



January 31, 2022

Mr. Daniel Lee
Assistant U.S. Trade Representative for Innovation and Intellectual Property
Office of the United States Trade Representative
600 17th St., NW
Washington, DC 20508

**Submission by beIN Media Group, LLC and Miramax, LLC
2022 Special 301 Review
(Docket No. USTR-2021-0021)**

Dear Mr. Lee,

beIN Media Group, LLC (“beIN”) and Miramax, LLC (“Miramax”) appreciate the opportunity to provide these comments to assist the Office of the United States Trade Representative (“USTR”) in identifying countries that deny adequate and effective protection of intellectual property (“IP”) rights, pursuant to USTR’s 2022 Special 301 Review.

Our submission is focused on inadequate copyright protection in the Middle East and North Africa (“MENA”) region, as well as in Ukraine and China, and the resulting harm for creators and broadcasters of sports and entertainment programming. Broadcasters, studios, and sports leagues lose billions of dollars each year as a result of this piracy. According to Bloomberg, it has been estimated that, in 2022, piracy will cost TV and movie providers almost USD 52 billion in lost revenue worldwide.¹ With particular respect to sports broadcasting, Sport Business reports that sports piracy costs rights-holders and streaming providers USD 28.3 billion every year, citing a report by Synamedia and Ampere Analysis.² The damage is exacerbated when pirates are allowed to operate unchecked within a country, or are able to easily obtain essential services like internet hosting to facilitate the piracy, due to severe deficiencies in that country’s copyright regime, or due to that country’s failure to initiate criminal proceedings against willful, commercial-scale piracy.

¹ See Netflix, Disney battle pirate sites that rip off their content, Bloomberg Businessweek (March 3, 2021), <https://www.bloomberg.com/news/articles/2021-03-03/disney-dis-netflix-nflx-battle-piracy-in-southeast-asia>

² See Sports piracy costing rights-holders \$28.3bn a year, says study, SportsBusiness, <https://www.sportbusiness.com/news/sports-piracy-costing-rights-holders-28-3bn-a-year-says-study/>

In terms of our own business, beIN, for example, estimates that it is losing over USD 1 billion in revenues from piracy in the MENA region each year. Such losses have a major impact on the investment that beIN can make in sports and entertainment content, including US-generated content.

In this submission, we explain why the Republic of Iraq (“Iraq”) and Ukraine should be placed on the USTR Special 301 Priority Watch List for 2022. We also provide background on the broader situation in the MENA region, where several governments fail to provide adequate protection for IP, including not only Iraq but also the People’s Democratic Republic of Algeria (“Algeria”), the Hashemite Kingdom of Jordan (“Jordan”), the Kingdom of Morocco (“Morocco”), and the Republic of Tunisia (“Tunisia”). We further explain how hardware openly manufactured in the People’s Republic of China (“China”), as well as Chinese and other software applications downloaded on such equipment, greatly facilitates this MENA-based piracy, with China failing take any action against such facilitation.

I. Background on beIN and Miramax

beIN is a global sports and entertainment company headquartered in the State of Qatar. beIN delivers a wide range of sports and entertainment content, and broadcasts in 43 countries across North America, Europe, the MENA region, and Asia. In recent years, beIN has also expanded significantly into entertainment through television production and distribution.

beIN Sports America, which is headquartered in Miami, Florida, represents beIN in the United States and Canada. It has been one of the fastest growing international sports networks in the United States, and is offered on eight of the ten largest cable/satellite TV providers, as well as other systems across the country. In 2019, a free ad supported channel named beIN SPORTS XTRA was launched as a compliment to the premium networks, which is available across all major mobile and connected TV (CTV) platforms to over 130 million devices.

In order to build its business, beIN has made substantial investments in acquiring licenses to broadcast content produced by major US (and other international) rights holders. beIN holds exclusive rights to broadcast, and to authorize others to broadcast, premium sporting competitions in the MENA region, including but not limited to the 2020 Tokyo Olympic Games, the National Basketball Association (“NBA”), Major League Baseball (“MLB”), the US Open Tennis Championships, the soccer World Cup by Fédération Internationale de Football Association (“FIFA”), the Champions League by the Union of European Football Associations (“UEFA”), and several national soccer leagues.

