

FEDERAL LAW
NO. 187-FZ OF JULY 2, 2013
ON AMENDING CERTAIN LEGISLATIVE ACTS OF THE RUSSIAN FEDERATION ON
ISSUES OF PROTECTING INTELLECTUAL RIGHTS IN INFORMATION-
TELECOMMUNICATION NETWORKS

Adopted by the State Duma on June 21, 2013
Approved by the Federation Council on June 26, 2013

Article 1

Article 28 of the Arbitration Procedural Code of the Russian Federation (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2002, No. 30, item 3012) shall be supplemented with the words ", save the cases heard by the Moscow City Court in accordance with Part 3 of Article 26 of the Civil Procedural Code of the Russian Federation".

Article 2

The following amendments are hereby made to the **Civil Procedural Code** of the Russian Federation (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2002, No. 46, item 4532; 2005, No. 30, item 3104; 2006, No. 1, item 8; 2007, No. 41, item 4845; 2008, No. 24, item 2798; 2009, No. 14, item 1579; 2010, No. 18, item 2145; No. 50, item 6611; 2011, No. 49, item 7066):

1) **Article 26** shall be supplemented with **Part 3** of the following wording:

"**3.** The Moscow City Court as first-instance court shall hear cases concerning the protection of exclusive rights to motion pictures for instance cinema films and television films, in information-telecommunication networks, for instance the Internet, and in respect of which preliminary security measures have been taken in accordance with Article 144.1 of the present Code.";

2) **Part 1 of Article 140** shall be supplemented with **Item 3.1** of the following wording:

"3.1) vesting in defendant and other persons the duty to commit certain actions relating to the subject matter of a dispute about infringement on exclusive rights to motion pictures for instance cinema films and television films, in information-telecommunication networks, for instance the Internet;"

3) **Article 144.1** of the following wording shall be added:

**"Article 144.1. Preliminary Security Measures for Protecting Exclusive Rights to
Motion Pictures for Instance Cinema Films and Television Films, on
Information-Telecommunication Networks, for Instance the Internet**

1. On an application in writing of an organisation or citizen a court is entitled to take preliminary security measures aimed at ensuring the protection of exclusive rights to motion pictures for instance cinema films and television films, in information-telecommunication networks, for instance the Internet, until an action is brought. Such application may also be filed with the court by means of filling in the form available on the court's official website on the Internet and signed with a qualified digital signature in the procedure established by a federal law.

2. The preliminary security measures envisaged by the present article shall be

taken by a court according to the rules envisaged by the present chapter, with the details established by the present article.

3. An application for preliminary security for the protection of exclusive rights to motion pictures for instance cinema films and television films, in information-telecommunication networks, for instance the Internet shall be filed with the Moscow City Court.

4. While filing an application for preliminary security for the protection of exclusive rights to motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet an applicant shall provide the court with documents confirming the fact that the objects of exclusive rights have been used in information-telecommunication networks, for instance in the Internet and confirming the applicant's exclusive rights in respect of these objects. Default on filing said documents with the court shall be deemed ground for the issuance of a ruling on refusal to provide preliminary security for the protection of exclusive rights to the motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet in which the court explains the right of filing said application again, given compliance with the provisions of the present part, and also the right of bringing an action in the general procedure. When an application for preliminary security for the protection of exclusive rights to motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet in accordance with the present Article is filed by means of filling in the form available on the official website of the Moscow City Court on the Internet documents confirming the fact that the objects of exclusive rights have been used in information-telecommunication networks, for instance on the Internet and confirming the applicant's rights in respect of said objects may be provided in electronic form.

5. The court shall turn out a ruling on preliminary security for the protection of exclusive rights to the motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet.

The ruling shall set a term, not exceeding 15 days after the date on which the ruling is issued, for filing a complaint in respect of the claim in connection with which the court has taken the measures for securing the property interests of the applicant. Said ruling shall be placed on the official website of the Moscow City Court on the Internet not later than on the day following the date on which said ruling is issued.

6. If the court has taken the preliminary security measures envisaged by the present article a complaint claiming protection of exclusive rights to the motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet shall be filed by the applicant with said court.

7. Unless within the term established by the court's ruling on preliminary security for the protection of exclusive rights to motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet a complaint is filed by the applicant, the preliminary security shall be revoked by the same court. A ruling shall be issued on revocation of the preliminary security.

The ruling on revocation of the preliminary security shall be placed on the official website of the Moscow City Court on the Internet not later than on the day following the date on which said ruling was issued.

Copies of the ruling shall be sent to the applicant, the federal executive

governmental body in charge of control and supervision in the field of mass media, mass communications, information technologies and telecom and other persons concerned not later than on the day following the date on which the ruling was issued.

8. If the applicant files a complaint in respect of the claim for which the court has taken measures for preliminary security for exclusive rights to the motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet these measures shall be in effect deemed measures for securing the action.

