

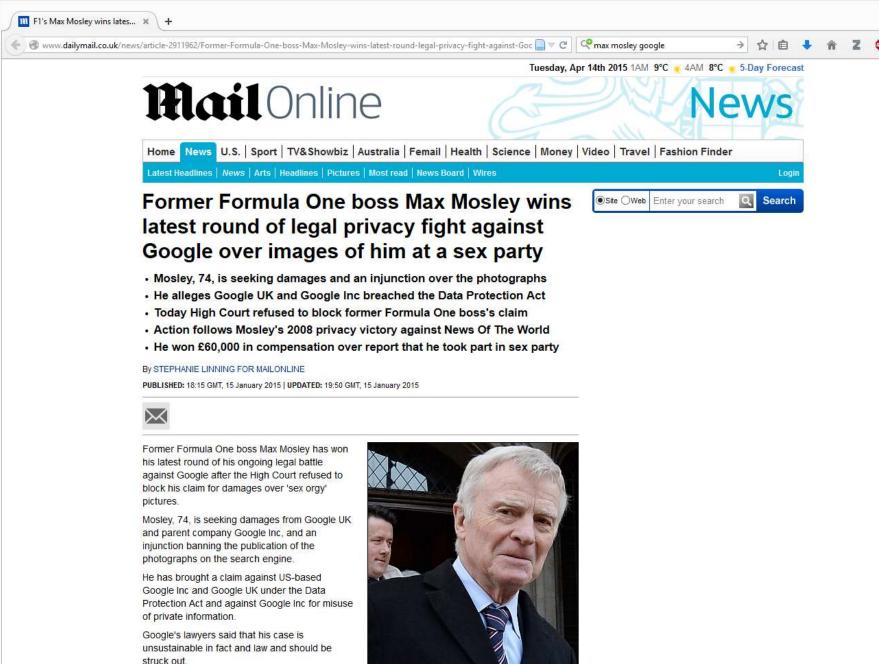
Internet Blocking

TJ McIntyre, Digital Rights Ireland and UCD Sutherland School of Law

Digital Rights Europe, 15 April 2015, Dublin

What is blocking/filtering?





They also argued that permission to serve the claim on Google Inc outside the jurisdiction of

the court should be set aside.

.



Download your free broadband help tool Choose if you want parental controls

Log in to set up your extras



I want Parental Controls

We'll help keep your family safe from inappropriate online content.

- · Protect all the devices in your home
- · Activate with one easy setup, no downloads required
- Select the appropriate filter level for your family

You need to be the account-holder to set this up

Continue to set up Parental Controls



No thanks

Allow unrestricted access to online content

> I don't want Parental Controls



Safety @safety

@safety is blocked

Are you sure you want to view these Tweets? Viewing Tweets won't unblock @safety.

View Tweets

Block Together (beta)

A web app intended to help cope with harassment and abuse on Twitter.

□ Block young accounts (< 7 days old) that mention you.
 □ Block accounts with < 15 followers that mention you.
 □ Share your block list with friends (Example block list).
 ☑ Follow @blocktogether for news and updates.

Sign up using Twitter

Block Together will not tweet on your behalf, but it needs read/write access so it can block people when you ask it to. Twitter describes that permission as 'Post tweets for you.'

Already using Block Together?

Log on using Twitter

All Mail Spam (1.028) Trash

Receipts Nork

How does it relate to geolocation?

How Do You Know If Content Has Been Withheld?

Withheld Tweets:

Tweet withheld

This Tweet from @Username has been withheld in: Country. Learn more

If you see a grayed-out Tweet in your timeline (above) or on another user's account (below), it means that access to that Tweet has been withheld in your country.

Tweet withheld

This Tweet from @Username has been withheld in: Country. Learn more

Withheld accounts:

@Username withheld

This account has been withheld in: Country. Learn more

Similarly, if you see a grayed-out user in your timeline (above) or elsewhere on Twitter (below), access to that particular account has been withheld in your country.

@Username withheld

This account has been withheld in: Country. Learn more

What is driving blocking?

