-to-peer (P2P) usage also continued to contract, declining by 11% year-on-year.

Similarly, illicit IPTV services, which account for 12% of the illicit audience, recorded a 9% decrease compared to 2024, indicating that infrastructure-focused blocking measures are producing measurable effects. The graduated response system remains a central pillar of the French strategy. ARCOM reports that 17% of French citizens aged 15 and over have been exposed to one of its recommendations, with 65% of recipients subsequently reducing their illicit consumption and 57% transitioning to legal services. Enforcement activity remained significant in 2025, despite a decline in referrals from rights holders, which fell by 27% compared with 2024 and by 61% since 2021. During the year, 79,188 first warnings, 16,731 second warnings, and 3,405 findings of characterized negligence were issued, leading to 1,338 cases being referred to judicial authorities. The penal component of the system continued to reinforce the deterrent effect of educational measures. ARCOM was informed of 631 judicial outcomes in 2025, of which 300 resulted in monetary sanctions, corresponding to a sanction rate of 47.5% for transmitted cases. Average penalties ranged from €188 for citizen contributions to approximately €305–309 for judicial sanctions and penal orders.

Alongside actions directed at individual users, ARCOM substantially expanded its efforts against illicit services and their supporting infrastructure. Since 2022, a total of 19,320 domain names have been blocked through judicial orders and administrative procedures. Enforcement activity intensified particularly in the sports sector, where the number of blocked services increased eightfold between 2022 and 2025. During 2025 alone, 8,296 sports-related services were notified, with peaks corresponding to major Ligue 1 and UEFA Champions League fixtures, while 1,363 notifications concerned mirror sites associated with cultural piracy. The increasingly proactive role of rightsholders is reflected in the substantial growth in notifications submitted by sports broadcasters, most notably DAZN, which recorded a 1,831% increase in notified services compared with the previous year.

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11 ANSA, La pirateria cala ma resta un danno di 2,3 miliardi, 'servono sinergia e tecnologia', https://www.ansa.it/sito/notizie/economia/2026/06/23/nel-2025-dalla-pirateria-audiovisiva-un-danno-da-23-miliardi-di-euro_294529bf-9bda-48e1-858e-9c719036506d.html

12 https://www.AGCOM.it/provvedimenti/delibera-110-24-csp

13 https://www.AGCOM.it/provvedimenti/delibera-109-24-csp

14 ARCOM, BILAN 2025 - LUTTE CONTRE LE PIRATAGE, published on March 2026: https://www.arcom.fr/sites/default/files/2026-03/Arcom_Bilan%202025_Lutte_Piratage.pdf

Following the extension of injunctions to alternative DNS providers in June 2024 and to VPN providers in June 2025, enforcement efforts increasingly targeted these actors. As a result, 81% of all sports-related notifications issued in 2025, corresponding to 5,263 domains, were directed at alternative DNS providers. Compliance levels, however, remain uneven. While certain providers, such as Google, have been reported as implementing measures diligently, other DNS and VPN providers continue to demonstrate only partial or no compliance with blocking obligations.

Finally, the latest data collected throughout 2024 and the first half of 2025 reveal a sharp increase in infringements, with a total of 26.2 million takedown notices submitted to intermediaries in relation to the unauthorised retransmission of live content.

At the same time, intermediary responsiveness remains critically inadequate: only 11% of notices resulted in the suspension of unauthorised retransmissions over the period examined, while the remaining 89% failed to produce any suspension, with performance deteriorating from a 19% suspension rate in the second half of 2024 to just 5% in the first half of 2025. The most significant shortcomings concern digital service providers and other hosting service providers, which together receive the overwhelming majority of notices (46% and 49%, respectively) yet suspend infringing services in only a very limited number of cases (4.2% and 1.6% of all notices, respectively).

Although online platforms achieve considerably higher removal rates in relative terms – only 2% of notices addressed to them in 2024 did not result in suspension and, over the entire period, suspensions account for 5.2% of all notices issued – the impact of their action is substantially weakened by the rapid reappearance of infringing content, with approximately 90% of violations resurfacing within the same day. Overall, most intermediaries take limited prompt action, with only a small fraction of infringements being taken down during the live event and more than half of notices either not acted upon or lacking any observable response.

Given that cooperation agreements account for only about 5% of all notices issued – of which roughly 4% lead to suspension and 1% do not – the available evidence indicates that voluntary mitigation measures remain clearly insufficient to address the scale of the problem and to prevent the substantial economic harm suffered by rights holders, event organisers and the broader European live-content ecosystem[15].

In Spain, the Open Observatory of Network Interference (OONI) published a report that provides detailed empirical evidence of the extensive collateral effects arising from IP-based blocking measures implemented in Spain to curb unlawful livestreaming of LALIGA football matches[16]. The report relies on network measurement data collected within Spain between 1 January and 1 June 2026, complemented by DNS scans covering approximately 9.2 million domains, thereby ensuring a robust statistical basis for its findings. A particular emphasis is placed on quantifying the scope of the interference with lawful online content.

Specifically, the data show that 554,507 domains – corresponding to around 5.8% of the overall sample – experienced blocking at least once during LALIGA match windows, indicating that the anti-piracy regime impacted a significant segment of legitimate internet resources. In several one-hour intervals, the blocking of only 4 to 20 IP addresses resulted in more than 400,000 domains becoming inaccessible, illustrating the disproportionate reach of IP-based interventions where shared infrastructure is involved. The report further identifies that these domains are hosted on major content delivery and hosting providers, including

15 Grant Thornton, "Two Years On: Online Piracy Trends Worsen Despite the European Commission's Recommendation" published in September 2025 (version 3), "The impact of the European Commission's Recommendation on combating online piracy of live events"published on 4 November 2024.

16 Arturo Filastò (OONI), Maria Xynou (OONI), Mehul Gulati (OONI) "Collateral Damage of IP-Based Blocking During LALIGA Football Streaming in Spain: Evidence from OONI Measurements", published on June, 2026: https://ooni.org/post/2026-laliga-collateral/

Cloudflare, Amazon, Squarespace, Akamai and Microsoft, with a total of 7,441 IP addresses affected across 36 autonomous systems.

The report stresses that the impact concerns not only neutral or purely commercial services, but also websites of public interest, including non-governmental organisations, media outlets, government portals and messaging platforms. From a legal perspective, this raises serious concerns regarding the necessity and proportionality of the blocking measures, as required under EU law, particularly where restrictions affect access to information and essential services. The temporal correlation between the activation of the blocks and LALIGA match schedules further supports the conclusion that these measures are specifically targeted at football broadcasting windows yet produce systematic overblocking of non-infringing content.

Overall, based on the aforementioned relevant studies, live-content piracy should no longer be treated as a marginal subset of general online copyright infringement, but rather as a specific regulatory and enforcement challenge for the Union's audiovisual and sports ecosystems. The scale of the illegal IPTV economy highlights the central role of sports broadcasts in shaping the live-piracy ecosystem and points to the necessity of rapid, coordinated, and proportionate responses involving rights holders, intermediaries, and public Authorities.

In particular, as discussed in greater detail in Section 3, the response of the European institutions may reflect the empirical concerns as highlighted in the studies above mentioned.

## 2.2. Technological tools for combating illegal live streaming

In the context of live-content piracy, a significant part of enforcement has increasingly relied on technological measures designed not to target the infringing content directly, but to disrupt the channels through which it becomes accessible to end users. Among these, IP blocking and DNS blocking have assumed a particularly prominent role. In broad terms, these measures operate by impeding access to a website or service rather than by removing the unlawful content from the internet. For that reason, they have become common tools in the fight against audiovisual piracy, especially where infringing streams are disseminated through shared or rapidly changing infrastructure[17].

IP blocking works by preventing traffic from being routed to a particular numerical address associated with a server or network infrastructure. DNS blocking, by contrast, operates at the level of name resolution: it interferes with the system that translates a domain name into its corresponding IP address, thereby preventing or altering access to the requested domain. Both techniques are therefore aimed at interrupting access, but neither of them affects the continued availability of the underlying illicit content, nor its ability to migrate to other domains or addresses. In the live-streaming context, where pirated content can be shifted very quickly from one location to another, this characteristic limits the practical effectiveness of such measures.

At the same time, IP and DNS blocking remain inherently blunt instruments. Because they operate at access level rather than content level, they are incapable of reliably distinguishing between unlawful streams and lawful services hosted on the same infrastructure. As a result, a blocking order directed at a single IP address or domain may inadvertently affect a wide range of unrelated websites, platforms, or services, particularly where content delivery networks, shared hosting arrangements, or public DNS resolvers are involved. This difficulty is especially acute in live-broadcasting cases, where infringing streams often rely on shared and rapidly mutable infrastructure, making broad blocking measures prone to overreach and difficult to calibrate

17 Carl Gahnberg, Mandated DNS Blocking: A Guide for Legal Professionals, March 2026.

with precision[18]. The risk is therefore not confined to the blocking of marginal or ancillary services, but may extend to legitimate business activities, cloud-based resources, and other lawful forms of digital communication that happen to depend on the same technical layer[19].

A further structural limitation is that IP and DNS blocking do not remove the infringing content itself. Rather, they merely interrupt one route of access, while the unlawful stream may reappear almost immediately under a different domain name, IP address, or technical configuration. Users may also circumvent such blocking by switching resolvers, relying on VPNs, or employing alternative access pathways, thereby further reducing the long-term effectiveness of the measure. In consequence, blocking may temporarily disrupt access to illicit streams, but it is rarely capable, on its own, of ensuring their rapid detection or definitive removal. Its value lies primarily in temporary disruption rather than in source-level enforcement.

These limitations also give rise to broader legal and policy concerns. Because blocking measures may affect lawful users and services, they raise issues of proportionality, overblocking, and interference with the functioning of the internet as an open and shared infrastructure. They also impose operational burdens on intermediaries, who may find themselves in a difficult position between compliance obligations and the risk of disabling legitimate traffic. In analytical terms, IP and DNS blocking should therefore be understood as supplementary enforcement tools rather than as standalone solutions to live-content piracy. More effective responses require measures that are closer to the source of the infringement and better able to distinguish unlawful distribution from lawful connectivity.

18 Computer & Communications Industry Association, Fighting Piracy Without Breaking the Internet: Online Piracy, Blocking, and the Collateral Damage to the Open Internet.

19 Internet Society, Policy Brief: Perspectives on Internet Content Blocking, September 2025.

# THE EU LEGAL FRAMEWORK ON ONLINE PIRACY AND THE COMMISSION'S RECOMMENDATION

KEY FINDINGS

The EU framework for live-content piracy relies on the combined operation of the InfoSoc Directive, IPRED, the DSA and the DSM Directive, rather than on a dedicated harmonised regime. It provides useful legal bases, but it was not designed for the speed and mutability of live retransmissions.

Unauthorised live streaming falls within EU copyright protection, yet the existing rules were drafted mainly for on-demand and static uses and do not fully capture the real-time nature of live broadcasts.

IPRED remains the key enforcement instrument because it allows injunctions against both direct infringers and intermediaries. This has enabled national courts to develop static, dynamic and, in some cases, live blocking orders.

The DSA and Article 17 of the DSM Directive add useful notice-and-action and platform obligations, but they remain general-purpose tools. They do not create live-content-specific deadlines and still need to be combined with injunctions and cooperation mechanisms to work effectively in real time.

The European Parliament Resolution of 19 May 2021 and Commission Recommendation (EU) 2023/1018 marked an important policy shift by promoting faster notice handling, dynamic blocking and stronger cooperation. However, the Recommendation is non-binding and its impact has remained limited.

The Commission's assessment shows some improvement in awareness and practice, but not a substantial reduction in live piracy across the Union. Enforcement also remains uneven across intermediaries, with platforms responding better than hosting providers and technical infrastructure actors.

## 2.3. The EU Legal Framework before the Commission Recommendation

Before examining the initiatives undertaken by the European Parliament and the Commission after 2021, it is appropriate to provide a general overview of the EU legal and regulatory framework applicable to the unauthorised online retransmission of live sports and audiovisual content.

The EU legal framework governing the unauthorised online retransmission of sports and other live events is the result of a layered interaction between copyright, enforcement and platform-regulation instruments, rather than a dedicated harmonised regime for live-content piracy.

Legal protection is primarily anchored in the Directive 2001/29/EC Information Society Directive (hereinafter, the "**Infosoc Directive**") and related copyright instruments[20]. In particular, Article 3(1) of Infosoc Directive grants authors the exclusive right to authorise or prohibit any communication to the public of their works, including the making available of their works in such a way that members of the public may access them from a place and at a time individually chosen by them. Article 3(2) of Infosoc Directive extends equivalent rights of communication to the public and makes available to performers, phonogram producers, producers of the first fixation of films and broadcasting organisations in respect of their broadcasts, thereby covering the online retransmission of sports broadcasts and other live event content as related rights.

[20] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society https://eur-lex.europa.eu/eli/dir/2001/29/oj/eng

Unauthorised live streaming and online retransmission of such content therefore falls, in principle, within the scope of these exclusive rights. However, the InfoSoc Directive and the parallel copyright acquis were drafted at a time when the main policy concern lay with on-demand uses and static content; they do not address the temporal dimension of live transmissions, nor do they contain provisions specifically tailored to the rapid and large-scale redistribution of real-time sports broadcasts through IPTV services and apps.

On the enforcement side, Directive 2004/48/EC (hereinafter, the "**IPRED**") on the enforcement of intellectual property rights provides rightsholders with a toolkit of civil remedies, including interim and permanent injunctions that may be obtained not only against direct infringers but also, pursuant to Article 11 of IPRED, against intermediaries whose services are used by third parties to infringe copyright and related rights[21].

In this regard, in the EUIPO "Study on Dynamic Blocking Injunctions in the European Union"[22], this aforementioned provision, read together with Article 8(3) of the InfoSoc Directive and Article 18 of the E-commerce Directive, has been relied upon by national courts as the legal foundation for an increasingly sophisticated practice of static, dynamic and, in some jurisdictions, live blocking orders targeting online piracy services. On this reading, Article 11 IPRED is not merely a formal requirement to make injunctions "available", but a substantive mandate to ensure that injunctions against intermediaries are capable of addressing how infringement actually occurs in a digital environment characterised by fast domain hopping, proxy use and resilient IPTV infrastructures. Against this backdrop, courts in several Member States have developed so-called "open" or dynamic injunctions which permit the extension of blocking measures to domains, sub-domains, URLs and IP addresses that are functionally equivalent to those initially identified, including mirror sites and replacement domains activated for the specific purpose of circumventing the original order. In the more recent case law concerning live sports events, this line of reasoning has been pushed one step further, with judges accepting that, provided proportionality and fundamental-rights safeguards are respected, injunctions may be framed in explicitly temporal terms, covering the duration of one or more events and authorising rightsholders to notify new technical identifiers (such as additional domains or IP ranges) to the addressee intermediaries as infringing streams emerge in real time. In this way, Article 11 IPRED is interpreted as supporting not only the availability of injunctions, but also their evolution into adaptive remedies that can follow the technical behaviour of infringers over time, thereby making it possible, at least in principle, to deploy blocking measures that remain effective during the live transmission of sports events rather than merely after the fact.[23.]

