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# Kluwer Copyright Blog

## The Netherlands: NSE v. Stichting BREIN, Court of Appeal of Amsterdam, ECLI:NL:GHAMS:2014:3435, 19 August 2014

Dirk Henderickx (Institute for Information Law) · Wednesday, June 10th, 2015

The Court of Appeals held that a European Usenet Service Provider ('USP'), 'NSE', was excluded from liability for infringement of copyright and neighbouring rights, pursuant to the provisions for mere conduit service providers and hosting service providers in Articles 12 to 15 of Directive 2000/31/EC (The E-Commerce Directive) as implemented into Dutch law. In the context of an Usenet service, an efficient Notice-and-Take-Down procedure is sufficient to establish an expeditious act to remove or disable access to the information in the situation where the USP obtains knowledge or awareness of copyright infringing material. Although NSE was excluded from liability, other measures could be ordered. However, NSE cannot be ordered to cease and desist all copyright infringement. This is because a cease and desist measure would require the company to scan and filter all incoming network traffic for infringing material, so would amount to a general obligation to monitor, which is prohibited by Article 15 of The E-Commerce Directive.

A [full summary](#) of this case has been published on [Kluwer IP Law](#)

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