Areas

Incentives

Legal issues

IP

Cheaper / cost-shifting

Avoids intermediary immunities

Child protection

Intermediary as least cost enforcer

No need to identify individual users

Privacy / defamation

(Perceived) effectiveness

Allows "offshore" enforcement

Security / malware

Avoids need for legislation / publicity

Terrorism

Fewer regulatory targets

How is blocking implemented in Ireland?

The #SOPAIreland saga

- EMI v. Eircom
 - High Court assumes it has power to order blocking; Pirate Bay blocked
- EMI v. UPC
 - High Court holds it does not have power to block under CRRA 2000
- EMI v. Ireland
 - Music industry sues Irish state unless blocking power introduced; claims this is required under Infosoc Directive

SI 59/2012 #SOPAIreland

- "(5A)(a) The owner of the copyright in a work may, in respect of that work, apply to the High Court for an injunction against an intermediary to whom paragraph 3 of Article 8 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 20011 on the harmonisation of certain aspects of copyright and related rights in the information society applies.
- (b) In considering an application for an injunction under this subsection, the court shall have due regard to the rights of any person likely to be affected by virtue of the grant of any such injunction and the court shall give such directions (including, where appropriate, a direction requiring a person be notified of the application) as the court considers appropriate in all of the circumstances."
- Over 80,000 citizens objected!

IRIS 2013-10:1/29

Ireland

Pirate Bay Blocked and Three-Strikes Protocol Continues



Damien McCallig

School of Law, National University of Ireland, Galway

On 12 June 2013 the Irish High Court granted an injunction requiring six Internet service providers (UPC, Vodafone, Imagine, Digiweb, Hutchinson 3G and Telefonica) to block the website known as The Pirate Bay. This is the first time an injunction has been granted under the controversial copyright injunction law that was introduced in February 2012 (see IRIS 2012-4/31).

The Pirate Bay is already blocked by another Internet service provider (ISP), Eircom, without a court order. Four music companies (EMI, Sony, Warner and Universal), sought the order from the court. The ISPs did not oppose the application and indicated their willingness to submit to any appropriate order. The blocking order and related protocol is drafted in terms that do not require a new application to the court if The Pirate Bay changes domain names, IP addresses or URLs.

The court also ordered that the cost of implementing the blocking is to be borne by the ISPs. With respect to the costs of the proceedings themselves the court ordered that the ISPs should bear their own costs. However, one of the ISPs (Vodafone), who had a significant input into the preparation of the protocol related to the order, was awarded its costs up to the point when that protocol was agreed with the music companies.

At an earlier stage in the proceedings Digital Rights Ireland Limited (DRI) an organisation



The Pirate Bay has been blocked

The website you are trying to reach is not available due to an Order of the High Court made at the request of IRMA on June 12, 2013 to block access to The Pirate Bay.

- (3) If the District Court is satisfied, upon an application under this section, that a bookmaker, remote bookmaker or remote betting intermediary concerned has contravened a provision referred to in subsection (1) it may make any one or more of the following orders:
 - (d) in the case of a remote bookmaker or remote bookmaking intermediary, an order that telecommunications service providers and internet service providers in the State shall not permit access to—
 - the internet address of any internet domain that the remote bookmaker or remote betting intermediary concerned uses for the purposes of conducting his business,

Mobile blocking - child abuse images

- "All mobile phone operators in Ireland, under a voluntary agreement brokered by the European Commission with GSM Alliance Europe, an association which represents European mobile phone operators, implement a form of filtering on their mobile Internet services which prevents access to websites identified as containing illegal child pornography." (Alan Shatter TD, 13/4/2011)
- Voluntary on the part of the operators; no user choice
- Uses UK IWF list
- Technical aspects of implementation and collateral damage still unclear







Garda and UPC agreement will restrict access to sites with child porn images

Safeguards will block access without storing users' IP addresses



Pamela Duncan

Topics: News Frances Fitzgerald Magnus Ternsjo Noirin O Sullivan Garda Síochána Interpol UPC

Tue, Nov 11, 2014, 12:35 •

The Garda Síochána and internet service provider UPC yesterday announced the introduction of new safeguards to block access to sites containing child pornography.