In parallel, the Audiovisual Media Services framework sets out rules for audiovisual media services and, to some extent, regulates online platforms that host user-generated content, thereby contributing to the overall ecosystem in which sports broadcasts are distributed and consumed, but it does not provide a specific enforcement architecture against live-streaming piracy. The more recent Regulation (EU)

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21 Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32004L0048

22 Study on Dynamic Blocking Injunctions in the European Union, EUIPO, 2021 https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/2021_Dynamic_Blocking_Injuctions/2021_Study_on_Dynamic_Blocking_Injuctions_in_the_European_Union_FullR_en.pdf

23 A recent study entitled "Effectiveness and Efficiency of the Intellectual Property Rights Enforcement Directive (IPRED)", by Prof J. Scott MARCUS, Associate Senior Research Fellow, Centre for European Policy Studies (CEPS), proposes an amendment of the IPRED in order to ensure that patent infringement would be remedied by financial compensation rather than by granting injunctions, while at the same time updating the copyright-enforcement framework to ensure that website blocking tools are more proportionate, strictly time-limited, closely supervised and subject to an ex post judicial proportionality review that can also shift costs where blocking causes disproportionate harm. It further argues against IP-based blocking, calling instead for more narrowly targeted blocking techniques at DNS or URL level, for procedural improvements in Member States, and for complementing enforcement with pricing and availability strategies that offer affordable, easily accessible lawful content in order to reduce the underlying demand for online piracy.

2022/2065 ("**Digital Services Act**", also called "**DSA**") modernises the liability regime for intermediary service providers and introduces harmonised obligations concerning notice-and-action mechanisms, transparency, cooperation with authorities and risk mitigation by very large online platforms[24]. Illegal streaming of live sports and other live events clearly falls within the definition of "illegal content" under the DSA, and the Regulation requires hosting services and online platforms to ensure that notices are "sufficiently precise and adequately substantiated", to act expeditiously upon obtaining actual knowledge, and to provide statements of reasons when content is removed or access is disabled. Nonetheless, the DSA remains a general-purpose instrument: it neither creates sport-specific rights nor mandates particular deadlines or technical configurations for the removal or blocking of illegal live streams, and it leaves intact the underlying civil-law structure of IP enforcement as shaped by the Enforcement Directive. As a result, effective protection against live-content piracy depends on how Member States and courts combine these general instruments to deliver injunctions and notice-and-action practices that are capable of operating within the narrow time window during which live sports events retain their commercial value.

In addition to the above-mentioned instruments, the EU framework governing unauthorised online retransmission must also be read in light of Article 17 of the DSM Directive, which introduces a specific liability regime for online content-sharing service providers (hereinafter the "**OCSSPs**")[25]. Under Article 17(1), such providers perform an act of communication to the public when they give access to copyright-protected works uploaded by users and are therefore directly liable unless they obtain authorisation from rights holders. In the absence of such authorisation, Article 17(4) requires OCSSPs to demonstrate that they have made best efforts to obtain authorisation, to ensure the unavailability of specific works for which rightsholders have provided relevant and necessary information, and to act expeditiously, upon receiving a sufficiently substantiated notice, to disable access to or remove the notified content and prevent its future uploads.

While Article 17 is not specifically designed for live sports piracy, its architecture is highly relevant to the dissemination of unauthorised live streams on user-generated content platforms. In particular, the obligation to act expeditiously and to prevent re-uploads introduces a form of ex ante and iterative content control that complements the ex-post enforcement mechanisms provided by the Enforcement Directive and the notice-and-action framework under the DSA. However, the practical effectiveness of Article 17 in the context of live events depends on how these obligations are operationalised in time-sensitive scenarios, where the economic value of the content is closely linked to its simultaneity.

In this regard, the Commission's Communication COM (2021) 288 final, providing guidance on the application of Article 17, clarifies that the notion of "expeditious" action must be interpreted in light of the specific circumstances of the case, including the nature of the content and the urgency of the harm[26]. The Communication expressly acknowledges that time-sensitive content, such as live sports broadcasts, may require particularly rapid intervention, and that cooperation between rightsholders and platforms – including the use of automated content recognition tools and trusted flaggers – plays a key role in ensuring effective enforcement. At the same time, the Commission emphasises that the implementation of Article 17 must remain consistent with fundamental rights, in particular freedom of expression and information, and must

[24] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng

[25] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (https://eur-lex.europa.eu/eli/dir/2019/790/oj/eng

[26] COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Guidance on Article 17 of Directive 2019/790 on Copyright in the Digital Single Market https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021DC0288

avoid imposing general monitoring obligations, thereby requiring a careful calibration between speed of removal and safeguards against over-blocking.

Read together, Article 17 DSM Directive and the Commission's guidance reinforce the broader EU approach based on the interaction between liability rules, enforcement tools and platform responsibilities. They contribute an additional layer to the existing framework by shifting part of the enforcement burden onto platforms that structure and monetise user-uploaded content, while still relying on rights holders' identification of infringing material and on procedural safeguards. Nonetheless, similarly to the DSA, Article 17 does not establish specific deadlines or tailored mechanisms for live content, and its effectiveness in combating real-time piracy ultimately depends on its coordinated application with injunctions, notice-and-action systems, and voluntary cooperation practices across the digital ecosystem.

## 2.4. The Parliament Resolution and the Commission Recommendation

Against the outlined EU legal background, the European Parliament's Resolution of 19 May 2021 (hereinafter, the "**Resolution**") on the challenges of sports event organisers in the digital environment constitutes a significant institutional step towards adapting the existing framework to the specificities of live content[27].

The Parliament expressly recognises that sports content is highly processed and easily identifiable, stresses that live sports events are particularly vulnerable to unauthorised online retransmissions and considers that the current combination of copyright and enforcement rules does not provide organisers with sufficiently effective and timely remedies in the digital environment. It therefore calls on the Commission to clarify and, where appropriate, adapt the existing acquis so as to enable immediate or near-real-time enforcement of rights in respect of live sports events, including through injunctions capable of securing the rapid blocking or removal of illegal streams — often framed in the debate as interventions within thirty minutes of notification by rightsholders or trusted flaggers. In particular, the Resolution:

- *requests that the Commission, after carrying out the necessary impact assessment, submit without undue delay, on the basis of Article 114 TFEU, a proposal for legislative acts, following the recommendations set out in the Annex hereto* (1);
- *notes that sports events as such cannot be subject to copyright protection; recalls that Union law, unlike the law in some Member States, does not provide for a specific right for sports events organisers; recalls that some Member States grant the possibility of the so-called 'house right' protection, based on the contractual relationship, and Union law grants a neighbouring right to the producers of the first fixations of films, in respect of the original and copies of their films; acknowledges that legal protection, including intellectual property rights, is important for sports events organisers, in particular in relation to the licensing of broadcasting rights for the sports events they organise, as the exploitation of those rights represents a relevant source of income, followed by sponsorship, advertising and merchandising* (4);
- *underlines that the legal provision of sports content should be better promoted in the Union and calls on the Commission to take measures that make it easier for consumers to find legal means of accessing sports content online; calls on the Commission to regularly update the list of such means of access on Agorateka.eu and to ensure that the platform is further developed; stresses that liability for the illegal broadcasting of sports events rests with the providers of streams and*

[27] Challenges of sports events organisers in the digital environment European Parliament resolution of 19 May 2021 with recommendations to the Commission on challenges of sports events organisers in the digital environment (2020/2073(INL) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021IP0236.

*platforms and does not lie with fans or consumers, who often unintentionally come across illegal online content and should be further informed on the legal options available* (10);

- *recalls Parliament's resolution on a Digital Services Act: adapting commercial and civil law rules for commercial entities operating online , which requests the Commission to ensure that content hosting platforms act expeditiously to make unavailable or remove content; is of the view that a mechanism involving certified trusted flaggers, through which an illegal broadcast of a live sports event notified by a certified trusted flagger is immediately removed or access to such a broadcast is disabled, without prejudice to the implementation of a complaint and redress mechanism, should be set up* (17).

The Resolution also emphasises the central role of online platforms and other intermediaries, suggesting that their cooperation and technical capabilities are essential for any meaningful response to large-scale live-content piracy.

The Commission's Recommendation (EU) 2023/1018 on combating online piracy of sports and other live events (hereinafter, the "**Recommendation**") must be read as the direct normative follow-up to the European Parliament's Resolution on the challenges of sports event organisers in the digital environment[28]. As a soft-law instrument, the Recommendation sets out non-binding guidance on how to use the existing EU legal framework to address unauthorised retransmission of live content.

In particular, by recalling the concerns raised by the Parliament's Resolution, the Recommendation explicitly builds on the existing acquis in its recitals and operative part, referring in particular to the Information Society Directive, the Enforcement Directive, and the Digital Services Act as the relevant sources of substantive and procedural remedies. The Recommendation does not reinvent the legal basis for enforcement, which it expressly locates in those instruments; rather, its purpose is to promote a more effective use of the existing tools in the specific context of live sports and other live events, inviting Member States, courts, and competent authorities to consider more targeted forms of cooperation and enforcement within the boundaries of the current legal framework. As stated in recitals (13), (14), and (15), read in connection with Articles 1 and 2 setting out its purposes, the Recommendation's ultimate objective is to "*combat online piracy of sports and other live events*". In this respect, it provides that "***it is necessary to encourage Member States and all relevant stakeholders to take effective measures against unauthorised retransmission of live sports events, while guaranteeing the necessary safeguards to protect fundamental rights***" and that "*Member States and stakeholders should be encouraged to apply the existing remedies against copyright infringements in a manner that takes account of the specificity of live transmissions*".

In terms of content, the Recommendation formulates a set of suggestions that can be grouped around three main axes. First, it calls for the prompt and priority treatment of notices relating to unauthorised retransmissions of sports and other live events by hosting service providers and other relevant intermediaries, with the aim that the removal or disabling of access to such content should take place as soon as possible and, where feasible, during the live transmission. Second, it encourages the use of blocking injunctions, including dynamic injunctions, against intermediaries whose services are used for large-scale piracy of live content, taking into account the experience already developed in some Member States. In this regard, the Recommendation invites Member States to ensure that sports event organisers have legal standing to seek such injunctions where this is not yet the case, and to facilitate judicial practices that allow blocking measures to remain effective when infringing services change domains or other technical identifiers during the period covered by the injunction. Third, the Recommendation stresses the importance of

[28] Commission Recommendation (EU) 2023/1018 of 4 May 2023 on combating online piracy of sports and other live events C/2023/2853 https://eur-lex.europa.eu/eli/reco/2023/1018/oj/eng

cooperation and complementary measures, inviting rights holders, intermediaries and national authorities to improve information-sharing and coordinated action and highlighting the role of attractive legal offers and awareness-raising initiatives in reducing the demand for illegal live streams.

At the same time, the Recommendation adopts a cautious stance as regards the boundaries of the existing legal framework. It repeatedly underlines that it does not create new legal obligations, does not alter the scope of rights or exceptions under EU copyright law, and does not prejudice the application of Union or national rules on liability and safeguards for fundamental rights. It emphasises that all measures taken in response to the Recommendation should respect the principles of necessity and proportionality and should avoid imposing general monitoring obligations on intermediaries. The Recommendation also draws attention to the need to distinguish clearly between illegal retransmissions and legitimate uses, including those falling under limitations and exceptions, and to ensure that measures aimed at combating online piracy do not unduly affect lawful content or services.

The Commission published a subsequent assessment of Recommendation (EU) 2023/1018, prepared after a call for evidence launched in 2025 (hereinafter, the "**Assessment**")[29].

The Commission's Assessment finds that Recommendation (EU) 2023/1018 has helped to strengthen institutional and operational attention to the phenomenon of online piracy of sports events and other live events, but that its overall effects remain limited in terms of achieving a substantial reduction of this phenomenon within the Union. In particular, the Assessment notes that, despite some progress, the level of piracy affecting live content remains high, with online piracy via websites essentially unchanged and a growth in illicit consumption through IPTV and dedicated applications.

From an enforcement perspective, the Assessment reports only partial improvement in the timely handling of reports concerning illegal content. Online platforms falling within the scope of the Digital Services Act show significantly higher response levels compared with other hosting service providers or other technical intermediaries, while serious shortcomings persist in relation to dedicated server providers, content delivery networks, reverse proxies and other operators in the digital infrastructure, for which the removal or disabling of illegal content during live transmissions often proves late or entirely lacking.

The Assessment further stresses that voluntary cooperation agreements between rightsholders and intermediaries can produce appreciable positive effects in terms of speed and effectiveness of intervention, although such instruments are not yet widespread or applied in a homogeneous manner across the internal market. In this context, the Commission observes that the DSA provides an important horizontal framework of reference, while noting that its recent application does not yet allow for a conclusive evaluation of its specific impact on the piracy of live events.

Particular emphasis is placed on dynamic injunctions, which are considered one of the most effective tools to counter the repetition of infringements and the rapid reappearance of domains, mirror sites and other access points to pirated content. The Assessment nonetheless highlights significant fragmentation among Member States: some legal systems have developed advanced arrangements, in certain cases based on hybrid models combining judicial and administrative elements, whereas others still lack equally structured or timely mechanisms.

The Assessment also underlines that such measures must always be accompanied by appropriate guarantees of proportionality and protection of fundamental rights, in order to prevent overblocking and

[29] COMMISSION STAFF WORKING DOCUMENT Assessment of the effects of Commission Recommendation (EU) 2023/1018 of 4 May 2023 on combating online piracy of sports and other live events – SWD/2025/0384 final: https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2025)384&lang=en https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025SC0384

undue interference with lawful access to content. Although the number of reported cases of erroneous blocking appears limited, these instances confirm the need to maintain a high level of oversight concerning the technical modalities for the implementation of blocking measures.

As regards measures that are not strictly repressive, the Commission points to the importance of initiatives aimed at raising public awareness and improving the legal offer. However, the Assessment shows that high prices, fragmentation of rights and limited accessibility of commercial offers continue to be factors that may encourage users to resort to illegal channels.

In conclusion, the Recommendation and its subsequent assessment confirm that the Commission has chosen to address live-content piracy through non-binding guidance operating within the limits of the existing legal framework, rather than through a new, harmonising legislative act. The Recommendation identifies and promotes certain principles – priority treatment of notices for live events, encouragement of blocking injunctions, cooperation between stakeholders, and support for legal offers – but leaves their concrete implementation to Member States and market actors, without imposing uniform standards or specific deadlines.

That choice raises, in turn, the question of whether a Recommendation constitutes the most adequate instrument to respond to a phenomenon characterised by cross-border services, rapid technical adaptation, and significant economic impact on the sports and audiovisual sectors, or whether the structural and persistent nature of live-content piracy would warrant the adoption of binding Union-level rules – a question that will be examined in greater detail in a subsequent section of this study.

