



LE CONSTAT SUR INTERNET

STATEMENT OF FACT ON THE INTERNET

WEBINAIRE UIHJ – 5 OCTOBRE 2020
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I

INTRODUCTION

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INTRODUCTION

- **Predominant importance of the Internet**
- **Commerce: shifting from the street to the Internet**
- **Internet statement of facts: still relating to purely material findings**
- **Importance in intellectual property litigation**
- **Importance in unfair competition litigation**

**JUDICIAL OFFICER → INTERNET → URL → RESULT →
STATEMENT OF FACTS**



INTRODUCTION

- **Key issues:**
 - **Internet access**
 - **Required equipment**
 - **Current page or previous version?**
 - **Updated software**

FRENCH NORM AFNOR – NF Z 67-147

PROVIDE RELIABLE GUARANTEES TO INTERNET STATEMENTS OF FACTS

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II

RELIABLE WORK ENVIRONMENT



RELIABLE WORK ENVIRONMENT

- Mastering of the computer network: own computer
- Recent computer
- Recent operating system
- Sufficient power
- Updated navigation software
- Updated antivirus
- Do not use the local network proxy server

FULL MENTION IN THE REPORT



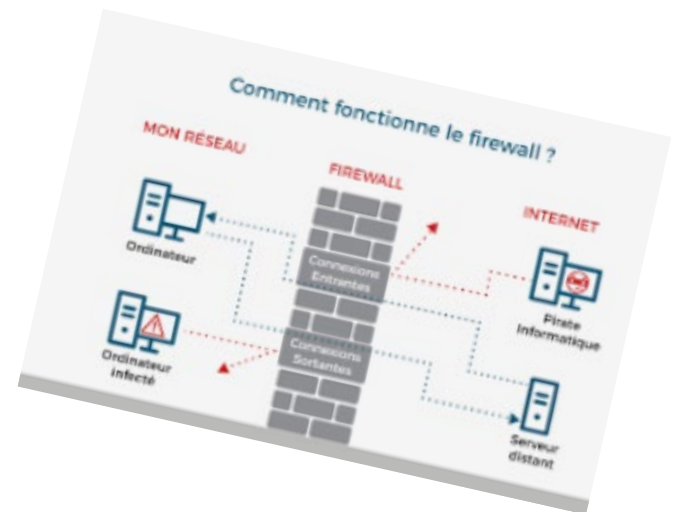
III

PRELIMINARY ACTIVITIES



COMPUTER INFORMATION

- Type of computer
- Type of antivirus
- Operational antivirus
- Updated antivirus
- Type of Firewall





OPERATING SYSTEM

■ “System” – “control panel”

Informations système générales

Édition Windows

Windows 10 Famille

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Système

Processeur : Intel(R) Core(TM) i7-1065G7 CPU @ 1.30GHz 1.50 GHz

Mémoire installée (RAM) : 16,0 Go (15,8 Go utilisable)

Type du système : Système d'exploitation 64 bits, processeur x64

Stylect et fonction tactile : La fonctionnalité d'entrée tactile ou avec un stylect n'est pas disponible sur cet écran.



[Informations de support technique](#)

Paramètres de nom d'ordinateur, de domaine et de groupe de travail

Nom de l'ordinateur : LAPTOP-Q3C0MVUE

Nom complet : LAPTOP-Q3C0MVUE

Description de l'ordinateur :

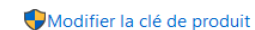
Groupe de travail : WORKGROUP



Activation de Windows

Windows est activé. [Lire les termes du contrat de licence logiciel Microsoft](#)

ID de produit : 00325-96655-48149-AAOEM



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WEB BROWSER

- **Web browser: software designed to consult and display the “WWW”**
- **Various available browsers:**

- Internet Brave Browser
- Dolphin
- Ecosia
- Firefox Focus
- Google Chrome
- Microsoft Edge
- Web Opera Browser
- Phoenix Browser
- Samsung Internet Browser
- Kiwi Browser





NETWORK INFORMATION

- Network information: know how the computer connects to the internet
- “cmd” in the command line → “ipconfig/all”