UPC, which provides broadband services to 360,000 customers, will restrict access to websites containing child sexual abuse material based on a list of domains or URLs provided by the Garda and Interpol, which will be regularly updated to capture new sites as they arise.

Latest Ireland »

- 00:35 Student tells US court she fought with 'every ounce of strength'
- 00:33 Police continue to search in Glasgow park where Karen Buckley's handbag was found
- 23:00 Religious group distributes referendum pamphlets to churches across Ireland
- 22:00 Self-evaluation will strengthen schools, professor says
- 21:44 Alleged rape victim described by witness as 'shaken and scared'

Most Read in News

- Woman 'humiliated' by bus driver awarded €10,500
- 2 Police continue to search in Glasgow park where Karen Buckley's handbag was found
- 3 Social welfare fraud squad lies in wait for 'white van man'
- 4 Student tells US court she fought with 'every ounce of strength'
- 5 Q&A: The same-sex marriage referendum



Banking inquiry

Oireachtas committee asks where did the money go?



Opinion Poll

Read the full Irish Times/Ipsos MRBI poll results here



Your internet browser is attempting to contact an internet site that has been documented by An Garda Siochuna as buying been used in the distribution of material depicting the sexual abuse of children, defined as child paragraphy by Section 2 of the Child Trufficking and Postography Act, 1998. Production, Distribution and/or Postography by Section 2 of the Child Trufficking and Postography Act, 1998. Production, Distribution and/or Postography by Section 2 of the Child Trufficking and Postography Act, 1998. Production, Distribution and/or Postography by Section 2 of the Child Trufficking and Postography Act, 1998. Production, Distribution and/or Postography by Section 2 of the Child Trufficking and Postography Act, 1998.

If you have any objections to being protected from accessing this page, or you believe that this protection is incorrect or unjustified, please contact.

An Garda Siochana by weading an enall to

gyszanikannia e



No information about your IP address or any other information that can be used to identify you will be stored when this gage is displayed. The purpose of preventing access to such pages is to prevent the further exploitation of children who have already been abused and photographed.

If you are a domain owner whose site has been blocked and you believe this is in error please follow the instructions at this link to make a complaint:

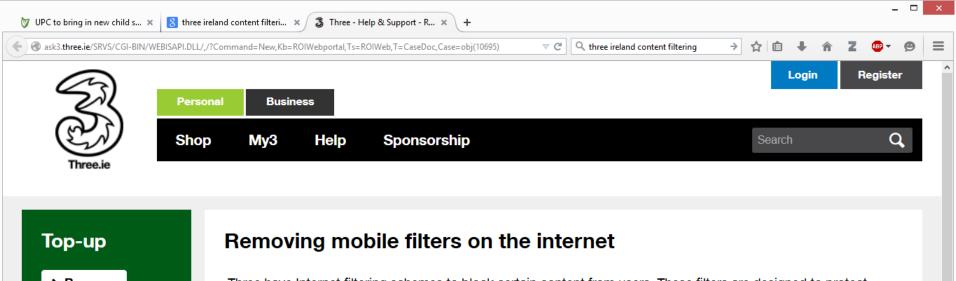
http://www.europal.europs.eu/Index.asp?page=Funnelintro

The Internet Child Protection System (ICPS) is part of the COSPOL Internet Related Child Abusive Material Project (CIRCAMP). The project was initiated by the European Chief's of Police and is aimed at combating organized emininal groups behind the commercial sexual exploitation of children.











Call now 1913

Contact Us

Three have Internet filtering schemes to block certain content from users. These filters are designed to protect minors from accessing adult material. The filters are turned on by default when anybody purchase a mobile.

