

**DECISION OF THE DEPARTMENT FOR COMBATING INFRINGEMENTS OF
COPYRIGHT AND RELATED RIGHTS COMMITTED ONLINE AND THE ILLEGAL
EXPLOITATION OF ONLINE GAMES OF CHANCE**

OF 24 November 2025 CONCERNING ORDER RR/25/00092

Having regard to the Act of 15 June 1935 on the use of languages in judicial matters;

Having regard to the Act of 18 July 1966 on the use of languages in administrative matters;

Having regard to the protection of copyright, related rights and database rights provided for in Book XI of the Code of Economic Law, in particular Articles XI.164 et seq. of the Code of Economic Law (hereinafter "CEL");

Having regard to the summary proceedings brought on the basis of articles XVII.34/1 et seq. of the Code of Economic Law (hereinafter "CEL");

Having regard to the Royal Decree of 18 April 2024 on the creation of the Department for Combating Infringements of Copyright and Related Rights Committed Online and the Illegal Exploitation of Online Games of Chance (hereinafter "the Department");

Having regard to the order of the President of the French-speaking Business Court of Brussels of 12 November 2025, bearing reference RR/25/00092, received by the Department on 12 November 2025;

The Department has given an independent and impartial opinion on the implementation of the interim measures contained in the above-mentioned order.

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I. Interim measures contained in the order

By order of 12 November 2025, the President of the French-speaking Business Court of Brussels declared the claims admissible and well-founded and consequently:

- Found that the domain names identified in Annex 1, referred to as “the target sites”, point to and provide or facilitate access to websites through which the applicants’ copyright is infringed, more specifically their right of communication to the public and reproduction of works from their repertoire;
- Noted that the services of the Internet Service Providers (hereinafter “ISPs”) referred to in point 16 of the order are used by third parties to infringe copyright attached to works belonging to the applicants’ repertoire, via the target sites;
- Ordered the ISPs referred to in point 16 of the order, in their capacity as intermediaries within the meaning of Article XVII.34 of the Code of Economic Law, to:

1. Implement, at their own expense, within the framework of their domain name resolution systems, measures designed to prevent access, from Belgian territory,

- to the target sites, and more specifically to the domain names listed in Annex 1,
- but also to redirect sites, mirror sites or, in accordance with the conditions set out in Annex 2, copycat sites,
 - which will subsequently be notified to them by the Department and/or the applicants as part of the regular updates of blocking measures,
 - and for which the applicants undertake to request the blocking only of websites that meet the following cumulative criteria:
 1. They are, like the target sites, structurally dedicated to the large-scale infringement of audiovisual content;
 2. They offer, among other things, content over which the applicants hold exclusive rights;
 3. They are accessible in Belgium;
 4. No operating licence has been granted to the operators of these sites by the applicants.

2. Implement, at their own expense, within the framework of their respective domain name resolution systems, measures designed to unblock access, from Belgian territory, to any domain name (including both the main domain name and subdomain names) that has already been notified to the intermediaries under this order, but whose sole or predominant purpose is no longer to provide access to a target site or to replicate it, which will subsequently be notified to them by the Department and/or the applicants;

3. Implement the aforementioned blocking and unblocking measures in accordance with the provisions, frequency and timeframe determined by the Department;

4. Take redirect measures so that their customers who attempt to access a blocked domain name are redirected to a web page whose content will be determined by the Department;

- Ordered the ISPs referred to in point 16 of the order, in their capacity as intermediaries within the meaning of Article XVII.34 of the Code of Economic Law, to apply these technical blocking and redirect measures to all their customers who have subscribed to an Internet access service, regardless of the type of subscription concerned (private, professional, mobile or fixed);
- Acknowledged the confidential nature of Annex 2 (a and b) and, consequently, left it to the applicants to circulate it to the appropriate parties, without attaching it to the order;

- Assigned jointly to the applicants the responsibility for their costs, including the registration fees of €165;
- Declared the order enforceable immediately.

II. Scope of the Department's mandate

The Department cannot extend, limit or modify the scope of the order (Article XVII.34/1, §9, subparagraph 1 of the CEL).

With regard to the scope of the Department's mandate, the President of the Business Court of Brussels has:

- In view of the large number of infringing websites identified, entrusted the Department with determining the timeframe for issuing its decision and implementing it;
- Left it to the Department to determine the deadline for the effective implementation of these measures, from receipt of the Department's decision by the intermediaries;
- Further instructed the Department to:
 - Determine the implementing provisions for the ordered measures, in consultation with the applicants and the intermediaries, including in particular:
 - The exact timetable for implementation of the ordered measures by the intermediaries;
 - The format and communication channel for notifications as part of the updates;
 - The content of the web page that users will see in place of the pirate site they attempted to access;
 - Ensure the effective implementation of the measures ordered by the intermediaries (including each update);
 - Monitor the impact of the actions taken, in particular by consulting with the applicants and the intermediaries concerned on the most effective way to jointly assess the impact of the measures.

