

Evidence Pack

s.to

18th February 2021



000027

EVIDENCE PACK



About Incopro

Incopro is a company incorporated in the United Kingdom, the United States and China. Since its foundation in 2012, Incopro has been rendering services on gathering of evidence, internet investigation and site blocking in over 11 territories and is constantly pioneering new technologies in the fight against piracy and copyright protection.¹

Incopro's Investigations Services team provide in-depth intelligence and evidence on infringer networks for both online and offline action. The threats to businesses online are wide and varied. As such Incopro has a dedicated team of specialists with relevant skills and expertise in evidence gathering.² The team has a wealth of experience, skill and training in Open Source Intelligence gathering and analysing sites that infringe IP rights, in particular copyright.

Incopro also operates a technology to monitor infringement of IP, including tracking and monitoring of copyright infringing websites. Incopro brings together experts in IP law, technical design and criminal investigation to champion a comprehensive and intelligent approach to tackling IP infringement.

Incopro's **Identify** system, automatically and continuously tracks publicly available information about specific online locations that have been manually reviewed and vetted by Incopro analysts.

And Incopro's **Blockwatch** system, is a secure system which utilises public information to identify and continuously monitor online locations, such as URLs, domain names and IP addresses of target websites by automated means.

The locations of a website that is the subject of a blocking order are first added to Incopro's Blockwatch system and once the target website's locations are added, the Blockwatch system monitors any changes in their locations. It identifies new redirects, detects and monitors proxies that sometimes come into operation in an attempt to circumvent site blocking orders, and identifies locations that cease to provide access to the target websites.

The information collated by the Blockwatch system is used to populate notifications sent to ISPs that notify them of the locations to be blocked (or unblocked) under site blocking orders.

The Blockwatch system and Incopro's expert knowledge has been recognised and endorsed in court judgments (see e.g., the High Court and Court of Appeal judgments in the *Cartier*³ case).

Following the use of Blockwatch to support UK court-ordered site blocking, Incopro is now engaged by a number of rightsholder groups to provide its Blockwatch service in support of site blocking orders in various jurisdictions.

and and and and were actively involved on the first website to be blocked in the UK (Newzbin2) in 2011. acted as one of the solicitors on behalf of the rightsholders and acted as technical consultant and were instrumental on the success of this landmark case

² Incopro utilises online platforms such as, but not limited to: DomainTools, Chrome Developer Tools, RIPE, SimilarWeb, Alexa, Internet Archive: WayBackMachine to produce its technical reports. This is not a comprehensive list and is subject to changes, depending on the requirements of each report.

³ See para 18 in Court of Appeal, Cartier & Ors v. Sky & Ors, 6 July 2016 available at: https://www.bailii.org/ew/cases/EWCA/Civ/2016/658.html; and see para's 10 59, 60, 202, 220 ad 227 in High Court, Cartier & Ors v. Sky & Ors, 17 October 2014 available at chttps://www.bailii.org/ew/cases/EWHC/Ch/2003/3354.html



Review of s.to

Incopro Limited ("Incopro") has reviewed the website that is currently located at s.to (the "Website").

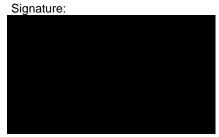
Incopro verifies that the review has been undertaken by a specialist employed by Incopro under the overall supervision of Helen Saunders, Incopro's Chief Product Officer.

The review of the Website has been conducted by reference to well-established criteria that are relevant in assessing the infringing nature of a website. In applying these criteria, through a combined technical and manual assessment, Incopro has assessed that the Website is a flagrantly infringing website.

A summary of the key criteria that have informed the scoring of the Website as a flagrantly infringing website is set out in the table below.

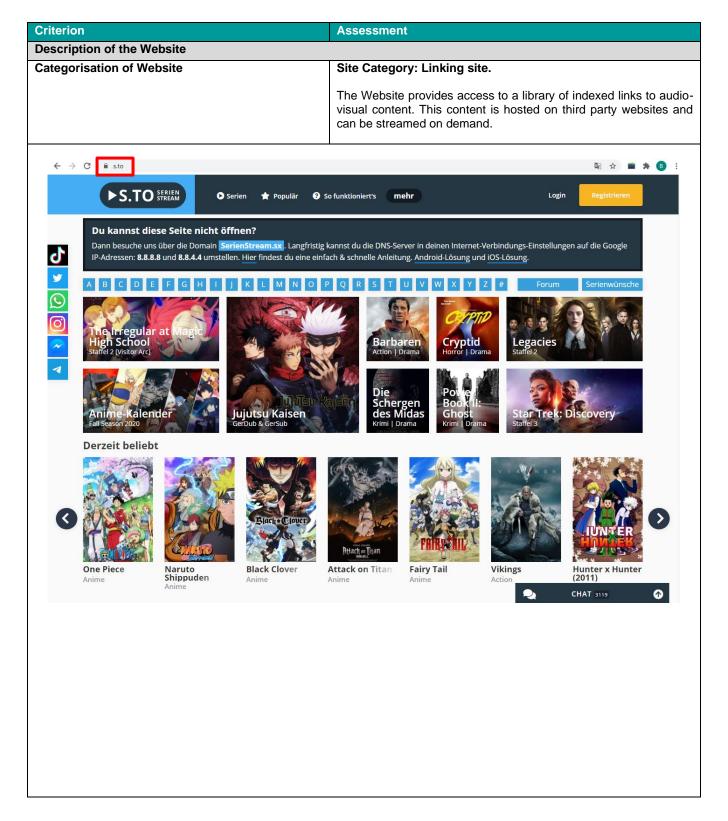
The information and screenshots referred to in this report (consisting of Annex II 2.2 to Annex III) is correct as of 18th February 2021. The screenshots were taken between 11th January and 18th February 2021. All screenshots have been taken using a German IP address via a VPN client.

The author of this expert report hereby declares, under oath to state the truth, that she has performed, and if appropriate, shall perform her task, with the highest possible objectivity, taking into account both whatever may favour and whatever may cause any prejudice to any of the parties within the Court proceedings to which the opinion might be filed at, and that she is aware of the penalties she might be imposed if she breached her duty as an expert.

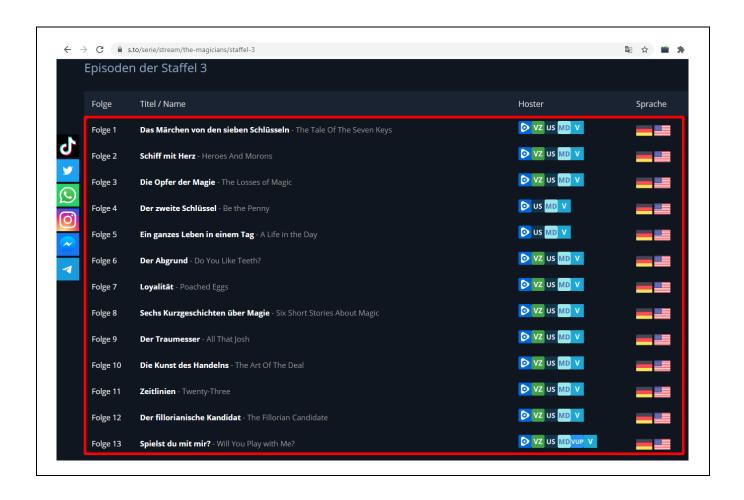


Date: 18/02/2021











Availability via at least one domain

The Website is available to the public via at least one domain.

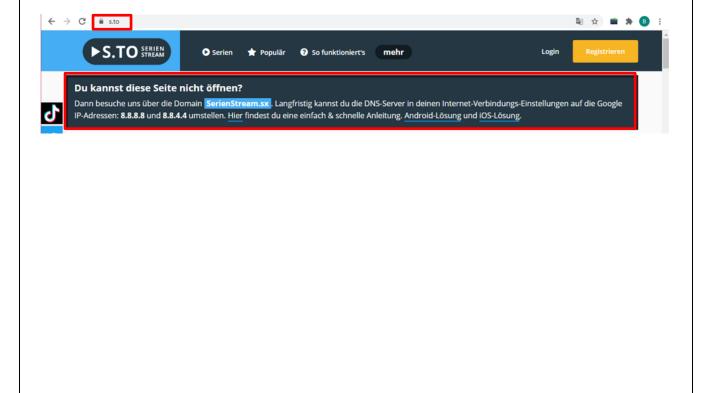
Availability via the following domains:

- s.to
- serienstream.sx
- serienstream.to (currently redirecting to s.to as of 11th January 2021)

There are reasonable grounds to assume that the Website serientream.sx maintains an identical layout and content of s.to. and, through the checks performed by the author of this report, it can be established that serienstream.sx does not differ from s.to in any of the relevant aspects analysed in this report, such as layout, search functionality, forum, language, banner art, and categorisation of content as it can be seen on the screenshots provided in Annex III of this report. Also, the website of both domains offers the domain "serienstreams.sx" as an identical alternative to s.to ("Du kannst diese Seite nicht öffnen? Dann besuche uns über die Domain SerienStream.sx." – see header below).

The website serienstream.to is currently redirecting, and therefore leading to s.to (redirect screenshots taken on 11th January 2021).