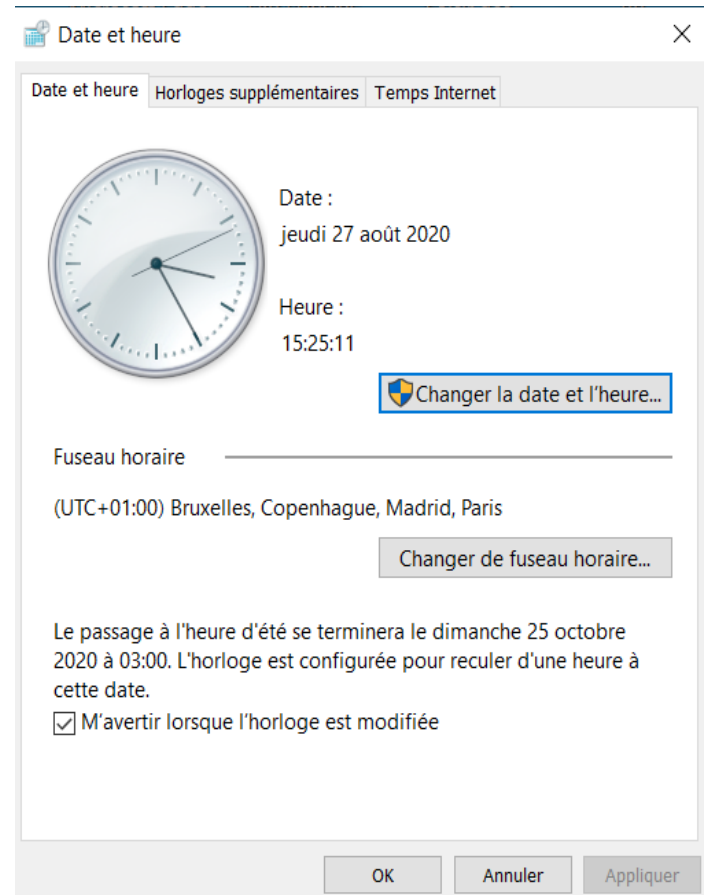
```
Carte réseau sans fil Wi-Fi :

Suffixe DNS propre à la connexion. . . : gdwbrussel.local
Description. . . . . : Intel(R) Wi-Fi 6 AX201 160MHz
Adresse physique . . . . . : 52-16-F5-F1-81-2C
DHCP activé. . . . . : Oui
Configuration automatique activée. . . : Oui
Adresse IPv6 de liaison locale. . . . : fe80::4144:636d:458e:9409%11(préfééré)
Adresse IPv4. . . . . : 192.168.42.127(préfééré)
Masque de sous-réseau. . . . . : 255.255.255.0
Bail obtenu. . . . . : jeudi 27 août 2020 08:44:02
Bail expirant. . . . . : vendredi 28 août 2020 02:44:02
Passerelle par défaut. . . . . : 192.168.42.254
Serveur DHCP . . . . . : 192.168.42.254
IAID DHCPv6 . . . . . : 130873828
DUID de client DHCPv6. . . . . : 00-01-00-01-26-21-A2-DD-38-22-E2-30-26-9F
Serveurs DNS. . . . . : 192.168.46.21
NetBIOS sur Tcpip. . . . . : Activé
```



CLOCK

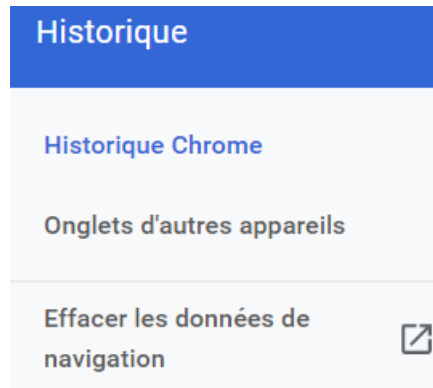
- **Make sure the computer is calibrated to world time**
- **Computer clock is synchronised with the internet time server "time.windows.com"**
- **"Date and time" from the "control panel"**





DELETE HISTORY ELEMENTS

- Empty the bin
- Purge cached data concerning previously viewed pages (temporary files, cookies, etc.)







NEW BLANK SESSION SPECIALLY CREATED TO PROCEED WITH THE STATEMENT OF FACTS



IP ADDRESS

- Record the IP address of the computer used

Your IP address is:	
 217.136.142.13	copy
Host:	
 172.69.54.77	
Remote Port:	
 37726	
ISP:	
 Proximus NV	



An IP (Internet Protocol) address is an identification number that is assigned to each device connected to a computer network using the IP.



ABSENCE OF INTERNET PROXY

- The presence of a proxy server can interfere with connections by installing filters (eg Mozilla)

Configuration du serveur proxy pour accéder à Internet

☒ Pas de proxy

☐ Détection automatique des paramètres de proxy pour ce réseau

☐ Utiliser les paramètres proxy du système

☐ Configuration manuelle du proxy

Proxy HTTP Port

☐ Utiliser ce serveur proxy pour tous les protocoles

Proxy SSL Port

Proxy FTP Port

Hôte SOCKS Port

☐ SOCKS v4 ☒ SOCKS v5

☐ Adresse de configuration automatique du proxy Actualiser

Pas de proxy pour

Exemples : .mozilla.org, .asso.fr, 192.168.1.0/24
Les connexions à localhost, 127.0.0.1 ou ::1 ne passent jamais par un proxy.