The core of beIN’s business is dependent on IP rights that result both from having acquired exclusive media rights from third parties, such as major sporting leagues, and from beIN’s own efforts as the creator of media content. beIN’s negotiations to acquire broadcast rights from

major US and international sporting leagues have been underpinned by a necessary confidence in international IP protection. Accordingly, the protection and enforcement of those IP rights is fundamental to the health and success not only of beIN and the rights holder sporting leagues themselves, but also of the many people in the United States whose livelihoods are dependent on the revenue that this industry generates.

Miramax is a global film and television studio headquartered in Los Angeles, California. Miramax is known for films such as Good Will Hunting, 13 Going on 30, Kill Bill, Halloween (and its sequels), The Gentlemen, Uncle Frank, City of Lies, Wrath of Man, and many others. Miramax is also the sales agent for the production company Revolution Films (“Revolution”) and has worldwide television and digital distribution rights for Revolution’s films. Revolution acquired some of its titles from the library of the Morgan Creek Entertainment Group (“Morgan Creek”) several years ago and Miramax now represents these titles, having television and digital distribution rights worldwide, excluding North America. Miramax was acquired by beIN in March 2016, and, as of December 2019, has been 49 percent owned by ViacomCBS.

In detailing the IP deficiencies currently found in several countries in the MENA region, we provide information and evidence concerning piracy of content from across beIN’s rights portfolio, including both US-owned, and non US-owned, content, as well as the rights portfolio of Miramax.

beIN, in particular, has built its business by appealing to a broad range of consumers interested in sports content from around the world. It is important to point out that piracy of any of the content which beIN broadcasts (regardless of where that content originates) is harmful to its business, and diminishes beIN’s ability to continue to invest in acquiring and broadcasting high quality content – both US, and non-US, sourced content. Accordingly, we have not sought to limit the information provided in this submission to any specific US broadcast properties.

II. Iraq

A. Piracy in Iraq

Piracy is widespread throughout Iraq, which is aggravated by the fact that Iraqi authorities have failed to take any actions to slow or otherwise deter this piracy. Iraq is a major source of piracy impacting beIN. A number of particularly egregious and wide-spread Iraqi copyright pirates warrant specific mention, including several that illegally provide beIN and US content throughout the world.

More than one third of all internet piracy of beIN channels originates from companies based in Northern Iraq. After being copied by these companies, beIN’s channels are then re-streamed on pirate IPTV services generally, as well as from pirate websites accessible all over the MENA

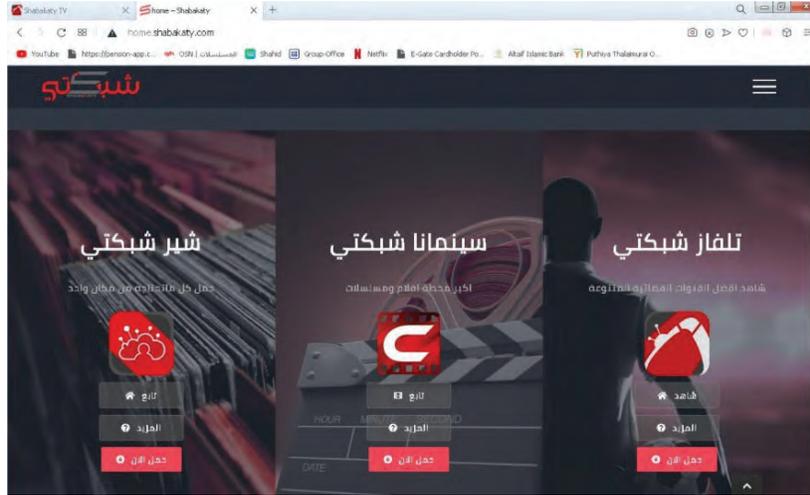
region, and the rest of the world. Some Iraqi operators are even distributing pirated content in the United States, through both physical goods channels and the internet. Again, none of these pirates has faced any enforcement actions by the Iraqi authorities, despite operating in clear view of those authorities. Indeed, one of the largest Iraqi purveyors of pirated IP rights, Earthlink, itself is a service provider for state and local governments across Iraq.