SCREENSHOTS FOR S.TO



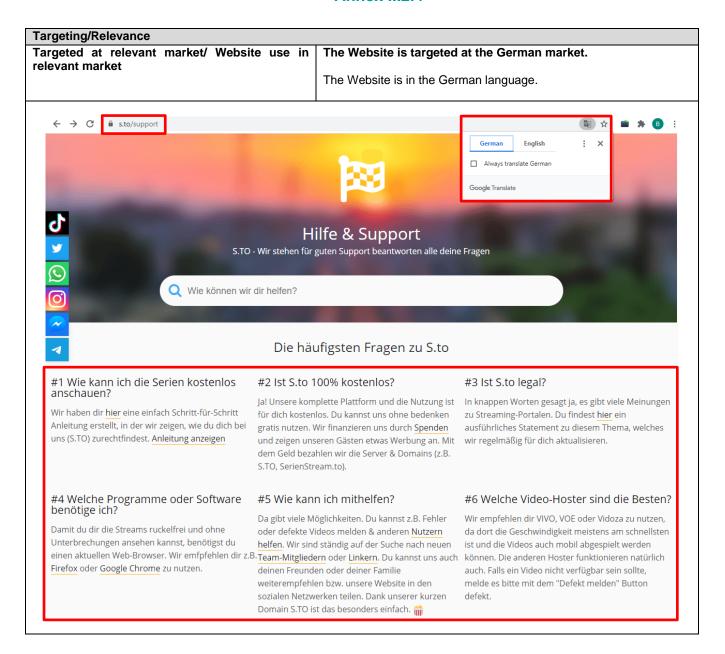




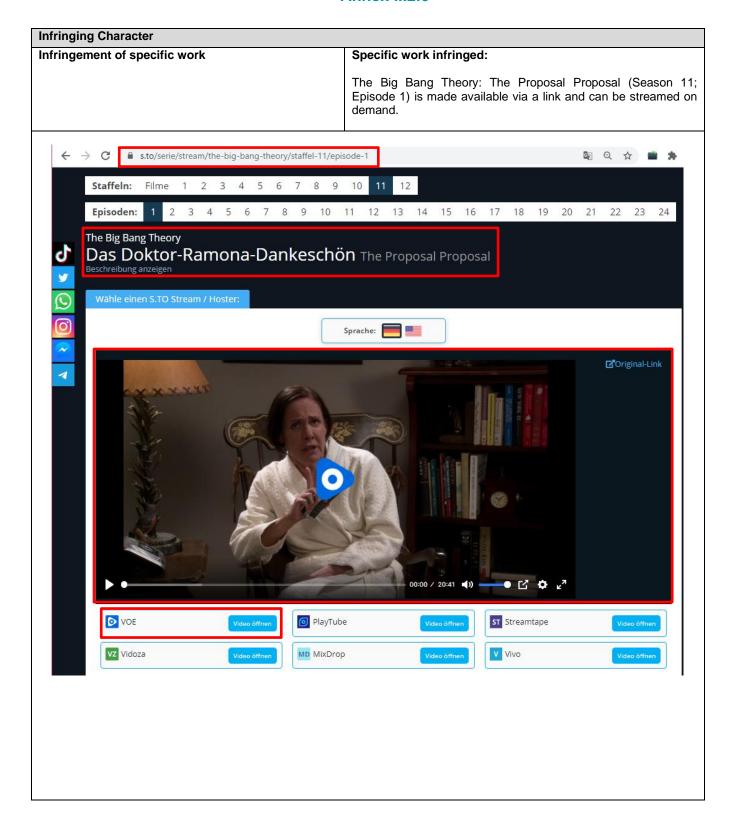


SCREENSHOTS FOR SERIENSTREAM.TO (REDIRECTING TO S.TO) ddos-guard Security: __ddg1=Mlnxpw55c6EKxIQmEVLy; Domain=.serienstream.to; HttpOnly; Path=/; Expires=Tue, 11-Jan-2022 13:46:45 GMT Mon, 11 Jan 2021 13:46:45 GMT text/html https://s.to/ Status: Connection: close Strict-Transport-Security:max-age=31536000 Content-Security-Policy: upgrade-insecure-requests; Set-Cookie: SSTOSESSION=irs5staeg4qq82mrjt9vvosct7; path=/ Date: Mon, 11 Jan 2021 13:46:45 GMT Content-Type: text/html; charset=UTF-8 Vary: Accept-Encoding Expires: Thu, 19 Nov 1981 08:52:00 GMT Coache-Control: no-store, no-cache, must-revalidate Pragma: no-cache Pragma:





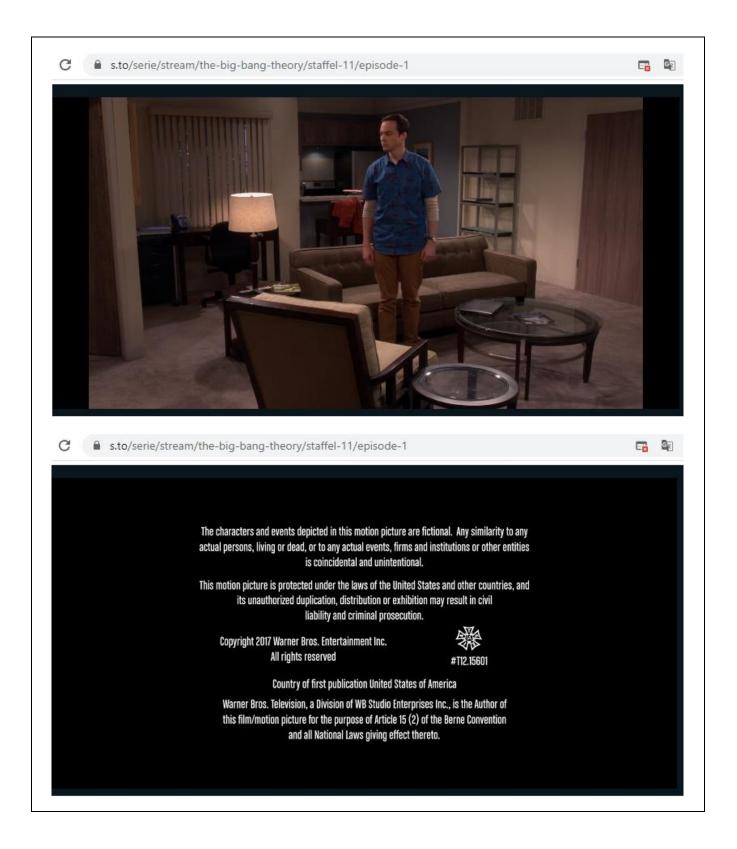












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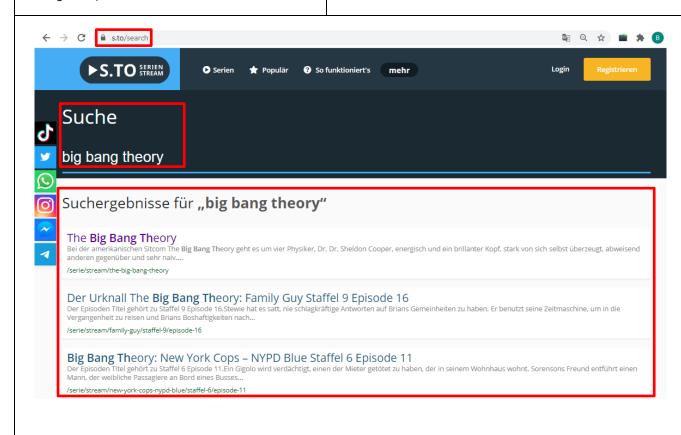


Ease of use

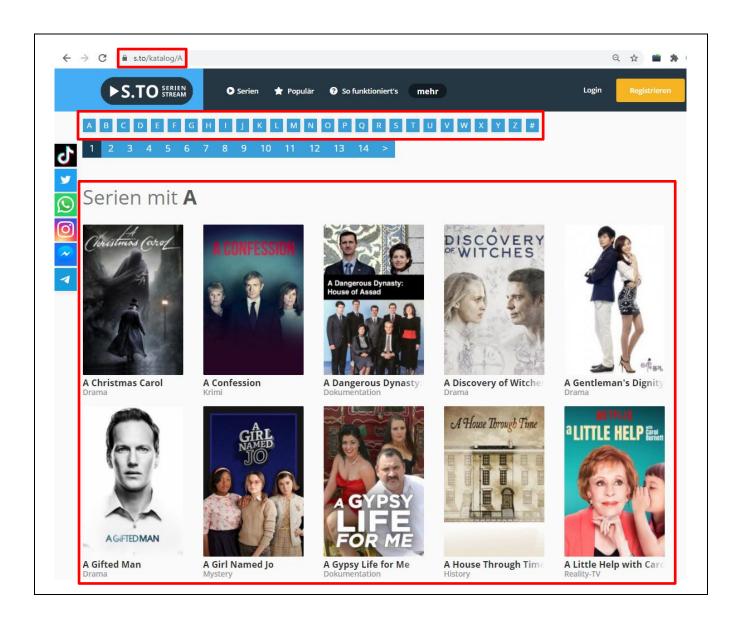
Availability of features that allow users to easily find content (incl. whether an index browsing and/or search facilities are provided and whether the available content is categorised).

Content is easy to find for users.

Search functionality is enabled. Categorisation of content.







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Knowledge of infringing activities

Availability of indications that the Website operator is aware of the unlawful activities of the Website: Promotion of recently added infringing content; website strapline indicating infringement, liability disclaimers, titles that include references to infringing content, instruction to change DNS servers, etc.).

The Website is operated with knowledge of infringement.

Promotion of recently added infringing content; No content authorised from MPA members; Presence of liability disclaimer; Instructions to change DNS server to circumvent DNS block.

Promotion of recently added infringing content.

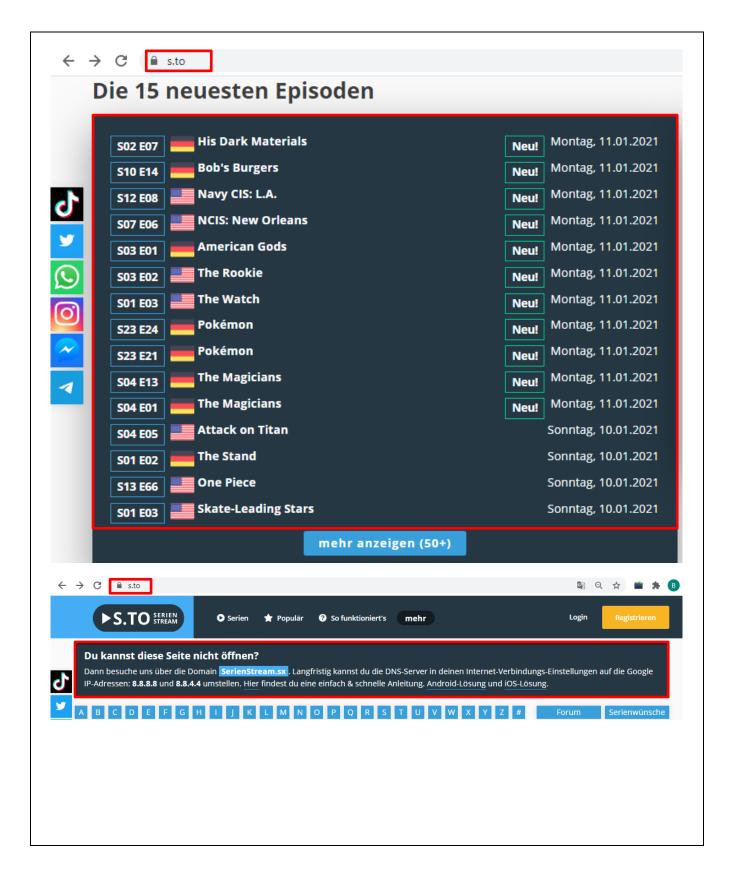
According to our knowledge, as a general rule all video content on the Website has not been authorized by rightsowners. Our customer Motion Picture Association (MPA) represents 6 international producers and distributors of films, home entertainment and television programs (Walt Disney Studios Motion Pictures, Netflix Studios, LLC, Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Universal City Studios LLC, and Warner Bros. Entertainment Inc.). Their content is made available on the Website on a large scale. The MPA has confirmed to us that none of their members has authorized any use of content on the Website.