III. Timeframe set by the Department for issuing its decision

The applicants, through their representatives, submitted their observations to the Department on 19 November 2025.

The Department draws inspiration from the timeframe provided in Articles XVII.34/1, §9, subparagraph 2, and XVII.34/3, §2, subparagraph 3 of the Code of Economic Law to set the deadline for issuing its decision at 3 working days from the communication of the applicants' observations.

The Department considers that additional hearings of the intermediaries are not necessary in this case, taking into account the following elements: all the intermediaries concerned have already been targeted in previous decisions, and all of them have already had the opportunity to submit their observations to the Department regarding each of the implementing provisions contained in this decision.

If new elements were to justify, in the opinion of an intermediary, a modification of the implementing provisions, the intermediary may communicate them to the Department by email.

The balance of interests between, on the one hand, the need to adopt a decision that respects the fundamental rights and freedoms of the intermediaries, and, on the other hand, the right of the applicants to obtain the cessation of the infringements of their interests as swiftly as possible, is thereby upheld.

IV. Decision of the Department on the implementing provisions of the interim measures

A. Implementing provisions

1. Addressees

The implementing provisions apply to the ISPs referred to in point 16 of the order, namely:

- PROXIMUS SA (public limited company), registered with the Crossroads Bank for Enterprises under no. 0202.239.202,239,951, with registered office at Boulevard Albert II 27, 1030 Schaerbeek;
- Telenet SPRL (private limited company), registered with the Crossroads Bank for Enterprises under no. 0473.416.418, with registered office at Liersesteenweg 4, 2800 Mechelen;
- Orange Belgium SA/NV (public limited company), registered with the Crossroads Bank for Enterprises under no. 0456.810.810, with registered office at Bourgetlaan 3, 1140 Evere;
- DIGI Communications Belgium SA (public limited company), registered with the Crossroads Bank for Enterprises under no. 0803.299.956, with registered office at Rue de l'Hôpital 31, 1000 Brussels;
- Mobile Vikings SA (public limited company), registered with the Crossroads Bank for Enterprises under no. 0886.946.917, with registered office at Kempische Steenweg 309/1, 3500 Hasselt;

2. Format and communication channel for notifications

The Department shall provide the ISPs with an Excel document as well as a CSV file containing the FQDNs (Fully Qualified Domain Names) and the full URLs (Uniform Resource Locators) of the infringing digital services to which access must be blocked within the framework of their respective domain name resolution systems.

Notifications to the intermediaries are systematically made by email.

The Department uses the email addresses previously provided by the addressees of the measures.

In the absence of prior communication, the Department uses the electronic means of contact in its possession.

The addressees of the measures may provide the Department with an alternative electronic communication channel they prefer to use.

Notifications from the Department are presumed to have been received by the addressee three working days after they were sent, unless proven otherwise (Article 4, subparagraph 3 of the Royal Decree of 18 April 2024 on the creation of the Department).

3. Implementation time

The ISPs must implement the measures within a maximum of **5 working days** from receipt of the decision and the Excel and CSV documents.

B. Redirect page

Users attempting to access the infringing websites must be redirected to the Department's redirect page, accessible via the URL <https://redirect.economie.fgov.be/bapo-blockedcontent>.

This message is displayed in one of the three national languages or in English, depending on the browser language:

You are trying to access a digital service providing access to content protected by copyright or neighbouring rights without the authorisation of the right holder or to unlicensed online gambling.

Access to this illegal service has been blocked on the basis of an order of the President of the Business Court of Brussels. Services that infringe copyright or neighbouring rights are blacklisted. This list and other information are available on the FPS Economy website.

Any person who maliciously or fraudulently infringes copyright or related rights may be punished by a fine of between 500 and 100,000 euros or imprisonment for between one and five years. Infringements of the Act on Games of Chance may also be prosecuted.

To find out more about legal offers of online content, you can consult the Agorateka website.

V. Follow-up by the Department on the implementing provisions

All ISPs send the Department confirmation of implementation by e-mail, using the Department's e-mail address: anti-piracy@economie.fgov.be.

The Department will also check that the addressees are implementing the measures.

The addressees of the measures shall provide the Department with the necessary facilities to enable the Department to carry out these checks.

VI. Update of measures ordered

Following this decision, the Department shall carry out, possibly in consultation with the applicants, investigations to identify digital services that replicate, in whole or in part, the infringing digital services identified in the order, or any address providing direct access to them, as well as digital services that are no longer infringing.

