

Maßnahmen zur Identifizierung des Host-Providers ohne Erfolg

Das Evidence Pack der Incorpo Ltd. vom 18. Februar 2021 identifizierte für den Internetdienst SERIENSTREAM (S.TO) folgende Domains und IP-Adressen:

Domains	Zugeordnete IP-Adressen
S.TO	186.2.163.237
SERIENSTREAM.TO (Weiterleitung auf S.TO)	186.2.163.190
SERIENSTREAM.SX	186.2.163.191

Die vorbezeichneten IP-Adressen konnte durch die Erstellerin des Evidence Packs folgendem Unternehmen zugeordnet werden:

ООО «ДДОС-ГВАРД» (Ddos Guard)
 Sitzland: Russland
 E-Mail: info@ddos-guard.net

Aus früheren Verfahren waren der Kanzlei [REDACTED] weitere E-Mail-Adressen des Unternehmens DdoS-Guard bekannt: abuse@ddos-guard.net; support@ddos-guard.net; admin@ddos-guard.net.

Als Kontakt wurde

Herr [REDACTED]
 Sitzland: Russland
 Funktion: CEO
 E-Mail: [REDACTED]@mail.ru

identifiziert.

I. Schreiben an das Unternehmen DDoS-Guard

Die von der Antragstellerin beauftragte Kanzlei [REDACTED] hat erfolglos versucht, das Unternehmen zu kontaktieren, um herauszufinden, ob es sich bei diesem um den tatsächlichen Host-Provider, ein Content-Delivery-Network (CDN) oder einen Proxy-Service handelt (s. **Anlage II.5.2.1.a** zur Möglichkeit, dass der IP-Inhaber nicht selbst Host-Provider ist).

Nachfolgende Schreiben an die o.g. E-Mail-Adressen des Unternehmens DdoS-Guard blieben unbeantwortet:

Nr.	Datum	Uhrzeit	Art der Nachricht	Antwort
1	10.11.2020	11:39 Uhr	Anwaltliche Abmahnung	[keine Antwort]
2	10.11.2020	11:42 Uhr	Anwaltliche Abmahnung	[keine Antwort]
3	12.11.2020	13:22 Uhr	Anwaltliche Abmahnung	[keine Antwort]

Die Schreiben werden nachfolgend unter Angabe der Nr. (s. Tabelle) abgebildet:

1. Anwaltliche Abmahnung an Ddos-Guard

Tuesday, February 16, 2021 at 11:52:38 Central European Standard Time

Betreff: URGENT! Cease-and-desist letter - Clear rights infringements on the internet service "SERIENSTREAM" (available under s.to, serienstream.to and serienstream.sx), hosted by you
Datum: Dienstag, 10. November 2020 um 11:39:10 Mitteleuropäische Normalzeit
Von: [REDACTED] im Auftrag von Copyright [REDACTED]
An: info@ddos-guard.net, abuse@ddos-guard.net, support@ddos-guard.net, admin@ddos-guard.net

Dear Sir or Madam,

We are writing to you in the name and on behalf of our client,

Warner Bros. Entertainment Inc., 4000 Warner Boulevard, Burbank, California 91522, United States of America,

hereinafter "Our Client". We hereby affirm, in our capacity as attorneys, that we possess the due authority to represent Our Client.

This is a cease-and-desist letter to avoid court proceedings about copyright infringements occurring on the internet service **SERIENSTREAM - S.TO** hosted by you (the "Website") under the IP addresses **186.2.163.237 (S.TO)**, **186.2.163.190 (SERIENSTREAM.TO)** and **186.2.163.191 (SERIENSTREAM.SX)**, currently available, inter alia, via the domains

- S.TO
- SERIENSTREAM.SX
- SERIENSTREAM.TO

Our Client owns the exclusive making available rights, in particular for the territory of Germany, in and to the following series

- *Arrow*
- *Lethal Weapon*
- *Supernatural*
- *The 100*
- *The Big Bang Theory*
- *Westworld*
- *You*
- *Young Sheldon*

(in the following: the Series)

The Website offers a vast amount of copyright-protected content, consisting of series. The Website almost entirely consists of copyright-infringing material, i.e. content, the rights of which are owned by rightsholders, such as Our Client. On the Website, the copyright-protected content of Our Client is made available, in particular the Series. See e.g. the following links on s.to:

- <https://s.to/serie/stream/arrow>
- <https://s.to/serie/stream/lethal-weapon>
- <https://s.to/serie/stream/supernatural-zur-hoelle-mit-dem-boesen>
- <https://s.to/serie/stream/the-100>
- <https://s.to/serie/stream/the-big-bang-theory>
- <https://s.to/serie/stream/westworld>
- <https://s.to/serie/stream/you>
- <https://s.to/serie/stream/young-sheldon>

By making available the Series on the Website, you are clearly infringing Our Client's copyright. Pursuant to the CJEU decision GS Media (judgment of 8 September 2016, Case C-160/15, n. 55), already the linking to copyright protected content is a copyright infringement. The posting of hyperlinks to protected works, which are freely available on another website without the consent of the copyright holder, constitutes a 'communication to the public' if those links are provided with the pursuit of financial gain and the posting person knew or could have reasonably known the illegal nature of the publication of those works on that other website. Also, as operators of a linking portal site, the operators of the Website are infringing copyrights pursuant to the CJEU decision Stichting Brein (The Pirate Bay) of 14 June 2017 (case C-610/15, n. 47).

Please note that German courts have also ruled that the operators of structurally infringing sites - like the Website - infringe copyrights and can even be held responsible based on criminal law charges (see German Federal Supreme Court, decision of 11 January 2017, case 5 StR 164/16). The operators of the Website violate copyright themselves (German Federal Supreme Court, decision of 11 January 2017, case 5 StR 164/ 16; Regional District Court Leipzig, judgment of 14 December 2015, case 11 KLS 390 Js 9/15; see also CJEU GS Media, judgment of 8 September 2016, Case C-160/15, n. 55 and CJEU Stichting Brein (The Pirate Bay), judgment of 14 June 2017, Case C-610/15, n. 47).

You have already received a qualified attorney information letter from Our Client (via the law firm Boehmert & Boehmert) on 10 December 2018 regarding the infringement of the Series on the Website as well as a subsequent cease-and-desist letter on 12 December 2018 regarding the Series on the Website. Despite having received these letters you have not taken action to fulfill Our Client's claims.

In light of the copyright infringements described above, Our Client has claims under German copyright **against you as the hosting provider of the Website**. The available claims include, inter alia, injunction claims, claims for information, and damage claims.

In the name of and on behalf of Our Client, we ask you

to immediately and permanently delete the Series from the Website and prevent future uploads of files containing any episodes of the Series.

Moreover, we ask you

to provide detailed information on all revenues gained through the illegal exploitation of the Series as well as detailed information on the identity of all persons for whom you provide hosting services for the Website.

Furthermore, we request

that you preserve any and all records related to your contractual relationship with respect to the content hosted, including, but not limited to any transactional information, agreements or correspondence between you and your customer.

We expect fulfilment of the aforementioned demands

no later than November 12th, 2020, 12 pm CET.

- In case you do not act as a hosting provider of the Website, we request that you provide detailed information on the identity of the actual hosting provider of the Website including their name, address, e-mail-address and phone number

no later than November 12th, 2020, 12 pm CET.

- This letter is not a complete statement of Our Client's rights in connection with this matter, and

nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Our Client in connection with this matter, all of which are expressly reserved.

Sincerely yours,
the Attorneys of [REDACTED]

2. Anwaltliche Abmahnung an DdoS-Guard

Tuesday, February 16, 2021 at 11:52:19 Central European Standard Time

Betreff: URGENT! Cease-and-desist letter - Clear rights infringements on the internet service "SERIENSTREAM" (available under s.to, serienstream.to and serienstream.sx), hosted by you
Datum: Dienstag, 10. November 2020 um 11:42:52 Mitteleuropäische Normalzeit
Von: Copyright [REDACTED]
An: info@ddos-guard.net, abuse@ddos-guard.net, support@ddos-guard.net, admin@ddos-guard.net

Dear Sir or Madam,

We are writing to you in the name and on behalf of our client,

Warner Bros. Entertainment Inc., 4000 Warner Boulevard, Burbank, California 91522, United States of America,

hereinafter "Our Client". We hereby affirm, in our capacity as attorneys, that we possess the due authority to represent Our Client.

