

Notice and Block?

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Abstract : The blocking injunction, giving rise to a 'notice and block' regime, has become the new approach to curtail the infringement of Intellectual Property rights on the Internet. As such, the blocking injunction is an addition to the arsenal of copyright owners, and more recently has also benefited trademark owners, in their battle against piracy and counterfeiting. Yet, the blocking injunction, notwithstanding the usefulness of its 'notice and block' outcome, is not without limitations. In the circumstances, it is argued that 'notice and takedown', the approach that has been adopted by right-holders for some years, is still an important remedy against the proliferation of online content that infringe the rights of copyright and trademark owners, which is both viable and effective. Thus, it is suggested that the battle against online piracy and counterfeiting could be won only if both the blocking injunction and the practice of 'notice and takedown' are utilised by right-holders as complementary and simultaneous remedies.

Keywords : blocking injunctions, internet intermediaries, notice and takedown, intellectual property

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