A. Digital services identified by the rights holder

The rights holder may communicate to the Department the identification data of any digital service replicating in whole or in part the infringing digital services identified in the order or any address giving direct access to them in accordance with the terms below. The rights holder may also provide the Department with the identification data of digital services that are no longer infringing.

The communication includes the following elements:

- identification data for the digital services in question, including FQDNs and URLs in the form of an Excel file and a file in CSV format;
- an indication of the nature of the digital service (mirror or copycat, brand name, redirect or site to be unblocked);
- For *mirrors/copycats/brand names*, timestamped screenshots or video captures confirming the total or partial similarity of this digital service to one of the digital services referred to

in the order, and any other element enabling the Department's officers to ascertain the total or partial similarity of this digital service to one of the digital services referred to in the order.

The transmission of these data shall be carried out:

- via a sharing link provided by the Department, by sending a parent folder containing the files listing each digital service concerned, as well as a folder for each digital service concerned containing the screenshots or timestamped video captures and any other elements;
- and by any other means agreed upon by the parties.

A notification shall also be sent to the Department by email to the dedicated address of the Department, anti-piracy@economie.fgov.be, to inform it of the aforementioned communication.

The rights holder shall be limited to a maximum of one list submission per week, with the total number of new illegal digital services to be examined by the Department not exceeding 50 per week.

If one of the digital services sent to the Department does not meet the criteria laid down by law and/or in the order, the Department will inform the rights holder that the service in question will not be included in the next list update, without prejudice to the rights holder's right to reintroduce a completed file for the same digital service at a later date.

B. Digital services identified by the Department

The Department may identify digital services that replicate in whole or in part the infringing digital services identified in the order or any address giving direct access to them. The Department may also identify digital services that are no longer infringing.

The Department shall communicate to the rights holder the list of infringing digital services it has identified in the context of its mandate and shall request confirmation from the rights holder that the rights holder holds exclusive rights over the content offered and that no licence to operate has been granted by the rights holder to the operators of the digital services concerned.

The Department will only include these digital services in the updated list communicated to the addressees of the measures once it has received such confirmation.

C. Implementing provisions

The same measures and implementing provisions as those applicable to the sites referred to in the order shall apply to all digital services identified in these findings.

The Department will communicate the updated list to the addressees of the measures in accordance with the same formalities as those set out above. In accordance with the order, when the Department notifies updates to the intermediaries, its notification shall also be addressed to the applicants.

VII. Informing users of intermediary services

In accordance with 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 (Regulation on digital services), the addressees of the measures must inform any natural or legal person using their intermediary service of this order and to the effect given to it, at the latest when effect is given to the order. The information communicated to the addressees will include a statement of the reasons and the possibilities for appeal.

VIII. Respect for fundamental rights and freedoms

By order of 12 November 2025, the President of the French-speaking Business Court of Brussels considered that the facts of the case and the documents submitted were such as to reasonably justify the measures sought (p. 7 of the order).

Whereas this Decision implements this order without introducing any additional restrictions, this Decision endorses the reasoning of the aforementioned order.

In determining the implementing provisions of the measures contained in the order, the Department has taken into account the fact that these provisions need to be appropriate to achieve the intended objective, to be necessary to achieve the intended objective, and not to impose an excessive burden on the intermediary in relation to the objective to be achieved (proportionality in the narrow sense).

Proportionality in the narrow sense involves a balancing of the interests involved: there must be a reasonable balance between, on the one hand, the protection of individual fundamental rights and freedoms and, on the other hand, the societal interest served by the restriction.

The implementing provisions aimed at intermediaries are appropriate to achieve the intended objective, in that they should all make it possible to restrict access to the infringing sites on Belgian territory.

Blocking measures targeting ISPs operating within Belgian territory as domain name resolution services enable action to be taken at the level of their DNS servers. This intervention renders the infringing websites inaccessible to Belgian subscribers via the DNS servers of their ISP.

Moreover, blocking access to these digital services is in the interest of consumer protection, as consumers are often exposed to fraudulent practices such as phishing.

By means of the redirect page set up by the Department and implemented by the addressees of the measures, the user will be made aware of copyright and related rights protection and will receive information on legal offers.

These provisions are also necessary to achieve the intended objective of protecting copyright and related rights, as the digital services concerned are structurally infringing and represent a real threat to the related rights of rights holders.

Lastly, the Department's implementing provisions are proportionate.

They concern, like the measures, exclusively the infringing sites on which structurally infringing content has been identified, and access to those sites within Belgian territory.

The sites, as well as the date by which implementation is requested, shall be specified by the Department at least 5 working days in advance, which in this case allows the intermediaries to plan the implementation by choosing the most effective means. The format and the communication channel were agreed upon in advance between the Department and the ISPs.