This is a cease-and-desist letter to avoid court proceedings about copyright infringements occurring on the internet service **SERIENSTREAM - S.TO** hosted by you (the "Website") under the IP addresses **186.2.163.237 (S.TO)**, **186.2.163.190 (SERIENSTREAM.TO)** and **186.2.163.191 (SERIENSTREAM.SX)**, currently available, inter alia, via the domains

- S.TO
- SERIENSTREAM.SX
- SERIENSTREAM.TO

Our Client owns the exclusive making available rights, in particular for the territory of Germany, in and to the following series

- *Arrow*
- *Lethal Weapon*
- *Supernatural*
- *The 100*
- *The Big Bang Theory*
- *Westworld*
- *You*
- *Young Sheldon*

(in the following: the Series)

The Website offers a vast amount of copyright-protected content, consisting of series. The Website almost entirely consists of copyright-infringing material, i.e. content, the rights of which are owned by rightsholders, such as Our Client. On the Website, the copyright-protected content of Our Client is made available, in particular the Series. See e.g. the following links on s.to:

- <https://s.to/serie/stream/arrow>
- <https://s.to/serie/stream/lethal-weapon>
- <https://s.to/serie/stream/supernatural-zur-hoelle-mit-dem-boesen>
- <https://s.to/serie/stream/the-100>
- <https://s.to/serie/stream/the-big-bang-theory>
- <https://s.to/serie/stream/westworld>
- <https://s.to/serie/stream/you>
- <https://s.to/serie/stream/young-sheldon>

By making available the Series on the Website, you are clearly infringing Our Client's copyright. Pursuant to the CJEU decision GS Media (judgment of 8 September 2016, Case C-160/15, n. 55), already the linking to copyright protected content is a copyright infringement. The posting of hyperlinks to protected works, which are freely available on another website without the consent of the copyright holder, constitutes a 'communication to the public' if those links are provided with the pursuit of financial gain and the posting person knew or could have reasonably known the illegal nature of the publication of those works on that other website. Also, as operators of a linking portal site, the operators of the Website are infringing copyrights pursuant to the CJEU decision Stichting Brein (The Pirate Bay) of 14 June 2017 (case C-610/15, n. 47).

Please note that German courts have also ruled that the operators of structurally infringing sites - like the Website - infringe copyrights and can even be held responsible based on criminal law charges (see German Federal Supreme Court, decision of 11 January 2017, case 5 StR 164/16). The operators of the Website violate copyright themselves (German Federal Supreme Court, decision of 11 January 2017, case 5 StR 164/ 16; Regional District Court Leipzig, judgment of 14 December 2015, case 11 KLS 390 Js 9/15; see also CJEU GS Media, judgment of 8 September 2016, Case C-160/15, n. 55 and CJEU Stichting Brein (The Pirate Bay), judgment of 14 June 2017, Case C-610/15, n. 47).

You have already received a qualified attorney information letter from Our Client (via the law firm Boehmert & Boehmert) on 10 December 2018 regarding the infringement of the Series on the Website as well as a subsequent cease-and-desist letter on 12 December 2018 regarding the Series on the Website. Despite having received these letters you have not taken action to fulfill Our Client's claims.

In light of the copyright infringements described above, Our Client has claims under German copyright **against you as the hosting provider of the Website**. The available claims include, inter alia, injunction claims, claims for information, and damage claims.

In the name of and on behalf of Our Client, we ask you

to immediately and permanently delete the Series from the Website and prevent future uploads of files containing any episodes of the Series.

Moreover, we ask you

to provide detailed information on all revenues gained through the illegal exploitation of the Series as well as detailed information on the identity of all persons for whom you provide hosting services for the Website.

Furthermore, we request

that you preserve any and all records related to your contractual relationship with respect to the content hosted, including, but not limited to any transactional information, agreements or correspondence between you and your customer.

We expect fulfilment of the aforementioned demands

no later than November 12th, 2020, 12 pm CET.

- In case you do not act as a hosting provider of the Website, we request that you provide detailed information on the identity of the actual hosting provider of the Website including their name, address, e-mail-address and phone number

no later than November 12th, 2020, 12 pm CET.

