

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

OF 19 AUGUST 2026 CONCERNING ORDER RR/26/XXX

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 XXX XXX 2026, bearing reference RR-26-XXX, received by the Department on XXX XXX 2026;

Having regard to the consultation of the parties;

The Department has ruled, independently and impartially, on the implementing provisions of the interim measures contained in the above-mentioned order.

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I. Interim measures contained in the order

By order of XXX XXX 2026, the President of the French-speaking Business Court of Brussels declared the application admissible and partially well-founded and consequently:

- Authorised the Department to order the Intermediary to disclose the following information in relation to the XXX service, in accordance with the practical arrangements to be determined by the Department:

1. The surname(s) and first name(s) as provided upon subscription or subsequently modified.
2. All postal addresses, email addresses and telephone numbers associated with the customer account, including the history of any modifications, as provided upon subscription or subsequently modified.
3. The billing addresses and all bank details provided by the customer, whether used when the account was created or entered at a later date.
4. All payment methods used in the course of the contractual relationship or when using the services provided by the intermediary in question, including in particular:
 - a. the full IBANs and the exact names of the holder(s) of the relevant bank accounts;
 - b. details relating to bank cards (BIN or first six digits and last four digits, cardholder's name as provided, issuing bank, country of issue and card type);
 - c. PayPal accounts used (account IDs, associated email addresses) or any other equivalent means of payment;
 - d. means of payment in crypto-assets, where applicable, including in particular the wallet addresses used, the type of crypto-asset concerned, and the transaction identifiers (hash IDs);
 - e. the exact dates and times of the payments, specifying the time zone;
 - f. the amounts and currencies of the transactions;
5. All other domain names registered with XXX XXX (hereafter XXX) corresponding to the same customer;
6. The IP addresses used when creating the customer account, together with the exact date and time of each connection, expressed to at least the nearest second (HH:MM:SS), with the time zone specified, as well as, where such data is available:
 - a. the source port of the associated connection;
 - b. the type of device;
 - c. the operating system;
 - d. the browser or interface used (user agent).
7. All logs and connection data retained by the relevant intermediary relating to the use of the customer account over the last twelve (12) months, including for each access:
 - a. the IP address;
 - b. where such data is available and retained, the source port of the associated connection;
 - c. the full timestamp to the nearest second (and, where applicable, with the maximum precision actually retained, without truncation), with an indication of the time zone;

- Authorised the Department to ensure compliance with the requirements laid down in Article 10 of the DSA;
- Authorised the Department to receive the information communicated by the Intermediary in response to these requests, to document the action taken in response to requests for information and, where applicable, to carry out the communications required with the Digital Services Coordinator in accordance with Article 10(3) of the DSA;
- Authorised the Department to transmit to the applicant the information thereby obtained, so as to enable it to take action against the operator(s) responsible in order to put an end to the infringements identified;
- Prohibited the Intermediary from disclosing to its customer(s) concerned, or to any entity directly or indirectly linked thereto, or to any third party whatsoever, any information concerning the very existence of these proceedings or of the order, or of any matter connected with the proceedings;
- Declared that the order shall lapse upon the expiry of a period of one year from the date of its pronouncement;
- Dismissed the remainder of the applicant's claims;
- Ordered the applicant to bear its own costs, including the court registration fee of €165;
- Declared the order enforceable on the minute.

II. Scope of the Department's mandate

The Department is thus mandated to:

- Determine the practical arrangements for XXX to provide the information described above;
- Ensure compliance with the requirements set out in Article 10 of the DSA and, where necessary, carry out the required communications with the Digital Services Coordinator in accordance with Article 10(3) of the DSA;
- Receive the information provided by the Intermediary in response to these requests, and document the action taken in response to requests for information;
- Transmit to the applicant the information thereby obtained, so as to enable it to take action against the operator(s) responsible in order to put an end to the infringements identified.

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

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

A. Arrangements concerning the request for information addressed to XXX

1. Confidentiality

The Department recalls that XXX is prohibited from disclosing any information concerning the very existence of these proceedings, of the order, or of any matter connected with the proceedings, including this decision.

2. Channel of communication

Notifications to the intermediaries are systematically made by email.

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

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

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

If a party has not provided an email address, communications from the Department will be sent by certified mail with return receipt requested. 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, paragraphs 2 and 3 of the Royal Decree of 18 April 2024 on the creation of the Department).

In this case, XXX provides domain name registrar services via the XXX website.

The Department uses the contact address provided on the XXX website, namely XXX as well as the contact address XXX and the contact form (XXX) provided via email.

3. Language(s) of communication

In accordance with Article 10.2.c) of the DSA, an order must be transmitted “*in one of the languages declared by the intermediary service provider pursuant to Article 11, paragraph 3, or in another official language of the Member States agreed upon between the authority that issued the order and the provider, and it shall be sent to the electronic contact point designated by that provider, in accordance with Article 11*”.