The Website claims the copyright protected content (videos) has been published by third-party websites and denies any liability, if the third-party websites act without authorisation.

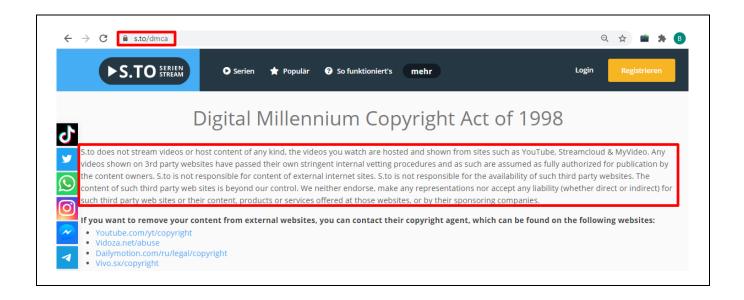
The Website advises users to change the DNS server in their Internet connection settings to the Google IP addresses: 8.8.8.8 and 8.8.4.4. A change of DNS server would enable their users to circumvent the DNS block. The Website was already blocked by German and Austrian internet service providers via DNS blocks in the past due to copyright infringements. In view of these DNS blocks in the past and the fact that the advice to change the DNS server in the Internet connection settings is introduced by the statement "Du kannst diese Seite nicht öffnen?"

Dann besuche uns über die Domain SerienStream.sx" ("You cannot open this site? Then visit us via the domain SerienStream.sx") it is plausible that the advice to change DNS servers is given to circumvent possible future DNS blocks. We do not see other obvious reasons for the Website to recommend a change of the DNS server.









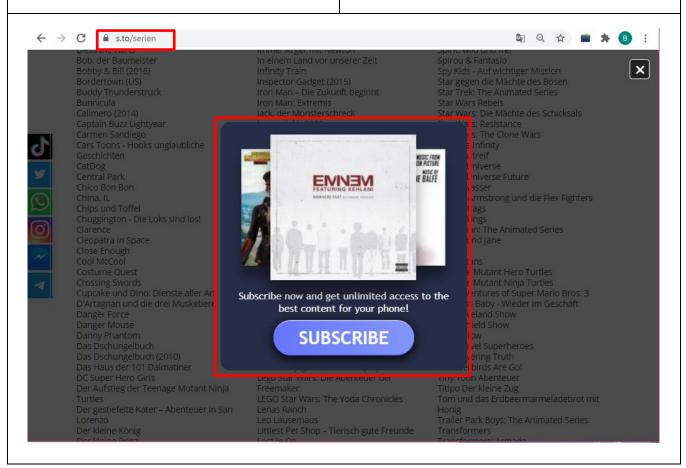




Profit making activity

Availability of a profit motive applied by the Website. Examples are revenue generated via advertising, subscription, download charges, donations etc.

The Website generates revenue through advertising.





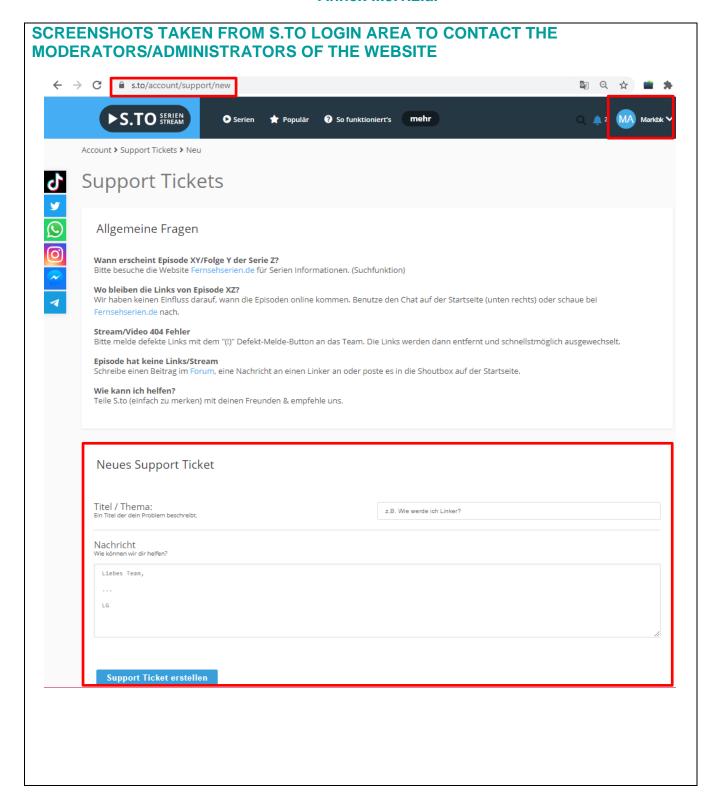


Annex II.5.1.1

Operators/Administrators	
Contact details Operators/Administrators	No traceable Operators/Administrators.
	Having examined the Website and relevant public resources, the operator(s) remain(s) unknown. In particular, the Website has no imprint or legal notice containing any information on operators or administrators enabling identification of these. It merely enables filing "support tickets" to the administrators of the Website when registering with the Website. This is typical of websites hosting or advertising copyright infringing content.



Annex II.5.1.2.a.



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Contact details service providers of the Website

Below you find a list of service providers of the Website and therewith potential avenues for exploration to identify the operator/administrators of the website.

We could not establish any other reasonable potential avenue to successfully contact the operator/administrator of the website.

In view of the fact that the Website has a clearly illegal business model we do not consider it likely from our extensive experience with such type of websites, that the operators of the Website would have provided to any of the named service providers correct contact data or any other information which could lead to their identification.

Given my extensive experience as an internet investigator, I am satisfied that I have explored all reasonable means of online investigation to identify the operator/administrators.

Contact details Hosting/CDN provider

DDOS-GUARD for s.to and serienstream.to

The author of this report is unable to identify what services the website operators are using from DDOS-GUARD. It is possible that the website protection and optimization/DDOS protection service, where DDOS-GUARD acts as a reverse proxy to the actual site, which would be hosted elsewhere. Even with that option there could be various degrees of hosting involved depending on what services the operator has selected (caching of static content, CDN). However, DDOS-GUARD also offers actual/traditional hosting packages as well (Protected Hosting), so DDOS-GUARD could be the main host and not acting as a reverse-proxy.

We could not determine any other reasonable potential avenue to successfully identify the hosting provider of the website.

When performing look-up via RIPE, Mr. Marchenko is provided as contact for the IP addresses that match s.to and serienstream.to. A further lookup via He.net shows that DDOS-GUARD is the owner of the Autonomous System (AS) which includes the IP-Addresses s.to and serienstream.to. Mr. Marchenko is listed as the CEO of DDOS-GUARD on his LinkedIn profile.

Evgeniy Marchenko

Address: Russia, Rostov-on-Don Phone: ext. 501 E-mail: @mail.ru

DDOS-GUARD contact details:

Company:

ООО «ДДОС-ГВАРД»

Email:

info@ddos-guard.net

pr@ddos-guard.net

Phone:

8 (800) 333-17-63

8 (495) 215-03-87

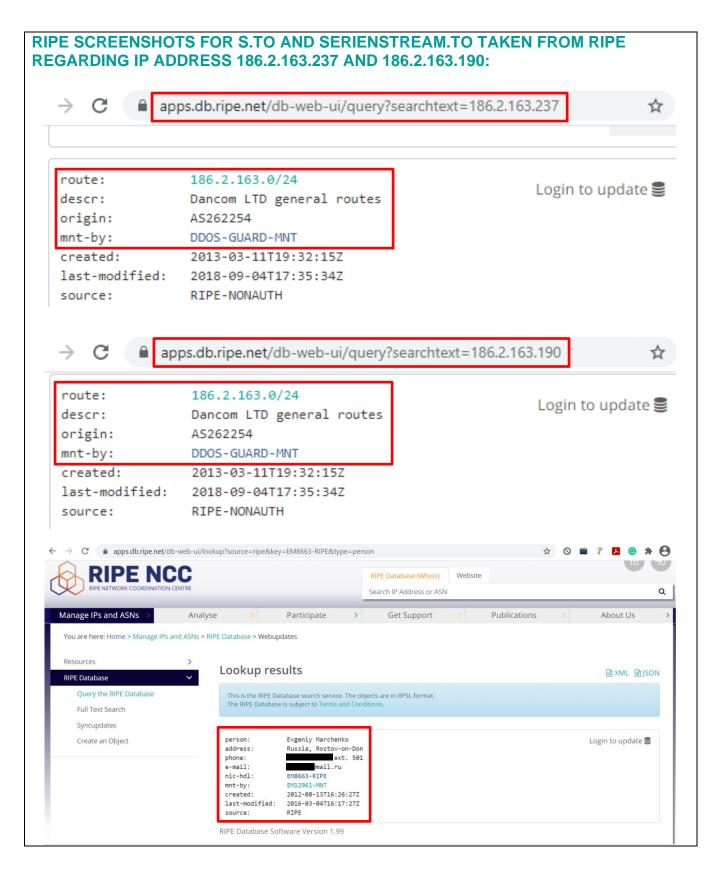
Address:

(фактический/юридический)

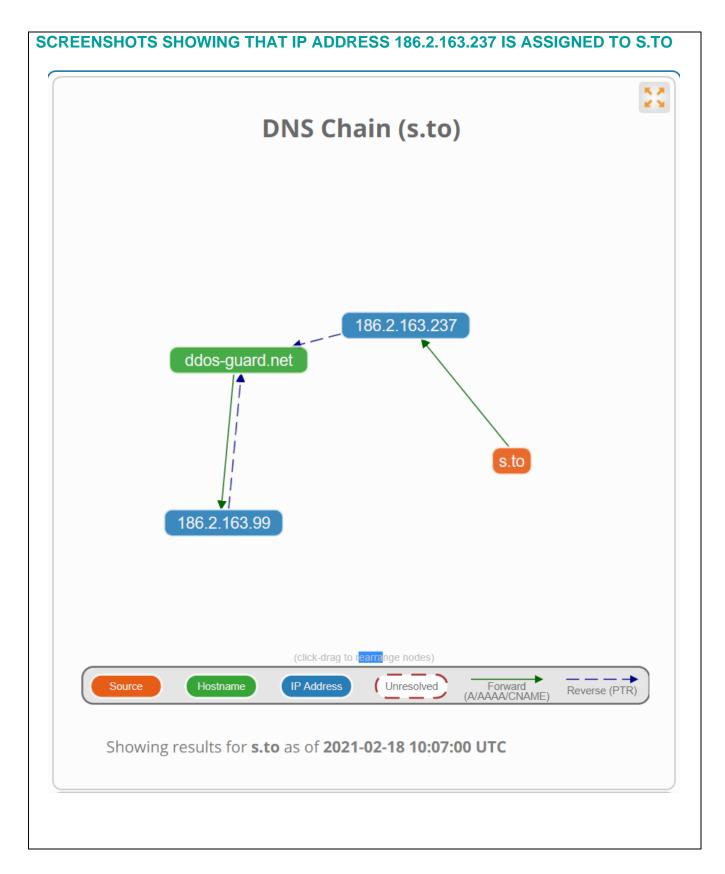
344019, г. Ростов-на-Дону, ул. Максима

Горького, д. 276, этаж 5, офис 11.