# 3. NATIONAL REGULATORY FRAMEWORKS: ENFORCEMENT MEASURES AND CASE LAW

KEY FINDINGS

Member States have developed very different approaches to live-content piracy, ranging from highly centralised and rapid enforcement models to slower and more fragmented systems. The result is a patchwork of remedies rather than a coherent EU-wide framework.

Italy and France have built the most advanced enforcement architectures, with fast-blocking mechanisms and structured cooperation with authorities and rights holders. Other Member States, including Spain, Germany, Belgium and the Netherlands, rely on different mixes of judicial injunctions, administrative coordination and intermediary cooperation.

This diversity has produced real enforcement capacity, but also significant fragmentation. Rightsholders face different procedures, standards and levels of speed depending on the jurisdiction, while intermediaries face uneven obligations and compliance expectations.

The chapter shows that the main challenge is no longer whether enforcement tools exist, but how unevenly they are designed and applied across the Union. That fragmentation weakens legal certainty, complicates cross-border enforcement and limits the overall effectiveness of the EU response

As is well established, sports events as such do not generally qualify for copyright or related rights protection under the EU legal framework. As a consequence, sports event organisers are not automatically recognised as rights holders within the framework of Union copyright legislation and, therefore, cannot ordinarily rely on the rights and enforcement mechanisms provided under EU intellectual property law, including those established by the IPRED Directive.

Their ability to seek protection and enforcement measures is typically contingent upon either (i) holding relevant rights through contractual arrangements with the original rights holders, or (ii) benefiting from specific intellectual property protections granted under applicable national legislation. This legal framework has long been recognised as a structural limitation in the fight against the unauthorised retransmission of live sporting events, highlighting the importance of alternative legal and regulatory tools to ensure effective protection.

As a result, in several jurisdictions sports event organisers are afforded legal remedies that enable them, often alongside broadcasting organisations, to take action against the unauthorised retransmission of live sporting events. Furthermore, broadcasting organisations themselves benefit from a range of rights conferred under EU law, which may provide an additional legal basis for pursuing enforcement measures against illegal retransmissions and other forms of unauthorised exploitation of live sports content.

## 3.1. Italy: a centralised framework for live-content anti-piracy enforcement

In Italy, the enforcement of live-content anti-piracy measures is built around a strongly centralized model, with the Italian Communications Regulatory Authority (hereinafter, "**AGCOM**") acting as the principal administrative enforcement body[30]. Under Law No. 93 of 14 July 2023 (hereinafter, the "**Anti-Piracy Law**"),

[30] AGCOM official website, https://www.AGCOM.it/.

which entered into force on 8 August 2023, AGCOM was expressly empowered to adopt urgent blocking measures against domain names, IP addresses, and other technical resources used for the unauthorized retransmission of sporting events and other live content, especially where the infringing streams are delivered through illegal IPTV services and unauthorized streaming applications[31]. That power operates within the framework of AGCOM's Regulation on copyright protection over electronic communication networks, originally adopted by Resolution No. 680/13/CONS and amended by Resolution No. 189/23/CONS to align the regulatory framework with the new Anti-Piracy Law. The Regulation sets out the substantive and procedural conditions for blocking orders, while preserving the broader role of ordinary civil and criminal courts where additional or alternative remedies are required[32].

The principal enforcement mechanism takes the form of administrative blocking injunctions issued by AGCOM under the amended regulatory framework. These measures are designed to operate on an urgent basis and are implemented by ordering the relevant intermediaries to disable DNS resolution for the identified domain names and to block traffic routing towards the IP addresses used for the unlawful transmission of protected content.

The essential feature of the Italian model is speed, although the applicable time limits differ depending on the enforcement mechanism. Under the Piracy Shield administrative system, internet service providers (ISPs) must implement blocking measures within thirty minutes of validation of the report by the competent authority, ensuring that the remedy remains effective in light of the inherently transient economic value of live content. By contrast, where a judicial interim injunction is issued, ISPs are generally required to comply within twenty-four hours of notification of the order. In addition to blocking specifically identified resources, the Italian system also provides for dynamic injunctions, capable of extending to additional domain names, IP addresses, or other technical resources attributable to the same unlawful activity during the course of the transmission.

This approach reflects the fluid structure of IPTV and streaming piracy, where unlawful streams are often shifted to mirror domains, new IP addresses, or replacement technical infrastructures in order to evade initial blocks. The purpose of the dynamic injunction is therefore not only to prevent access to already known resources, but also to allow rapid expansion of the blocking perimeter without requiring a wholly new procedure for each new resource. A central element of the Italian model is the technological platform Piracy Shield, which represents one of the most aggressive automated anti-piracy enforcement mechanisms in the European Union, Operational since 1 February 2024, it serves as the single infrastructure for managing live-content blocking measures. Piracy Shield is a restricted digital platform accessible to rights holders, or to entities acting on their behalf following accreditation, through which reports concerning domain names, IP addresses, and other technical resources used for unauthorized retransmission can be submitted to AGCOM in real time[33].

Where the reports are accepted, AGCOM converts them into blocking orders that are transmitted, through the same platform, to access providers and other affected intermediaries, who must implement DNS and/or routing blocking within a maximum of thirty minutes. Functionally, Piracy Shield performs a dual role: on the one hand, it standardizes the information flow between rights holders, the Authority, and intermediaries by establishing reporting formats, minimum content requirements, and time limits; on the other hand, it enables AGCOM to coordinate dynamic injunctions by updating, during the live event, the list of domains and

31 Law No. 93 of 14 July 2023: https://www.gazzettaufficiale.it/eli/id/2023/07/17/23G00105/sg

32 AGCOM Regulation on copyright protection over electronic communication networks, Resolution No. 680/13/CONS, as amended: https://www.AGCOM.it/provvedimenti/delibera-68013cons

33 AGCOM, Piracy Shield: https://www.AGCOM.it/piracy-shield

addresses to be blocked and reducing the delay between detection of the unlawful stream and technical intervention.

The platform also includes procedures for handling complaints and requests for unblocking, together with logging and monitoring functions that allow AGCOM to verify compliance with its orders and collect statistical data on blocking effectiveness. As of January 2026, on AGCOM data released on the occasion of the Cloudflare sanction, the platform had cumulatively ordered the blocking of over 65,000 FQDNs and approximately 14,000 IP addresses; these platform-wide figures are conceptually distinct from the season-specific data of individual rights holders[34].

The model was further strengthened by Resolution No. 209/25/CONS of 30 July 2025 (hereinafter, the "**2025 Resolution**"), which amended the AGCOM Regulation again in light of the most recent national and EU-level developments, expressly taking account of the DSA and the Law No. 93 of 14 July 2023 as subsequently amended.

The 2025 reform does not merely confirm the mechanism already introduced in 2023 for live sports events; it broadens its scope to cover audiovisual content more generally where the economic value depends essentially on real-time consumption. In this sense, the Italian regime has evolved from a sector-specific model focused on live sports into a broader enforcement mechanism applicable to live or time-sensitive audiovisual content, provided that the urgency and seriousness thresholds for the abbreviated procedure are met[35].

Under the Italian model, the recipients of AGCOM blocking orders are not limited to internet access providers. The regime may extend to public DNS services, VPN providers, certain content delivery networks, and search engines, where the technical role played by those services makes them relevant to the continuation or circumvention of the unlawful dissemination. Legislative developments following the Anti-Piracy Law and the subsequent amendments to the AGCOM Regulation have expressly expanded the scope of compliance obligations to include open DNS services and VPN providers making illegal IPTV streams or unauthorized platforms accessible from Italy, while also requiring search engines to de-index sites and domain names included in AGCOM's blocking lists[36].

It is important to underline that Italian legislation applies irrespective of the place of establishment of the service providers, provided that their services make the infringing content accessible from Italy.

The operationalisation of these obligations vis-a-vis publicly available DNS resolvers was tested through a dedicated trial conducted by AGCOM together with Google, in its dual capacity as a publicly available DNS provider and search-engine operator: on 23 May 2025, on the occasion of the final matchday of the Serie A championship, resources reported by rightsholders through Piracy Shield were transmitted in real time to Google for execution, a procedure expressly framed by reference to the Anti-Piracy Law and to Article 9 of the DSA.[37]

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[34] AGCOM figures released on the occasion of the Cloudflare sanction (8 January 2026). The figure is expressed in FQDNs (fully qualified domain names), not generically in 'domains' - a distinction that matters because the over-blocking debate turns precisely on the difference between FQDN-level and IP-level blocking. For the 2025/2026 Serie A season the corresponding figures were 10,848 FQDNs and 2,014 IP addresses, with some 350 ISPs as addressees of the orders. These figures form a coherent series with the June 2025 snapshot (44,602 FQDNs; 10,902 IP addresses; AGCOM press release of 10 June 2025) and the data presented at Naples on 15 October 2025.

[35] AGCOM, Resolution No. 209/25/CONS: https://www.AGCOM.it/provvedimenti/delibera-20925cons

[36] AGCOM materials on the extension of obligations to DNS and VPN providers: https://www.AGCOM.it/

[37] AGCOM, press release of 10 June 2025, 'Antipirateria: avviata con successo la sperimentazione AGCOM/Google per i blocchi sui servizi di DNS pubblicamente disponibili'. According to the same communication, as of June 2025 the blocks implemented through Piracy Shield amounted to 55,504 (44,602 FQDNs and 10,902 IP addresses): https://www.AGCOM.it/comunicazione/comunicati-stampa/comunicato-stampa-39.

Cooperation among AGCOM, rights holders, and the entities required to execute blocks is organized around Piracy Shield and specific accreditation procedures. On the one hand, rightsholders and the associations representing them may become accredited as reporting entities; on the other hand, internet access providers and other information society service providers may become accredited as recipients of blocking orders. Accredited operators are required to meet technical and organizational criteria, to comply with AGCOM's orders within the prescribed deadlines, to feed monitoring systems, and to cooperate with the Authority in handling complaints and unblocking requests.

Recent case law from the Tribunale di Milano confirms the practical centrality of this model. In its order of 19 December 2024 in proceedings brought by Lega Nazionale Professionisti Serie A against Cloudflare Inc.[38], the court held that AGCOM's measures and the factual findings underlying them could serve as a useful basis for establishing the prima facie case of infringement in interim proceedings, and granted dynamic injunctive relief directed at DNS resolution, traffic routing, CDN, authoritative DNS, and reverse proxy services, together with disclosure obligations and a daily penalty for delay. The same court later issued, on 5 February 2026, an inaudita altera parte order against NordVPN S.A. and ExpressVPN International Limited[39].

In so doing the Milan court assimilated VPN providers to mere-conduit access intermediaries under Resolution No. 209/25/CONS and Regulation (EU) 2022/2065, holding that injunctive relief lies under Article 156 of the Italian Copyright Act irrespective of fault, and grounded the urgency on forensic evidence that 585 already-blocked FQDNs remained reachable through the defendants' services between 20 September 2025 and 18 January 2026. This no-fault extension of the addressee perimeter is doctrinally significant for rights holders; its breadth is, conversely, among the features that sharpen the proportionality questions examined below[40].

Italian case law had already shown, even before the 2023 reform, a marked openness towards dynamic and flexible blocking injunctions in sports piracy cases.

In the NoFreezeIPTV order of 2 May 2019 Tribunale di Milano[41], the Milan court required several access providers to block identified IP addresses and domain names, as well as future top-level-domain variations and other aliases linked to the same unlawful service. That decision remains significant because it shows that the Italian judiciary was already willing, even before the Anti-Piracy Law, to issue flexible and dynamic injunctions tailored to the way live sports piracy operates online. What changed after 2023 is not the basic logic of enforcement, but the speed, scope, and institutional coordination of the response, with AGCOM's Piracy Shield platform now providing a considerably faster route from report to implementation.

The same line of authority is fully documented in the Milan court's confirmatory order of 24 June 2019 (R.G. 20475/2019, Judge Zana), which grounded dynamic blocking on Article 156 of the Italian Copyright Act and Article 8(3) of the InfoSoc Directive and on the CJEU's Telekabel, Scarlet Extended and Stichting Brein case law, and which founded the league's standing on the "Melandri Decree" (Legislative Decree No. 9/2008) – a domestic solution that already supplies, at national level, the kind of sports-organiser standing that the Recommendation contemplates only at Union level[42].

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38 Tribunale di Milano, order of 19 December 2024, Lega Nazionale Professionisti Serie A v. Cloudflare Inc.

39 Tribunale di Milano, inaudita altera parte order of 5 February 2026, NordVPN S.A. and ExpressVPN International Limited

40 Tribunale di Milano, Sez. Spec. Impresa A, decreto inaudita altera parte 5 February 2026 (deposited 6 February 2026), Docket No. R.G. 3631/2026, Judge Ventriglia. The provider was assimilated to a mere-conduit access intermediary under AGCOM Resolution No. 209/25/CONS and Regulation (EU) 2022/2065; the forensic basis is documented in the SP Tech technical report.

41 Tribunale di Milano, NoFreezeIPTV order of 2 May 2019

42 Tribunale di Milano, confirmatory order of 24 June 2019, Docket No. R.G. 20475/2019, rep. 4984/2019, Judge Zana. The provenance of a separate order said to be dated 2 May 2019 should be verified directly in the case file before formal use; the

A recent empirical study by the University of Twente (2025) provides the first data-driven analysis of the Italian platform's real-world impact, revealing significant shortcomings in both efficacy and proportionality[43]. The analysis – based on a validated dataset of 10,918 blocked IPv4 addresses and 42,654 FQDNs – found that indiscriminate IP-level blocking has caused collateral damage to at least 510 confirmed non-streaming websites currently still affected, with a further 7,742 domains having experienced disruption over the period February 2024–June 2025, for an average duration of approximately 320 days. Illegal streaming operators have largely evaded enforcement by migrating to new infrastructure and exploiting IPv6, which remains unfiltered by the platform.

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The aforementioned study urges AGCOM to replace IP-level blocking with more targeted measures, confine FQDN blocking to the timeframe of individual live events and ensure full transparency through public disclosure of all blocked resources.

This empirical critique must, however, be weighed against AGCOM's own data and the system's subsequent calibration. At the 'Stop Piracy' conference in Naples (15 October 2025) the Authority reported 68,711 total blocks (55,936 FQDNs and 12,775 IP addresses) against six accredited reporters and some 350 ISPs, with unblocks exceeding 35,000 and acknowledged erroneous blocks limited to seven instances (0.01%), all confined to the platform's initial phase; unblocking may be obtained at the rights holders' own request at any time, and within the necessary period of the proceeding provided by the applicable law.