The BIPT confirmed to the Department that XXX has not clearly indicated a contact point pursuant to Article 11 of the DSA, nor the languages that may be used to communicate with it.

Article 11, § 3, provides that providers must specify the official language(s) of a Member State that may be used to communicate with their point of contact, including at least one official language of the Member State in which they are established. They must also allow for the use of a language widely understood by as many Union citizens as possible, which is often English.

The emails from XXX in response to the Department's draft decision were in English. The Department therefore sends its decision to XXX in French (the language of the proceedings), Dutch (the language of the country where XXX has its headquarters), and English (the language used by XXX).

B. Arrangements concerning the provision of information by XXX**1. Content of the communication**

XXX provides domain name registrar services via the XXX website. The following domain names were registered with XXX: XXX, XXX and XXX.

In accordance with the order, the intermediary shall provide the Department with the following information:

"1. The surname(s) and first name(s) as provided upon subscription or subsequently modified.

2. All postal addresses, email addresses and telephone numbers associated with the customer account, including the history of any modifications, as provided upon subscription or subsequently modified.

3. The billing addresses and all bank details provided by the customer, whether used when the account was created or entered at a later date.

4. All payment methods used in the course of the contractual relationship or when using the services provided by the intermediary in question, including in particular:

a. the full IBANs and the exact names of the holder(s) of the relevant bank accounts;

b. details relating to bank cards (BIN or first six digits and last four digits, cardholder's name as provided, issuing bank, country of issue and card type);

c. PayPal accounts used (account IDs, associated email addresses) or any other equivalent means of payment;

d. means of payment in crypto-assets, where applicable, including in particular the wallet addresses used, the type of crypto-asset concerned, and the transaction identifiers (hash IDs);

e. the exact dates and times of the payments, specifying the time zone;

f. the amounts and currencies of the transactions;

5. All other domain names registered with XXX XXX corresponding to the same customer;

6. The IP addresses used when creating the customer account, together with the exact date and time of each connection, expressed to at least the nearest second (HH:MM:SS), with the time zone specified, as well as, where such data is available:

a. the source port of the associated connection;

b. the type of device;

c. the operating system;

d. the browser or interface used (user agent).

7. All logs and connection data retained by the relevant intermediary relating to the use of the customer account over the last twelve (12) months, including for each access:

a. the IP address;

b. where such data is available and retained, the source port of the associated connection;

c. the full timestamp to the nearest second (and, where applicable, with the maximum precision actually retained, without truncation), with an indication of the time zone".

In accordance with Article 10.2.b) of the DSA, the order requires XXX to provide only information that has already been collected for the purpose of providing the service and over which this intermediary has control.

2. Structure of the communication

Given the number of items to be transmitted to the Department, XXX shall ensure that each item is clearly linked to a specific customer and domain name.

The information shall be organised, by customer and by domain name, according to the points and sub-points set out in the order and recalled above (points 1 to 7 and a. to f.).

A table of contents or a detailed summary shall be provided together with this information, enabling each item of information concerning a specific customer and/or domain name to be easily located.

3. Channel of communication

Hosting Concepts shall send the Department the requested information by e-mail, using the Department's e-mail address: anti-piracy@economie.fgov.be.

4. Deadlines for implementation

Hosting Concepts shall implement the measures as soon as possible, and no later than **10 working days** from receipt of the Department's decision.

C. **Follow-up by the Department on the implementing provisions**

1. Confirmation of implementation by the intermediaries

XXX shall send the Department a confirmation of receipt of the Department's decision within 3 business days of such receipt, by return email, using the Department's email address: anti-piracy@economie.fgov.be.

XXX shall also inform the Department, within 10 business days of receiving the Department's decision and via the same email address, of the action taken in response to the order, specifying in particular whether and how it was carried out and when.

2. Verification of the implementation

The Department will check that the recipients are implementing the measures.

The recipients of the measures shall provide the Department with the necessary facilities and/or information to enable the Department to carry out these checks.

D. **Implementing provisions for processing the information received**

In accordance with the order, the information gathered by the Department must, in compliance with Article XVII.34/3, paragraph 12 of the CEL, be provided to the applicant without delay, so as to enable the applicant to take action against those responsible for the piracy and thereby bring a lasting end to the infringements of its rights.

Furthermore, Article 10(3) of the DSA provides that the order, together with the information received in execution thereof, is to be transmitted to the Digital Services Coordinator of the Member State of the issuing authority. This information will be transmitted via the system provided by the BIPT.

IV. 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 not inform any natural or legal person using their intermediary service of this order and the effect given to it, when justified by the prevention and detection of criminal offenses and the related investigations and prosecutions.

