

# The blocking of web pages due to stream ripping in Mexico.

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**Moisés Castorena Katz of Olivares reports on a non-binding resolution that draws on the Mexican Supreme Court's ruling that web pages can be blocked if they violate third-party copyright to a sufficient degree.**

On August 25 2023, a non-binding resolution issued by a Circuit Court in Mexico City correctly followed the criterion the Supreme Court used in its ruling on the famous Alestra case. The Supreme Court determined that the blocking of web pages is appropriate when they contain, in a major amount, infringing content of third parties' copyrights.

The non-binding resolution maintains that in an amparo trial (comparable to the North American judicial review), a provisional suspension requested by internet providers against any orders to block internet pages, with the aim to avoid such blocking, must be denied when the page offers users, predominantly, services of 'content ripping' or 'stream ripping'. Such services would be against public order provisions and would affect the social interest.

This legal criterion of the Circuit Court stems from the arguments applied by the Supreme Court when resolving the Alestra case. The dispute concerned the Mexican Institute of Industrial Property imposing a blocking order as a precautionary

measure on a website using sound recordings through hyperlinks, without the authorisation of the corresponding rights holder.

The Circuit Court correctly qualified the concept of ‘totality’ – in terms of the amount of infringing content on the website – and interpreted that the refusal of the courts to grant provisional measures against the order to block a website is appropriate in cases in which the violations of third-party copyrights are carried out predominantly. This, in a personal opinion, is what the Supreme Court sought to convey through the arguments of the Alestra case sentence.

Although the non-binding resolution is not mandatory, it is indicative for future related cases.



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