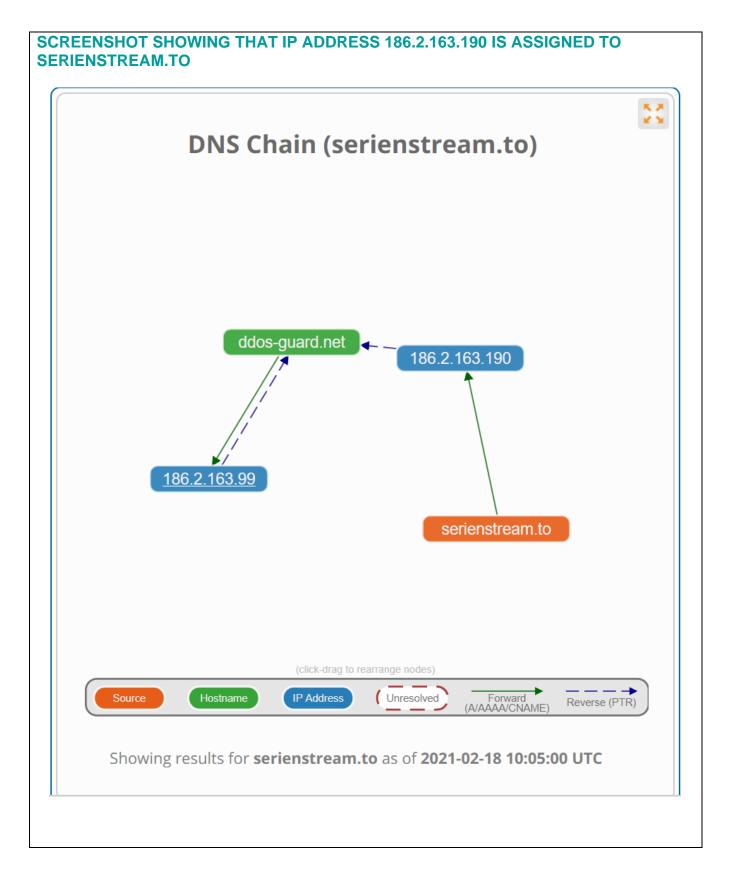




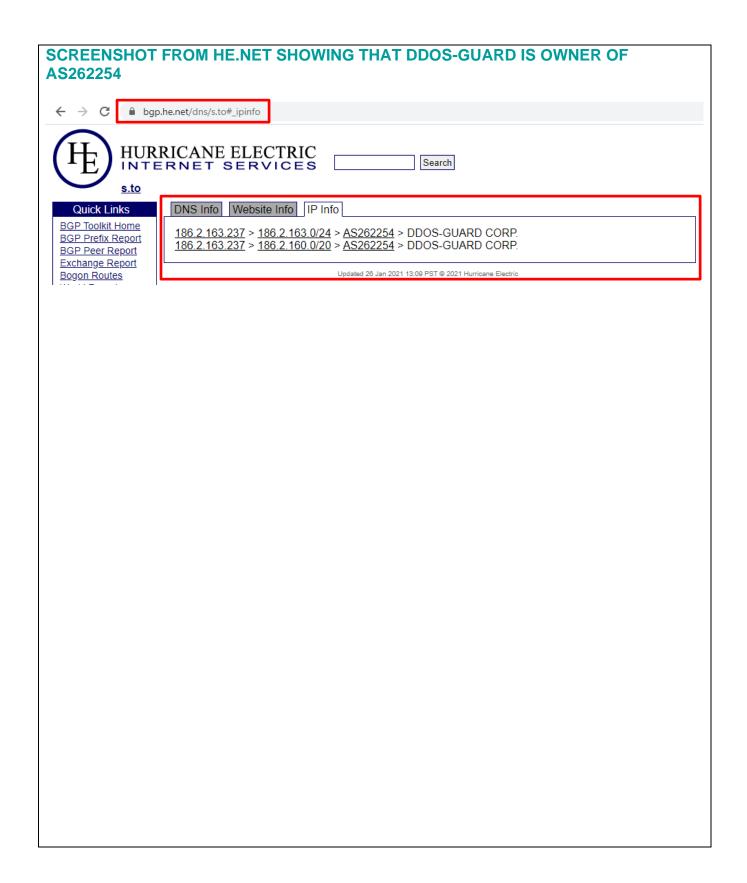




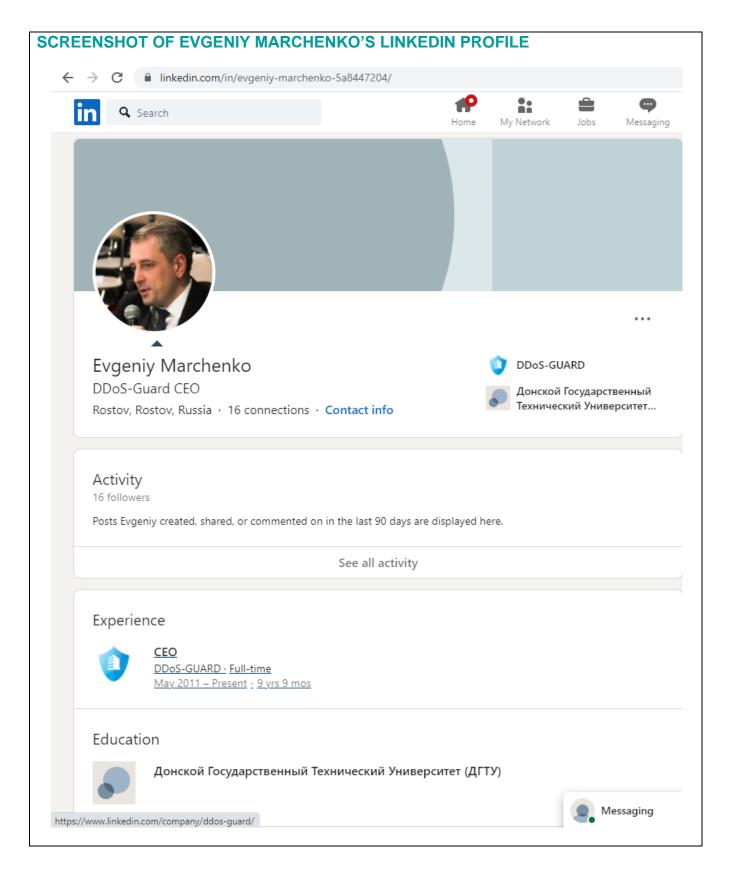














SCREENSHOT OF DDOS-GUARD CONTACT DETAILS



ПРОДУКТЫ И РЕШЕНИЯ

БАЗА ЗНАНИЙ

Главная / Контакты

Контакты

Телефоны

8 (800) 333-17-63 8 (495) 215-03-87 Email

info@ddos-guard.net pr@ddos-guard.net

Компания

000 «ДДОС-ГВАРД»

Реквизиты

ИНН / КПП: 9204005780 / 616701001

ОГРН: 1149204010988

Техническая поддержка

Интересующий вас вопрос можно задать

через онлайн-чат

Адрес

(фактический/юридический)

344019, г. Ростов-на-Дону, ул. Максима

Горького, д. 276, этаж 5, офис 11.

Contact details TLS CERTIFICATE provider for s.to and serienstream.to

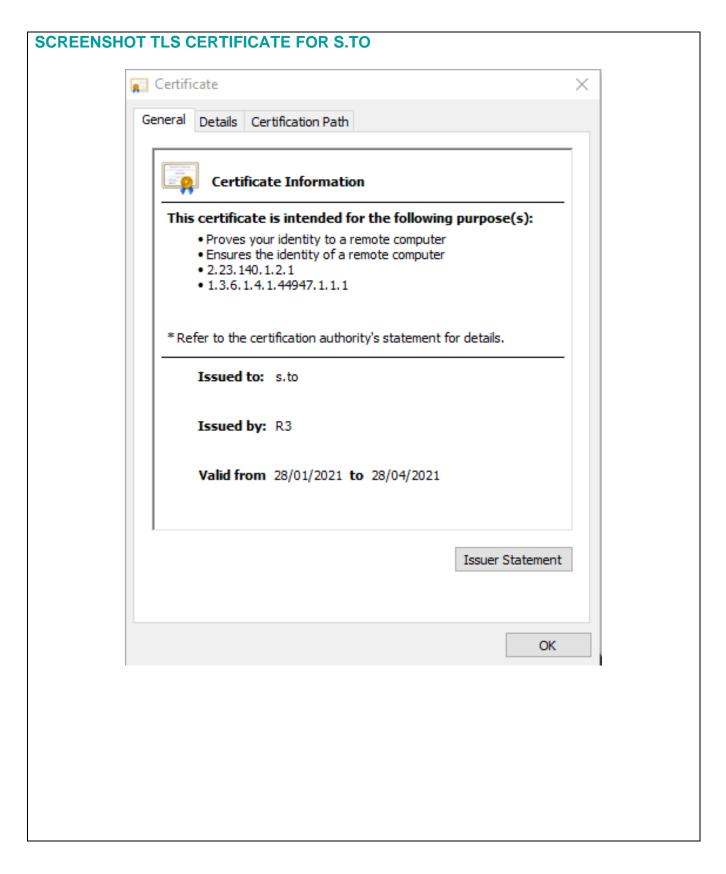
TLS CERTIFICATE for s.to and serienstream.to

https://letsencrypt.org/

Press Inquiries - press@letsencrypt.org Sponsorship - sponsor@letsencrypt.org Security - security@letsencrypt.org