To verify your age you can either;

- send an email to customer.services.ie@3mail.com with documents to prove you are above 18 years.
- walk in to a store with a valid ID proof to prove that you are above 18 years

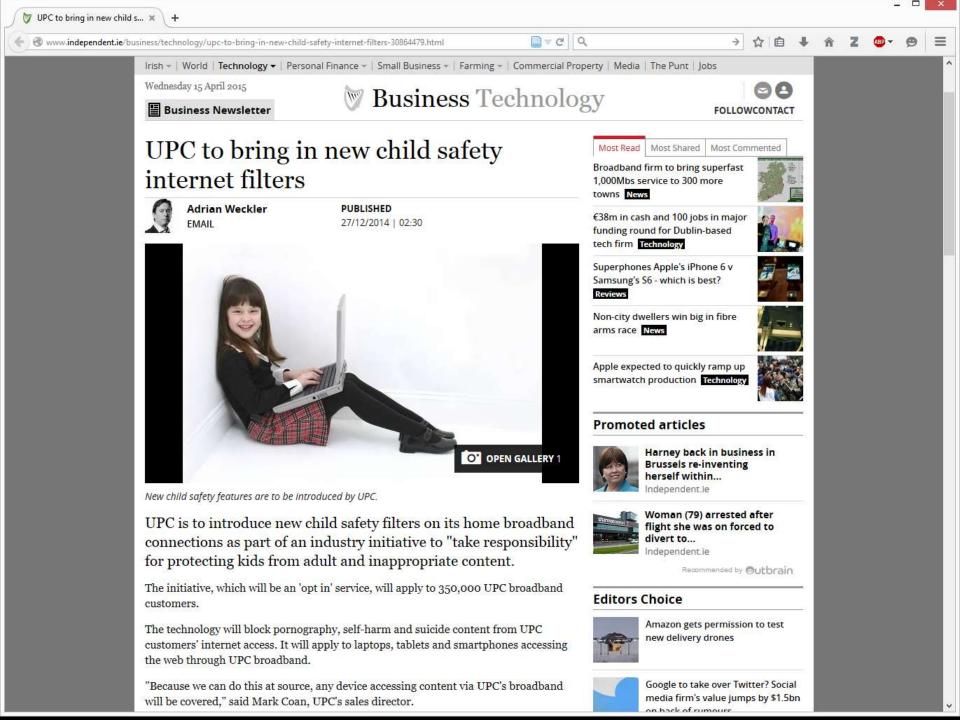
If you are a Prepay customer

You will also need to have registered your personal details with us – you can do this in the My Details section on My3, on the web at www.three.ie/my3 or on your mobile in the bookmarks section of Planet 3.

Once you have done this, send us an email requesting that internet mobile filters are removed. We normally action this within 24 hours and will send you a text message to confirm when we have done this.







What issues does blocking present?

Fundamental Rights

Legal basis?

Who decides?

Fair procedures: Notification? Appeal?

Proportionality and overblocking?

Impact on vulnerable groups (e.g. LGBT)

Transparency / Accountability

Are users notified?

Remedy for harm caused by wrongful blocking?

