Circumvention of Geoblocking

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1) What is circumvention of geoblocking?

- Circumvention is achieved by rerouting a user’s internet connection through another IP address and/or by altering the other indicators of a user’s physical location (e.g., GPS, WiFi signals).

- Examples: VPNs, TOR

- Circumvention is employed by a user so he can appear to be located (a) somewhere other than in his actual physical location, or (b) in a particular location other than in his actual physical location.

- The relative ease of circumvention is often a major objection to the use of geoblocking.
(2) What are the legal implications of the circumvention of geoblocking for users and providers of circumvention tools?

<table>
<thead>
<tr>
<th>User</th>
<th>Circumvention tool provider</th>
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| • Violation of local laws (depending on where user’s acts are localized)  
• Contract violations  
• Violation of laws protecting technological protection measures (copyright law)  
• Violation of anti-hacking laws | • Violation of local laws (depending on where provider’s acts are localized)  
• Secondary liability  
• Violation of laws protecting technological protection measures (copyright law)  
• Violation of anti-hacking laws  
• Violation of laws protecting “conditional access”  
• Direct liability for secondary transmission |
(3) What are the general legal implications of the circumvention of geoblocking for legal systems?

- Is circumvention of geoblocking to be viewed as negligible spillover, or is it a widespread practice that will cause a significant erosion of territoriality?

- Should we abandon efforts to achieve territoriality because technological means (geoblocking) have failed to facilitate territoriality? Or should we regulate the spillover?

- In the European Union the proposal for the EU Regulation on cross-border portability is designed to de facto regulate the spillover.

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