In its 2020 Notorious Markets Report, USTR has previously highlighted the status of two Iraqi pirates, i.e., Shabakaty and Chaloo (including Mediastar and Forever IPTV, both owned and operated by Chaloo), as notorious markets, each of which is discussed below. Further, beIN and Miramax requested the inclusion of two additional pirates in our 2021 Notorious Market submission, namely Family Box (based in Erbil, Iraq), and iStar, which are also discussed below.

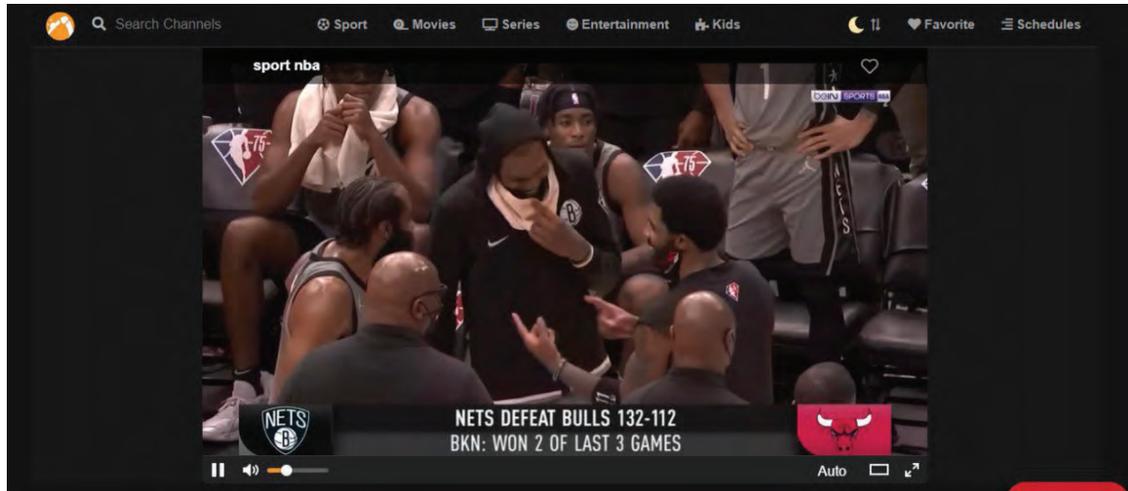
Beginning with Earthlink, it is Iraq's largest internet service provider ("ISP"), and provides residential internet, data centers, ICT, and managed services to businesses and state and local governments across Iraq. In addition, Earthlink operates a local pirate IPTV service known as Shabakaty. Shabakaty provides illegal access to beIN channels, as well as channels and content owned by major US, European, and international right holders, to an estimated 5 million of its customers. Shabakaty provides access to a bundle of pirated television channels, including beIN, Cartoon Network, CNN, Discovery, Disney, FOX, HBO, MTV, National Geographic, NBA HD, OSN, and Sky, *inter alia*. Shabakaty also has an on-demand service that offers illegal access to Netflix content and other movies and series owned by major US and international right holders, including Miramax, Disney, Fox, HBO, Paramount Pictures, Sony Pictures, Universal Pictures, and Warner Bros. The Shabakaty service is available on a set-top box, a mobile app (OTT), and on a website. It can be accessed only from within Iraq. A screenshot of a webpage offering to download the Shabakaty mobile app (for Android and iOS) is provided below:



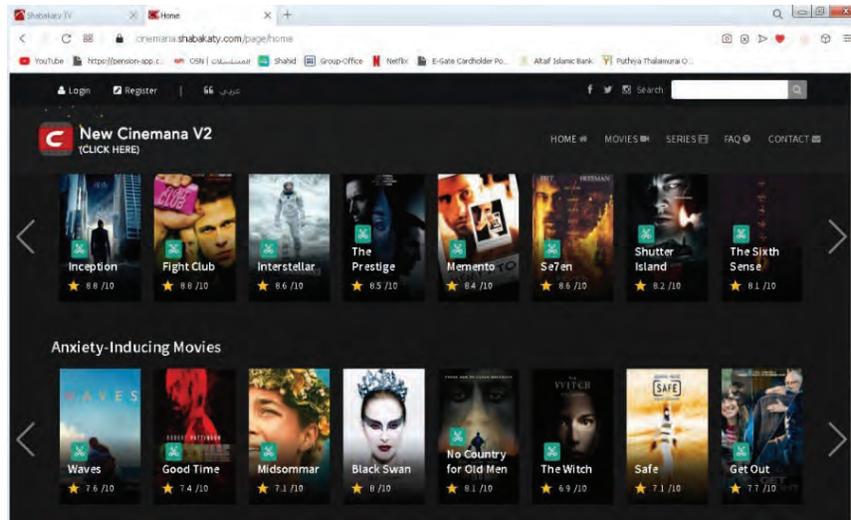
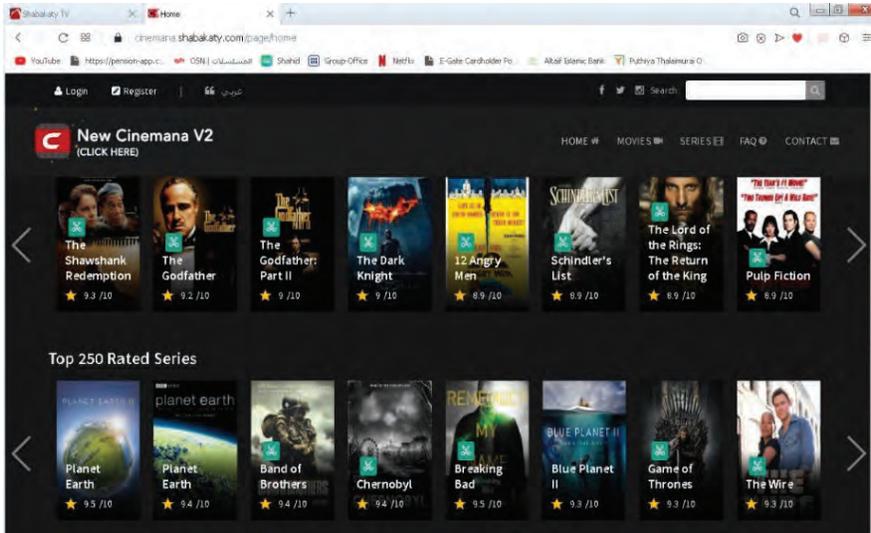
Shabakaty offers three services: Shabakaty TV, Shabakaty Cinema, and Shabakaty Share, as shown in the screenshot below:



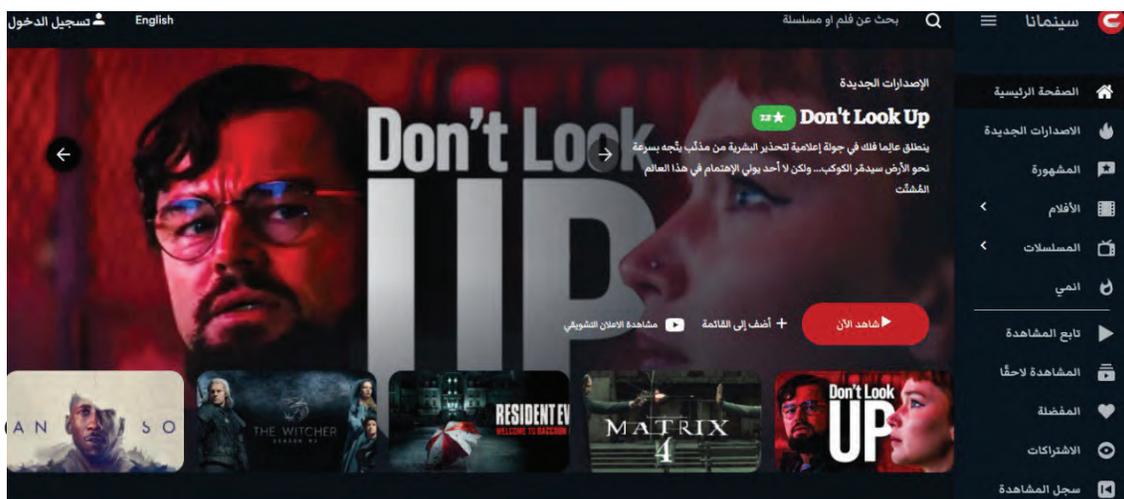
We understand that Earthlink makes the Shabakaty streaming service available for free to anyone within Iraq who can access the service via web browser, effectively giving away exclusive beIN and Miramax content as a promotion for their internet service, as well as content from other international and US rights holders. An image of an NBA game being broadcast on a beIN channel and made available by Shabakaty is included below:



Shabakaty also provides unauthorized access to Miramax content, including films such as Pulp Fiction and No Country for Old Men, among many others, as depicted below:



Notably, Shabakaty is currently providing unauthorized access to recently released US content, including films such as “Don’t Look Up” and “Harry Potter 20th Anniversary: Return to Hogwarts,” as captured in the images below:





Earthlink is owned by three Iraqi brothers – Sarmad Hassan Ahmed, Ahmed Hassan Ahmed, and Sadeer Hassan Ahmed. Earthlink boasts partnerships with several telecommunications regulatory bodies in Iraq.

beIN has sent cease and desist letters to Earthlink with no results. Given the systematic deficiencies in law enforcement in Iraq, there appears to be little, if any, prospect for meaningful enforcement action. beIN and Miramax consider that pursuing these operators in a civil action would be fruitless.

In 2020, USTR included Shabakaty on its Notorious Markets List, and acknowledged that Shabakaty was reportedly hosted by Earthlink Telecommunications, the largest Internet service provider in Iraq. Since then, the Shabakaty piracy has not improved, with pirated beIN and Miramax channels continuing to be freely distributed via its IPTV services.

In fact, the problem has only grown. Several localised piracy networks in Iraq are using Shabakaty as a source for their own broadcasts of pirated content – essentially further re-broadcasting and re-streaming the content stolen by Shabakaty.

Despite the increased notoriety of Shabakaty and related companies freely operating in Iraq, it does not appear that the government of Iraq has taken any action to deter or prohibit the open provision of pirated content.

Next, the Chalooos company, which is based in Erbil, Iraq, is another major source of piracy, including, in particular, piracy of beIN and Miramax content. Chalooos has been linked to several piracy operations, including Mediastar (a supplier of pirate TV receivers and a major “source” of IPTV pirate streams), Forever IPTV (a wholesaler of pirate IPTV channels into international markets), and Livedream (an operator of a local network in Northern Iraq, providing unauthorized access to beIN, OSN, Discovery, BBC, and other channels).

In 2020, USTR added Chalooos to its Notorious Markets List, and recognized that Chalooos reportedly owns and operates Mediastar and Forever IPTV. Since then, there have been no improvements, and Chalooos continues to pirate beIN and Miramax channels and distribute them via its IPTV services.

Mediastar (*mediastar.co*), which is owned by Chalooos and based out of Northern Iraq, operates shops that sell household appliances and “Mediastar” branded receivers across Iraq. Mediastar receivers, which are manufactured by Aloys (South Korea), enable IPTV and control word sharing piracy. Among many other channels, they provide access to pirated beIN content.