Function creep

General

Demands draconian anticircumvention

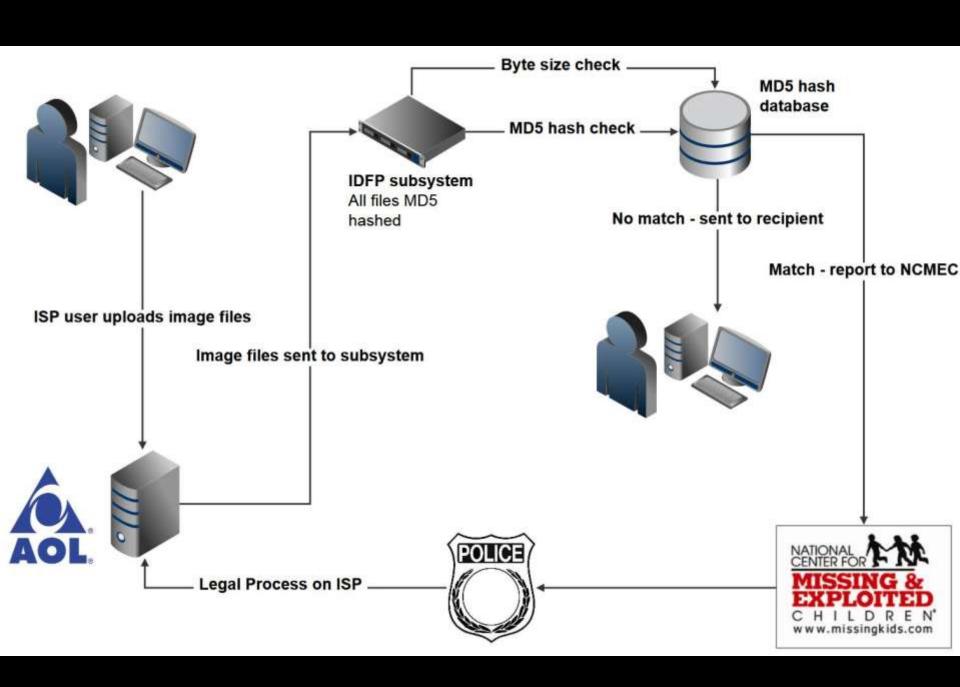
Increased user surveillance

Legal rights engineered out?

High rate of false positives

How is it implemented?

- IP blocking (129.22.8.51)
 - Blocks all sites hosted on a particular server not merely <u>Pirates'r'us.com</u> but also <u>InnocentBystanders.com</u>
- DNS blacklisting e.g. Finland and Pennsylvania
 - Blocks all of example.com
 - Including <u>example.com/pirates</u> and <u>example.com/legitimate</u>
- Hybrid / URL blocking
 - Pioneered in UK
 - Blocks at full URL level
 - May still cause collateral damage



PhotoDNA

- Child abuse images
- "Robust hashing"
 - Matches modified images
- Widely used
 - Microsoft
 - Facebook, etc.
- Scans uploads, files via email
- Numerous convictions

Photo DNA™: Step-by-step

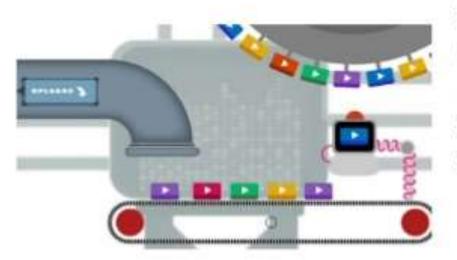


1.1 What is Content ID?

Content ID is an automated, scalable system that enables content owners to identify user uploaded videos which contain content they own.

YouTube takes partner-provided reference material and uses it to identify user uploads which match partner's content.

When a match is found, YouTube applies the partner's preferred policy: to monetize, track, or block the video in question.



This document will serve as a guide to Content ID as well as YouTube's Content Management System (CMS), which acts as the interface partners use to deliver reference material to Content ID, manage policies, view claimed user videos, and administer their content.

As indicated in the Table of Contents, we will cover a range of topics related to the different functional areas of CMS and Content ID.

Each section will cover the basic conceptual framework for that topic, associated vocabulary, a general walkthrough of the relevant features and example(s), as well as the best practices for partners.

If partners have additional questions not covered in this document or specific to their usage of CMS/Content ID, they can reach out to their Account Manager or relevant YouTube contact. There are also additional resources located at the end of this document (please see Section 9).

Is it effective? Can it be evaded?



Internet Watch Foundation

 "Blocking is designed to protect people from inadvertent access to potentially criminal images of child sexual abuse. No known technology is capable of effectively denying determined criminals who are actively seeking such material; only removal of the content at source can achieve that goal."

