

MOTION PICTURE ASSOCIATION, INC.,
Represented by, **J. PONCE LAW,**

IEO CASE NO. 18-2024-002

Complainant,

-versus-

JOHN DOE(s)/JANE DOE(s),
Owner and/or Administrator of the
Pirate Websites:
myflixerz.to,
myflixertv.to,
myflixer.today

For: Issuance of a Request to ISP/s to Block
or Disable Access to Pirate Websites under
IPOP HL Memorandum Circular Nos.
2023-025 and 2020-049

Respondent.

X-----X

REQUEST

On 17 August 2024, the Evaluation Officer submitted her Evaluation Report and the same was recommended for approval. The recommendation provides as follows:

xxx

In view thereof, the enforcement actions stated below are hereby RECOMMENDED:

1. Issuance of a Request to the Internet Service Providers (ISP) to block or disable access to the pirate websites, namely, **myflixerz.to**, **myflixertv.to**, and **myflixer.today**, and to take the necessary steps provided under Section 5 of IPOP HL Memorandum Circular No. 2023-025 otherwise known as the Rules on Voluntary Administrative Site Blocking, to wit:
 - a. Domain Name System ("DNS") blocking with respect to all Domain Names where the infringing online location operates;
 - b. IP address blocking or re-routing with respect to static IP addresses for infringing online locations;
 - c. Uniform Resource Locator ("URL") blocking of the target online location and their domain names; or
 - d. Any other alternative technical means for disabling access.

2. Serve a copy to the National Telecommunications Commission (“NTC”) which exercises regulatory power over all Internet Service Providers (ISPs) to request the blocking or disabling of access to the above-mentioned pirate websites.

xxx

These recommendations were submitted for review and approval of the Supervising Director of the IP Rights Enforcement Office (IEO). After reviewing the evaluation, the corresponding Decision was issued, to wit:

XXX

After a review of the Evaluation Report and the documents submitted vis-à-vis the applicable laws and rules, the recommendations are hereby **APPROVED**.

WHEREFORE, foregoing premises considered, this Office finds reasonable grounds to grant the request to block or disable access to the pirate websites. Accordingly, the recommendations are hereby **APPROVED** and a **REQUEST** to the Internet Service Providers (ISPs) **TO BLOCK OR DISABLE ACCESS** to the pirate websites, namely, **myfixerz.to**, **myfixertv.to**, and **myfixer.today**, and to take the necessary steps provided under Section 5 of IPOPHL Memorandum Circular No. 2023-025 otherwise known as the Rules on Voluntary Administrative Site Blocking is hereby **ISSUED**, to wit:

- a. Domain Name System (“DNS”) blocking with respect to all Domain Names where the infringing online location operates;
- b. IP address blocking or re-routing with respect to static IP addresses for infringing online locations;
- c. Uniform Resource Locator (“URL”) blocking of the target online location and their domain names; or
- d. Any other alternative technical means for disabling access.

A copy of this Decision shall also be served to the National Telecommunications Commission (“NTC”) which exercises regulatory power over all Internet Service Providers (ISPs).”

xxx

In view of the Evaluation Report submitted and the corresponding Decision that was issued, the undersigned is formally requesting the National Telecommunications Commission (NTC) and the ISPs, to take immediate action to block access to the websites **myfixerz.to**, **myfixertv.to**, and **myfixer.today** within the territory of the Republic of the Philippines and to take the necessary steps provided under Section 5 of IPOPHL Memorandum Circular No. 2023-025 otherwise known as the Rules on Voluntary Administrative Site Blocking, to wit:

- a. Domain Name System (“DNS”) blocking with respect to all Domain Names where the infringing online location operates;
- b. IP address blocking or re-routing with respect to static IP addresses for infringing online locations;
- c. Uniform Resource Locator (“URL”) blocking of the target online location and their domain names; or
- d. Any other alternative technical means for disabling access.

Further, considering that no contact details of the website owner or administrator are available despite the exhaustion of all reasonable means, let a copy of this Request be published on the IPOPHL website, which shall serve as due notice to the website administrator.

Taguig City, 30 September 2024.