Following the 2024 Omnibus reform, IP addresses may be targeted only where predominantly destined to unlawful activity, and reporters must refrain from reporting resources carrying a high risk of over-blocking, such as content delivery networks, reverse proxies, VPN and cloud-storage services. The two bodies of evidence are best read as complementary rather than contradictory, since they measure different things: AGCOM's 0.01% records formally acknowledged targeting errors, whereas the Twente dataset measures collateral reachability impact on third parties who are not themselves addressees of any order and for whom the rapid unblocking routes are of limited avail until the collateral block is detected.

The Twente dataset, valuable as the first independent measurement of the platform, may also be anchored in its launch and initial-operation phase. However, the genuine proportionality question that remains is therefore not the Authority's error rate, negligible on its own terms, but whether the residual collateral reachability impact of IP-level blocking is adequately and promptly remediable for parties who never come before the platform at all – a question on which the Italian system remains, as of 2026, under active challenge[44].

Overall, the Italian model is one of the most advanced and structured anti-piracy frameworks for live content in the European Union, combining a dedicated legislative basis, AGCOM's regulatory powers, dynamic injunctions, and the Piracy Shield platform, which together allow intervention within very short timeframes relative to the duration of live events. The ability to order blocking within thirty minutes of validation has

24 June 2019 order is fully available and of equivalent content. On the league's standing, see Legislative Decree No. 9/2008 (the 'Melandri Decree'), Articles 2 and 18.

[43] 90th Minute: A First Look to Collateral Damages and Efficacy of the Italian Piracy Shield, Raffaele Sommese∗, Anna Sperotto∗, Antonio Prado†, Jeroen van der Ham∗, Antonia Affinito∗University of Twente, The Netherlands; †Independent Consultant, Italy.

[44] Figures presented by AGCOM at the conference 'Stop Piracy. La cooperazione europea per il contrasto alla pirateria', Naples, 15 October 2025 ('Blocchi totali' as displayed on the Authority's slides; press coverage of the same event additionally reported c. 66,370 reports as of 30 September 2025). The 'predominant-use' threshold derives from the 2024 amendment substituting 'prevalentemente' for 'univocamente' in Article 2(1) of the AGCOM Regulation.

made Italy a reference point for the protection of time-sensitive content, while also raising recurrent questions about proportionality, overblocking, and the procedural safeguards surrounding technically mediated enforcement. In this sense, the Italian system can best be understood as a highly coordinated enforcement ecosystem built to match the speed, transience, and repeatability of online sports piracy.

## 3.2. Greece: The Powers of EDPPI

The Greek legal system has identified EDPPI as the administrative authority competent to tackle audiovisual piracy, with powers that, in their operational configuration, present clear analogies with the Piracy Shield system adopted in Italy by AGCOM [45].

Since 2021, Greece has entrusted EDPPI with a live blocking procedure regarding sport and cultural events, which allows DNS, URL, and IP blocking measures to be updated even during the live transmission of the event, with an obligation for the targeted internet service providers to comply within thirty minutes of notification[46].

In functional terms, this mechanism closely mirrors the logic of the Italian Piracy Shield: the legislative amendment grants EDPPI the power to issue pre-emptive live blocking orders against domain names and IP addresses that provide access to unauthorised broadcasts of sporting events, without requiring judicial authorisation for each individual measure, following a purely administrative model that prioritises speed of intervention over ex ante judicial oversight.

The first blocking measures in Greece actually date back to 2012, on the basis of Article 64A of Law 2121/1993, but it was only from 2021 that EDPPI was given specific responsibility for tackling the illicit distribution of live sporting events, giving rightsholders the ability to obtain real-time DNS/IP blocking, in particular to protect football matches[47].Data on EDPPI's activity show a steady increase in the use of this tool: thirty-eight blocking orders in its first four years of operation, sixty-two decisions in 2022, eighty-nine in 2023, and a further one hundred and twenty-four decisions in 2024, with last year's measures targeting eight hundred and ten IP addresses and forty-nine domain names, the majority concerning pirated sports broadcasts[48].

Even with regard to the cooperation of technical intermediaries, the Greek system echoes the Italian model: internet service providers are informed in advance of imminent pirated transmissions and are required to act swiftly, under penalty of fines for each day of non-compliance, following a logic of intermediary accountability that is also one of the distinctive features of the Piracy Shield[49].

From this perspective, EDPPI can be regarded as a functional precedent, and in certain respects a forerunner: an administrative authority, lacking systematic judicial oversight, endowed with the power to order the real-time blocking of pirated streams during the very live broadcast of the sporting event,

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45 EDPPI operates within the Greek Ministry of Culture and Sports.

46 EUIPO Observatory, "Live Event Piracy – Discussion Paper: Challenges and good practices", 2023, describing the Greek DNS/URL/IP blocking mechanism with a 30-minute compliance obligation for targeted ISPs.

47 TorrentFreak, "New Pirate IPTV Law: How Subscribers Will Inform Authorities Who to Fine €750", 20 March 2025; Law 2121/1993, Art. 64A.

48 TechNadu, "Greece Introduces Fines for Pirate IPTV Users", 24 February 2025; World of IPTV / TorrentFreak, 21 February 2025.

49 On the Italian framework, see Law No. 93 of 14 July 2023 and AGCom Resolution No. 189/24/CONS establishing the Piracy Shield platform.

according to an approach that prioritises the effectiveness of protection over the procedural safeguards typical of ordinary judicial review.

## 3.3. France: judicial blocking with ARCOM coordination

In France, the fight against live-content piracy lies at the intersection of the Sports Code, the French Intellectual Property Code, the Law of 30 September 1986 on freedom of communication, and the French law on trust in the digital economy (hereinafter, "**LCEN**"), within an institutional framework now centred on the ARCOM. Law No. 2021-1382 of 25 October 2021[50] merged the former audiovisual regulator (CSA) and the High Authority for the Dissemination of Works and the Protection of Rights on the Internet (hereinafter, "**HADOPI**") into a single authority, ARCOM, which is entrusted, under Article L.331-12 of the Intellectual Property Code, with protecting works and subject matter covered by copyright, related rights, and audiovisual exploitation rights in sports competitions, with particular regard to infringements committed online. The French system is especially relevant because it is designed as a fast, flexible, and comparatively integrated enforcement model for time-sensitive content.

As regards sports events, Articles L.333-1 et seq. of the Sports Code[51] recognize exclusive exploitation rights in sports events and competitions for sports federations, organizers, and, within the limits of their assigned rights, professional leagues. Article L.333-10 allows rightsholders and their assignees to apply to the President of the Paris Judicial Court under accelerated proceedings in order to obtain proportionate measures capable of preventing or bringing to an end serious and repeated infringements of audiovisual exploitation rights in sports competitions, including against persons likely to contribute to remedying them.

The article also allows measures to be ordered for each day appearing in the official calendar of the competition, up to a maximum period of twelve months.

At a more general level, Article L.336-2[52] of the French Intellectual Property Code provides that, where copyright or related-right infringement is caused by the content of an online public communication service, the President of the Judicial Court, ruling under accelerated proceedings on the merits, may order "*any measures*" capable of preventing or stopping the infringement against any person likely to contribute to remedying it. This is the broader non-sport-specific injunction route, and it constitutes the general legal basis for blocking injunctions addressed to access providers, search engines, DNS-related actors, and other intermediaries. Unlike the live-specific mechanism under Article L.333-10, this provision is not tailored to the temporal urgency of live sports, but it remains important as a complementary enforcement tool in the online environment.

The LCEN completes this framework through Article 6, which defines the legal status of hosting providers and other intermediaries and establishes a limited liability regime conditioned on the absence of actual knowledge of unlawful content and on the obligation to act promptly to remove or disable access once valid notice has been received. French law therefore combines targeted judicial injunctions with the intermediary-liability model inherited from the e-commerce framework, rather than relying on a purely administrative blocking architecture. That combination matters in practice because it allows the court to target both direct infringers and the technical infrastructure that sustains the unlawful stream.

ARCOM exercises the powers formerly held by HADOPI in relation to the promotion of legal offers, monitoring lawful and unlawful uses of protected works, and supervising technical protection measures[53].

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50 Law No. 2021-1382 of 25 October 2021: https://www.wipo.int/wipolex/en/legislation/details/21527

51 Code du sport, arts. L.333-1 et seq

52 Code de la propriété intellectuelle, art. L.336-2

53 Law No. 2021-1382 of 25 October 2021: https://www.wipo.int/wipolex/en/legislation/details/21527

It also enjoys more specific powers in relation to online audiovisual piracy, including the establishment of a public list of online communication services that seriously and repeatedly infringe copyright or related rights under Article L.331-25 of the French Intellectual Property Code, and the ability, under Article L.331-27, to facilitate the extension of final judicial blocking or de-indexing decisions to mirror sites substantially reproducing content already covered by a court order. In other words, ARCOM operates as the operational layer that gives continuity to the initial judicial order and helps prevent circumvention through mirror sites or newly identified resources. In this respect, ARCOM acts as an institutional bridge between rights holders, courts, and technical intermediaries, contributing to the operational implementation of injunctions issued under Article L.333-10 of the Sports Code and Article L.336-2 of the French Intellectual Property Code.

The French model is especially relevant in the context of this study because it does not rely exclusively on either courts or an administrative authority[54].

Instead, it combines both: the judge remains central to the initial ordering of blocking, de-indexing, or related measures, thereby preserving a stronger element of prior judicial control than in more administrative systems, while ARCOM adds continuity and anti-circumvention capacity by helping extend those measures to mirror sites and by maintaining tools such as the public listing of repeat infringers. The live injunction is therefore the starting point, ARCOM's role is to ensure that the order remains effective as the infringing stream migrates.

Those mechanisms are also relevant to broader "*follow-the-money*" strategies involving advertisers and commercial counterparties, even if those tools are less central in practice than blocking and de-indexing. From the perspective of cooperation with intermediaries, the French regime is therefore structured around a layered approach. Access providers, search engines, and other relevant actors may be targeted by court-ordered measures under the Sports Code and the French Intellectual Property Code, while hosting providers and similar services are subject to the LCEN framework. ARCOM, in turn, serves as the coordinating authority capable of translating judicial decisions into a more durable anti-circumvention mechanism against mirror sites.

This is one of the main strengths of the French model. It distinguishes between the live injunction, which is aimed at immediate disruption of the unlawful retransmission, and the follow-up measures that keep the injunction effective over time. This combination is particularly significant in the live-content context, where the effectiveness of enforcement depends not only on the formal availability of injunctions, but also on the ability to update and sustain them rapidly as unlawful streams migrate across domains and infrastructures.

In comparative terms, France offers a relatively balanced model. It provides a sports-specific fast-track procedure for live events, a general copyright-based injunction mechanism, and an administrative authority with powers that reinforce the practical effectiveness of judicial decisions. This architecture may be regarded as a best practice insofar as it reconciles speed and flexibility with judicial oversight. At the same time, when compared with more centralized administrative systems such as Italy's, it also illustrates the fragmentation that persists across Member States. Rightsholders operating on a cross-border basis must navigate different combinations of courts, regulators, procedural thresholds, and intermediary obligations, which increases legal complexity, enforcement costs, and uncertainty in time-sensitive cases. For live piracy, the decisive advantage of the French system is that it separates immediate, event-sensitive blocking from the later operational support that prevents circumvention.

In particular, ARCOM continues to support the development of legal digital markets through both technological and educational initiatives. Under Article L. 137-1 of the French Intellectual Property Code, the authority is assessing the implementation of technical content-recognition measures by online platforms.

[54] Code du sport, art. L.333-10; Code de la propriété intellectuelle, arts. L.331-25, L.331-27, and L.336-2; Law No. 2021-1382

Of the 21 services identified, seven have acknowledged their regulatory status, five have contested it, and nine have not responded to regulatory requests. At the same time, Arcom is promoting the renewed use of metadata-based identification technologies, viewed as a key enabler for AI-assisted content recognition systems.

Educational outreach also remains an important component of the strategy: since 2018, awareness programmes have reached approximately 63,000 students, including 8,000 in 2025 alone. Looking ahead, the French authorities intend to strengthen the framework through the implementation of twelve regulatory recommendations, the integration of thirteen additional intermediary categories, including DNS and VPN providers, and the adoption of more effective real-time and IP-based blocking mechanisms aimed at addressing the particular challenges posed by live sports piracy[55].

From the standpoint of national court case-law, several French cases have played a particularly important role in shaping judicial responses to live sports events and online piracy of live broadcasts.

The first key decision is the interim order of the Tribunal judiciaire de Paris of 20 January 2022[56], which is widely described as the first major application of the new French sports anti-piracy mechanism against access providers. The case concerned the unauthorised online retransmission of live sports events and examined under what conditions French courts may order internet access providers to block access to websites unlawfully streaming protected sports broadcasts. The proceedings were brought by sports broadcasters and rights holders, including beIN Sports and Canal+, against multiple access providers on the basis that, although they were not primary infringers, they were technically in a position to implement effective blocking measures against identified pirate services.

The order focuses on three core issues: the existence and economic relevance of exclusive broadcasting rights in relation to live sports competitions and the specific harm caused by unauthorised streaming during the live transmission window; the role of access providers as intermediaries capable of implementing technically effective blocking; and the need for anti-piracy relief in the sports sector to be urgent and adaptable, rather than confined to ordinary litigation timelines which would become ineffective once the event is over. In this sense, the order is often seen as an early manifestation of a dynamic blocking logic, insofar as it creates a judicial basis for subsequent extensions of blocking measures in coordination with the audiovisual and digital regulator.

A second relevant development in French case law on live sports events is represented by the decision of the Tribunal judiciaire de Paris of 7 November 2024[57], concerning the unauthorised streaming of Ligue 1 matches during the 2024/2025 season. In this judgment, the court carefully reconstructs the chain of rights, from the French Football Federation to the Ligue de football professionnel, from the latter to LFP 1, and from LFP 1 to DAZN, which holds, on an exclusive basis, the rights to live and full-match retransmission of eight Ligue 1 matches per matchday, the play-off matches and the Trophée des champions, and can also rely on the neighbouring right of audiovisual communication undertakings under Article L.216-1 of the French Intellectual Property Code in respect of programmes broadcast on the DAZN 1 channel. The dispute is therefore framed as a claim for judicial protection of a precisely defined bundle of exclusive exploitation rights and neighbouring rights attached to Ligue 1 broadcasting, asserted against a broad range of internet and telecommunications operators active in metropolitan France and overseas territories. On the basis of

[55] ARCOM, BILAN 2025 – LUTTE CONTRE LE PIRATAGE, published on March 2026: https://www.arcom.fr/sites/default/files/2026-03/Arcom_Bilan%202025_Lutte_Piratage.pdf

[56] Tribunal Judiciarie Paris, ord. référé, 20 January 2022 (beIN Sports / Canal+ v Orange and other ISPs) – https://www.legifrance.gouv.fr/juri/id/JURITEXT000045652967

[57] Tribunal judiciaire de Paris, 7 November 2024 – DAZN Limited v Orange, SFR, Bouygues Telecom, Free, Canal+ Télécom and other telecommunications operators.

detailed bailiffs' reports showing that the websites accessible via the listed domain names were streaming specific Ligue 1 matches without authorisation, often displaying the DAZN or DAZN 1 logo and accessible also through alternative DNS services, the court classifies the impugned websites as online public communication services whose principal purpose is the unauthorised dissemination of sports competitions and finds that they cause "*serious and repeated infringements*" of DAZN's rights within the meaning of Article L.333-10 of the Sports Code.