,8 kusunötsan Itematif: 8.8.4.4

The anonymous Internet

Daily Tor users per 100,000 Internet users

> 200 100 - 200

50 - 100

25 - 50

10 - 25

5 - 10

< 5

no information

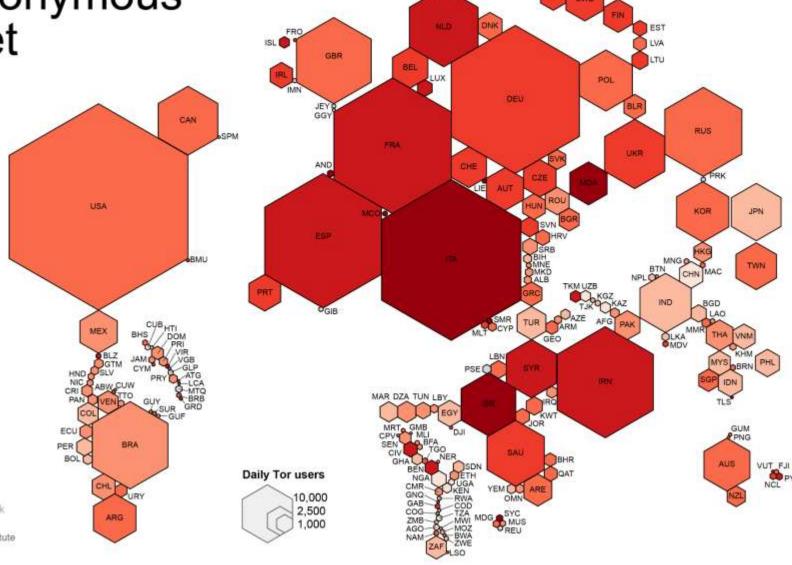
Average number of Tor users per day calculated between August 2012 and July 2013

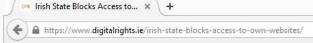
data sources: Tor Metrics Portal metrics.torproject.org World Bank data.worldbank.org

by Mark Graham (@geoplace) and Stefano De Sabbata (@maps4thought) Internet Geographies at the Oxford Internet Institute 2014 • geography.oii.ox.ac.uk

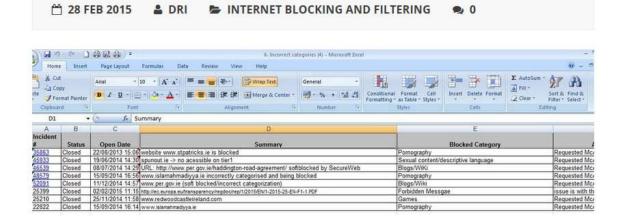
oiioiioi

Ollolloll Oxford Internet Institute University of Oxford





Irish State Blocks Access to Own Websites



Ken Foxe of RTE has the news that internet blocking software in the Oireachtas (Irish Parliament) is blocking a range of legitimate websites, including sites from the Irish central government, EU and organisations funded by the Irish taxpayer.

Among the blocked sites:

- StPatricks.ie (a mental health service, wrongfully classed as pornography);
- SpunOut.ie (a teen support service funded by the Irish Health Service, blocked as sexual content);
- Per.gov.ie (the Department of Public Expenditure and Reform, blocked as a blog or wiki);
- An EU Commission page on trade with Egypt ("forbidden message", whatever that might mean);
- IslamAhmadiyya.ie (Irish Muslim Association, blocked as pornography);

This won't surprise anyone familiar with internet blocking as a deeply flawed technology, incapable of achieving its stated aims while at the same time resulting in massive collateral damage to other sites. But it does provide a vivid illustration as to why calls for national internet blocking systems should be resisted.

Enter search term

Recent Posts



7 C Q

DRI's Submission to the Law Reform Commission on Cyberbullying and Harassment

01 Apr 2015



Two Weeks until Digital Rights Europe, the DRI Conference

31 Mar 2015



A Very Big Case: Schrems, Facebook, Safe Harbor and the CJEU

30 Mar 2015

| Categories:

- > Data Retention
- > Defamation
- > DRI

EU legal framework

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Sci/Environ

24 November 2011 Last updated at 12:48 GMT











The European Court of Justice has ruled that content owners cannot ask ISPs to filter out illegal content.

The ruling could have implications for the creative industries as they attempt to crack down on piracy.