ATTY. NATHANIEL S. AREVALO
Deputy Director General

Copy furnished to:

NATIONAL TELECOMMUNICATIONS COMMISSION
NTC Building BIR Road,
East Triangle, Diliman 1128
Quezon City Metro Manila

PLDT Group and Smart Communications
Ramon Cojuangco Bldg., Makati Ave. cor Ayala Ave.
Legazpi Village, Makati City
Metro Manila, Philippines 1200

Globe Telecom, Inc.
26/F The Globe Tower, 32nd St. cor. 7th Ave.
Bonifacio Global City, Taguig

SkyCable Corporation
6th Floor, ELJ Communications Center
Eugenio Lopez Drive

Diliman, Quezon City 1100

DITO Community

Udenna Tower, Rizal Dr. cor. 4th Ave.,
Bonifacio Global City, Taguig City 1634

ATTY. JAN ABIGAIL L. PONCE

J. PONCE LAW

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025 and 2020-049

JOHN DOE(s)/JANE DOE(s),
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Pirate Websites:
myflixerz.to,
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Respondent.

X-----X

DECISION

MOTION PICTURE ASSOCIATION, INC. (MPA), a company duly organized and existing under the laws of the State of Delaware, U.S.A., with principal office at 15301 Ventura Blvd., Building E, Sherman Oaks, CA, USA., represented herein by Atty. Jan Abigail Ponce of the law firm, J. Ponce Law, with office address at 20/F Zuellig Building, Makati Avenue corner Paseo de Roxas, Makati City, Metro Manila, Philippines, ("Complainant") filed a verified Complaint ("Complaint") for the Issuance of a Request to Internet Service Providers/s to Block or Disable Access to Pirate Websites under Section 5 of IPOP HL Memorandum Circular No. 2023-025, specifically for alleged acts of piracy which fall under copyright infringement against Respondents the operator/s and/or owner/s of websites with URL addresses: **myflixerz.to**, **myflixertv.to**, **myflixer.today**.

The Complainant alleges the following, among others:

xxx

9. The instant Complaint complies with the requirements provided under Section 2, Rule IV of IPOP HL Memorandum Circular 2020-049 otherwise known as the *Revised Rules of Procedure for Administrative Enforcement of Intellectual Property Rights (IPR)*.

*About Complainant MOTION PICTURE
ASSOCIATION, INC. ("MPA"), and the MPA's
members*

10. MOTION PICTURE ASSOCIATION, INC. serves as the global voice and advocate of the motion picture, home video, and television industries. It works in every corner of the globe to advance the creative industry, protect its members' content across all screens, defend the creative and artistic freedoms of storytellers, and support innovative distribution models that bring an expansion of viewing choices to audiences around the world.

11. The MPA's member studios are: Disney, Netflix, Paramount, Sony, Universal, and Warner Bros. Discovery.

12. MPA's company members have vested copyright and economic rights as enumerated under Section 177 of the *Intellectual Property Code of the Philippines*, which provides:

“SECTION 177. Copyright or Economic Rights. - Subject to the provisions of Chapter VIII, copyright or economic rights shall consist of the exclusive right to carry out, authorize or prevent the following acts:

177.1. Reproduction of the work or substantial portion of the work;

177.2. Dramatization, translation, adaptation, abridgment, arrangement or other transformation of the work;

177.3. The first public distribution of the original and each copy of the work by sale or other forms of transfer of ownership;

177.4. Rental of the original or a copy of an audiovisual or cinematographic work, a work embodied in a sound recording, a computer program, a compilation of data and other materials or a musical work in graphic form, irrespective of the ownership of the original or the copy which is the subject of the rental; (n)

177.5. Public display of the original or a copy of the work;

177.6. Public performance of the work; and

177.7. Other communication to the public of the work.

13. Respondent(s) are operator/s and/or owner/s of websites with URL addresses: **myflixerz.to**, **myflixertv.to**, **myflixer.today** have no authority or permission, from the Rightsholders, expressed or implied, to make available, publish, copy, print, reproduce, use, or make available for download or for streaming in any manner of any of the Rightsholders'

copyrighted works, including but certainly not limited to, “Shazam!”, “Raya and the Last Dragon”, “Girls Trip”, “Day Shift”, “Jumanji: The Next Level” and “Top Gun: Maverick”. For avoidance of doubt, this selection of titles represent a small, non-exhaustive sample of the widespread infringement taking place on the Respondent(s)’ websites and are not intended to represent the full scale of infringements taking place on these websites.

