

INTERNET AND E-COMMERCE

OUR TEAM

Our Internet and e-commerce team, led by partners Thomas De Meese and Flip Petillion, is a highly respected presence in the legal market. According to Chambers Europe 2012, Thomas De Meese is “a very intelligent and well-prepared lawyer”, while Flip Petillion is “an extremely measured and thoughtful lawyer, who’s advise is spot-on”. Our lawyers are recommended by various legal publications, such as Chambers Europe, and Legal 500 EMEA.

Our team has a thorough knowledge of the current EU regulatory framework and our lawyers are constantly monitoring recent developments in the Internet and e-commerce area.

ISP LIABILITY

Our team has extensive expertise in Internet-related issues, and in particular in matters relating to Internet service provider liability for third-party infringements. We regularly advise and represent telecommunication and social network companies in their capacity as mere conduit and/or hosting provider against liability claims from individual right holders and collecting societies.

We have been involved in several high profile matters, including representing an Internet access provider in proceedings before the Court of Justice of the EU against far reaching P2P filtering obligations, and proceedings before the national courts with respect to the blocking of worldwide piracy websites.

These are landmark cases as they identify the boundaries of that contribution that can be required from Internet providers in the fight against online piracy and help to clarify the complex balance that exists between the rights of IP right holders and the fundamental rights and freedoms of Internet providers and users.

E-COMMERCE

We also provide day-to-day counseling to clients from every sector of the economy on all issues relating to

their online presence and information society services. We ensure compliance with legislation on e-commerce, telecommunications, consumer protection and market practices, and we advise our clients on their complete range of online activities. This includes monitoring, implementing and advising on information obligations towards customers, e-advertising, e-contracting, distance selling, online terms of use and other related matters.

As our team has developed a detailed knowledge of the regulatory framework, we also represent our clients on a regular basis in disputes with competitors and assist them in their interaction with regulatory bodies such as the Belgian Institute for Postal Services and Telecommunications, the Ethical Committee for Telecommunications, and the SPF Economy.

SOCIAL MEDIA

We have been representing the world’s largest social network in litigation with respect to a variety of claims, including allegedly disparaging postings by its users, trademark infringement, and copyright infringement.

Our team regularly acts on behalf of brand owners with a view to enforcing their rights in social media, including mainly trademark and copyright infringements by social media users.

We have developed best practices for corporations with a view to guiding their workers in their use of and presence in social media. Our best practices are focused on managing the protection of corporations’ proprietary information and intellectual property rights, and on respect for third party rights.

REPRESENTATIVE MATTERS

- Assist a Belgian Internet access provider in litigation against collecting society SABAM, for third party liability for downloading copyright protected music files, including a referral for preliminary ruling before the EU Court of Justice with respect to the scope of filtering obligations (ECJ, November 22,

2011, Case 70/10);

- Represent a Belgian Internet access provider in litigation against the Belgian Anti-Piracy Federation (“BAF”) in a dispute regarding the blocking of the websites of The Pirate Bay;
- Act on behalf of the world’s largest social network in litigation with respect to allegedly disparaging postings by its users;
- Draft pan-European contract templates for wireless broadband internet providers;
- Assist companies in the set-up of online platforms for the provision of their services and the roll-out of their online ordering process;
- Represent a major cable operator in its proceedings against the Belgian telecom regulator for breach of information obligations towards its customers; and
- Ensure compliance with the regulatory framework by international companies that intend to provide information society services in the EU and/or Belgium.

CONTACTS



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