- This letter is not a complete statement of Our Client's rights in connection with this matter, and

nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Our Client in connection with this matter, all of which are expressly reserved.

Sincerely yours,
the Attorneys of [REDACTED]

3. Anwaltliche Abmahnung an DdoS-Guard

Tuesday, February 16, 2021 at 11:53:17 Central European Standard Time

Betreff: URGENT! Final cease-and-desist letter - Clear rights infringements on the internet service "SERIENSTREAM" (available under s.to, serienstream.to and serienstream.sx), hosted by you
Datum: Donnerstag, 12. November 2020 um 13:22:42 Mitteleuropäische Normalzeit
Von: Copyright [REDACTED]
An: info@ddos-guard.net, abuse@ddos-guard.net, support@ddos-guard.net, admin@ddos-guard.net

Dear Sir or Madam,

We are writing to you in the name and on behalf of our client,

Warner Bros. Entertainment Inc., 4000 Warner Boulevard, Burbank, California 91522, United States of America,

hereinafter "Our Client". We hereby affirm, in our capacity as attorneys, that we possess the due authority to represent Our Client.

We refer in full to our cease-and-desist letter sent by e-mail to you on November 10th, 2020 (see below).

You have not reacted to our cease-and-desist letter and the Series are still available on the internet service SERIENSTREAM – S.TO.

This is a final cease-and-desist letter to avoid court proceedings about copyright infringements occurring on the internet service SERIENSTREAM - S.TO hosted by you (the "Website") under the IP addresses **186.2.163.237 (S.TO)**, **186.2.163.190 (SERIENSTREAM.TO)** and **186.2.163.191 (SERIENSTREAM.SX)**. We refer in full to our cease-and-desist letter sent by e-mail to you on November 10th, 2020 concerning all facts and legal arguments.

In light of the copyright infringements described, Our Client has claims under German copyright **against you as the hosting provider of the Website**. The available claims include, inter alia, injunction claims, claims for information, and damage claims.

In the name of and on behalf of Our Client, we ask you

to immediately and permanently delete the Series from the Website and prevent future uploads of files containing any episodes of the Series.

Moreover, we ask you

to provide detailed information on all revenues gained through the illegal exploitation of the Series as well as detailed information on the identity of all persons for whom you provide hosting services for the Website.

Furthermore, we request

that you preserve any and all records related to your contractual relationship with respect to the content hosted, including, but not limited to any transactional information, agreements or correspondence between you and your customer.

We expect fulfilment of the aforementioned demands

no later than November 14th, 2020, 4 pm CET.

In case you do not act as a hosting provider of the Website, we request that you provide detailed

information on the identity of the actual hosting provider of the Website including their name, address, e-mail-address and phone number

no later than November 14th, 2020, 4 pm CET.

This letter is not a complete statement of Our Client's rights in connection with this matter, and nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Our Client in connection with this matter, all of which are expressly reserved.

Sincerely yours,
the Attorneys of [REDACTED]

—

[REDACTED] | [REDACTED] Germany

[REDACTED] Rechtsanwälte mbB · [REDACTED]

Sitz · Seat: [REDACTED] Germany

CONFIDENTIAL & PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Von: Copyright [REDACTED]

Gesendet: Dienstag, 10. November 2020 11:43

An: info@ddos-guard.net; abuse@ddos-guard.net; support@ddos-guard.net; admin@ddos-guard.net

Betreff: URGENT! Cease-and-desist letter - Clear rights infringements on the internet service "SERIENSTREAM" (available under s.to, serienstream.to and serienstream.sx), hosted by you

Dear Sir or Madam,

We are writing to you in the name and on behalf of our client,

Warner Bros. Entertainment Inc., 4000 Warner Boulevard, Burbank, California 91522, United States of America,

hereinafter "Our Client". We hereby affirm, in our capacity as attorneys, that we possess the due authority to represent Our Client.