548 Market St PMB 57274 San Francisco CA 94104-5401 USA







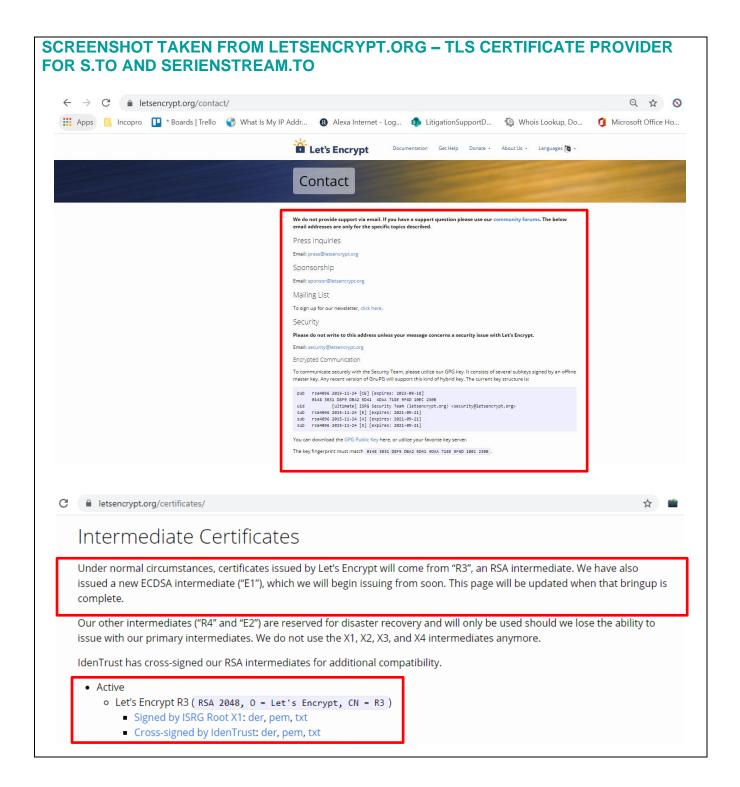
SCREENSHOT OF DETAILS REGARDING CERTIFICATE ISSUERS FOR SERIENSTREAM.TO AND S.TO

```
MINGW64:/c/Users/bethh
                                                                                            X
                                                                                    bethh@DESKTOP-PFQP8HQ MINGW64 ~
\ curl --insecure -v https://s.to 2>&1 | awk 'BEGIN { cert = 0 } /^\* SSL connection
tion/ { cert=1 } /^\*/ { if (cert) print }'

* SSL connection using TLSv1.3 / TLS_AES_128_GCM_SHA256

* ALPN, server accepted to use h2
  Server certificate:
   subject: CN=s.to
   start date: Jan 28 15:23:45 2021 GMT
   expire date: Apr 28 15:23:45 2021 GMT
   issuer: C=US; O=Let's Encrypt; CN=R3
   SSL certificate verify ok.
 Using HTTP2, server supports multi-use
  Connection state changed (HTTP/2 confirmed)
  Copying HTTP/2 data in stream buffer to connection buffer after upgrade: len=0
  Using Stream ID: 1 (easy handle 0x1a48f66e130)
  TLSv1.3 (IN), TLS handshake, Newsession Ticket (4): TLSv1.3 (IN), TLS handshake, Newsession Ticket (4):
 old SSL session ID is stale, removing
Connection state changed (MAX_CONCURRENT_STREAMS == 128)!
  Connection #0 to host s.to left intact
bethh@DESKTOP-PFQP8HQ MINGW64 ~
$ curl --insecure -v https://serienstream.to 2>&1 | awk 'BEGIN { cert = 0 } /^\*
SSL connection/ { cert=1 } /^\*/ { if (cert) print }'
* SSL connection using TLSv1.3 / TLS_AES_128_GCM_SHA256
  ALPN, server accepted to use h2
  Server certificate:
   subject: CN=serienstream.to
   start date: Feb 8 07:36:23 2021 GMT
   expire date: May 9 07:36:23 2021 GMT
   issuer: C=US; O=Let's Encrypt; CN=R3
   SSL certificate verify ok.
 Using HTTP2, server supports multi-use
  Connection state changed (HTTP/2 confirmed)
Copying HTTP/2 data in stream buffer to connection buffer after upgrade: len=0
  Using Stream ID: 1 (easy handle 0x24428abe130)
 TLSv1.3 (IN), TLS handshake, Newsession Ticket (4):
 TLSv1.3 (IN), TLS handshake, Newsession Ticket (4):
 old SSL session ID is stale, removing
 Connection state changed (MAX_CONCURRENT_STREAMS == 128)!
  Connection #0 to host serienstream.to left intact
bethh@DESKTOP-PFQP8HQ MINGW64 ~
```







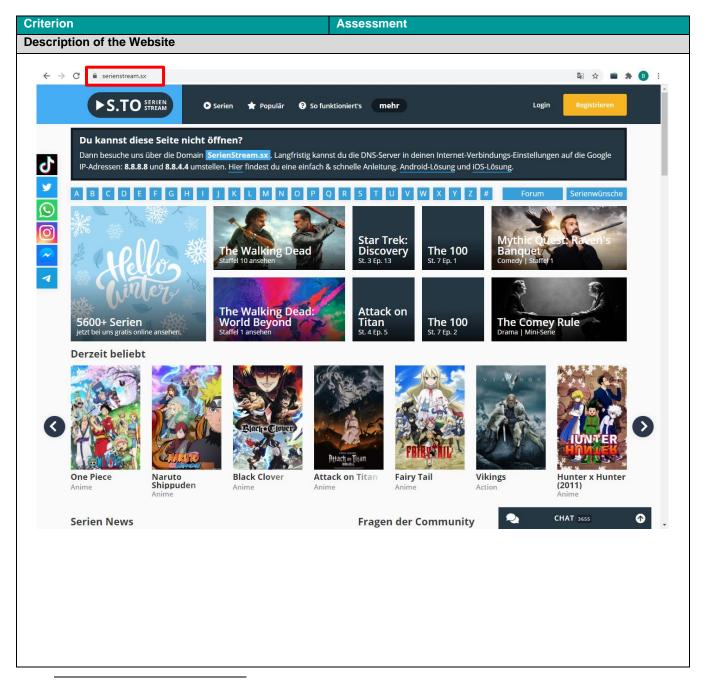
Annex II.5.2.1. and II.5.2.2.

Hosting information Hosting outside of Germany. The author of this report is unable to identify what services the website operators are using from DDOS-GUARD. It is possible that the website protection and optimization/DDOS protection service, where DDOS-GUARD acts as a reverse proxy to the actual site, which would be hosted elsewhere. Even with that option there could be various degrees of hosting involved depending on what services the operator has selected (caching of static content, CDN). However, DDOS-GUARD also offers actual/traditional hosting packages as well (Protected Hosting), so DDOS-GUARD could be the main host and not acting as a reverse-proxy. However, we found out that the website's hosting details has been changed in the past, namely 14 changes on 8 unique name servers over 8 years. **SCREENSHOT TAKEN FROM DOMAIN TOOLS** whois.domaintools.com/s.to CONNECT ▼ MONITOR ▼ SUPPORT WHOIS * IP Address 186.2.163.237 is hosted on a dedicated server IP Location - Rostovskaya Oblast' - Rostov-na-donu - Ddos Guard.net AS262254 DDOS-GUARD CORP., BZ (registered Dec 05, 2012) ASN Hosting History 14 changes on 8 unique name servers over 8 years



Annex III

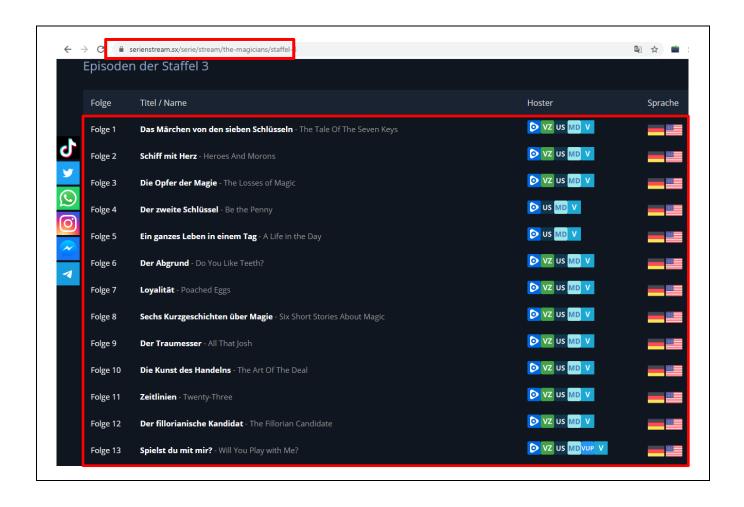
SCREENSHOTS4 FOR SERIENSTREAM.SX



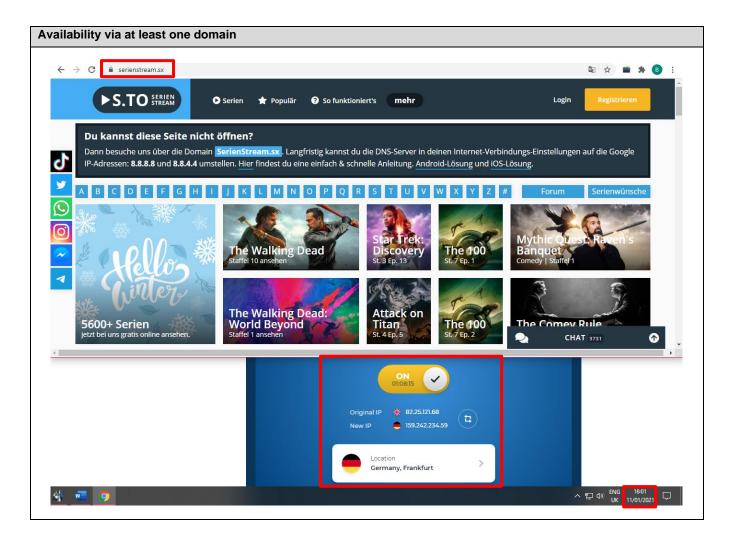
⁴ The screenshots were taken between 11th and 28th January 2021. All screenshots have been taken using a German IP address via a VPN client. The references to the Annexes are in accordance with the screenshots taken for s.to.