The injunction orders the operators, within three or five days depending on the operator's circumstances, to take all effective measures to prevent access from French territory, including overseas departments and collectivities, not only to the domain names listed in the annex but also to all associated sub-domains. The temporal scope of the order is expressly linked to the life of the competition, as the blocking remains in force until the last match of the Ligue 1 2024/2025 season. Crucially, the judgment also has a dynamic component: blocking is to apply not only to the sites already identified on the date of the decision, but also to sites not yet identified, provided that their identifying data are subsequently notified through the mechanism laid down in Article L.333-10 (III) of the Sports Code, under which ARCOM verifies the illicit nature of newly detected services and notifies operators so that the court-ordered measures can be extended to them.

A third development is the order of the Tribunal judiciaire de Paris of 15 May 2025[58], which addresses the use of major VPN services to facilitate access to websites illegally streaming live sports events for which CANAL+ holds exclusive broadcasting rights. The proceedings target five VPN providers – NordVPN, Surfshark, ExpressVPN, CyberGhost and Proton – in connection with access to 203 domain names used to disseminate, without authorisation, matches from the UEFA Champions League, the Premier League and the Top 14. In this context the court explicitly treats VPN providers, for the first time in this enforcement setting, as technical intermediaries whose services can be used to sustain the unlawful circulation of live sports broadcasts and who may therefore be required to cooperate in blocking measures.

From a jurisprudential standpoint, the case marks a further step in the French move towards a multi-layered anti-piracy model, in which enforcement is no longer directed solely at operators of pirate websites or at conventional internet access providers, but also at services that enable circumvention of existing blocking orders. In this respect, it illustrates a shift from a relatively narrow conception of intermediary involvement to a broader functional approach based on the role that a given service plays within the access chain leading to infringing live streams.

Taken together, these French cases show an evolution from static injunctions addressed only to access providers towards a more articulated model of live-sports enforcement, based on time-limited and competition-specific blocking orders, explicitly dynamic mechanisms for extending those orders to newly detected services and an expanded circle of intermediaries – including VPN providers – who can be required to cooperate in preventing access to illegal live sports streams.

## 3.4. Germany: a cautious and multi-layered framework for live-content anti-piracy enforcement

In Germany, the enforcement of live-content piracy is based primarily on copyright and related-rights remedies under the Urheberrechtsgesetz (hereinafter, the "**UrhG**"), which constitutes the core legal framework for the protection and enforcement of copyright and neighbouring rights[59]. Section 87 UrhG grants broadcasting organisations exclusive rights in relation to the rebroadcasting of their transmissions,

[58] Tribunal judiciaire de Paris, 15 May 2025 CANAL+ / LFP v NordVPN, Surfshark, ExpressVPN, CyberGhost and Proton.

[59] Act on Copyright and Related Rights (Urheberrechtsgesetz): https://www.gesetze-im-internet.de/englisch_urhg/englisch_urhg.html

their communication to the public, their fixation on audio or video media, their reproduction, and their distribution, while Section 97 UrhG provides the standard enforcement route through cessation claims, preventive injunctions where a first infringement is threatened, and damages in cases of intentional or negligent infringement. In practice, this gives rightsholders a civil-law toolbox that is well suited to direct infringers and, in appropriate circumstances, to intermediaries whose services materially facilitate unlawful access to protected broadcasts.

For online content-sharing services, the Urheberrechts-Diensteanbieter-Gesetz (hereinafter, the "**UrhDaG**"), adopted in 2021 in implementation of Article 17 of Directive (EU) 2019/790, establishes a specific framework for blocking and removal obligations[60]. Section 7 UrhDaG requires the provider, upon request by the rightsholders and after receipt of the necessary information, to ensure by means of blocking or removal that the work is not made publicly available and will not be made available in the future. For live sports, this framework is particularly significant because the statutory safeguards designed to protect certain lawful user uploads do not apply to moving images prior to the completion of their first communication to the public, in particular in the context of the simultaneous transmission of sporting events, provided that the rightsholders make the relevant request and supplies the necessary information.

With regard to access intermediaries, Section 7(4) of the Telemediengesetz (hereinafter, the "**TMG**") remains an important doctrinal and practical reference point in the German discussion on blocking claims, even though the broader digital-services framework has since evolved. The provision makes clear that intermediaries are not subject to a general monitoring obligation, but it also allows rights holdersto seek blocking measures against access providers where no other remedy is available and the requested measure is reasonable and proportionate. In doctrinal terms, this mechanism operates alongside the broader concept of Störerhaftung, usually discussed through Section 1004 of the Bürgerliches Gesetzbuch by analogy, under which intermediaries that causally and adequately contribute to unlawful conduct may be subject to injunctive relief even if they are not direct infringers.

Institutionally, Germany does not have a public copyright enforcement authority comparable to AGCOM or ARCOM, and enforcement against live piracy therefore remains centred on the civil courts, with criminal sanctions operating as a complementary mechanism in serious cases. Since the entry into force of the Digitale-Dienste-Gesetz and the direct application of the DSA, the Bundesnetzagentur has been designated as the national Digital Services Coordinator, with responsibility for supervising compliance with platform-related obligations under the digital-services framework, but it does not function as a specialised copyright-blocking authority. The German model thus continues to rely primarily on judicial enforcement and private or co-regulatory cooperation rather than on a dedicated administrative body empowered to issue copyright blocking orders directly.

A distinctive feature of the German landscape is the Clearingstelle Urheberrecht im Internet (hereinafter, the "**CUII**"), a private self-regulatory body established by rightsholders and major access providers to assess DNS-blocking requests against legal and net-neutrality criteria[61]. The system enables blocking measures to be implemented more quickly than through judicial proceedings, but only where the measure is lawful and compatible with net-neutrality requirements, the Bundesnetzagentur is involved in reviewing compatibility issues, and providers implement the block only where those conditions are satisfied. Germany therefore presents a distinctive model. The state does not directly order the block within the CUII procedure, yet the

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60 Act on the Copyright Liability of Online Content Sharing Service Providers (UrhDaG): https://www.gesetze-im-internet.de/englisch_urhdag/

61 CUII / Bundesnetzagentur public explanation: https://media.frag-den-staat.de/files/foi/820098/094-anlage-bnetza-pressemitteilung.pdf

process is not entirely private either, because it is structured around legal assessment and regulatory oversight.

From the perspective of live-content piracy, the German model displays both strengths and weaknesses. Its strength lies in the availability of several complementary avenues of enforcement, including court injunctions, qualified blocking claims, private DNS blocking through the CUII, and criminal-law sanctions in serious commercial cases. Its weakness is fragmentation. Rights holders must navigate multiple legal bases, different institutional actors, and a less centralised enforcement architecture than in systems where a single authority coordinates blocking, which may increase transaction costs, delay action against fast-moving live streams, and complicate the search for uniform protection across borders.

A particularly important German case in the live-piracy context is the Landgericht Stuttgart, July 2024, 11 KLs 27 Js 17982/23[62], which concerned a large-scale illegal IPTV platform through which pay-TV content, including premium sports channels, was made available to paying subscribers without authorisation over a period of almost ten years, from 2014 to 2023. The Regional Court of Stuttgart found four principal operators guilty of serious copyright infringement and gang-based commercial fraud in relation to the operation of that platform, and the judgments, delivered in July 2024, have since become final. The sentences ranged from 3 years and 9 months and 3 years and 7 months to 2 years and 10 months, while a fourth defendant received a suspended sentence of 1 year and 11 months, and all four defendants agreed to pay compensation to the affected rights holders.

The case is particularly relevant in the live-sports context because it demonstrates that German enforcement is prepared to target not only end-users or intermediaries, but also the core operators of illicit IPTV infrastructures, which constitute a major channel for unauthorised access to live sports content. From a jurisprudential perspective, the judgment reflects a strongly punitive approach to commercial-scale piracy and complements the injunction-based dimensions of the German system by emphasising criminal liability and deterrent custodial sentences for the organisers of piracy operations.

Overall, Germany combines civil injunctions, qualified blocking claims, a private DNS-blocking pathway through the CUII, and criminal-law enforcement against the operators of large-scale piracy platforms. The model is comparatively cautious, because blocking remains framed by proportionality and legality requirements and is not concentrated in a single specialised administrative authority, yet it is also sufficiently flexible to address both infrastructure-level access blocking and the most serious forms of organised commercial piracy. In live-sports cases, this produces a system that is less centralised than the Italian model but still capable of responding to the technical mobility of online piracy through a combination of judicial, regulatory, self-regulatory, and criminal-law mechanisms.

## 3.5. Spain: a multi-track framework for live-content anti-piracy enforcement

In Spain, live-content piracy enforcement is structured around three parallel tracks: civil proceedings before the courts, criminal proceedings for the most serious infringements, and a special administrative route under Article 195 of the *Real Decreto Legislativo 1/1996, de 12 de abril, por el que se aprueba el texto refundido de la Ley de Propiedad Intelectual* (hereinafter, "**TRLPI"**)[63].

The civil-law track is based on Articles 138 to 141 TRLPI. Those provisions allow rightsholders to seek cessation of the infringing activity, damages, and specific remedies including suspension of the infringing activity, withdrawal from commerce, destruction of infringing materials and equipment, and suspension of services supplied by intermediaries to third parties using them to infringe intellectual property rights. Article

62 G Stuttgart, 17.07.2024, 11 KLs 27 Js 17982/23

63 https://www.boe.es/buscar/act.php?id=BOE-A-1996-8930

141 TRLPI also provides for urgent interim measures where infringement is ongoing or imminent, including seizure of proceeds and suspension of intermediary services.

The principal administrative mechanism is set out in Article 195 TRLPI, under which the Sección Segunda de la Comisión de Propiedad Intelectual (hereinafter, the "**Second Section**") exercises the function of safeguarding intellectual property rights in the digital environment. Where the infringement is committed through information society services and the statutory conditions are met, the Second Section may require removal of unlawful content or interruption of the service and, where appropriate, may seek the cooperation of other information society service providers, electronic payment services, and advertising services. The composition and functioning of that body are further developed by *Real Decreto 1130/2023, de 19 de diciembre* (hereinafter, "**Real Decreto 1130/2023**")[64].

This administrative route is particularly relevant in the live-sports context because the statutory mechanism is not confined to simple access-blocking. As reflected in Article 195 TRLPI, the available measures may also affect payment and advertising services connected to the infringing activity, thereby extending enforcement beyond mere accessibility of unlawful streams to elements of the supporting commercial infrastructure.

A sector-specific layer is added by Real Decreto-ley 5/2015, de 30 de abril, *de medidas urgentes en relación con la comercialización de los derechos de explotación de contenidos audiovisuales de las competiciones de fútbol profesional* (hereinafter, "**Real Decreto-ley 5/2015**")[65]. That instrument establishes the legal framework for the joint commercialisation of audiovisual rights relating to professional football competitions and allocates the relevant management functions to the competent football bodies within its scope, thereby contributing to a concentrated rights-management structure in professional football.

The criminal-law dimension is governed by Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal (hereinafter, the "**Spanish Criminal Code**")[66]. Within that framework, Article 270 addresses unlawful exploitation of protected works and performances where the statutory elements are satisfied, while Article 286 addresses the unauthorised provision, for commercial purposes and without consent, of intelligible access to television broadcasting services, interactive services, or conditional-access services through devices or software not authorised for that purpose.

The background regime for intermediary liability is provided by Ley 34/2002, de 11 de julio, de servicios de la sociedad de la información y de comercio electrónico (hereinafter, "**LSSI**")[67]. LSSI does not itself establish the specialised copyright-enforcement procedure, but it provides the general framework governing information society services and intermediary liability, including the categories usually described as hosting, caching, and mere conduit services.

Spanish case law has recently assumed particular relevance in the area of live-sports piracy. The Sentencia No. 310/2024 of 18 December 2024, the Juzgado de lo Mercantil No. 6 de Barcelona[68] upheld a claim brought by Liga Nacional de Fútbol Profesional and Telefónica Audiovisual Digital, S.L.U. against several major internet service providers, including Vodafone España, Vodafone ONO, MASORANGE Orange Espagne, DIGI Spain Telecom, Telefónica España and Telefónica Móviles España, in relation to the unlawful online distribution of LaLiga audiovisual content. The judgment included the immediate cessation of access to the identified IP addresses, blocking of those IP addresses, monitoring during a time-limited period structured

64 https://www.boe.es/buscar/act.php?id=BOE-A-2023-25766
65 https://www.boe.es/buscar/act.php?id=BOE-A-2015-4780
66 https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444
67 https://www.boe.es/buscar/act.php?id=BOE-A-2002-13758
68 https://www.iberley.es/jurisprudencia/sentencia-civil-juzgado-lo-mercantil-n-6-18-12-24-48656190

by sports seasons in order to identify successor IP addresses, and transmission of updated IP lists, including during weekends and public holidays on which LaLiga matches were played, so that blocking could be implemented as quickly as possible and, in any event, before the end of the live event concerned. That judicial approach was subsequently maintained by Auto No. 295/2025 of 25 March 2025, by which the same court dismissed the nullity applications brought by Cloudflare and RootedCON against the earlier judgment. Public statements concerning that order describe it as confirming the legality of the procedure followed and rejecting objections based on alleged indiscriminate blocking or impairment of procedural guarantees.

A subsequent development, reported in February 2026, indicates that the Juzgado de lo Mercantil No. 1 de Córdoba granted interim measures in proceedings brought by LaLiga and Telefónica Audiovisual Digital against NordVPN and ProtonVPN concerning access from Spain to IP addresses allegedly used for unauthorised live football streams. Since the currently accessible source base for that episode consists of public reporting rather than a judicial decision directly available through an official repository, reference to that development is made in cautious terms only.

From a jurisprudential standpoint, the Córdoba proceedings therefore represent a further widening of the circle of intermediaries against whom judicial relief may be sought in live-sports piracy cases. They suggest that Spanish courts were increasingly prepared to treat VPN services not merely as neutral privacy tools, but as technological gateways whose infrastructure may be used to preserve access to pirate streams despite earlier blocking measures directed at other levels of the network.

Taking into account recent case law, a non-binding parliamentary proposal was tabled and discussed during the 34th sitting of the Commission on Economy, Trade and Digital Transformation of the Congress of Deputies, held on 29 April 2026 under the XV Legislature (Diario de Sesiones no. 549, item "*Para garantizar la proporcionalidad y la protección de los derechos digitales frente a los bloqueos de IP ordenados judicialmente*", expediente 161/002757)[69].