The court said that while content providers can ask ISPs to block specific sites, wider filtering was in



EU legal framework

- Mostly contained in E-Commerce Directive; InfoSoc Directive; IPRED
- Also relevant: Data Protection Directive; e-Privacy Directive
- ECD, Article 15:
 - Member States shall not impose a general obligation on providers, when providing the services covered by Articles 12, 13 and 14, to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.

• ECD: Article 12(3) (mere conduit)

 3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

• ECD: Recital 45

• (45) The limitations of the liability of intermediary service providers established in this Directive do not affect the possibility of injunctions of different kinds; such injunctions can in particular consist of orders by courts or administrative authorities requiring the termination or prevention of any infringement, including the removal of illegal information or the disabling of access to it.

Telecoms Package (2009): Article 1(3a)

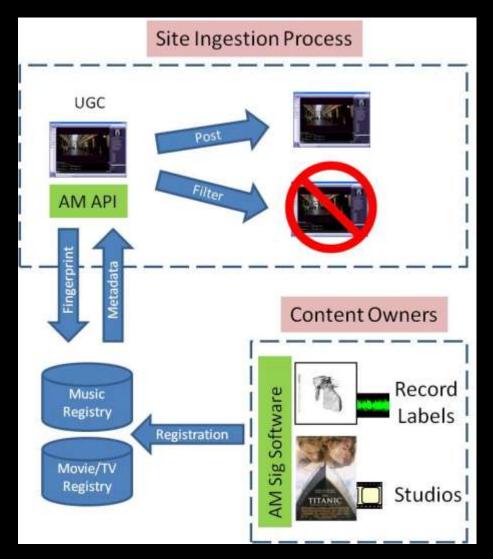
 "3a. Measures taken by Member States regarding end-users access' to, or use of, services and applications through electronic communications networks shall respect the fundamental rights and freedoms of natural persons, as guaranteed by the ECHR and general principles of Community law..."

SABAM v. Scarlet (2011)

- "Read together and construed in the light of the requirements stemming from the protection of the applicable fundamental rights, must be interpreted as precluding an injunction made against an internet service provider which requires it to install a system for filtering
- all electronic communications passing via its services, in particular those involving the use of peer-to-peer software;
- which applies indiscriminately to all its customers;
- as a preventive measure;
- exclusively at its expense; and
- for an unlimited period,
- which is capable of identifying on that provider's network the movement of electronic files containing a musical, cinematographic or audio-visual work in respect of which the applicant claims to hold intellectual-property rights, with a view to blocking the transfer of files the sharing of which infringes copyright."

SABAM v. Netlog (2011)

- Companion case re hosting
- Demand that social network deploy filtering system to screen user uploads
- ECJ applies essentially identical reasoning to reject filtering



Precludes invasive filtering; but what about other types?

- 20th Century Fox v. BT (Newzbin2) (2011)
 - Required Cleanfeed to be extended to this site
 - Accepted BT had "actual knowledge"
 - Rejected argument that injunction incompatible with mere conduit immunity
 - Rejected argument that injunction amounted to general monitoring
 - Held prescribed by law as required by Art. 10 ECHR
 - Rejected discretionary arguments
 - Extent of infringement
 - Future claims
 - Efficacy
 - Proportionality (full site blocking)

UPC Telekabel Wien GmbH C-314/12

- ECJ confirms that blocking can be available re consumers' ISPs
- Blocking orders must comply with fundamental rights
- Must not unnecessarily deprive internet users of right to lawfully access information
- Must have some minimum effect of preventing unauthorised access
- Places duties on ISPs to safeguard rights

ECHR legal framework?



Recommendation CM/Rec(2008)6
of the Committee of Ministers to member states
on measures to promote the respect for freedom of expression and informatio
with regard to Internet filters

(Adopted by the Committee of Ministers on 26 March 2008 at the 1022nd meeting of the Ministers' Deputies)

Fundamental rights standards?

