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Let's Talk

INTELLECTUAL PROPERTY

Serie A & La Liga awarded the right to request Maltese ISPs to block illegal live-action broadcasting.

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In a landmark decision issued on the 27th of June 2022, the Italian premier football league Serie A and the Spanish premier football league La Liga were awarded the right to request the Maltese Internet Service Providers ('ISP's), namely GO Plc, Melita Limited and Epic Communications Limited, to block the illegal live-action broadcasting of the said football leagues through their internet service. The transmission of the matches was deemed to be illegal due to the fact that the organisers of the said leagues hold copyright in the content of the lives matches, and thus any transmission/streaming of the content without the authorization of the organisers or their officially appointed agents is in breach of the Maltese Copyright Act.

GVZH Advocates assisted La Liga Nacional de Futbol Profesional and Infront Sports & Media AG (agents for Lega Nazionale Professionisti Serie A) to obtain a 'dynamic injunction' against the said ISPs for them to block any 'IP addresses' which are identified, in accordance with the methodology laid down by the Court as transmitting the matches illegally. The injunction was instituted against the ISPs as 'gatekeepers' of the Internet, despite the fact that no breach of law actually occurred by the ISPs themselves; however, the Maltese ISPs must conform with EU Regulation (EU) 2015/2120 (the "Open Internet Regulation"), which mandates that providers of internet access services must treat all traffic

equally, when providing internet access services, without discrimination, restriction or interference. Therefore, they cannot engage in traffic management measures such as blocking, restricting or otherwise interfering internet content, unless they are requested to do so through a specific law or court order.

The Court's decision is a fundamental step in the protection of the rights of authors who create content which is distributable over the Internet, and should encourage other content creators to take the necessary legal action steps to prevent the abuse and exploitation of their intellectual property without the necessary authorisation.

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