This is a cease-and-desist letter to avoid court proceedings about copyright infringements occurring on the internet service **SERIENSTREAM - S.TO** hosted by you (the "Website") under the IP addresses **186.2.163.237 (S.TO)**, **186.2.163.190 (SERIENSTREAM.TO)** and **186.2.163.191 (SERIENSTREAM.SX)**, currently available, inter alia, via the domains

- S.TO
- SERIENSTREAM.SX
- SERIENSTREAM.TO

Our Client owns the exclusive making available rights, in particular for the territory of Germany, in and to the following series

- *Arrow*
- *Lethal Weapon*
- *Supernatural*

- *The 100*
- *The Big Bang Theory*
- *Westworld*
- *You*
- *Young Sheldon*

(in the following: the Series)

The Website offers a vast amount of copyright-protected content, consisting of series. The Website almost entirely consists of copyright-infringing material, i.e. content, the rights of which are owned by rightsholders, such as Our Client. On the Website, the copyright-protected content of Our Client is made available, in particular the Series. See e.g. the following links on s.to:

- <https://s.to/serie/stream/arrow>
- <https://s.to/serie/stream/lethal-weapon>
- <https://s.to/serie/stream/supernatural-zur-hoelle-mit-dem-boesen>
- <https://s.to/serie/stream/the-100>
- <https://s.to/serie/stream/the-big-bang-theory>
- <https://s.to/serie/stream/westworld>
- <https://s.to/serie/stream/you>
- <https://s.to/serie/stream/young-sheldon>

By making available the Series on the Website, you are clearly infringing Our Client's copyright. Pursuant to the CJEU decision *GS Media* (judgment of 8 September 2016, Case C-160/15, n. 55), already the linking to copyright protected content is a copyright infringement. The posting of hyperlinks to protected works, which are freely available on another website without the consent of the copyright holder, constitutes a 'communication to the public' if those links are provided with the pursuit of financial gain and the posting person knew or could have reasonably known the illegal nature of the publication of those works on that other website. Also, as operators of a linking portal site, the operators of the Website are infringing copyrights pursuant to the CJEU decision *Stichting Brein (The Pirate Bay)* of 14 June 2017 (case C-610/15, n. 47).

Please note that German courts have also ruled that the operators of structurally infringing sites - like the Website - infringe copyrights and can even be held responsible based on criminal law charges (see German Federal Supreme Court, decision of 11 January 2017, case 5 StR 164/16). The operators of the Website violate copyright themselves (German Federal Supreme Court, decision of 11 January 2017, case 5 StR 164/ 16; Regional District Court Leipzig, judgment of 14 December 2015, case 11 KLs 390 Js 9/15; see also CJEU *GS Media*, judgment of 8 September 2016, Case C-160/15, n. 55 and CJEU *Stichting Brein (The Pirate Bay)*, judgment of 14 June 2017, Case C-610/15, n. 47).

You have already received a qualified attorney information letter from Our Client (via the law firm Boehmert & Boehmert) on 10 December 2018 regarding the infringement of the Series on the Website as well as a subsequent cease-and-desist letter on 12 December 2018 regarding the Series on the Website. Despite having received these letters you have not taken action to fulfill

Our Client's claims.

In light of the copyright infringements described above, Our Client has claims under German copyright **against you as the hosting provider of the Website**. The available claims include, inter alia, injunction claims, claims for information, and damage claims.

In the name of and on behalf of Our Client, we ask you

to immediately and permanently delete the Series from the Website and prevent future uploads of files containing any episodes of the Series.

Moreover, we ask you

to provide detailed information on all revenues gained through the illegal exploitation of the Series as well as detailed information on the identity of all persons for whom you provide hosting services for the Website.

Furthermore, we request

that you preserve any and all records related to your contractual relationship with respect to the content hosted, including, but not limited to any transactional information, agreements or correspondence between you and your customer.

We expect fulfilment of the aforementioned demands

no later than November 12th, 2020, 12 pm CET.

– In case you do not act as a hosting provider of the Website, we request that you provide detailed information on the identity of the actual hosting provider of the Website including their name, address, e-mail-address and phone number

no later than November 12th, 2020, 12 pm CET.

– This letter is not a complete statement of Our Client's rights in connection with this matter, and nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Our Client in connection with this matter, all of which are expressly reserved.