9. An organisation or a citizen whose rights and/or lawful interests have been infringed upon by the taking of measures for preliminary security for the protection of exclusive rights to motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet is entitled to demand at its/his discretion until the bringing of a legal action that the applicant provide compensation for losses in the procedure established by Article 146 of the present Code, unless within the term set by the court the applicant filed a complaint in respect of the claim in connection with which the court has taken said preliminary security measures, or if the action has been dismissed by the court's judgement that has become final.";

4) **Article 320.1** shall be supplemented with **Item 5** of the following wording:

"5) by the appellate instance of the Moscow City Court - in respect of decisions of the given court in civil cases which are relating to the protection of exclusive rights to motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet and in which it has taken preliminary security measures in accordance with Article 144.1 of the present Code.";

5) **Part 1 of Article 428** shall be supplemented with a **paragraph** of the following wording:

"A writ of execution relating to the ruling on preliminary security for the protection of exclusive rights to motion pictures, for instance cinema films and television films, shall be handed out to the claimant not later than on the day following the date on which such ruling was issued.";

6) **Article 429** shall be supplemented with **Part 3** of the following wording:

"3. On the basis of the ruling on preliminary security for the protection of the exclusive rights to motion pictures, for instance cinema films and television films, in information-telecommunication networks, for instance the Internet the court shall issue a writ of execution to the claimant shall also on the claimant's petition shall send a writ of execution to the federal executive governmental body in charge of control and supervision in the field of mass media, mass communications, information technologies and telecom.".

Article 3

The following amendments are hereby made to **Federal Law** No. 149-FZ of July 27, 2006 on Information, Information Technologies and the Protection of Information (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2006, No. 31, item 3448; 2010, No. 31, item 4196; 2011, No. 15, item 2038; No. 30, item 4600; 2012, No. 31, item 4328; 2013, No. 14, item 1658; No. 23, item 2870):

1) **Part 2 of Article 1** shall be supplemented with the words ", save the cases

envisaged by the present Federal Law";

2) **Article 15.2** of the following wording shall be added:

"Article 15.2. Procedure for Restricting Access to Information Disseminated in Breach of Exclusive Rights to Motion Pictures, for Instance Cinema Films and Television Films

1. If films, for instance cinema films or television films, or the information required for getting them through the use of information-telecommunication networks have been discovered in information-telecommunication networks, for instance in the network "Internet" which are disseminated without the permission of the right-holder or without another legal ground, the right-holder is entitled to file an application -- under a court's judgement that has become final --- with the federal executive governmental body in charge of control and supervision in the field of mass media, mass communications, information technologies and telecom for measures to be taken for restricting access to the information resources which distribute such films or information. The form of said application shall be endorsed by the federal executive governmental body in charge of control and supervision in the field of mass media, mass communications, information technologies and telecom.

2. On the basis of the court's judgement that has become final the federal executive governmental body in charge of control and supervision in the field of mass media, mass communications, information technologies and telecom shall do the following within three working days:

1) identify the hosting provider or the other person ensuring the placement of said information resource in an information-telecommunication network, for instance in the network "Internet" which provides services to the owner of a website in the network "Internet" containing the information containing the motion pictures, for instance cinema films and television films, or the information required for getting them through the use of information-telecommunication networks without the permission of the right-holder or without another legal ground;

2) send a notice in electronic form in Russian and English to the hosting provider or the other person specified in Item 1 of the present part concerning the breach of exclusive rights to the motion pictures, for instance cinema films and television films complete with the title of the work, its author, right-holder, domain name and web address allowing to identify the website on the Internet that has been used to place the information containing the motion pictures, for instance cinema films and television films, or the information required for getting them through the use of information-telecommunication networks without the permission of the right-holder or without another legal ground and also the page indices of the Internet website allowing to identify such information and demand for measures to be taken to delete such information;

3) fix the date and time of the dispatch of the notice to the hosting provider or the other person specified in Item 1 of the present part in the relevant information system.

3. Within one working day after receiving the notice specified in Item 2 of Part 2 of the present article, the hosting provider or the other person specified in Item 1 of Part 2 of the present article shall inform accordingly the owner of the information resource to whom they provide services and notify him of the need for immediately delete the illegally placed information and/or take measures for restricting access thereto.

4. Within one working day after receiving the notice from the hosting provider or the

other person specified in Item 1 of Part 2 of the present article concerning the need for deleting the illegally placed information the owner of the information resource shall delete such information. In the event of refusal or omission by the owner of the information resource the hosting provider or the other person specified in Item 1 of Part 2 of the present article shall restrict access to the relevant information resource within three working days after the time when the notice specified in Item 2 of Part 2 of the present article was received.

5. If the measures specified in Parts 3 and 4 of the present article are not taken by the hosting provider or the other person specified in Item 1 of Part 2 of the present article and/or the owner of the information resource the domain name of the Internet website, its web address, the page indices of the website on the Internet allowing to identify the information containing the motion pictures, for instance cinema films and television films, or the information required for getting them through the use of information-telecommunication networks and placed without the permission of the right-holder or without another legal ground and also another details of that website and information shall be sent via the cooperation system to communication operators so that measures be taken to restrict access to that information resource, for instance the Internet website or to the information placed thereon.