The text, presented by the Spanish Republican Parliamentary Group, takes as a concrete starting point the Transporta'm case, in which a court-ordered IP blocking measure adopted in the fight against online piracy led to the unintended disruption of a lawful mobility service, thereby illustrating the risk that indiscriminate IP-blocking may affect legitimate services and users' digital rights. Building on this example, the proposal seeks to ensure that such blocking measures are subject to stricter tests of technical and legal proportionality, and calls for enhanced scrutiny of their real impact so as not to unduly affect lawful services or third parties unrelated to any infringement.

## 3.6. The Netherlands: judicial injunctions and intermediary cooperation against live-content piracy

In the Netherlands, the enforcement of live-content piracy rests first on the Auteurswet and the Wet op de naburige rechten[70] (1912), the copyright act (also referred to hereinafter as the "**Auteurswet**"), which grants rightsholders exclusive rights of reproduction, communication to the public, and making available, together

[69] https://www.congreso.es/es/publicaciones-organo?p_p_id=publicaciones&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_publicaciones_mode=mostrarTextoIntegro&_publicaciones_legislatura=XV&_publicaciones_texto=&_publicaciones_id_texto=DSCD-15-CO-549.CODI.#1. Please note that during the debate, the sponsors stress the risk of over-blocking and call for enhanced scrutiny of the real impact of blocking orders, while other groups place the emphasis on maintaining the effectiveness of anti-piracy enforcement, leading to the negotiation of a compromise amendment by the Socialist Group. At the end of the sitting, the Commission votes in favour of the amended proposal, with a majority of votes supporting it, thereby politically committing the Government to review existing protocols and implementation criteria for IP blocking in line with Parliament's guidance on proportionality and the protection of digital rights

[70] https://wetten.overheid.nl/BWBR0001886/2009-01-01?g=2010-03-28&z=2026-06-09

with civil injunctions and damages remedies for infringement. The implementation of the DSM Directive introduced Articles 27c to 27e Auteurswet, which are important because they treat certain online content-sharing services as making an autonomous act of communication to the public, thereby requiring licences and effective measures to prevent and stop unauthorised uses, including live streaming.

The core procedural route is the "*kort geding*", the Dutch summary injunction procedure under the Wetboek van Burgerlijke Rechtsvordering (1838)[71]. It allows rights holders to obtain rapid interim relief where urgency is shown, often backed by civil penalties for non-compliance, and the IP-specific provisions in Articles 1019a to 1019g strengthen that framework by allowing evidence preservation, ex parte relief in appropriate cases, and a costs regime based on reasonable and proportionate legal expenses. For live piracy, this is relevant in that it provides rights holders with a court-based avenue that is faster than ordinary proceedings, even if it still depends on judicial action rather than an administrative order.

Article 26d Auteurswet is especially important for intermediary enforcement because it allows injunctions not only against direct infringers but also against *tussenpersonen* whose services are used by third parties to infringe copyright. Dutch courts have relied on that provision to order blocking measures against ISPs and other intermediaries where sites or services were structurally devoted to unlawful content, and the case law accepts that domain and IP blocking can be proportionate where the site operators are not directly reachable or other remedies have failed. The Dutch approach is therefore operationally effective, but it is still anchored in court reasoning about necessity, proportionality, and the balance between copyright, freedom of enterprise, and access to information.

The Mediawet 2008 matters because it defines the notion of *omroepdienst* and therefore helps identify linear broadcasters, including services delivered simultaneously to the public, whether encrypted or paid[72]. That is relevant for live sports and other live audiovisual events because it anchors the regulatory category of the broadcaster, even where the piracy problem itself is addressed through copyright enforcement rather than media regulation. In other words, the Mediawet helps with legal classification, while the Auteurswet and civil procedure rules do the enforcement work.

Moreover, the Notice-and-Take-Down procedure plays a complementary role. It is a voluntary industry code that sets a standard procedure for handling notifications of unlawful content, including live streams, by specifying the information that must be included in a notice and distinguishing manifestly unlawful content from less clear cases[73]. In practice, this gives rightsholders a faster route for takedown of hosted content, especially when the material is located on Dutch servers or platforms, while broader blocking requests usually go through Article 26d Auteurswet and the courts.

Institutionally, the Netherlands does not have a specialist anti-piracy authority comparable to AGCOM or ARCOM. The ACM is the Dutch Digital Services Coordinator under the DSA, so it supervises platform obligations under the digital-services framework, but it is not itself a copyright-blocking authority. That means the Dutch model is split between judicial injunctions, voluntary notice-and-takedown cooperation, and DSA supervision, which makes it more decentralized than the Italian or French systems.

For live-content piracy, the Dutch model shows several best-practice features. It offers a quick summary procedure, a well-developed injunction basis against intermediaries, and a practical NTD code that can remove hosted content quickly. At the same time, it is less synchronized with the temporal nature of live

71 https://wetten.overheid.nl/BWBR0001827/2025-01-01?g=2025-01-01&z=2026-01-14

72 https://wetten.overheid.nl/BWBR0025028/2024-01-01?g=2025-07-01&z=2025-07-01

73 https://noticeandtakedowncode.nl/wp-content/uploads/2018/12/NTD_Gedragscode_English.pdf

events than the Italian or French models, because it lacks a single administrative channel that can issue ultra-fast blocking orders during the event itself.

From a fragmentation perspective, the Netherlands illustrates a broader EU problem: rightsholders can obtain strong remedies, but the speed and structure of enforcement still depend heavily on national procedure and the willingness of intermediaries to cooperate. That means the Dutch system is relatively strong for medium-term blocking and platform responsibility, but less optimal for instant interruption of live piracy. For rightsholders operating cross-border, this requires separate enforcement strategies in each Member State rather than one uniform EU-wide response.

Dutch case law has played an important role in shaping injunctions against intermediaries in the context of online streaming and site blocking. In a judgment of 24 January 2018, the Rechtbank Den Haag (District Court of The Hague) in Football Association Premier League Ltd v Ecatel (C/09/485400 / HA ZA 15-367) held that audiovisual reports of Premier League matches qualify as copyright-protected works and ordered the internet provider Ecatel, treated as an intermediary under the Dutch Copyright Act, to discontinue services used for the illegal streaming of Premier League matches within 30 minutes of receiving a report and for the duration of the match, subject to a penalty payment[74].

In a series of proceedings concerning access to The Pirate Bay, Dutch courts have also clarified the conditions for blocking injunctions against access providers under Article 26d Auteurswet and the corresponding provision of the Dutch Related Rights Act. On 12 January 2018, the Rechtbank Midden-Nederland (District Court Midden-Nederland) granted an interim injunction ordering five internet service providers to temporarily block access to the domain names and IP addresses through which The Pirate Bay operates, holding that the measures, although technically circumventable, were justified, proportionate and effective in making unlawful access more difficult[75]. Subsequently, on 2 June 2020, the Gerechtshof Amsterdam (Amsterdam Court of Appeal) issued a judgment in the long-running litigation between Ziggo and XS4ALL on the one hand and Stichting BREIN on the other, applying the Court of Justice of the European Union's UPC Telekabel Wien and The Pirate Bay case law and ordering the blocking of The Pirate Bay's domain names and IP addresses, including future domains giving access to the same infringing website, by way of a dynamic blocking injunction subject to penalty payments[76].

Taken together, these decisions show that Dutch courts are prepared to grant time-sensitive injunctions against intermediaries in cases involving illegal streaming of live sports content and structurally infringing online services, while expressly framing such measures within the requirements of necessity, proportionality and effectiveness under Union law.

## 3.7. Belgium: a hybrid judicial-administrative enforcement model

In Belgium, the legal framework governing these mechanisms is set out in Articles XVII.34/1 et seq. of the Code de droit économique / Wetboek van economisch recht (hereinafter "**CDE/WER**")[77], introduced by the Law of 19 June 2022 transposing Directive (EU) 2019/790, by the Law of 22 December 2023, and by the Law of 20 April 2026, which clarified that the procedure may also be used where infringement is imminent. These provisions established a specific ad hoc procedure designed to enable rights holdersto combat large-scale online infringements of copyright, related rights, and database rights, as well as illicit online gambling.

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74 Rechtbank Den Haag, 24 January 2018, C/09/485400 / HA ZA 15-367, Football Association Premier League Ltd v Ecatel.

75 Rechtbank Midden-Nederland, 12 January 2018, C/16/448423 / KG ZA 17-382, KPN, T-Mobile, Tele2, Zeelandnet and CAIW v Stichting BREIN - https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBMNE:2018:114

76 Gerechtshof Amsterdam, 2 June 2020, ECLI:NL:GHAMS:2020:1421, Ziggo B.V. and XS4ALL Internet B.V. v StichtingBREIN.https://infocuria.curia.europa.eu/tabs/document?source=document&docid=190142&doclang=EN

77 https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2013022819

Belgian dynamic blocking injunctions take the form of court-ordered measures issued by the President of the Brussels Enterprise Court. The procedure is designed to be swift, with a decision in principle to be rendered within a very short timeframe, namely eight days. This makes it particularly suited to time-sensitive infringements, including the unauthorized broadcasting of live sports events. The injunctions are primarily addressed to online Intermediaries, such as ISP, hosting providers, search engines, and domain registrars, but may also be directed towards other Intermediaries, including payment providers, rather than to the infringers themselves.

These injunctions are considered dynamic because they can evolve over time, allowing for the blocking of newly identified mirror sites, URLs, or technical circumvention tools without the need to initiate new court proceedings. This feature is particularly important in the context of online piracy, where infringing streams frequently migrate. In practice, the system allows for rapid intervention and continuous adaptation.

The implementation and monitoring of blocking measures may be supported by the Service for Combating Online Piracy and Illegal Online Gambling (hereinafter "**the Service**") within the Federal Public Service Economy (hereinafter "**FPS Economy**"). Where authorised by the President of the Brussels Enterprise Court, the Service may specify the technical measures required for implementation, hear the affected parties, issue final implementation modalities within short statutory deadlines, publish its decisions on the FPS Economy website, update the list of blocked websites, and communicate updated lists of websites or pages replicating infringing content to the addressees of the injunction. The Service may also refer the matter back to the President if the measures become insufficient, excessive, or obsolete.

The Service also plays a central informational role. It must compile and regularly update a list of websites whose content has been rendered inaccessible pursuant to a provisional injunction. It may also draw up a non-exhaustive whitelist of websites or platforms lawfully offering protected works and performances. In addition, the Service is tasked with fostering sectoral self-regulation in order to ensure an effective fight against online infringements of copyright and related rights, without creating a general obligation to monitor content.

The procedure is already actively used in practice in Belgium, notably in relation to audiovisual content, including live streaming, sports events, counterfeiting, and illicit online gambling. The Service has already issued decisions concerning copyright and related rights and illegal online gambling, which provide useful insight into the practical implementation of the system.

Belgian law also clarifies that the procedure may be used where the infringement has not yet started but is imminent. This development further strengthens the tool in the context of live sports events, where preventive action is often crucial. In addition, several third-party opposition proceedings, introduced notably by technical Intermediaries concerned by the blocking measures, are currently pending before the President of the Brussels Enterprise Court.

For a Dynamic Injunction to be granted, Belgian law requires that the copyright, related right, or database right relied upon appear prima facie valid, that the alleged infringement be manifest and considerable, and that, after balancing the interests, rights, and freedoms at stake, including the public interest, the facts and evidence reasonably justify the provisional measures. The balancing exercise must take into account, in particular, the freedom of expression, the freedom of information, the freedom to conduct a business, and the privacy of users. Belgian law does not require the infringer to be a repeat or rogue infringer, although certain factors may be considered in the overall assessment.

In practical terms, the measures may include complete blocking of rogue or mirror websites, blocking of specific URLs, blocking of keywords or domain names, takedown orders for infringing accounts on e-commerce or social media, blocking of live streaming, app blocking, and dereferencing. The Belgian framework does not impose an exhaustive list of measures; instead, it allows the court to adapt the injunction

to the form of the infringement, provided the order is aimed at stopping a manifest and considerable online infringement. Belgian courts have already issued orders against specific social media pages and have also ordered the dereferencing of domain names.

The measures may be appealed before the competent court of appeal. If the injunction was issued ex parte, interested third parties, legal persons with standing to bring collective-interest proceedings aimed at protecting human rights or fundamental freedoms, and public institutions pursuing similar aims may file a third-party opposition. The measures may also be revoked or terminated during their term at the request of the infringer, any party wrongly affected, any aggrieved person, Intermediaries, and other entitled actors. Grounds for vacation include misrepresentation of material facts, the mitigation of the conditions that justified the measure, abuse of the injunction, failure to comply with implementation requirements, a disproportionate chilling effect on freedom of expression or information, and other public-interest concerns.

Comparatively, Belgium is an important example of a hybrid enforcement model. It is not purely administrative, because the decision-maker remains the President of the Brussels Enterprise Court, but it is not purely judicial in the traditional sense either, because the FPS Economy Service has a defined role in implementation, monitoring, and updating of measures. For a paper on live-content piracy, the Belgian model is particularly relevant because it combines judicial control, specialized administrative support, and a specific live-injunction mechanism capable of reacting quickly to unauthorized live streaming and other fast-moving online infringements.

In Belgium, recent case law shows that dynamic blocking injunctions are already being used in practice against both live sports piracy and other forms of large-scale online infringement. In the order of 30 April 2025 under reference RR2500030, the President of the French-speaking Business Court of Brussels granted DNS-based blocking measures against major Belgian internet access providers, public DNS operators, search engines, and hosting-related intermediaries in relation to the unauthorized streaming of Belgian Pro League matches. The order was not limited to the initial list of domains, but also extended to mirror domains, redirect domains, and copycat sites meeting defined criteria, and its implementation was synchronized with the match calendar so that blocking would operate during the critical live window. That order was subsequently implemented by the decision of 7 May 2025 concerning RR2500030, which specified the technical modalities, the blocking targets, and the monitoring mechanism. A similar dynamic approach was later confirmed in the order of 16 July 2025 concerning Internet Archive / Open Library, and in the decision of 1 October 2025 implementing that order, where the measures were adapted to preserve access to lawful content and public-domain works while preventing access to infringing material. The same model was further reflected in the order of 30 January 2026 under reference RR260003, implemented by the decision of 12 February 2026, where the system was applied to illegal IPTV offers involving live and deferred retransmissions. Together, these decisions illustrate a hybrid Belgian model in which the court sets the legal framework and the Department for Combating Infringements of Copyright and Related Rights Committed Online and the Illegal Exploitation of Online Games of Chance operationalizes updates, monitoring, and blocking/unblocking decisions over time.

## 3.8. National divergence and the limits of the Recommendation approach

The case law examined across France, Spain, Belgium, Germany, the Netherlands, and Italy shows that Recommendation (EU) 2023/1018 has had a clear catalytic effect on national anti-piracy enforcement. Courts and national authorities have increasingly embraced fast, dynamic, and technically sophisticated remedies directed not only at traditional access providers, but also at DNS resolvers, CDN and proxy services, and VPN providers where these are perceived as enabling access to unauthorised live sports streams.

