

**Marketa Trimble**

**The Future of Cybertravel:  
Legal Implications  
of the Evasion of Geolocation**

# Law and the evasion of geolocation

- Place-shifting cases
  - TVCatchUP (ITV v. TV Catch Up [2010] EWHC 3063 (Ch))
  - ManekiTV (Japan, 2011)
  - ivi (WPIX, Inc. v. Ivi, Inc., 765 F.Supp.2d 594 (S.D.N.Y. 2011))
  - Justin.tv (Zuffa, LLC v. Justin.tv, Inc., U.S. District Court for the District of Nevada, 2:11-cv-00114-RLH-LRL)

# What is this talk about?

- ◉ What the law has (or does not have) to say about evasion of geolocation or **“cybertravel”** – about acts by which a user makes geolocation tools believe that he is physically located somewhere other than where he is located.

# My IP address: 72.193.171.135

Need to know your IP address? This tool - My IP, shows "my IP address", "IP address location" and ISP information.

<b>My IP address:</b>	72.193.171.135
<b>Host of my IP:</b>	ip72-193-171-135.lv.lv.cox.net
<b>Organization:</b>	Cox Communications
<b>ISP:</b>	Cox Communications
<b>Netspeed:</b>	Cable/DSL
<b>City:</b>	Las Vegas
<b>Country:</b>	United States
<b>State:</b>	Nevada
<b>Postal Code:</b>	89123
<b>Timezone:</b>	America/Los_Angeles
<b>Local Time:</b>	02.03.2011 06:50:05
<b>Proxy:</b>	No Proxy Detected
<b>Operating System:</b>	WinXP
<b>Browser:</b>	Mozilla 1.9



## IP TOOLS

IP Lookup

IP address, Domain or Host

Trace any IP address, websites or host and receive valuable accurate information.

Lookup Now!