6. Under a court's judgement that has become final the federal executive governmental body in charge of control and supervision in the field of mass media, mass communications, information technologies and telecom shall do the following within three working days after receiving the court's judgement on revocation of restriction on access to an information resource that contains motion pictures, for instance cinema films and television films, or the information required for getting them through the use of information-telecommunication networks distributed without the permission of the right-holder or without another legal ground: notify the hosting provider or the other person specified in Item 1 of Part 2 of the present article and communication operators of the revocation of the measures for restricting access to that information resource.

7. Within 24 hours after receiving via the cooperation system information about the information resource containing motion pictures, for instance cinema films and television films, or the information required for getting them through the use of information-telecommunication networks distributed without the permission of the right-holder or without another legal ground the communication operator that provides the service of providing access to the information-telecommunication network "Internet" shall restrict access to such information resource, for instance to the Internet website or a page of the website.

8. The procedure for operating the cooperation information system shall be established by the federal executive governmental body in charge of control and supervision in the field of mass media, mass communications, information technologies and telecom.

9. The procedure envisaged by the present article is not applicable to the information subject to inclusion in the register in accordance with Article 15.1 of the present Federal Law.";

3) **Article 17** shall be supplemented with **Part 4** of the following wording:

"4. A hosting provider and the owner of a website in the network "Internet" are not liable to a right-holder and a user for restrictions on access to information and/or

restrictions on the dissemination thereof in accordance with the provisions of the present Federal Law."

Article 4

The following amendments are hereby made to **Part 4** of the Civil Code of the Russian Federation (Sobranie Zakonodatelstva Rossiyskoy Federatsii, 2006, No. 52, item 5496; 2008, No. 27, item 3122; 2010, No. 41, item 5188):

1) **Article 1253.1** of the following wording shall be added:

"Article 1253.1. The Details of Liability of an Information Mediator

1. The person that delivers a material to an information-telecommunication network, for instance the Internet, the person that makes it possible to get the material or the information required for getting it through the use of an information-telecommunication network or the person that makes it possible to access the material in that network, i.e. an information mediator, is liable for a breach of intellectual rights in the information-telecommunication network on the general grounds envisaged by the present Code, if guilty with account being taken of the details established by Items 2 and 3 of the present article.

2. An information mediator delivering a material to an information-telecommunication network is not liable for a breach of intellectual rights that has occurred as a result of such delivery, if the following conditions are simultaneously observed:

1) he is not the initiator of that delivery and does not designate the recipient of said material;

2) he does not alter said material in the provision of communication services, save the alterations effectuated for the purpose of ensuring the technological process of material transmission;

3) he did not know and had not to know that the use of the relevant result of intellectual activity or means of individualisation by a person that has initiated the delivery of the material containing the relevant result of intellectual activity or means of individualisation was wrongful.

3. An information mediator allowing an opportunity for placing a material in an information-telecommunication network is not liable for a breach of intellectual rights that has occurred as a result of placement of the material in the information-telecommunication network by a third person or on instructions thereof, given the simultaneous observance of the following conditions by the information mediator:

1) he did not know and had not to know that the use of the relevant result of intellectual activity or the means of individualisation contained in such material was wrongful;

2) having received an application in writing from the right-holder about a breach of intellectual rights with reference to the website page and/or to the web address on the Internet where such material has been placed he took timely measures, which were necessary and sufficient, to terminate the breach of the intellectual rights. A list of the measures deemed necessary and sufficient, and the procedure for implementing them may be established by a law.

4. An information mediator which according to the present article is not liable for a breach of intellectual rights may be subjected to demands for protection of intellectual

rights (Item 1 of Article 1250, Item 1 of Article 1251, Item 1 of Article 1252 of the present Code) which do not imply the taking of measures of the civil-law liability, for instance deleting the information that infringes on exclusive rights or demands for restriction of access to the information.

5. The rules of the present article are applicable to the persons that provide an opportunity for getting access to a material or the information required for getting it through the use of an information-telecommunication network.";

2) **Article 1302** shall be supplemented with **Item 3** of the following wording:

"**3.** In the procedure for provision of security for a claim in cases of breach of exclusive rights to motion pictures, for instance cinema films and television films, when they are placed in information-telecommunication networks, for instance on the Internet the security measures established by the civil procedural legislation and aimed at restricting access to the information infringing on exclusive rights may be taken in respect of the resources alleged to breach exclusive rights. The procedure for restricting access to information shall be established by the legislation of the Russian Federation on information.".

Article 5

The present Federal Law shall enter into force on August 1, 2013.

President of the Russian Federation

V. Putin

The Kremlin, Moscow
July 2, 2013
No. 187-FZ