

BEFORE ISRAEL'S KNESSET:  
BILL OF INTELLECTUAL PROPERTY LAW (DIGITAL MEDIA) - 2005  
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1. Definitions...
- Prohibition of uploading and downloading works

2. Uploading and downloading a work, or a part thereof, which is protected by copyright, without obtaining explicit consent from the copyright-owner constitutes an infringement of copyright as defined in the laws of copyright.
- Presentation of a work in a digital file

3. Presenting to the public a work, or a part thereof, which is copyright-protected and stored in a digital file, or making it available and presenting it to the public by technological means, without obtaining explicit consent from the copyright-owner, constitutes an infringement of copyright as defined in the laws of copyright.
- Making available to the public means for uploading and downloading works

4. Making available to the public computer software as defined in the copyright laws which is intended for use in uploading or downloading or rerouting musical works by digital means, without obtaining authorization from the copyright-owners to do so, constitutes a copyright infringement as defined in the laws of copyright, on condition that the entity which made them available knew or should have known that those means were also intended for uploading or downloading musical compositions without obtaining authorization from the copyright owner; this section does not apply to making available a computer itself for public use.
- Supervising a service-provider

5. An entity wishing to act as a service-provider in the territory of the State of Israel must obtain a licence for that purpose from the Ministry of Communications; that licence mandates periodic and ongoing supervision and compliance with the criteria determined in the regulations by the relevant Minister.

**Responsibility of  
the service-  
provider**

6. (A) At any given time, the service-provider must make available to the public the following details in such a way that they are easily and clearly identifiable:
- (i) the name of the service-provider and the type of service it provides;
  - (ii) the geographic location where it was associated and operates;

- (iii) the address of its place of operation and the e-mail address where it can be reached directly, quickly and effectively;
  - (iv) if the service-provider is a legal entity - its identifying details and the place of official association, as well as the names and details of the active managers;
  - (v) if the service-provider's activities require a licence - details of the licence and details of the supervisory authority.
- (B) (i) A provider of access-services that is technically unable to intervene in digital channelling or routing and has no access to the material transferred on the digital network which it makes available to the consumers or recipients of the service, is exempt from liability for monetary compensation of those injured by the content of the material transmitted, contingent on its complying with the following cumulative conditions:
- (a) it does not carry out any digital communication itself;
  - (b) it does not choose recipients of the digital communication;
  - (c) it does not select or change the material included in digital communication.
- (ii) The communication action and access options for communication, as detailed in Section (B)(i) include the automatic transmission of communications and the temporary storage of the material transmitted, conditional on those actions being vital for implementing the exclusive goal of electronic communication and that the material is stored for a period not exceeding the period reasonably required to effect the communication.

- (iii) The stipulations of this section shall not prevent the issuance of injunctions, mandatory injunctions, or any other injunctions that the court is empowered to issue, in order to prevent continuing injury to a complainant or the continuing infringement of copyright.
- (C) (i) A provider of temporary storage-services shall not be responsible for the content of the material transmitted via automatic transmission, nor for the temporary storage during transition of that material, performed solely for the needs of efficient digital communication with other service-recipients - at their request - and contingent on the following conditions being upheld cumulatively:
- (a) the provider does not perform any action regarding the material transmitted, including updates, changes, links, or referrals of whatever type;
  - (b) the provider complies with all the conditions stipulated in sections B(i)(a) - (C) and in section B(ii);
  - (c) the provider acts quickly and efficiently to remove or prevent access to materials, immediately upon being notified by electronic-mail or in any other manner that access to the material has been blocked at the source which transmitted the material, or of the existence of a judicial injunction prohibiting a service-recipient or another service-provider from transmitting that stored material, or instructing the blocking of access to that material;
  - (d) the provider refreshes and permanently deletes, every few hours, all temporarily stored material;
  - (e) the provider intervenes directly or indirectly, using technological means, to block access to stored material or to automatically return the material transmitted to its original sender.

- (D) (i) The hosting-service provider shall not be legally responsible for the content of material stored on the site and made available to service-recipients, if the following conditions are upheld cumulatively:
- (a) the hosting-service provider has no connection to illegal material stored on the website or to unlawful activity conducted on the website or by means of it;
  - (b) the hosting-service provider was and is unaware that illegal activity was conducted from, or via, the website, or was and is unaware of the illegal material stored on the website;
  - (c) the hosting-service provider could not have known about the illegal activity conducted from or via the website, or could not have known about the illegal material stored on the website;
  - (d) immediately upon receiving notification that illegal activities are being conducted on or via the website, or about illegal material stored on the website, the hosting-service provider acts quickly and effectively to block the site or to block access to the stored material, as the case may be, and the illegal activity conducted on or via the site ceased outright. A written notification, sent to the hosting-service provider by the copyright-owner, producer or authorised representative, by means of any communication method that the hosting-service provider has made available to the public, shall be considered as having reached its destination 12 hours from its dispatch;
  - (e) the provider did not and does not obtain any direct or indirect economic benefit from storing unlawful material or from unlawful operations conducted on or via the site.

- (ii) The stipulations of this section shall not be deemed to prevent the issuance of injunctions, mandatory injunctions or any other injunction that the court is empowered to issue in order to prevent continued injury to a complainant or the continued infringement of copyright.
- (iii) The stipulations of this section shall not be deemed to prevent the filing of a suit for monetary damages incurred by a complainant during the period that elapsed until the activity was removed or the website was blocked, as stated in subclause D(i)(d), conditional on the provider's supplying proof that it had informed both the competent authorities and the complainant, or either of them, about its concerns regarding the illegal activity taking place on the website, but they did not act to advise the provider to act as stated in subclause D(i)(d).

**Local and  
international  
jurisdiction**

- 7. Local jurisdiction in the matters dealt with by this law is that of the District Court in Israel, on condition that the services given or received by the service-provider were within the territory of the State of Israel.