## Recommended

- Hide Your IP address
- IP Location Webservice
- IP Location Database

## Updated Whois Queries

- bmac.gr
- video-bokep-indonesia.com
- grouply.com

## Latest Reverse IP Lookups

- wbur.org
- writing.colostate.edu
- oncas.grouply.com

## Recent IP Lookups



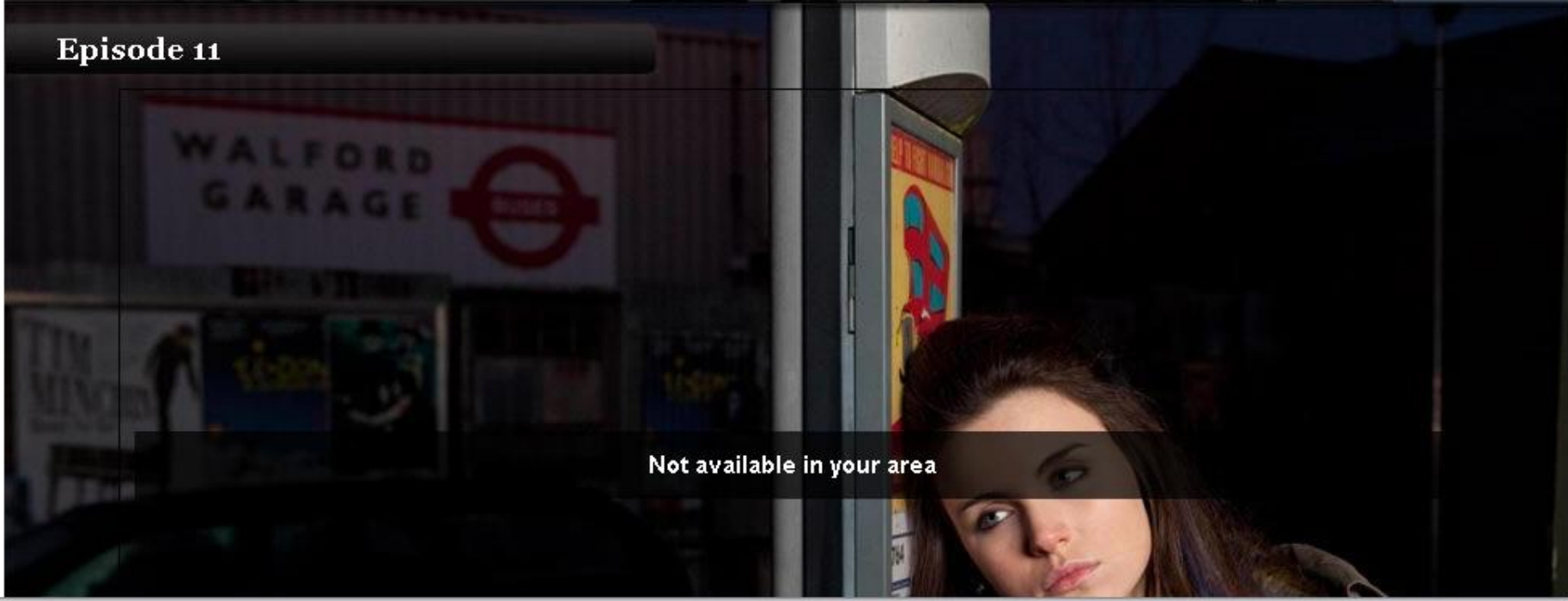


# EastEnders E20

EXCLUSIVE ONLINE DRAMA FROM ALBERT SQUARE



## Episode 11



Not available in your area

# What is this talk about?

- ◉ What the law has (or does not have) to say about evasion of geolocation or “**cybertravel**” – about acts by which a user makes geolocation tools believe that he is physically located somewhere other than where he is located.
- ◉ Example: I sit in the U.S. but use MyExpatNetwork.co.uk to acquire a U.K. IP address and appear as though I am connected to the internet from the U.K.

[Welcome](#)[Packages](#)[How to's](#)[FAQs](#)[Testimonials](#)[Links](#)[Contact Us](#)

# My Expat Network



## Get UK TV online whilst abroad NOW!

For just £5 per month you can subscribe to our VPN solution, enabling you to access UK based website content securely and reliably from anywhere around the globe.

[Subscribe](#)



iPad & Mobile

## Watch UK TV online whilst abroad - Stay connected to the UK

### Safe, Secure and Private Internet for GBP5.00 per month

My Expat Network is a service that provides British and other expats, who have an interest to stay connected with the UK, with a safe, secure and private internet connection. Using our UK based servers, you will also be able to access UK based content such as TV catchup services and other UK only websites.

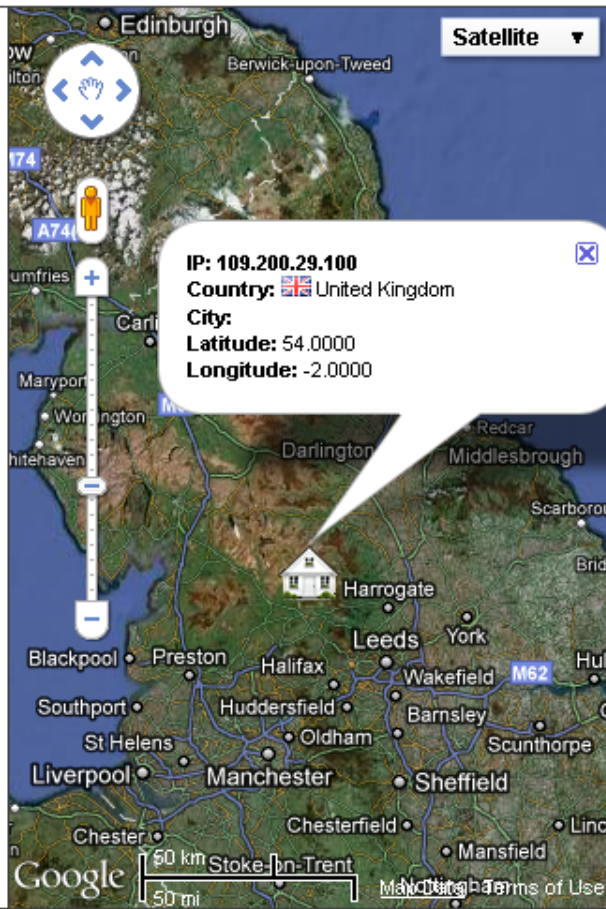
If you are an expat and have been frustrated that, by being overseas you cannot watch UK TV abroad, or access some UK websites, then you have come to right place.



