

FILTERING/GRADUATED RESPONSE (THREE-STRIKES) LAWS WORLDWIDE

Country/State	Filtering or Three Strikes	Summary of Law/Proposed Law/Regulation/Ruling	Status of Law
United States	Filtering	Child Safe Viewing Act of 2007: directs the FCC to initiate a proceeding to examine "the existence and availability of advanced blocking technologies that are compatible with various communications devices or platforms." FCC must report its findings to Congress by 8/29/2009.	Act passed December 2008. FCC proceeding underway.
United States	Technical Measures	Higher Education Opportunity Act: each covered higher education institution must certify it "has developed plans to effectively combat the unauthorized distribution of copyrighted material, including through the use of a variety of technology-based deterrents..."	Department of Education promulgated rules effective 1 July 2010.
United States	Filtering	Children's Internet Protection Act requires certain schools and libraries to filter obscene or pornographic content.	Passed 2001. Enforced per FCC rules.
Tennessee	Filtering	State law requires colleges that receive over 50 DMCA notices to implement measures to prevent infringement.	Passed November 2008.
Germany	Filtering	German President Köhler signed the Internet filter law on 17 February 2010.	The law is expected to be officially published in the middle of March 2010.
Germany	Strikes	Lawmakers met with ISPs in January 2009 to discuss viability of three strikes.	It was agreed three strikes is inconsistent with German civil liberties standards.
United Kingdom	Three Strikes	April 2010, the UK's Digital Economy Act 2010 (DEA) became law. ISPs must notify their subscribers if the internet protocol addresses are reported by Copyright Owners as being used to infringe copyright and keep track of the number of reports about each subscriber, and compile, on an anonymous basis, a list of those (relevant subscribers) who are reported on above a threshold to be set in the initial obligations code.	Office of Communications delegated authority to administer law and proposed Initial Obligations Code this past May.
Taiwan	Three Strikes	ISPs are allowed to "restrict the Internet access" of users who download copyrighted material more than twice. (Billboard)	No press reports of actual Internet service suspensions.
France	Three Strikes	"Creation et Internet" Law – creates a new body called HADOPI that can disconnect accused infringers.	HADOPI still getting organised and has not issued any notice to date; expected soon.
Ireland	Three Strikes	ISP Eircom agreed in a settlement with major labels to implement three-strikes.	Settlement only applies to Eircom. Other ISPs have refused to implement three strikes or filtering.
South Korea	Three Strikes	Government can shut down an ISP/messaging forum for up to six months after it is warned three times about hosting pirated content. Government can also terminate Internet accounts of individual users who are repeat infringers.	Passed 1 April 2009, but not a single reported suspension
New Zealand	Three Strikes	New bill introduced in parliament, ISP to forward notice from content owner to customer; if infringement continues rights holder forwards "cease and desist" to customer through ISP. If infringement continues rights holder can go to Copyright Tribunal where user can be fined.	Bill passed first reading unanimously late this past April, referred to Commerce Select Committee with a report expect in six months.
European Union	Three Strikes	The EU Telecoms Package: Has featured amendments expressly barring a Three-Strikes regime that allows disconnection without (prior) judicial action.	Passed by lopsided 663-to-13 vote. Nine ISPs participated with largest withdrawing. Government deemed "success" and plans to introduce legislation mandating filtering.
Australia	Filtering	Implemented filtering trial for "illegal content" like child pornography, plus a filter that would block all content not suitable for children, from which adults could opt out.	Dec '08 to June '09. Top three ISPs boycotted trial run, and legislature is unlikely to support plan (Sydney Morning Herald, Feb 26).
Italy	Three Strikes	In January 2009, the Italian Government announced an agreement to cooperate with France on piracy issues. Officials say they would like to "follow the French model."	No law passed, yet.
Saudi Arabia	Filtering	A 2001 Council of Ministers Resolution authorizes blocking of sexually explicit content, as well as lists of bannable categories, including: "pages related to drugs, bombs, alcohol, gambling and pages insulting the Islamic religion or the Saudi laws and regulations."	In place.
China	Filtering	A wide variety of laws and administrative regulations.	In place.

Source: Dow Lohnes, 2010

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