Sincerely yours,
the Attorneys of [REDACTED]

II. Schreiben an [REDACTED]

Die von der Antragstellerin beauftragte Kanzlei [REDACTED] hat ferner erfolglos versucht, [REDACTED] zu kontaktieren, um herauszufinden, ob es sich bei dem Unternehmen DdoS-Guard, deren [REDACTED] nach den vorliegenden Informationen ist, um den tatsächlichen Host-Provider, ein CDN oder einen Proxy-Service handelt (s. **Anlage II.5.2.1.a** zur Möglichkeit, dass der IP-Inhaber nicht selbst Host-Provider ist).

Nachfolgende Schreiben an die o.g. E-Mail-Adresse des [REDACTED] blieben unbeantwortet:

Nr.	Datum	Uhrzeit	Art der Nachricht	Antwort
1	28.01.2021	12:30 Uhr	Anwaltliches Informationsschreiben	[keine Antwort]
2	10.02.2021	20:46 Uhr	Anwaltliche Abmahnung	[keine Antwort]

Die Schreiben werden nachfolgend unter Angabe der Nr. (s. Tabelle) abgebildet:

1. **Anwaltliches Informationsschreiben an** [REDACTED]

Tuesday, February 16, 2021 at 11:54:30 Central European Standard Time

Betreff: URGENT! Attorney letter - Clear rights infringements on the internet service "SERIENSTREAM"
(available under s.to, serienstream.to and serienstream.sx)

Datum: Donnerstag, 28. Januar 2021 um 12:30:45 Mitteleuropäische Normalzeit

Von: Copyright [REDACTED]

An: [REDACTED]

Dear [REDACTED]

We are writing to you in the name and on behalf of Our Client, namely

**Warner Bros. Entertainment Inc., 4000 Warner Boulevard, Burbank, California
91522, United States of America;**

hereinafter "Our Client". We hereby affirm, in our capacity as attorneys, that we possess the due authority to represent Our Client.

This is a notice-and-take-down and information request letter about copyright infringements occurring on the internet services **SERIENSTREAM (S.TO)**, a website hosted by you (the "Website") under the IP addresses **186.2.163.237 (S.TO) and 186.2.163.191 (SERIENSTREAM.SX)**, currently available, inter alia, via the domains

- S.to
- SERIENSTREAM.sx
- SERIENSTREAM.to (currently redirecting to S.to)

Our Client owns the exclusive making available rights, in particular for the territory of Germany, in and to the following series

- *Arrow*
- *Lethal Weapon*
- *Supernatural*
- *The 100*
- *The Big Bang Theory*
- *Westworld*
- *You*
- *Young Sheldon*

(in the following: the Series)

The Website offers a vast amount of copyright-protected content, consisting of series. The Website almost entirely consists of copyright-infringing material, i.e. content, the rights of which are owned by rightsholders, such as Our Client. On the Website, the copyright-protected content of Our Client is made available, in particular the Series. See e.g. the following links on s.to:

- <https://s.to/serie/stream/arrow>
- <https://s.to/serie/stream/lethal-weapon>
- <https://s.to/serie/stream/supernatural-zur-hoelle-mit-dem-boesen>
- <https://s.to/serie/stream/the-100>
- <https://s.to/serie/stream/the-big-bang-theory>
- <https://s.to/serie/stream/westworld>
- <https://s.to/serie/stream/you>
- <https://s.to/serie/stream/young-sheldon>

By making available Our Client's Series on the Website, the Website is clearly infringing Our Client's copyright. Pursuant to the CJEU decision *GS Media* (judgment of 8 September 2016, Case C-160/15, n. 55), already the linking to copyright protected content is a copyright infringement. The posting of hyperlinks to protected works, which are freely available on another website without the consent of the copyright holder, constitutes a 'communication to the public' if those links are provided with the pursuit of financial gain

and the posting person knew or could have reasonably known the illegal nature of the publication of those works on that other website. Also, as operators of a linking portal site, the operators of the Website are infringing copyrights pursuant to the CJEU decision Stichting Brein (The Pirate Bay) of 14 June 2017 (case C-610/15, n. 47).