# My IP address: 109.200.29.100

Need to know your IP address? This tool - My IP, shows "my IP address", "IP address location" and ISP information.

<b>My IP address:</b>	109.200.29.100
<b>Host of my IP:</b>	100-29-200-109.rackcentre.redstation.net.uk
<b>Organization:</b>	Redstation Limited
<b>ISP:</b>	Redstation Limited
<b>Netspeed:</b>	Cable/DSL
<b>City:</b>	-
<b>Country:</b>	United Kingdom
<b>State:</b>	-
<b>Timezone:</b>	-
<b>Local Time:</b>	-
<b>Proxy:</b>	No Proxy Detected
<b>Operating System:</b>	WinXP
<b>Browser:</b>	Mozilla 1.9



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- nus.edu
- trackalyze.me

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- writing.colostate.edu
- oncas.grouply.com

## Recent IP Lookups



# Geolocation tools

## Current uses

- Copyright licenses
- Gaming regulations
- Security – credit cards, bank account access
- A Hong Kong company, <http://www.megaupload.com>

# Geolocation tools

## Current law

- Italian gaming authority
- Decisions by German courts
  - e.g., Oberverwaltungsgericht Nordrhein-Westfalen, 13 B 646/10, July 2, 2010
- A letter by the U.S. Attorney for the Southern District of New York re United States v. Pokerstars, et. al., 11 Civ. 2564 (LBS), April 19, 2011
- Legislative interest in geolocation – online gaming, taxation

# Territoriality of the law and the internet

- Territorial partitioning of the internet
  - Filtering by service providers
  - Filtering on users' hardware
  - Employing geolocation by website operators
- Legal challenges to preemptive filtering
  - *Scarlet Extended SA v. Société belge des auteurs compositeurs et éditeurs (Sabam)*, Court of Justice of the European Union, C-70/10, Opinion by Advocate General Pedro Cruz Villalon, April 14, 2011

# Evasion of Geolocation – Types

- Tools for the technically-savvy versus easy-to-use tools
- Dial-up to a foreign internet service provider
- Web proxies (<http://anonymouse.org/anonwww.html>)
- Anonymizer, Tor
- MyExpatNetwork.co.uk, MyExpatNetwork.com



# Law and the evasion of geolocation

## Current law

- 1. an end user, and
- 2. an evasion tool provider
  
- a. the act of cybertravel, and
- b. the associated act that is enabled by cybertravel (e.g., viewing of a video)

# Law and the evasion of geolocation

## Current law

### Liability of an end user

- Copyright law
  - 1996 WIPO Treaties, EU 2001 Info Society Directive
  - DMCA (Digital Millennium Copyright Act, 1998)
  - 17 U.S.C. §1201(a) – 9<sup>th</sup> Circuit v. Fed. Circuit
  - Cache copies

# Law and the evasion of geolocation

## Current law

### Liability of an end user

- Contract law  
SAT1: The user must “use the retrieved content only within the use areas permitted by [the media company], and may not in particular alter, circumvent or otherwise disregard technical measures applied by [the media company] to territorially limit the use.”  
<http://www.sat1.de/service/content/47202/>
- Anti-hacking laws  
Computer Fraud and Abuse Act (18 U.S.C. §1030)

# Law and the evasion of geolocation

## Current law

### Liability of an evasion tool provider

- Direct liability
  - DMCA
  - Computer Fraud and Abuse Act,  
EU 1998 Conditional Access Directive
  - Retransmission?



# Law and the evasion of geolocation

## Current law

### Liability of an evasion tool provider (cont.)

- Secondary liability
  - A necessary link between secondary and direct liability
  - Options to strategically locate providers' activities away from the countries from which users cybertravel  
(e.g., provider in the U.K., users anywhere but the U.K.)

# The Future of Cybertravel: Legal Implications of the Evasion of Geolocation

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