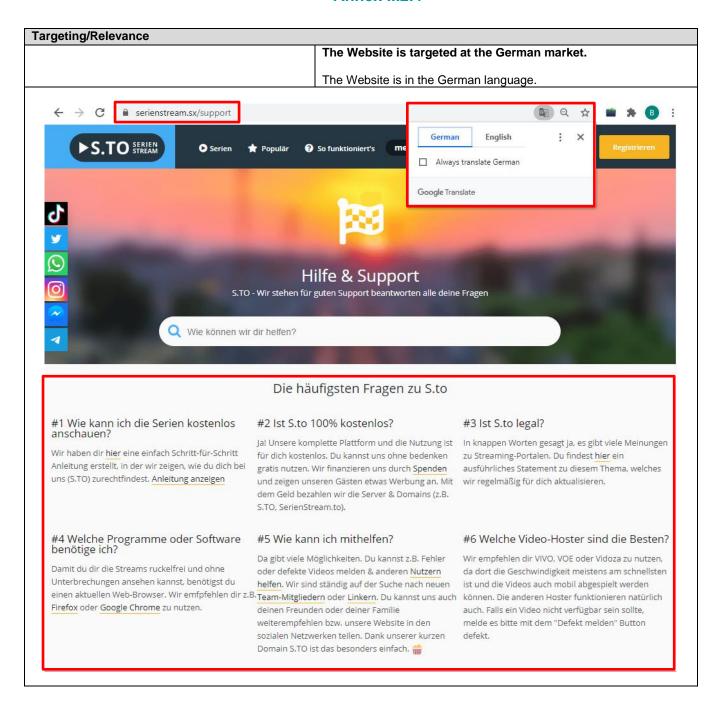




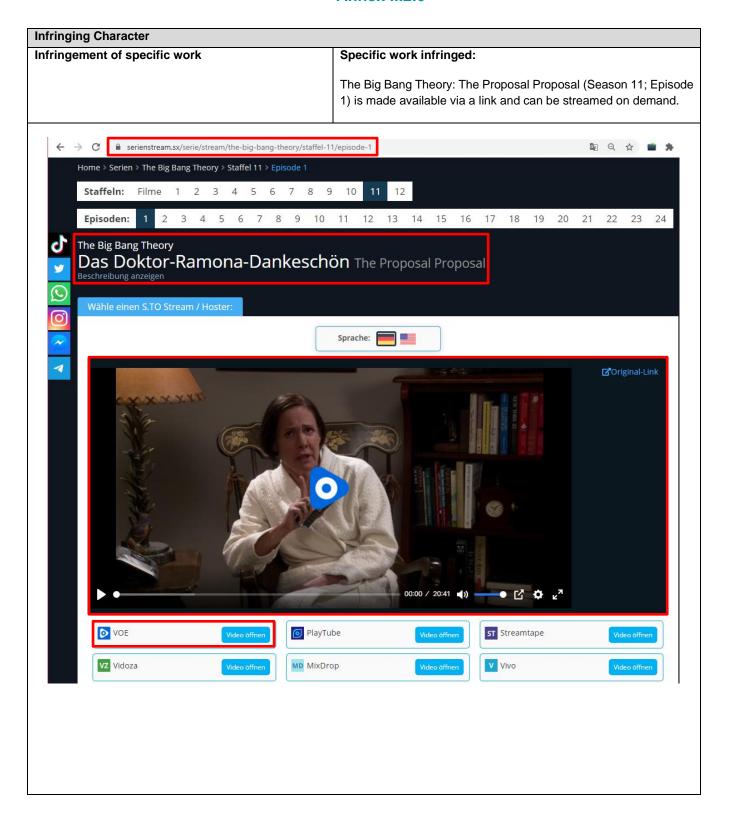




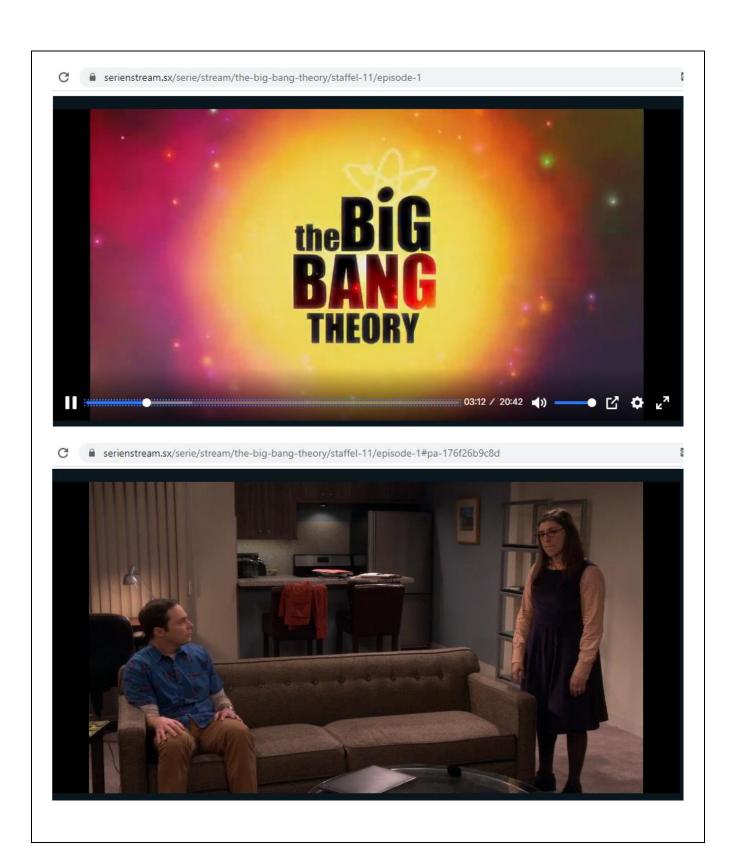




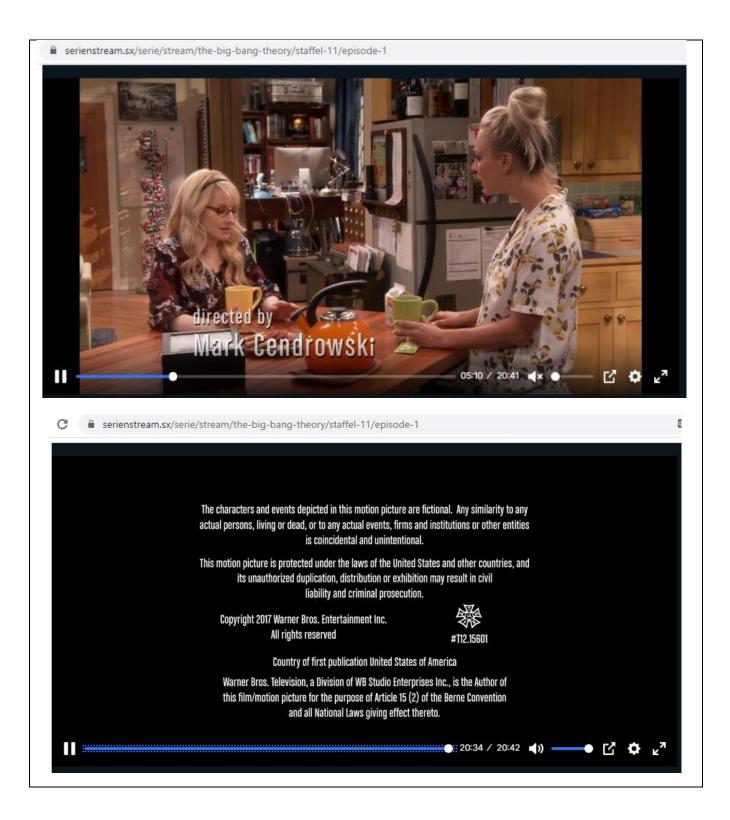












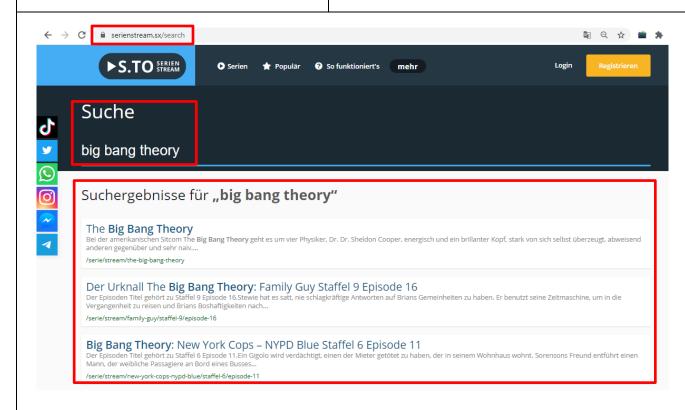


Ease of use

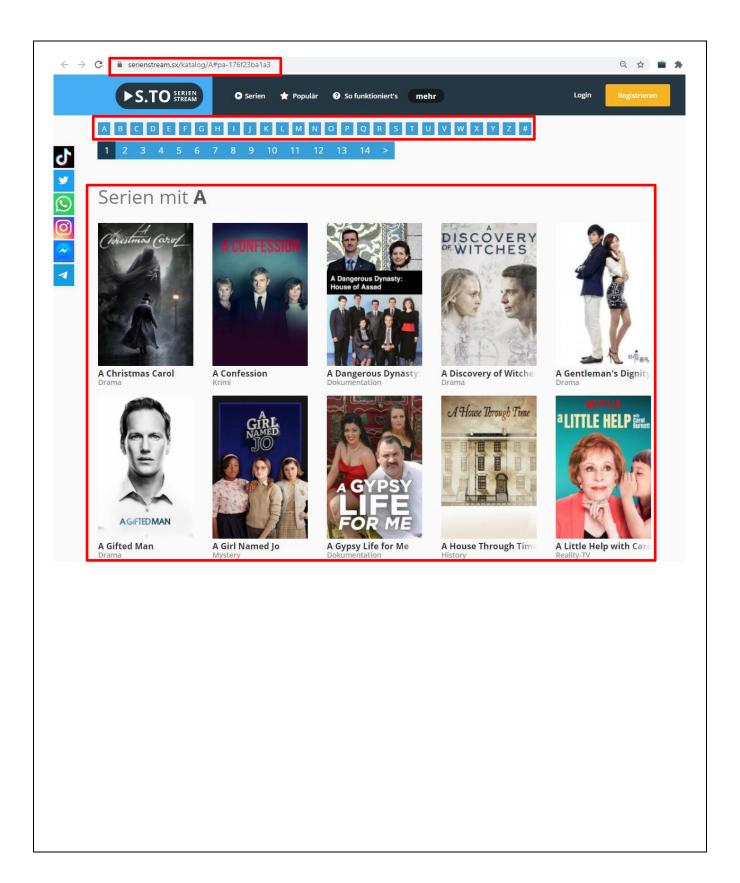
Content is easy to find for users.

Availability of features that allow users to easily find content (incl. whether an index browsing and/or search facilities are provided and whether the available content is categorised).

Search functionality is enabled. Categorisation of content.









Knowledge of infringing activities

Availability of indications that the Website operator is aware of the unlawful activities of the Website (incl. website strapline indicating infringement, liability disclaimers, titles that include references to infringing content, etc.).

The Website is operated with knowledge of infringement.