14. Section 1 of *IPOPHL Memorandum Circular No. 2023-025 otherwise known as the Rules on Voluntary Administrative Site Blocking* provides that “a copyright owner or right holder or its duly authorized representative may file an application with the IP Enforcement Office (IEO) for the issuance of a Request to an ISP/s to Block or Disable Access to Websites (“Request) against a pirate website by filing a verified Complaint pursuant to Section 1, Rule IV of the Revised Rules of Procedure for Administrative Enforcement of Intellectual Property Rights (IPR) (Rules)”.

15. Meanwhile, Section 5 (j) of *IPOPHL Memorandum Circular 2020-049 or the Revised Rules of Procedure for Administrative Enforcement of Intellectual Property Rights (IPR)* provides that: “xxx(j). Pirated Goods or Content-shall mean any goods, materials, or content which are made, produced, or replicated without the consent of the right holder or person duly authorized by the right holder and which are made, produced, or replicated directly or indirectly form articles or content where the making of that copy would have constituted an infringement of copyright or related rights.xxx”

16. The above-named Rightsholders having established their ownership of the copyrights for **Shazam!, Raya and the Last Dragon, Girls Trip, Day Shift, Jumanji: The Next Level and Top Gun: Maverick** are entitled for a Relief provided for under *Section 1 of IPOPHL Memorandum Circular No. 2023-025 otherwise known as the Rules on Voluntary Administrative Site Blocking*.

17. The Republic of the Philippines and the United States of America, in which MPA and its member companies are domiciled, are members of the Berne Convention for Literary and Artistic Works which protects the copyrights of nationals of member states in all member state countries.

18. Under Article 5 (2) of the Berne Convention, the right to copyright protection of nationals of member states in other member states is not subject to any formality. Consequently, copyrights of nationals of member states need not be registered in the Philippines as a pre-requisite to filing an action for copyright infringement in the Philippines, to wit:

“(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his

rights, shall be governed exclusively by the laws of the country where protection is claimed."

19. The foregoing is affirmed by the Intellectual Property Code of the Philippines which provides that copyright subsists from the moment of creation (Sec. 172, R.A. 8293).

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In support of its Complaint, the Complainant submitted the following pieces of documentary evidence:

Exhibit/Annex	Description
Exhibit "A"	Affidavit of Atty. Jan Ponce, Managing Partner of Jan Ponce Law
Annex "A"	Apostilled Power of Attorney signed by Moh Ho Fai, in his capacity as Vice President, Content Protection legal, Asia Pacific, Motion Picture Association, Inc. , appointing J. Ponce Law as its Attorney-in-fact
Annex "B"	Powers of Attorney evidencing the authority granted by the Rightsholders to the MPA
Annex "C"	The electronic evidence / online records corresponding to the Copyrighted Works
Annex "D"	Non-exhaustive screenshots/sample of infringing links and corresponding screenshots in the aforementioned Pirated Websites
Annex "E"	Summary list of Takedown Orders in different jurisdictions against the pirate websites subject of this complaint
Annex "F"	Takedown Orders from other jurisdictions
Annex "G"	Comparison of Myflixer-related sites

Issue:

Whether or not there is piracy or infringement of Complainant's rights as copyright owner of the copyrighted works subject of this case.

Infringement of a copyright is a trespass on a private domain owned and occupied by the owner of the copyright, and, therefore, protected by law, and infringement of copyright, or piracy, which is a synonymous term in this connection, consists in the doing by any person, without the consent of the owner of the copyright, of anything the sole right to do which is conferred by statute on the owner of the copyright.¹

Under Section 216 of the Intellectual Property (IP) Code, as amended by RA 10372, it is provided that:

¹ Habana ys. Robles, G.R. No. 131522, 19 July 1999

SEC. 216. *Infringement.* – A person infringes a right protected under this Act when one:

*“(a) **Directly commits an infringement;***

*“(b) **Benefits from the infringing activity** of another person who commits an infringement if the person benefiting has been given notice of the infringing activity and has the right and ability to control the activities of the other person;*

*“(c) **With knowledge of infringing activity, induces, causes or materially contributes** to the infringing conduct of another.”*

Further, under IPOPHL Memorandum Circular 2020-049 or the “Revised Rules of Procedure on Administrative Enforcement of Intellectual Property Rights,” **Pirated Goods or Contents** are defined as any goods, materials, or content which are made, produced, or replicated without the consent of the right holder or person duly authorized by the right holder and which are made, produced, or replicated directly or indirectly from articles or content where the making of that copy would have constituted an infringement of copyright or related rights.