Please note that German courts have also ruled that the operators of structurally infringing sites – like the Website – infringe copyrights and can even be held responsible based on criminal law charges (see German Federal Supreme Court, decision of 11 January 2017, case 5 StR 164/16). The operators of the Website violate copyright themselves (German Federal Supreme Court, decision of 11 January 2017, case 5 StR 164/ 16; Regional District Court Leipzig, judgment of 14 December 2015, case 11 KLs 390 Js 9/15; see also CJEU GS Media, judgment of 8 September 2016, Case C-160/15, n. 55 and CJEU Stichting Brein (The Pirate Bay), judgment of 14 June 2017, Case C-610/15, n. 47). In light of the copyright infringements described above, Our Client has claims under German copyright **against you as the hosting provider of the Website**. The same is true in case you are not the host provider of the Website but rather providing services as a reverse proxy to the Website. The available claims include, inter alia, injunction claims and claims for information.

In the name of and on behalf of Our Client, we ask you

to immediately and permanently delete the Series from the Website and prevent future uploads of files with the same content.

Moreover, we ask you

to provide detailed information on the identity of all persons for whom you provide hosting services for the Website and with whom you have contractual relations.

Furthermore, we request

that you preserve any and all records related to your contractual relationship with respect to the content hosted, including, but not limited to any transactional information, agreements or correspondence between you and your customer.

We expect fulfillment of the aforementioned demands

no later than 1 February 2021, 2 pm CET.

This letter is not a complete statement of Our Client's rights in connection with this matter, and nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Our Client in connection with this matter, all of which are expressly reserved.

Sincerely,

the attorneys of [REDACTED]

--

[REDACTED] | [REDACTED] Germany

[REDACTED] Rechtsanwälte mbB · [REDACTED]

Sitz · Seat: [REDACTED] Germany

CONFIDENTIAL & PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

2. **Anwaltliche Abmahnung an** [REDACTED]

Tuesday, February 16, 2021 at 11:47:15 Central European Standard Time

Betreff: URGENT! Cease-and-desist letter - Clear rights infringements on the internet service "SERIENSTREAM – S. TO" (available under s.to, serienstream.to and serienstream.sx), hosted by you

Datum: Mittwoch, 10. Februar 2021 um 20:46:48 Mitteleuropäische Normalzeit

Von: Copyright [REDACTED]

An: [REDACTED]

Dear Sir or Madam,

We are writing to you in the name and on behalf of our client,

Warner Bros. Entertainment Inc., 4000 Warner Boulevard, Burbank, California 91522, United States of America, (hereinafter "Our Client").

We hereby affirm, in our capacity as attorneys, that we possess the due authority to represent Our Client.

We refer in full to our formal notice sent to you by e-mail on 28 January 2021 substantiating all facts and legal arguments.

You have not reacted to our formal notice, and the Series listed in the formal notice are still available on the internet service SERIENSTREAM – S.TO.

This is a final cease-and-desist letter and disclosure request to avoid court proceedings about copyright infringements occurring on the internet service SERIENSTREAM – S.TO, a website hosted by you (the "Website") under the IP addresses **186.2.163.237**, **186.2.163.190 (S.TO)** and **186.2.163.191 (SERIENSTREAM.SX)**, currently available, inter alia via the domains

- S.to
- SERIENSTREAM.sx
- SERIENSTREAM.to (currently redirecting to S.to).

In light of the still continuing copyright infringements described in our formal notice, Our Client has claims under German copyright law **against you as the hosting provider of the Website**. The same is true in case you are not the hosting provider of the Website but rather provide services as a reverse proxy to the Website. The available claims include, inter alia, injunction claims and claims for information.

In the name of and on behalf of Our Client, we demand that you

immediately and permanently delete the Series from the Website and prevent future uploads of files containing any episodes of the Series.

Moreover, we demand that you

provide detailed information on the identity of all persons for whom you provide hosting services for the Website and with whom you have contractual relations in respect of the Website.

Furthermore, we request that you

preserve any and all records related to your contractual relationship with respect to the content hosted, including, but not limited to any transactional information, agreements or correspondence between you and your customer.

We expect fulfilment of the aforementioned demands

no later than 12 February 2021, 2 pm CET.

This letter is not a complete statement of Our Client's rights in connection with this matter, and nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Our Client in connection with this matter, all of which are expressly reserved.

Sincerely yours,
the Attorneys of [REDACTED]