In this case, the order confirmed that we fall within the scope of this exception by providing for confidentiality. Therefore, the users must not be notified.

V. Respect for fundamental rights and freedoms

By order of XXX XXX 2026, the President of the French-speaking Business Court of Brussels found that the balance of interests in the case weighs in favour of the applicant and that the facts of the case and the documents submitted were such as to reasonably justify the measures sought.

The Court takes into account the following elements:

- It has been established that the measures sought will have no impact whatsoever on the public's access to lawful content;
- The application forms part of the fight against massive and systematic infringements of the rights held by the applicant;
- In addition to the massive and systematic nature of the infringements, these harmful infringements are particularly objectionable, since they are committed by operators, whether legal or natural persons, who remain entirely anonymous and have probably created several layers of identity shielding in order to make the fight against the piracy practices in which they engage all the more difficult;
- In this regard, the collection of information such as identities, postal and email addresses, as well as banking details and details concerning payment transactions carried out, together with Internet connection data, is likely to assist the rightholder in the fight against online piracy;
- The general interest also requires this, insofar as the underlying objective is to preserve the sports economy and the European solidarity model and, more fundamentally, to combat criminal networks and protect consumers against cybercrime;
- The intermediary's freedom to conduct a business is not seriously compromised or rendered excessively difficult by the measures requested, which merely consist in communicating information relating to the users of the intermediary's services. Furthermore, the burden imposed on the intermediary does not appear significant, since it normally possesses the information requested in accordance with GDPR rules or "Know Your Customer" obligations, so that such information can easily be retrieved and communicated;
- The right to privacy of end users and their freedom of expression are likewise not affected, as the measures concern exclusively the person or persons operating the service in question in violation of the applicant's rights. Consequently, there is no risk that persons who have consulted, received, viewed or shared content unlawfully distributed through that service will be identified;
- Finally, the processing of the personal data collected by the applicant appears lawful, insofar as it pursues a legitimate interest, namely obtaining precise information in order to bring proceedings against infringers; the necessity of the data processing is strictly linked to the achievement of that legitimate interest, the applicant having no other equally effective means of achieving its objective; and the request for disclosure appears, *prima facie*, to strike a fair balance between the right to obtain information as a holder of intellectual property rights and

the right to the protection of the personal data of operators who have been shown to derive unlawful revenues from the provision of infringing content.

On XXX XXX 2026, the Department sent a draft decision to the parties concerned regarding the implementing provisions of the provisional measures. They were given the opportunity to submit observations and/or to be heard. The Department received an automatic reply from XXX and a reply from the applicant on XXX XXX and XXX XXX 2026 respectively.

In determining the implementing provisions of the measures contained in the order, the Department took into account that these implementing provisions must pass the proportionality test and that they:

- be suitable to achieve the intended objective (suitability test);
- be necessary to achieve the intended objective (necessity test);
- not impose a disproportionate burden on the intermediary in relation to the objective pursued, and ensure the proper balance between conflicting rights and freedoms on the one hand and the public interest on the other (proportionality *stricto sensu* test).

The implementing provisions described by the Department in its decision have been adapted to achieve the intended objective, in the sense that they must all enable the applicant to obtain precise information in order to bring proceedings against infringers.

By sending the draft decision, the Department enabled the intermediary to effectively raise any technical specificities relating to the implementation of the disclosure measures.

If new elements justify it, the applicant, the intermediary or any interested party may request the Department to amend the detailed implementing provisions.

The applicant, the intermediary or any interested party may also inform the Department that a disputed website to which the measures relate is no longer illegal.

The implementing provisions established by the Department relate to a closed list of information and websites that have been identified. In accordance with Article 10.2(b) of the DSA, the order requires only that the provider disclose information already collected for the purpose of providing the service and which is under its control.

The disputed websites and the information to be provided shall be specified by the Department at least 10 working days in advance, so that the intermediary can plan the implementation and, if necessary, select the most effective means.

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, paragraph 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, paragraph 2, subparagraph 3 of the CEL and provides justification for this in accordance with Article 2, paragraph 4 of the Royal Decree of 18 April 2024 on the creation of the Department.

VI. Duration of the measures imposed

The judge decided to limit the effects of the order to a period of one year from XXX XXX 2026, in order to ensure efficient management by the Department of the disclosure measures concerning the disputed sites, thereby avoiding the need to compel it to maintain indefinitely measures that have potentially become unnecessary.

VII. Publication of the Department's decision

In accordance with Article XVII.34/3, paragraph 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>.

To ensure confidentiality, the publication of this decision will be anonymised with respect to the domain names concerned and the identity of the intermediary concerned.

This publication will take place within **5 working days** of the date of this decision.

VIII. Penalties

Article XVII.34/1, paragraph 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.

IX. 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, paragraph 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, paragraph 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, 19 August 2026.

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