This Office agrees with the findings of the Evaluation Officer that the links subject of the request are indeed pirate websites having the primary purpose or effect of infringing copyright or **facilitating copyright infringement** and/or that contains goods, materials, or contents which are made, produced, or replicated, **without the consent** of the copyright owner, right holder, or person duly authorized by the right holder, as defined under Memorandum Circular 2023-025 otherwise known as the Supplemental Rules to *Memorandum Circular No. 2020-049, otherwise known as the Rules on Voluntary Administrative Site Blocking*”.

The Complainant having clearly established their ownership over the subject copyrighted works as shown by the electronic evidence / online records corresponding to the Copyrighted Works attached as Annex “C” to Complainant’s Exhibit “A”, and are publicly accessible through the Copyright Public Records System developed by the United States Copyright Office at <https://cocatalog.loc.gov>, has the exclusive right to authorize the direct and indirect reproduction of the works in any manner or form and the placing of these reproductions in the market.

A thorough examination of the evidence presented and the evaluation report submitted reveals that all the cited websites are hosting pirated versions of movies or TV shows, allowing users to access these illegal copies by **downloading** them through links on the same website or by **streaming them online**. Infringers operate by using various methods to distribute and access copyrighted material illegally. This includes using peer-to-peer networks for sharing files, hosting content on illegal streaming websites, distributing files via direct downloads, and using tools like VPNs to hide their activities. The links mentioned in the instant Complaint facilitate the distribution of illegally obtained copyrighted materials by hosting such content, allowing users with direct access to pirated copies of movies and TV shows and allowing them to download or stream these materials without proper authorization. Said reproductions were done without the consent of the Complainant who represents the rightful copyright owners of some of the contents being reproduced on said websites. The Complainant, who represents the legitimate copyright owners of some of the content being replicated on the aforementioned websites, has not given its authority nor

consent to make available, publish, copy, print, reproduce or make available for download or stream online in any manner the subject copyrighted works on the aforementioned websites.

By hosting pirated content and allowing users to access illegal copies through downloading or streaming, Respondents undermine the exclusive rights of Complainants. Respondents committed copyright infringement when they made available in their websites the copyrighted works without the express authority from the complainants thereby directly committing piracy or **copyright infringement** under Section 216 of the Intellectual Property Code of the Philippines (IP Code), as amended by R.A.s 9150, 9502, and 10372.

This Office has also taken into account the fact that, as shown by the Summary list of Takedown Orders in various jurisdictions against the pirate websites and Takedown Orders from other jurisdictions *Annex "E"* and *"F"* of the *Exhibit "A"* attached to the complaint, the aforementioned websites were already the subject of numerous site blocking orders in other jurisdictions, such as Australia and United Kingdom.

Further, one of the websites subject in this complaint, **myflixertv.to**, is also listed in the **WIPO Alert**² platform, a secure online platform to which authorized bodies in WIPO member states contribute with uploading details of websites or apps which have been determined to infringe copyright according to national rules.

In view thereof, this Office finds the Evaluation Report in order and the recommendation is hereby **APPROVED**.

WHEREFORE, foregoing premises considered, this Office finds reasonable grounds to grant the request to block or disable access to the pirate websites. Accordingly, the recommendations are hereby **APPROVED** and a **REQUEST** to block or disable access to the pirate websites, namely, **myflixerz.to**, **myflixertv.to**, and **myflixer.today**, and to take the necessary steps provided under Section 5 of IPOP HL Memorandum Circular No. 2023-025 otherwise known as the Rules on Voluntary Administrative Site Blocking is hereby **ISSUED**, to wit:

- a. Domain Name System ("DNS") blocking with respect to all Domain Names where the infringing online location operates;
- b. IP address blocking or re-routing with respect to static IP addresses for infringing online locations;
- c. Uniform Resource Locator ("URL") blocking of the target online location and their domain names; or
- d. Any other alternative technical means for disabling access.

A copy of this Decision shall also be served to the National Telecommunications Commission ("NTC") which exercises regulatory power over all Internet Service Providers (ISPs) to request the blocking or disabling of access to the above-mentioned pirate websites.

Taguig City, 25 September 2024.

² <https://www3.wipo.int/wipoalert/> Last accessed 16 September 2024



ATTY. CHRISTINE V. PANGILINAN-CANLAPAN, CESO IV
Supervising Director
IPR Enforcement Office - Office of the Director General

Copy furnished to:

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NTC Building BIR Road,
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