Promotion of recently added infringing content; No content authorised from MPA members; Presence of liability disclaimer; Instructions to change DNS server to circumvent DNS block.

Promotion of recently added infringing content.

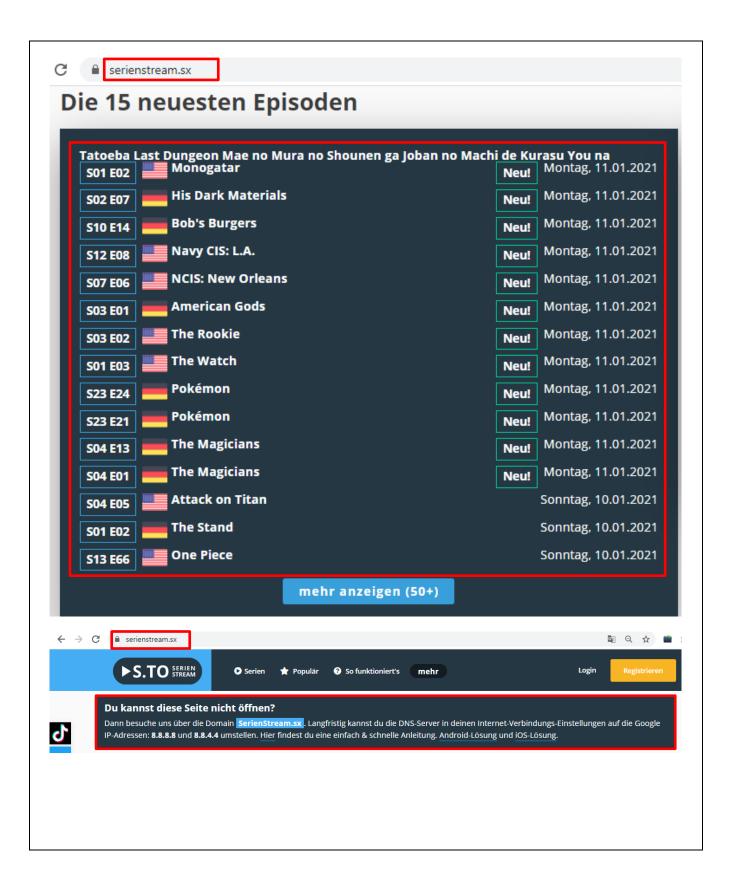
According to our knowledge, as a general rule all video content on the Website has not been authorized by rightsowners. Our customer Motion Picture Association (MPA) represents 6 international producers and distributors of films, home entertainment and television programs (Walt Disney Studios Motion Pictures, Netflix Studios, LLC, Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Universal City Studios LLC, and Warner Bros. Entertainment Inc.). Their content is made available on the Website on a large scale. The MPA has confirmed to us that none of their members has authorized any use of content on the Website.

The Website claims the copyright protected content (videos) has been published by third-party websites and denies any liability, if the third-party websites act without authorisation.

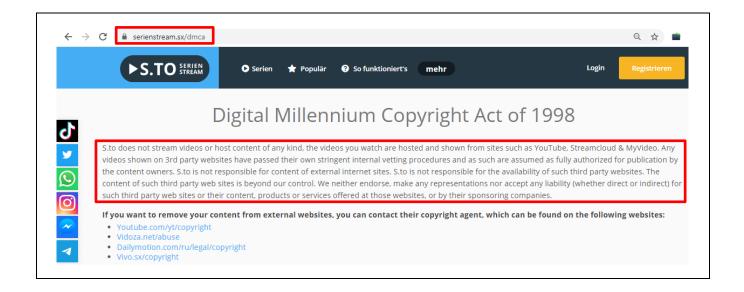
The Website advises users to change the DNS server in their Internet connection settings to the Google IP addresses: 8.8.8.8 and 8.8.4.4. A change of DNS server would enable their users to circumvent the DNS block. The Website was already blocked by German and Austrian internet service providers via DNS blocks in the past due to copyright infringements. In view of these DNS blocks in the past and the fact that the advice to change the DNS server in the Internet connection settings is introduced by the statement "Du kannst diese Seite nicht öffnen?"

Dann besuche uns über die Domain SerienStream.sx" ("You cannot open this site? Then visit us via the domain SerienStream.sx") it is plausible that the advice to change DNS servers is given to circumvent possible future DNS blocks. We do not see other obvious reasons for the Website to recommend a change of the DNS server.







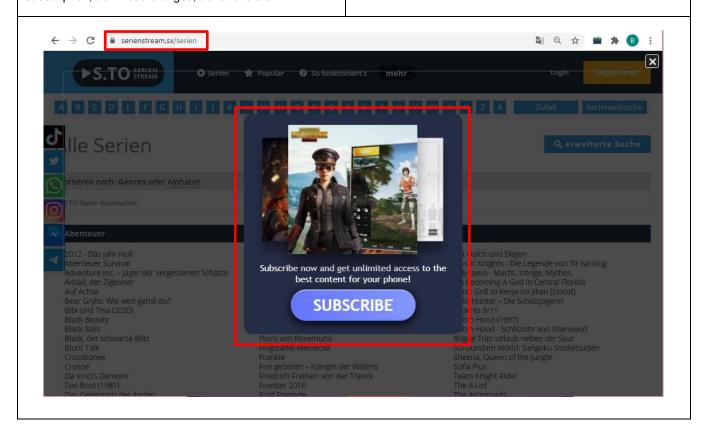




Profit making activity

Availability of a profit motive applied by the Website. Examples are revenue generated via advertising, subscription, download charges, donations etc.

The Website generates revenue through advertising.



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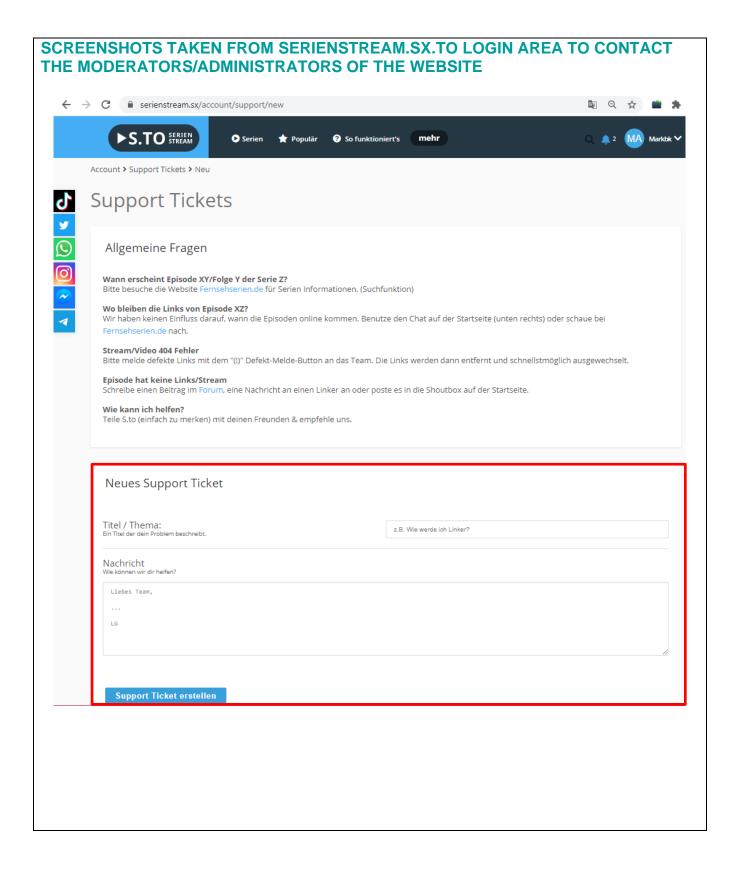
EVIDENCE PACK



Annex II.5.1.1

Operators/Administrators	
Contact details Operators/Administrators	No traceable Operators/Administrators.
	Having examined the Website and relevant public resources, the operator(s) remain(s) unknown. In particular, the Website has no imprint or legal notice containing any information on operators or administrators enabling identification of these. It merely enables filing "support tickets" to the administrators of the Website when registering with the Website. This is typical of websites hosting or advertising copyright infringing content.





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Contact details service providers of the Website

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Given my extensive experience as an internet investigator, I am satisfied that I have explored all reasonable means of online investigation to identify the operator/administrators.

Contact details Hosting/CDN provider

DDOS-GUARD for serienstream.sx

The author of this report is unable to know what services the website operators are using from DDOS-GUARD. They could be using the website protection and optimization/DDOS protection service, where DDOS-GUARD acts as a reverse proxy to the actual site, which would be hosted elsewhere. Even with that option there could be various degrees of hosting involved depending on what services the operator has selected (caching of static content, CDN). However, DDOS-GUARD also offers actual/traditional hosting packages as well (Protected Hosting), so DDOS-GUARD could be the main host and not acting as a reverse-proxy.

We could not determine any other reasonable potential avenue to successfully identify the hosting provider of the website.

When performing look-up via RIPE, Mr. Marchenko is provided as contact details for the IP address that matches serienstream.sx. A further lookup via He.net shows that DDOS-GUARD is the owner of the AS which includes the IP-Addresses s.to and serienstream.sx. Mr. Marchenko is listed as the CEO of DDOS-GUARD on his LinkedIn profile.