- What rights?
 - Art.6/Art.13 ECHR: Notice, reasoned decision, appeal, redress against wrongful blocking?
 - Art.8 ECHR: Privacy in communications, esp. re email?
 - Art.10 ECHR: Freedom of expression/access to information
- Whose rights?
 - Art. 10 as a tripartite right (speaker, intermediary, recipient of speech)
 - Rights of those seeking blocking
 - Copyright (Art.1 Protocol 1)
 - Art.8 (KU v. Finland)
 - Do ISPs have an expressive/proprietary right to voluntarily block?

Recommendation on Internet Filtering

Blocking of content should only take place if:

"the filtering concerns specific and clearly identifiable content, a competent national authority has taken a decision on its illegality and the decision can be reviewed by an independent and impartial tribunal or regulatory body, in accordance with the requirements of Article 6 ECHR"

Yildirim v. Turkey (2012)

"In matters affecting fundamental rights it would be contrary to the rule of law, one of the basic principles of a democratic society enshrined in the Convention, for a legal discretion granted to the executive to be expressed in terms of an unfettered power.

Consequently, the law must indicate with sufficient clarity the scope of any such discretion and the manner of its exercise."

Yildirim v. Turkey (2012)

"the measure in question produced arbitrary effects and could not be said to have been aimed solely at blocking access to the offending website, since it consisted in the wholesale blocking of all the sites hosted by Google Sites."

What should we be doing?

- Legitimacy, transparency and accountability
 - Demand legislation to control state blocking
 - Ensure that state blocking is brought within ECHR norms
 - Work on (civil society) transparency tools
 - Tackle problematic private blocking
 - Facilitate decentralised and voluntary blocking
 - Resist anti-circumvention measures (bans on VPNs, open wifi, etc.)
- Look for alternatives to blocking, e.g.
 - Removal at source of child abuse images
 - Addressing payment systems
 - Better parental controls on mobile devices





















Home Unblock a site Personal stories Get involved ISP results FAQ Contact About

Are you being blocked?

The government is promoting filters to prevent children and young people from seeing content that is supposed to be for over 18s. This includes pornography and sites that talk about alcohol, smoking, anorexia and hate speech.

Filters block many sites that are not harmful to children. Sometimes they are blocked by mistake. Sometimes they are blocked deliberately. For example, many blogs and forums are blocked by default.

The Blocked! website lets you check whether a site has been blocked by these filters. The tool is free but you can support the project by joining ORG, making a donation or volunteering.

You can read more about Blocked and ISP filters in: Techdirt, Big Issue, STV, The Guardian, The Independent and Forbes.



BY STRICT FILTERS



BY DEFAULT FILTERS

Test data: Alexa top 100,000 sites Click here for results per ISP

Check if a site is being blocked

Enter the URL of a site to find out if it is blocked by filters. Our tool will check if it can be accessed via all of the main Internet service providers (when their filters are enabled).

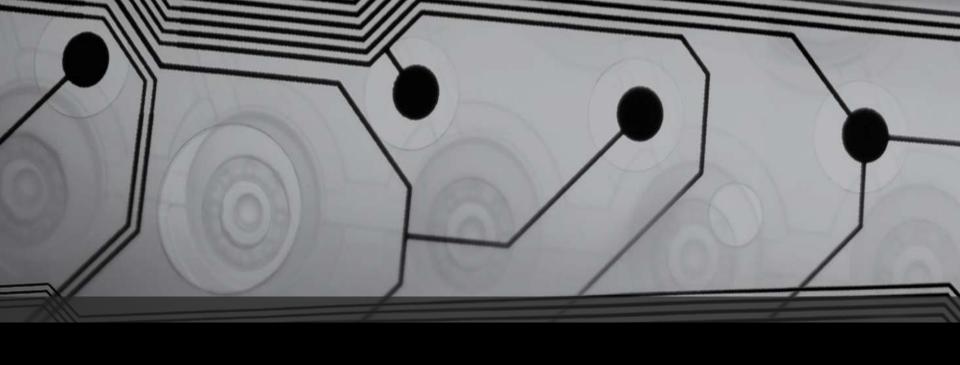
Site or page to check:

http://

Submit site for checking

TESTS PENDING

1856556 SITES CHECKED



Thank you

Questions or comments?