☐ Ne pas me demander de m'authentifier si le mot de passe est enregistré

☐ Utiliser un DNS distant lorsque SOCKS v5 est actif

☐ Activer le DNS via HTTPS

Utiliser le fournisseur

OK Annuler Aide



IV

THE STATEMENT OF FACTS



PRINCIPLES



- **Strict neutrality of the judicial officer**
- **Prohibition to cause the statement of facts: neutrality of the judicial officer**
 - **Eg. Jurisprudence : false avatar**
- **Prohibition to conceal the identity and capacity of the judicial officer (except...)**



AFNOR recommends that when it comes to Internet statements of facts, the judicial officer is identified when necessary.



WRITING OF THE REPORT

- **Descriptions of operations**
 - Describe the operations performed at each stage
 - Indicate for each page the IP address and time of visit

- **Integration of observed content**
 - Print each page observed (“print screen”)
 - Integrated into the report (not appended)
 - Evolution of the jurisprudence





DETERMINATION OF THE IP ADDRESS OF THE TARGET SITE

- Type “cmd” in the Windows command line
- Black page: “ping”

```
C:\> Invite de commandes

Microsoft Windows [version 10.0.18363.1016]
(c) 2019 Microsoft Corporation. Tous droits réservés.

C:\Users\patri>ping www.uihj.com

Envoi d'une requête 'ping' sur www.uihj.com [5.134.4.107] avec 32 octets de données :
Réponse de 5.134.4.107 : octets=32 temps=19 ms TTL=56
Réponse de 5.134.4.107 : octets=32 temps=7 ms TTL=56
Réponse de 5.134.4.107 : octets=32 temps=7 ms TTL=56
Réponse de 5.134.4.107 : octets=32 temps=7 ms TTL=56

Statistiques Ping pour 5.134.4.107:
    Paquets : envoyés = 4, reçus = 4, perdus = 0 (perte 0%),
    Durée approximative des boucles en millisecondes :
        Minimum = 7ms, Maximum = 19ms, Moyenne = 10ms
```

The IP address of the website of the International Union of Judicial Officers
is 5.134.4.107



INFORMATION RELATING TO A WEBSITE

- The domain name is registered with an institution
- .com, .net, .org., .info, .biz → www.betterwhois.com
- .be → www.dns.be





INFORMATION RELATING TO A WEBSITE



uihj.com

Reserved

■ Whois of “UIHJ.com”

Domain Name: uihj.com
Registry Domain ID: D17875942-COM
Registrar WHOIS Server: whois.eurodns.com
Registrar URL: <http://www.eurodns.com>
Updated Date: 2020-03-03T13:44:32Z
Creation Date: 1999-07-13T00:00:00Z
Registrar Registration Expiration Date: 2021-07-12T00:00:00Z
Registrar: Eurodns S.A.
Registrar IANA ID: 1052
Registrar Abuse Contact Email: legalservices@eurodns.com
Registrar Abuse Contact Phone: +352.27220150
Domain Status: clientTransferProhibited <http://www.icann.org/epp#clientTransferProhibited>
Registry Registrant ID:
Registrant Name: Schmitz Marc
Registrant Organization: UIHJ
Registrant Street: 6 place du Colonel Fabien
Registrant City: Paris
Registrant State/Province:
Registrant Postal Code: 75019
Registrant Country: FR
Registrant Phone: +33.142408948
Registrant Fax:
Registrant Email: m.schmitz@uihj.com
Registry Admin ID:
Admin Name: Pint Frank

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V

CONCLUSIONS



CONCLUSIONS

- **Importance of preliminary work**
 - The basis of the statement of facts
- **Importance of equipment**
 - Recent and powerful
- **Importance of the added value of the judicial officer**
 - Neutrality and independence of the judicial officer
- **Importance of the probative value of the statement of facts**
 - Probative value of container and contents
 - Forgery
- **Possibility of combining humans and technology**
 - Some programs can speed up the preparatory work
 - These programs can also capture screens, videos, IP addresses



CONCLUSION

- **Unlimited daily applications:**
 - **Compromising photos**
 - **Insult messages by email or on social networks**
 - **Internet harassment**
 - **Dishonest business offers**
 - **Unfair competition**
 - **Poor workmanship**
 - **False advertising**
 - **Commercial disparagement**
 - **Website parasitism**
 - **...**



THANK YOU FOR YOUR ATTENTION

IN CASE OF QUESTIONS

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