Evgeniy Marchenko

Address: Russia, Rostov-on-Don Phone: ext. 501 E-mail: mail.ru

DDOS-GUARD contact details:

Company:

ООО «ДДОС-ГВАРД»

Email:

info@ddos-guard.net pr@ddos-guard.net

Phone:

8 (800) 333-17-63

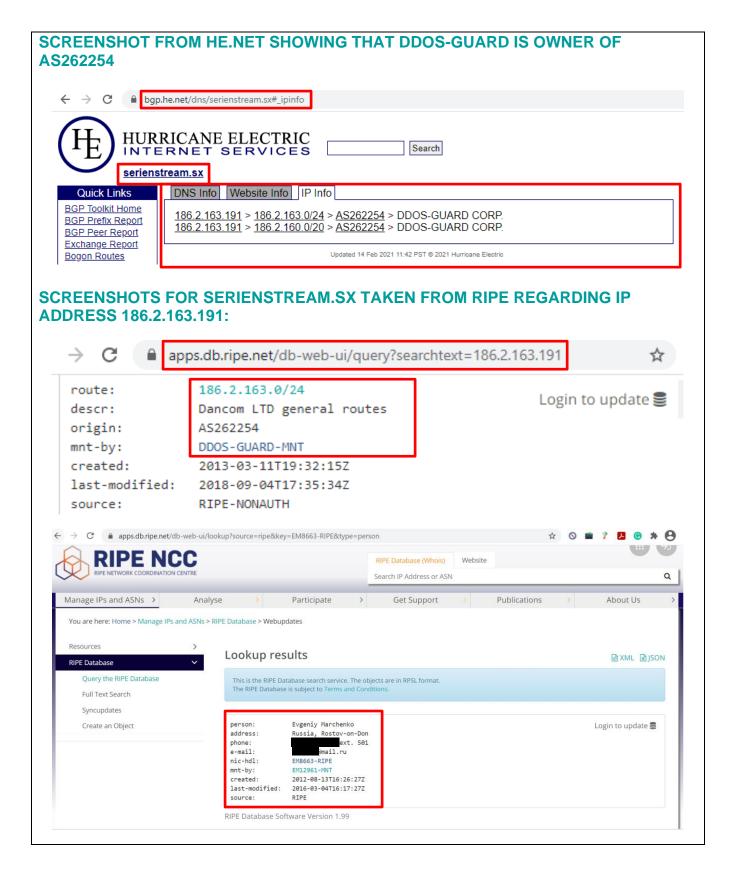
8 (495) 215-03-87

Address:

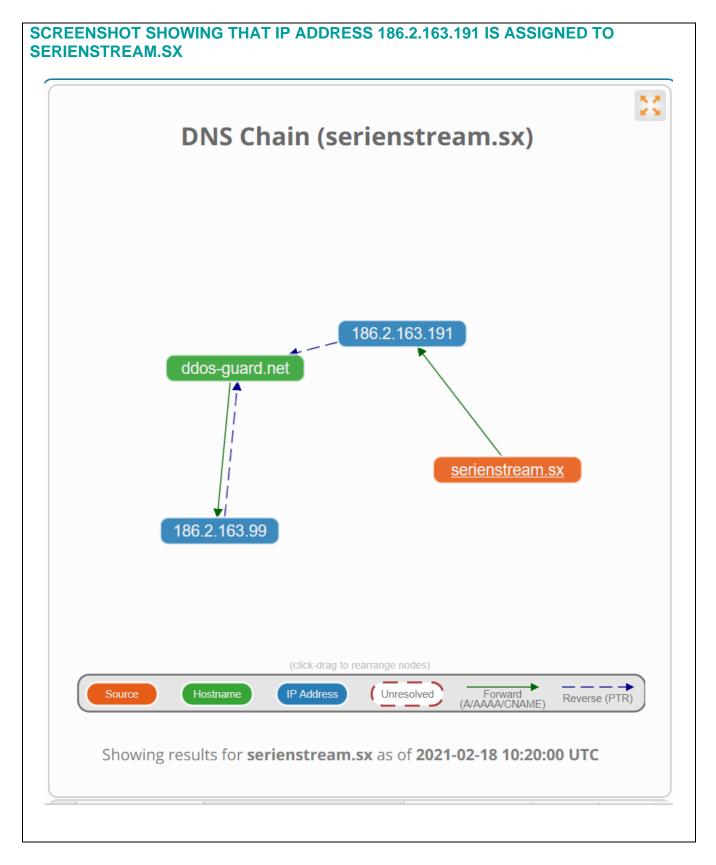
(фактический/юридический)

344019, г. Ростов-на-Дону, ул. Максима Горького, д. 276, этаж 5, офис 11.











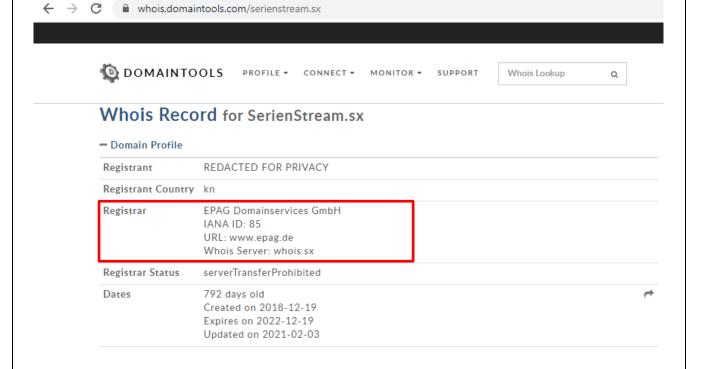
Contact details Domain provider for serienstream.sx

Epag

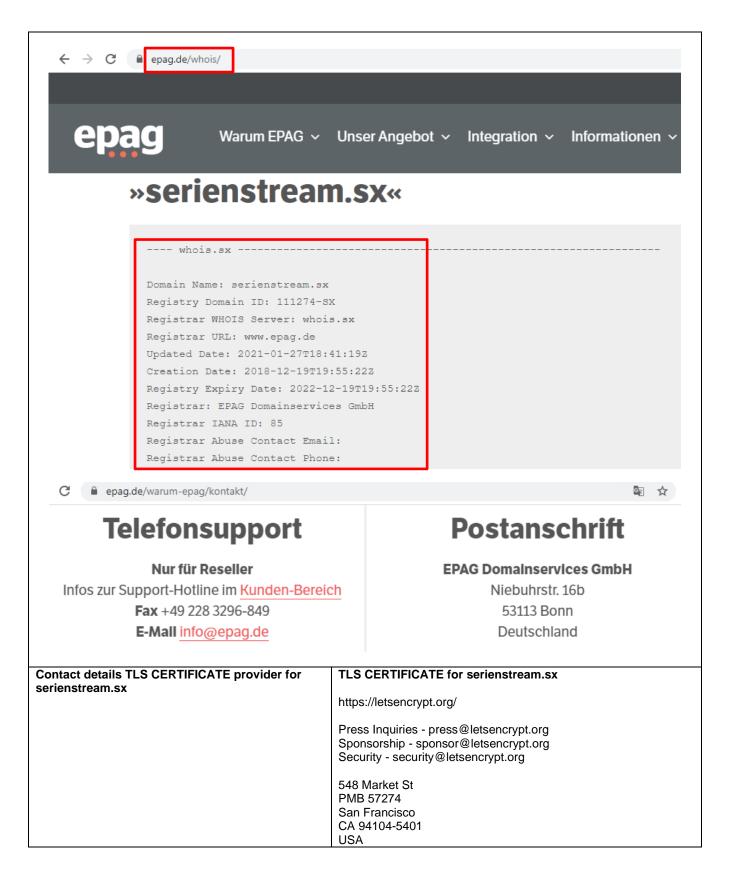
https://www.epag.de/
Fax +49 228 3296-849
E-Mail info@epag.de

EPAG Domainservices GmbH
Niebuhrstr. 16b
53113 Bonn
Deutschland

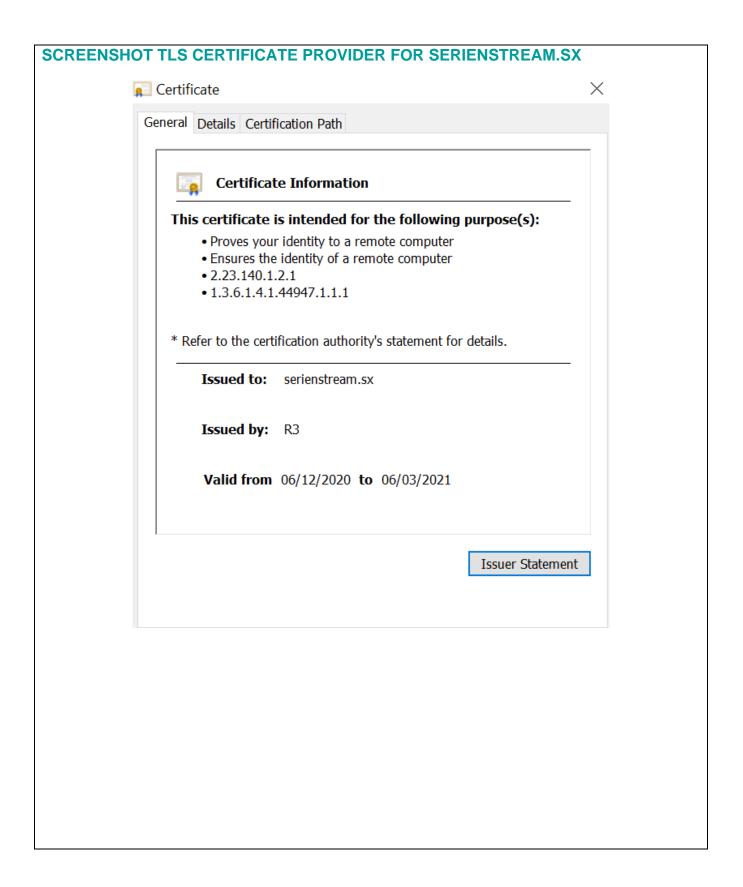
SCREENSHOTS FOR THE DOMAIN PROVIDER SERIENSTREAM.SX TAKEN FROM DOMAINTOOLS



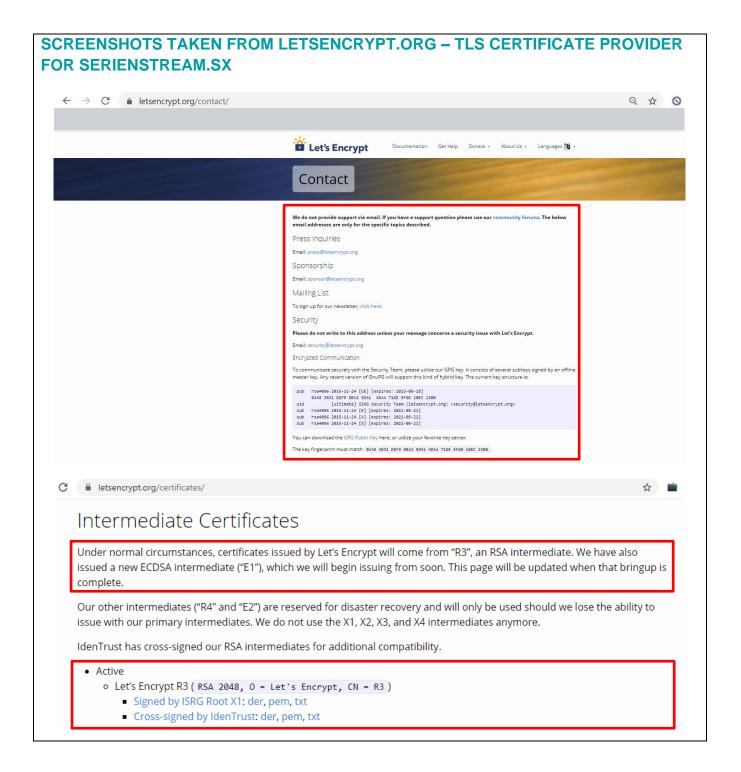














Annex II.5.2.1 and II.5.2.2.