However, when these developments are read together with the Commission's subsequent assessment[78], the overall picture is more ambivalent than the Recommendation itself appeared to suggest. The national experience does not simply reveal a potential convergence around effective enforcement, but it also reveals the structural limits of a non-binding instrument that encouraged increasingly intrusive blocking practices without establishing a sufficiently harmonised framework for safeguards, procedural guarantees and consistent standards of proportionality across Member States.

A first conclusion is that the Recommendation has contributed to a shift from the classic ISP-blocking paradigm toward a much broader model of infrastructure-based enforcement. French and Spanish case-law progressively moved from blocking access providers to involving alternative DNS services, CDN and proxy actors, and eventually VPN providers. Belgium went even further by extending blocking obligations to public DNS resolvers such as Google, Cloudflare and Cisco/OpenDNS under a dynamic system administered in conjunction with the anti-piracy department of FPS Economy. Denmark, while more procedurally conservative, also adopted service-oriented dynamic blocking through its Code of Conduct model, allowing injunctions to follow the IPTV service across multiple future domains.

From a critical perspective, this expansion shows that the Recommendation has functioned less as a neutral coordination tool and more as a normative accelerator for increasingly wide injunctions against intermediaries. Yet the Commission's own 2025 assessment makes clear that the practical effects of the Recommendation remain uneven and that the broader anti-piracy ecosystem still suffers from limited responsiveness by some intermediaries and from fragmented implementation across Member States. In this sense, the Recommendation has encouraged expansive remedies without fully solving the coordination and accountability problems that such remedies generate.

A second conclusion concerns the clear rise of dynamic injunctions as the dominant judicial technique in live sports piracy cases. In the cases examined, courts no longer regard piracy as a problem that can be addressed by blocking a static list of domains. Instead, they increasingly target the service itself, allowing the injunction to extend to mirror domains, redirections, replacement IP addresses, associated subdomains, and in some cases new domains notified after the judgment. This development is entirely consistent with the Recommendation's preference for remedies capable of responding to the technical mutability of unauthorised live retransmissions.

Nevertheless, the case-law also demonstrates why the Commission's later assessment is more cautious. The Recommendation encouraged adaptability, but did not provide detailed and common EU parameters on how far dynamic updating may go, who may validate new targets, what evidentiary threshold should apply, or what review mechanisms should accompany such updates. The result is that Member States are converging on the use of dynamic blocking, but not on a common understanding of its limits. Some systems remain heavily judicialised while others, such as Belgium and Italy, rely much more on administrative or hybrid updating mechanisms, thereby shifting crucial decisions away from the original judicial act.

A third conclusion is that the Recommendation's emphasis on the time-sensitive value of live events has strongly influenced both judicial reasoning and administrative design. Across the jurisdictions examined, enforcement is increasingly linked to the temporal logic of the event itself: the French injunctions are structured around the Ligue 1 calendar; the Belgian system activates blocking before Pro League fixtures; the Spanish model moves toward real-time blocking during matches; Italy institutionalises a 30-minute

[78] COMMISSION STAFF WORKING DOCUMENT Assessment of the effects of Commission Recommendation (EU) 2023/1018 of 4 May 2023 on combating online piracy of sports and other live events https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025SC0384

response window; and Danish courts justify interim relief on the basis that waiting for ordinary proceedings would deprive rightsholders of effective protection.

However, the speed of response still varies widely depending on the intermediary involved, and outside certain national systems the overall removal or blocking rate during the live window remains limited. The Recommendation therefore appears to have succeeded in shaping the discourse and institutional direction of enforcement, but less clearly in ensuring consistently effective operational outcomes throughout the Union.

The jurisprudence also shows that Member States have internalised the Recommendation through very different institutional architectures. France, Spain and Denmark remain predominantly court-centred systems in which judges define the core parameters of the remedy. Belgium has moved toward a hybrid court-administration model, while Italy relies much more heavily on a regulator-driven system under AGCOM's Piracy Shield. Germany, by contrast, combines more limited blocking practice with a stronger emphasis on criminal repression of organised IPTV operators, as illustrated by the Stuttgart convictions.

This diversity matters because the Recommendation was presented as a flexible instrument, but the Commission's 2025 assessment indicates that flexibility has also produced fragmentation. In practice, rightsholders benefit from very different enforcement environments depending on the Member State, and intermediaries face differing obligations, procedures and operational burdens. The Recommendation has therefore not created a genuinely coherent European model; it has instead encouraged a patchwork of national solutions that are functionally similar in their objective but divergent in their procedural design and in their allocation of responsibility between courts, regulators and private parties.

Overall, the analysis of the case law suggests that the Recommendation has not eliminated fragmentation, has not produced a common and stable balance between speed and procedural discipline, and has not resolved the tension between effective blocking and the broader principles governing intermediary services in EU law. Rather, it has contributed to a phase of experimental and increasingly assertive national enforcement, in which the practical ambition of anti-piracy measures has advanced more quickly than the articulation of a common European framework capable of governing their limits in a consistent manner.

In conclusion, the post-2023 case-law confirms that the Recommendation succeeded in stimulating action, but also shows why that action, left largely to national experimentation, has generated a landscape of expanding and increasingly invasive blocking measures that the Commission itself now appears to regard as requiring closer scrutiny, further calibration and possibly a more structured legislative response at EU level.

# 4. CONCLUDING OBSERVATIONS: DEVELOPMENTS AND PERSISTENT FRAGMENTATION IN EU ENFORCEMENT (2021–2026)

KEY FINDINGS

Between 2021 and 2026, EU and national responses to live-content piracy have accelerated significantly, with dynamic live blocking, faster notice handling and purpose-built administrative mechanisms becoming increasingly common in leading jurisdictions.

Commission Recommendation (EU) 2023/1018 marked an important policy step, but its non-binding nature means that Member States have retained wide discretion. As a result, the Recommendation has improved guidance without eliminating fragmentation.

The main national trend has been the emergence of more advanced enforcement architectures in Italy, France and Belgium, alongside more court-centred or slower models elsewhere. Italy's Piracy Shield, France's ARCOM-led system and Belgium's dedicated blocking procedure illustrate this evolution.

Enforcement has also expanded beyond traditional access providers to include CDNs, DNS resolvers, reverse proxies and VPN services. This reflects the technical reality of live piracy, but it also raises new questions about proportionality, legal certainty and the proper limits of intermediary obligations.

By 2026, dynamic and live blocking injunctions have become the dominant judicial response in several Member States, yet the overall picture remains one of strong national experimentation rather than full EU-wide convergence. The central unresolved issue is whether a more harmonised legislative framework is now needed to ensure effective protection across the Union.

The period from the Parliament's Resolution of 2021 to 2026 has witnessed a significant acceleration in both the regulatory and judicial responses to the online piracy of live sports and audiovisual content.

At the EU institutional level, a central development has been the adoption of Commission Recommendation (EU) 2023/1018 of 4 May 2023 on combating online piracy of sports and other live events, which sought to translate the general call to action of the European Parliament's Resolution of 19 May 2021 into a set of operational guidance principles. The Recommendation represents a meaningful institutional step forward. It identifies live blocking injunctions, dynamic updating of blocking measures, and priority treatment of notices relating to live events as preferred responses, thereby aligning soft-law guidance with practices already emerging in the vanguard jurisdictions as of 2021[79].

However, its practical impact remains limited, as the instrument is inherently non-binding and ultimately leaves Member States with broad discretion in determining whether and how to implement such measures within their national legal frameworks. As a result, the Recommendation has not fully resolved the regulatory fragmentation across the EU, nor ensured a uniform or effective enforcement approach against live-content piracy.

Equally significant has been the entry into force and application of the DSA, which modernises the liability and accountability framework for online intermediaries. The DSA replaces the framework applicable in 2021

[79] Compared to the situation described in the 2021 the Mapping Report noted the absence of any specific EU instrument addressed to live-content piracy and relied exclusively on the combination of the InfoSoc Directive, IPRED, and national procedural rules.

with harmonised notice-and-action obligations, expedited procedures for trusted flaggers, and specific risk-mitigation requirements for very large online platforms, all of which are directly relevant to the rapid removal or disabling of illegal live streams. Although the DSA does not create sport-specific obligations, its operational provisions have begun to shape the practical dimension of enforcement against live-content piracy, in particular with regard to the speed and substantiation requirements for notifications addressed to hosting services and platforms.

From a national regulatory perspective, the period has been defined by two principal trends: first, the emergence of dedicated administrative enforcement architectures; and, second, the progressive expansion of the circle of intermediaries subject to blocking and cooperation obligations.

As of 2021, Italy and France had been identified as the most advanced jurisdictions in terms of regulatory infrastructure, while most other Member States were characterised as reliant on judicial remedies without a specialised administrative channel. The period 2021–2026 has seen a substantial deepening of this distinction. Italy has moved from a position in which AGCOM's competence was exercised through a relatively slow administrative procedure to one in which the Piracy Shield platform – operational since 1 February 2024 – enables validated blocking orders to be transmitted to access providers and implemented within thirty minutes. Law No. 93 of 14 July 2023 and the subsequent amendments to AGCOM Regulation No. 680/13/CONS (most recently by Resolution No. 209/25/CONS of 30 July 2025) have also broadened the scope of the Italian regime beyond live sports events to include other time-sensitive audiovisual content, and have extended compliance obligations to open DNS services, VPN providers, and search engines. France has similarly strengthened its model through the creation of ARCOM in 2022, which has assumed a coordinating role between the judiciary and technical intermediaries, extending dynamic blocking orders to mirror sites and newly identified resources without the need for new court proceedings. Belgium has activated its dedicated blocking procedure under Articles XVII.34/1 et seq. of the Code de droit économique for live sports piracy cases, with the FPS Economy's anti-piracy service operationalising judicial orders through real-time updates against the Belgian Pro League fixture calendar.

The second major trend concerns the expansion of the intermediary perimeter. By 2026, courts across France, Spain, Italy, and Belgium have progressively extended injunctive relief to CDN and reverse proxy services, public DNS resolvers, and – in a particularly significant jurisprudential development – VPN providers. The Paris Tribunal judiciaire's order of 15 May 2025 (CANAL+ / LFP v NordVPN, Surfshark, ExpressVPN, CyberGhost and Proton) and the Milan Tribunale's inaudita altera parte order of 5 February 2026 (against NordVPN and ExpressVPN) reflect a coherent shift across leading jurisdictions towards treating VPN services as functional intermediaries within the access chain leading to infringing live streams, rather than as neutral privacy tools immune from enforcement. This development was not contemplated by the 2021 Mapping Report and represents one of the most important structural changes in the enforcement landscape during the period under review.

The 2021 Mapping Report observed that live blocking injunctions had been applied in practice only in Ireland, the Netherlands, Portugal, Spain, and the United Kingdom. By 2026, this picture has changed considerably. Dynamic live blocking – framed around competition calendars and enabling real-time extension to newly detected services – has become the dominant judicial technique in France (from the January 2022 beIN Sports / Canal+ order onwards), Spain (from the December 2024 LaLiga / Telefónica order), and Belgium (from the April 2025 Pro League order), while Italy has institutionalised a thirty-minute administrative response window through Piracy Shield. Germany, while remaining predominantly court-centred, has demonstrated its capacity for criminal-law enforcement of commercial scale piracy through the July 2024 Landgericht Stuttgart judgments. Denmark, which the 2021 Mapping Report noted as lacking live blocking injunctions, has developed service-oriented dynamic blocking under its Code of Conduct model, allowing injunctions to follow the IPTV service across future domains.

Notwithstanding the adoption of Commission Recommendation aimed at combating the online piracy of live events, the effectiveness of the current non-legislative framework remains limited, while the scale of the phenomenon continues to grow, as testified by the recent aforementioned studies.

With regard to the EU framework and, in particular, the Copyright in the Digital Single Market Directive, for the sake of completeness that some market operators – including Cloudflare – recommend to reopening focusing on strengthening the implementation of existing provisions through targeted and proportionate measures. In this perspective, the operators stress the need to make the opt-out mechanism for text and data mining under Article 4 of the aforementioned directive more effective, by promoting open and granular technical protocols that enable rightsholders to reserve or modulate, in a selective manner, the use of their content by artificial intelligence systems, thereby preserving economic incentives for creation while supporting innovation.

As regards the fight against online piracy, the EU legal framework (CDSM Directive, Digital Services Act, Enforcement Directive and InfoSoc Directive) is already considered robust by these operators, and that current priorities relate instead to improving enforcement coordination among Member States, strengthening host-level enforcement against infringing content, and avoiding indiscriminate infrastructure-level blocking measures, which are deemed likely to result in overblocking and to have a disproportionate impact on users' fundamental rights and on lawful services.[80]

In conclusion, the period 2021–2026 has seen the consolidation of dynamic and live blocking injunctions as the standard judicial response to live-content piracy, the emergence of purpose-built administrative platforms in leading Member States, the extension of enforcement obligations to a broader and technically more diverse set of intermediaries, and the adoption of the first EU-level instrument specifically addressed to live-content piracy, while underscoring the structural persistence of national fragmentation and the unresolved question of whether effective protection across the Union requires a more harmonised legislative framework.

[80] See the contribution from Cloudfare, responding the "Call for Evidence on the Review of the Copyright in the Digital Single Market Directive and Targeted Initiative for a Better Copyright Environment" https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/18172-Report-on-the-review-of-the-2019-EU-rules-on-copyright-and-related-rights-in-the-digital-single-market/F33504638_en.

# 5. FINAL RECOMMENDATIONS

KEY FINDINGS

The current EU response to live-content piracy remains fragmented and not fully adapted to the speed and technical complexity of live broadcasts. Existing rules provide useful tools, but they do not yet ensure consistent and timely enforcement across Member States.

A binding Union-level instrument would improve legal certainty and reduce gaps that infringing actors can exploit across borders. Minimum standards on notice-and-takedown, dynamic injunctions and trusted flaggers would make enforcement more coherent.

The chapter also shows that enforcement must cover the full technical chain behind live piracy, including CDNs, DNS resolvers, VPN services and dedicated servers. Any expansion of intermediary obligations, however, must remain proportionate and compatible with fundamental rights.

The legal position of sports event organisers is still uneven, and greater clarity at EU level would help better reflect the economic value of live sports. Stronger monitoring, better data and improved legal offers should complement enforcement measures.

The recommendations outlined below delineate a comprehensive and forward-looking framework for strengthening the European Union's response to live-content piracy, addressing both normative fragmentation and operational shortcomings that currently undermine enforcement effectiveness.

At the core of this approach lies the need for binding harmonisation at Union level. The adoption of a Regulation, establishing robust minimum standards, would ensure greater legal certainty and consistency across Member States, particularly with regard to the timeliness of live blocking measures, the formal recognition and accreditation of trusted flaggers, and the safeguarding of fundamental procedural guarantees. Such harmonisation would mitigate the existing divergences in national implementation, which presently create enforcement gaps exploitable by infringing actors operating across borders.