Furthermore, if new elements were to justify it, an intermediary may request the Department to amend the implementing provisions.

Any interested party may also inform the Department of any relevant information in its possession, in particular the fact that an infringing site covered by the measures has ceased to be illegal.

Where applicable, the Department shall send the addressees of the measures a notification that the infringing site must be unblocked and shall remove it from the blacklist available on the FPS Economy website (see point X below).

In order to assess the effectiveness of the measures, the Department, if necessary with the help of the rights holder and/or the addressees of the measures, will regularly monitor the number of visitors to the domain names and/or URL of the blacklist.

If the Department considers that the implementing measures taken by the addressees of an order are insufficient, excessive or obsolete, it will refer the matter to the President of the Business Court, in accordance with Article XVII.34/1 of the CEL, with a view to having the order or the implementing measures withdrawn or modified (Article XVII.34/3, §5 of the CEL).

Consequently, this decision takes into account the fundamental rights and freedoms of the persons concerned in accordance with Article XVII.34/3, §2, subparagraph 3 of the CEL and provides justification for this in accordance with Article 2, §4 of the Royal Decree of 18 April 2024 on the creation of the Department.

IX. Publication of the Department's decision

In accordance with Article XVII.34/3, §2, subparagraph 5, the Department will publish this decision on the website of the FPS Economy at the following address: <https://economie.fgov.be/en/themes/intellectual-property/intellectual-property-rights/copyright-and-related-rights/sanctions-and-legal-actions/online-piracy>.

This publication will take place within **5 working days** of the date of this decision, i.e. by 1 December 2025 at the latest.

X. Publication of the blacklist (Article XVII.34/3, §6 of the Code of Economic Law)

The Department is responsible for maintaining and updating a list of websites and other digital content subject to interim measures based on an infringement of copyright, of a related right, or of a database producer's right committed online.

The Department shall publish the list of infringing digital services referred to in the order within **8 working days** from 12 November 2025 – the date on which the Department received the order – i.e., in this case, no later than 24 November 2025.

The Department shall progressively publish the updated list of digital services that replicate, in whole or in part, the infringing digital services identified in the order, or any address providing direct access to them, each time within **8 working days** from the communication of the updated list to the addressees of the measures.

These publications can be found on the website of the FPS Economy, at the following address: <https://economie.fgov.be/en/themes/intellectual-property/intellectual-property-rights/copyright-and-related-rights/sanctions-and-legal-actions/online-piracy>.

When the interim measures come to an end, the Department shall remove the infringing digital services concerned from its blacklist.

XI. Penalties

Article XVII.34/1, §9, subparagraph 3 of the CEL states that:

The implementing provisions of the interim measures, as specified by the Department, adapted where necessary to ensure their effectiveness, form an integral part of these measures, and the violation of the implementing provisions, provided that the Department's decision has been served on its

addressee(s), gives rise to the same sanctions as those for non-compliance with the provisional measures, in particular any penalty payments to which they are subject, and for which the President of the Business Court has set the time at which they are due, taking into account the implementing provisions to be specified by the Department.

XII. Recourse

Title 1/1 of Book XVII of the CEL provides for several means of recourse against this decision:

A. Challenging the decision before the Department

Article XVII.34/3, §3 of the CEL states that:

Any interested party, any legal entity referred to in article 17, subparagraph 2, of the Judicial Code or any public institution pursuing the same ends as the legal entities referred to in article 17, subparagraph 2, of the Judicial Code, may request the Department to modify the implementation of the order containing the interim measures, in particular if it considers that these implementing provisions unjustifiably infringe fundamental rights and freedoms, or to adapt them in order to guarantee their effectiveness. The motivated request is sent to the Department by registered mail.

In the event of a request as referred to in subparagraph 1, the procedure referred to in paragraph 2, subparagraph 6, is suspended, provided that both procedures have the same object. The Department informs the clerk's office of the President of the Business Court by e-mail of the requests referred to in paragraph 1.

B. Challenging the decision before the President of the Business Court

Article XVII.34/3, §2, subparagraph 6 of the CEL states that:

Within thirty days of the publication referred to in subparagraph 5, any interested party, any legal entity referred to in article 17, subparagraph 2, of the Judicial Code, as well as any public institution pursuing the same ends as the legal entities referred to in article 17, subparagraph 2, of the Judicial Code, may challenge the Department's decision. The challenge is brought exclusively before the judge who gave the order containing the interim measures, the implementation of which has been specified or adapted by the Department, by summons to the legal entity to which the Department belongs and to the beneficiary who filed the original request.

Done at Brussels, 24 November 2025.

Paul LAURENT

General Adviser in charge of the Department for Combating Infringements of Copyright and Related Rights Committed Online and the Illegal Exploitation of Online Games of Chance