In this regard, the existing EU legal framework, while providing instruments for the protection of copyright and the liability of digital intermediaries, does not include provisions specifically calibrated to the peculiar nature of live-event piracy, the economic value of which is entirely exhausted within the transmission window. In light of this gap, and given the persistent heterogeneity of national enforcement tools, the adoption of a binding instrument of horizontal scope would be appropriate, in order to harmonise the conditions and modalities of protection across the Union's territory, whilst ensuring legal certainty for all stakeholders involved. A Regulation should be preferred to a directive as the latter may leave unsolved the problem of fragmentation which could still be present in the single implementing national laws.

In this perspective, the regulation may provide, on the one hand, an immediate notice-and-takedown mechanism binding upon streaming intermediaries, with compliance timeframes commensurate with the specificities of the live context, by setting a maximum time limit, for example 30 minutes (following the example of the Italian Piracy Shield), within which the unlawful content must be removed. and, on the other hand, the generalised availability of dynamic and real-time injunctions, capable of tracking the movement of infringing content without requiring the initiation of new proceedings for each new location. Such instruments could be structured as special provisions in relation to the Digital Services Act and existing intellectual property framework, integrating with them without undermining their overall architecture.

For these objectives to be effectively achieved, it is advisable for each EU Member State to establish an independent administrative authority – or, where appropriate, to confer the necessary powers upon an existing one (again on the example of AGCOM) – to ensure consistent oversight, effective enforcement, and regulatory coordination.

It would likewise be desirable for the personal scope of application to extend to the entire chain of intermediaries technically involved in the distribution of unauthorised content – including providers of content delivery networks, VPN services, dedicated servers and DNS resolution systems – as well as, within the limits permitted by the Union's private international law, to entities established in third countries rendering infringing content accessible within the internal market.

Consideration should also be given to the introduction of adequate procedural safeguards designed to prevent the risk of over-removal, including the temporal limitation of measures to the duration of the live event, judicial or administrative oversight, and strict adherence to the principle of proportionality as elaborated in the case law of the Court of Justice of the European Union.

In parallel, there is a clear need to recalibrate and expand the intermediary framework to reflect the technical architecture of contemporary content distribution. While existing EU legislation has primarily focused on hosting providers and traditional intermediaries, as regulated by the e-commerce directive and, more recently, by the DSA, recent national case law increasingly implicates additional actors – such as content delivery networks (CDNs), DNS resolvers, and VPN service providers – in the facilitation, or at least the persistence, of illegal live streams. Explicitly addressing the role and responsibilities of these actors, whether through interpretative guidance or legislative intervention, would enhance the overall effectiveness of blocking and mitigation strategies, while ensuring that any obligations imposed remain proportionate and consistent with fundamental rights.

A further structural gap concerns the legal position of sports event organisers. The current reliance on contractual arrangements and heterogeneous national doctrines – often referred to as "house rights" – results in uneven levels of protection and legal uncertainty. The establishment, or at minimum the clarification, of a sports-specific right at EU level would contribute to a more coherent legal framework, recognising the economic and organisational investment inherent in sporting events and facilitating more effective enforcement against unauthorised retransmissions.

These normative developments should be underpinned by a significant strengthening of monitoring and data collection mechanisms. In particular, systematic and periodic reporting by the European Commission and EUIPO on the scale, dynamics, and enforcement outcomes of live-content piracy would provide a more robust empirical basis for policymaking. Metrics such as removal rates during the live transmission window, the speed of intervention, and cross-border enforcement effectiveness are essential to assess the real-world impact of existing measures and to calibrate future regulatory responses. A framework of this nature could further be usefully complemented by the promotion of sectoral codes of conduct at European level and by recourse to automated detection tools, drawing on good practices already developed in certain national legal orders.

Finally, an effective strategy must also address the demand side of the piracy ecosystem. Enhancing the visibility, accessibility, and user-friendliness of legal content offers – inter alia through the further development and promotion of tools such as Agorateka – should be coupled with targeted awareness-raising initiatives (including educative initiatives) at EU and national level. Such initiatives are particularly relevant in light of evidence suggesting that a significant proportion of users' access infringing streams without full awareness of their illegality. By combining supply-side enforcement with demand-side interventions, the Union can move towards a more holistic and sustainable approach to combating live-content piracy.

# REFERENCES


Bassan, S. (2025), Mandatory Transparency Reporting Regulation for Content Moderation A Comparative Analysis Report, Available at SSRN: https://ssrn.com/abstract=5227491 or http://dx.doi.org/10.2139/ssrn.5227491

Benhamou, Y. (2009), Compensation of damages for infringements of intellectual property rights in France, under Directive 2004/48/EC and its transposition law – new notions?, *International Review of Intellectual Property and Competition Law*, 40(2), 125–152.

Blackshaw, I. (2013), Collective sale of sports television rights in the European Union: competition law aspects, 46 De Jure Law Journal.

Bornas Cayuela, D., Djail, A., & Wajsman, N. (2024). *Online Copyright Infringement in the European Union: Films, Music, Publications, Software and TV (2017-2023).* European Union Intellectual Property Office (EUIPO).

Brieske, J. & Peukert A. (2022), Coming into Force, Not Coming into Effect? The Impact of the German Implementation of Art. 17 CDSM Directive on Selected Online Platforms, CREATe Working Paper 2022/1 https://doi.org/10.5281/zenodo.5865619

Cabrera Blázquez FJ et alii (2026), *Audiovisual Sports Rights – Between Exclusivity and Right to Information*, volume 2016–2, European Audiovisual Observatory https://rm.coe.int/iris-plus-2016-2-sport-rights-en/168078835d

Deninger D. (2022), Live Sports Media. The What, How and Why of Sports Broadcasting, 2nd ed., Routledge.

Evens T. & Smith P., (2024) *Sports Media Rights in the Age of Streaming and Platformisation*, Routledge.

Falconieri, S., Palomino, F. & Sákovics, J. (2004), Collective versus Individual Sale of Television Rights in League Sports, *Journal of the European Economic Association*, 2(5), 833.

Fitzgerald, J. & Firth, A. (2014), Is Art. 13 of the Enforcement Directive a redundancy notice for the account of profits remedy in the UK?, *GRUR International*, 8-9, 881–884.

Frosio G. & Bulayenko O. (2021), Website Blocking Injunctions in Flux: Static, Dynamic and Live, 16 *Journal of Intellectual Property Law & Practice* 1127.

Frosio, G. & Bulayenko, O. (2021), Study on Dynamic Blocking Injunctions in the European Union, Study prepared by the European Union Intellectual Property Office (EUIPO) in collaboration with the Center for International Intellectual Property Studies (CEIPI) Available at SSRN: https://ssrn.com/abstract=3807277

Geiger C. & Izyumenko E. (2020), Blocking Orders: Assessing Tensions with Human Rights, in G. Frosio (ed.), Oxford Handbook of Online Intermediary Liability, Oxford University Press 566.

Geiger C. & Jütte B.J. (2021), Platform Liability Under Art. 17 of the Copyright in the Digital Single Market Directivem Automated Filtering and Fundamental Rights: An Impossible Match, 70 *GRUR International* 517.

Geiger, C. & Jütte, B.J. (2021), Towards a Virtuous Legal Framework for Content Moderation by Digital Platforms in the EU? The Commission's Guidance on Article 17 CDSM Directive in the light of the YouTube/Cyando judgement and the AG's Opinion in C-401/19, 43 European Intellectual Property Review 625.

Helberger, N., Poort, J., Senftleben, M., van Eechoud, M. & van Gompel, S. (eds.) (2021), Intellectual Property and Sports: Essays in Honour of P. Bernt Hugenholtz, Information Law Series, vol. 46.

Hugentholtz, B. (2013), Copyright in Europe: Twenty Years Ago, Today and What the Future Holds, *Fordham Intellectual Property, Media & Entertainment Law Journal*, 513.

Humain-Lescop, A. (2025), Towards Harmonised Online Age Verification? A Comparative Study of French and EU Legal Frameworks, Pre-publication. Access to the final version published in May 2025 on the Sciences Po website https://www.sciencespo.fr/public/chaire-numerique/en/2025/05/20/research-paper-towards-harmonised-online-age-verification/

Husovec, M. (2017), *Injunctions against Intermediaries in the European Union: Accountable but Not Liable?,* Cambridge University Press.

Husovec, M. (2023), Mandatory filtering does not always violate freedom of expression important lessons from Poland v council and European parliament (C-401/19), 60 Common Market Law Review 173.

Izyumenko E. (2026), VPNs, Copyright Territoriality, and Why Borders Still Matter Online: AG Rantos' Opinion in Anne Frank Fonds (C-788/24), Kluwer Copyright Blog, 23 January 2026 https://legalblogs.wolterskluwer.com/copyright-blog/vpns-copyright-territoriality-and-why-borders-still-matter-online-ag-rantos-opinion-in-anne-frank-fonds-c-78824/

Kariyawasam, K. & Tsai, M. (2017), Copyright and live streaming of sports broadcasting, International Review of Law, Computers and Technology, https://research-repository.griffith.edu.au/server/api/core/bitstreams/55b0fde6-2e95-552c-9998-b6c194520fb5/content

Kiškis, M. (2023), Dissuasive outcomes for rightholders: examining recent Lithuanian copyright law cases under Directive 2004/48/EC, *Journal of Intellectual Property Law & Practice*.

Kur, A. (2004), The Enforcement Directive – rough start, happy landing?, *International Review of Intellectual Property and Competition Law*, 7, 821–830.

Kuczerawy, A. (2022), Remedying Overremoval, Verfassungsblog, 3 November 2022, https://doi.org/10.17176/20221103-215534-0 accessed 3 April 2026

Leistner, M. (2014), Europe's Copyright Law Decade: Recent Case Law of the European Court of Justice and Policy Perspectives, *Common Market Law Review*, 559.

Leistner, M. (2024), Copyright Based IP-Blocks of Structurally Infringing Websites vs. Net Neutrality: Has the Austrian Telecom Regulator Got It Right?, , available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4986403

Léonard, A. (2022), Excessive or abusive reliance on measures, procedures and remedies under Directive 2004/48/EC—the issue of 'trolls' in the IP enforcement framework in light of Case C-597/19 Mircom, *Journal of Intellectual Property Law & Practice*.

Marcus, J., Bogucki, A., & Griffith, J. (2026). *The Benefits and Costs of Website-Blocking Legislation: An Economic, Legal and Policy Assessment.* Centre for European Policy Studies (CEPS).

Margoni, T. (2011), The protection of sports events in the EU: Property, Related Rights, Database Rights and... Copyright?, ECR I-9083.

Margoni, T. (2016), The Protection of Sports Events in the EU: Property, Intellectual Property, Unfair Competition and Special Forms of Protection, 47 *IIC - International Review of Intellectual Property and Competition Law* 386.

Metzger, A. & Senftleben, M. (2020), Understanding Article 17 of the EU Directive on Copyright in the Digital Single Market - Central Features of the New Regulatory Approach to Online Content-Sharing Platforms', 67 Journal of the Copyright Society of the U.S.A. 279.

Newton, H. (2014), Communication to the public: the CJEU finds linking to material already 'freely available' cannot be restricted by copyright owners: Nils Svensson and Others v Retriever Sverige AB (C-466/12), *European Intellectual Property Review*, 400.

Petillion, F. & Heirwegh, A. (2019), Genesis, Adoption and Application of European Directive 2004/48/EC, in *Enforcement of Intellectual Property Rights in the EU Member States*, Cambridge University Press.

Poort, J. & Quintais, J. (2019). The Decline of Online Piracy: How Markets – Not Enforcement – Drive Down Copyright Infringement, 34 American University International Law Review, 807.

Quintais, J.P. & Aznar, M. (2026), Between Effectiveness and Fundamental Rights: Sports Piracy and the Privatization of Copyright Enforcement in the EU, Available at SSRN: https://ssrn.com/abstract=6674479

Quintais, J. P., & Rendas, T. (2025), More than just a game: the protection of football in EU copyright law, in M. Lopes Rocha, M. Carretas, & V. Palmela Fidalgo (Eds.), Estudos em Homenagem a Luiz Francisco Rebello nos cem anos do seu nascimento, Almedina, 245.

Quintais, J.P. (ed.) (2024), From the DMCA to the DSA. A Transatlantic Dialogue on Online Platform Regulation and Copyright, Verfassungsbooks.

Quintais, J.,P. (2025), A New Liability Paradigm for Online Platforms in EU Copyright Law, *Governance of Digital Single Market Actors*, Edward Elgar Publishing, 172 https://www.elgaronline.com/edcollchap-oa/book/9781839101489/chapter7.xml

Riccio, G.M., & Iraci Gambazza, F. (2021), Mapping report on national remedies against online piracy of sports, European Audiovisual Observatory, Strasbourg, Available at SSRN: https://ssrn.com/abstract=4658422 or http://dx.doi.org/10.2139/ssrn.4658422

Rosati, E. (2020), When Does a Communication to the Public Under EU Copyright Law Need to Be to a 'New Public'?, 45 *European Intellectual Property Review*, 802.

Rosati, E. (2023), The Role, Responsibility and Liability of Online Intermediaries Under EU IP Law, E. Rosati & I. Calboli (eds), Handbook of Fashion Law, Faculty of Law, Stockholm University Research Paper No. 128, Available at SSRN: https://ssrn.com/abstract=4526326

Synodinou, T.E. (2023), Sports Events Organisers' Neighbouring Right: Making Sport of Copyright Law?, 45 *European Intellectual Property Review* 207.

Sommese, R., Sperotto, A., Prado, A., van der Ham, J., & Affinito, A. (2025), 90th Minute: A First Look to Collateral Damages and Efficacy of the Italian Piracy Shield, in W. Cerroni, M. Tortonesi, D. Borsatti, A. E. Schaeffer-Filho, D. Tuncer, J. Francois, & M. Husák (Eds.), 2025 21th International Conference on Network and Service Management (CNSM), IEEE https://doi.org/10.23919/CNSM67658.2025.11297497

Unluturk, G. (2023), An Assessment of the Current Legal Framework for the Sports Broadcasting Market: Looking into the Online Sports Broadcasting Piracy Problem from the Perspectives of Competition Law and Intellectual Property Rights. Available at SSRN: https://ssrn.com/abstract=5559080 or http://dx.doi.org/10.2139/ssrn.5559080

This study addresses the spread of live-content piracy in the EU, focusing on unauthorised sports and broadcast streaming via illegal IPTV services and apps. The analysis is focused on the EU legal framework, Commission Recommendation (EU) 2023/1018, national enforcement practices, and technological tools. The study identifies key legal and policy gaps. In conclusion, a set of recommendations is presented, in order to strengthen, harmonise, and accelerate anti-piracy enforcement across the Union.

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