Mediastar shop in As Sulaymaniyah, Iraq



Mediastar receiver

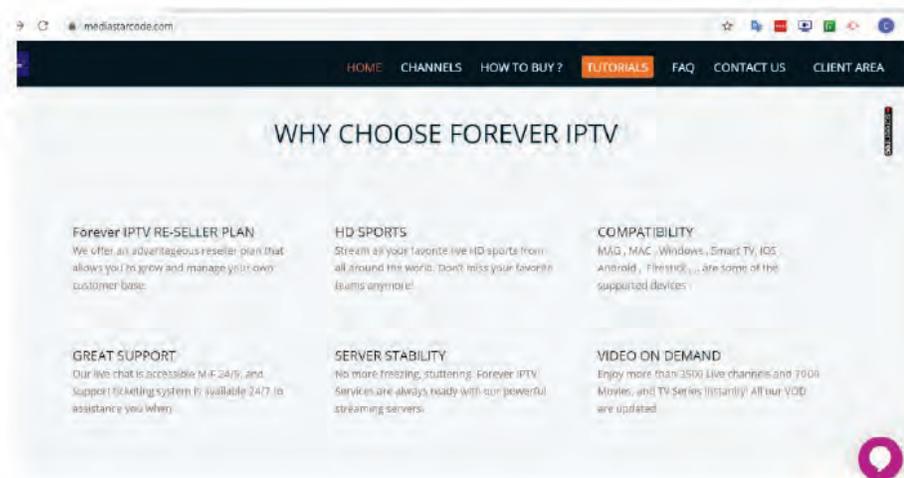
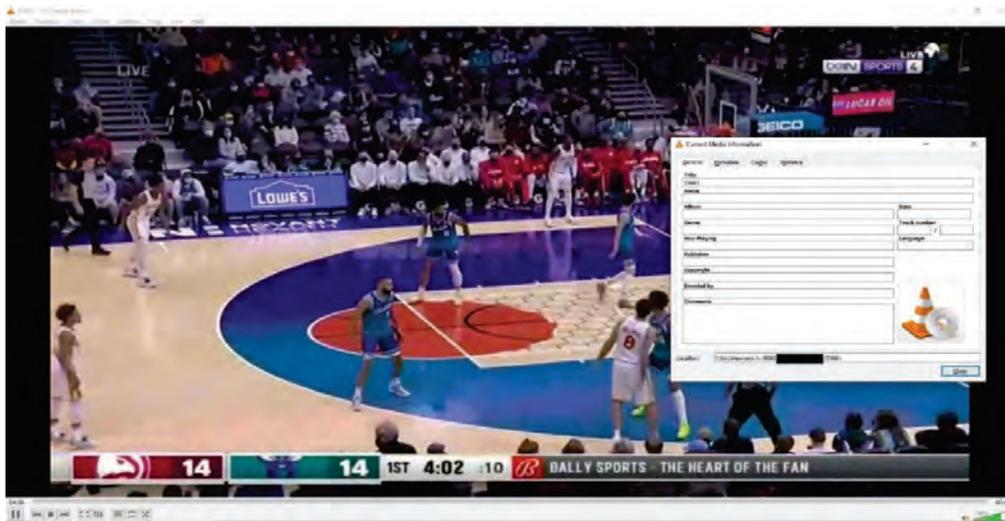


Despite the increased notoriety of Chalooos and related companies freely operating in Iraq, it does not appear that the government of Iraq has taken any action to deter or prohibit the continuing provision of pirated content.

With respect to Forever IPTV, it is a pirate with links to Mediastar and Chaloos, and serves as a wholesaler of pirate IPTV channels that offers to supply pirated channels to IPTV resellers. Forever IPTV provides access to thousands of on-demand movies and television shows, including content owned by beIN and Miramax. For example, the following US channels are available on Forever IPTV: NBA, ABC News, CBS, CNN, Discovery, Disney, ESPN, FOX, HBO, and MTV. Screenshots of ABC News and ESPN being made available on Forever IPTV are provided below:



Pictured below is an image of an NBA game between the Atlanta Hawks and Charlotte Hornets from January 23, 2022, which was broadcast on a beIN channel and made available by Forever IPTV without authorization:

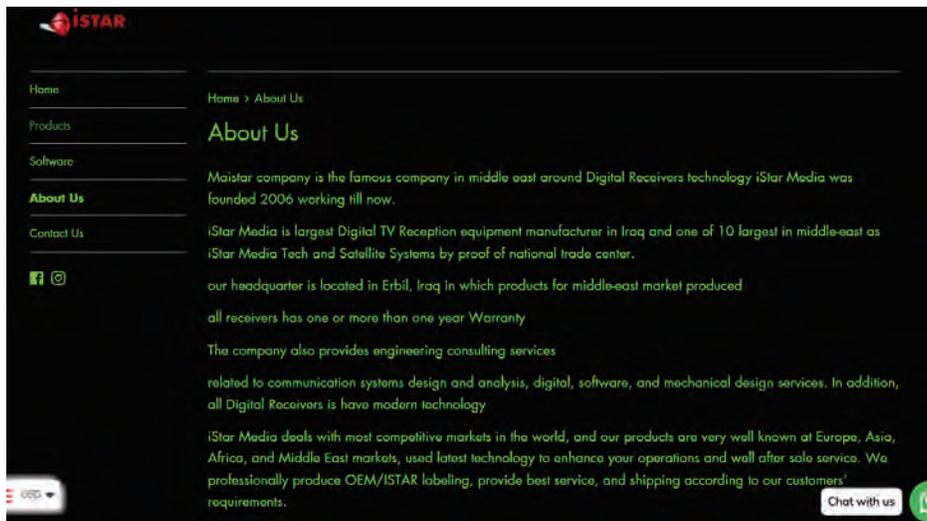


Mediastar set top boxes are typically sold with the Forever IPTV piracy app pre-installed, and bundled with a free 12 month subscription to the service. Investigations clearly link Forever IPTV to Mediastar, and analysis of the logos on pirated channels supplied through Forever IPTV further evidence its link to Mediastar and Chalooos. For example, Mediastar advertises Forever IPTV on its website (depicted above) and on its Facebook page (depicted below), claiming that Forever provides access to over 5,000 live channels:

Mediastar Facebook pages with references to Forever IPTV and the M/S logo



Next, iStar Media (“iStar”) is a prominent Iraqi pirate operating out of Erbil. It is effectively a competitor to Mediastar. iStar sells iStar-branded receivers enabled for satellite and IPTV piracy throughout Iraq, as well as the MENA region more generally, Europe and the United States, and operates a localized piracy network. iStar sells iStar-branded receivers that come with a 12-month subscription to the pirate IPTV app “Online TV.” On its website (see screenshot immediately below), iStar claims to be the “largest Digital TV Reception equipment manufacturer in Iraq.”





This service provides access to pirated television channels, including beIN channels, as well as pirated VOD content, including Miramax content. iStar receivers also provide access to IPTV services such as Zeed Gold, which in turn provide access to VOD content.³ Within the Online TV app, the beIN logo on beIN channels is often covered with an “Online TV” logo, as shown below.

Logo covering beIN logo on pirate streams



iStar-branded receivers are widely sold across Europe and the United States. Pirated streams of beIN channels with the “Online TV” logo have also been seen on many other pirate IPTV services and websites. iStar websites include www.iistar-korea.eu and www.iistar-hd.com. iStar also has a US-focused reseller website, www.istar-us.com, as well as a general reseller website, online-tv.codes. Thus, the far-reaching impact of the Iraqi government’s failure to discipline piracy is clear.

Recent investigations have revealed a new pirate service that sells receivers branded “beIN Sat,” without beIN’s authorization. It appears that this new pirate operates from Najaf, Iraq and provides access to Forever IKS, Apollo IPTV, and terrestrial TV (all of which carry pirated beIN content). The clear infringement of the beIN trademark as part of a pirate service’s branding is a further indication of the lack of respect for IP rights in Iraq.

³ See <https://www.istaruscana.com/products/istar-code>.

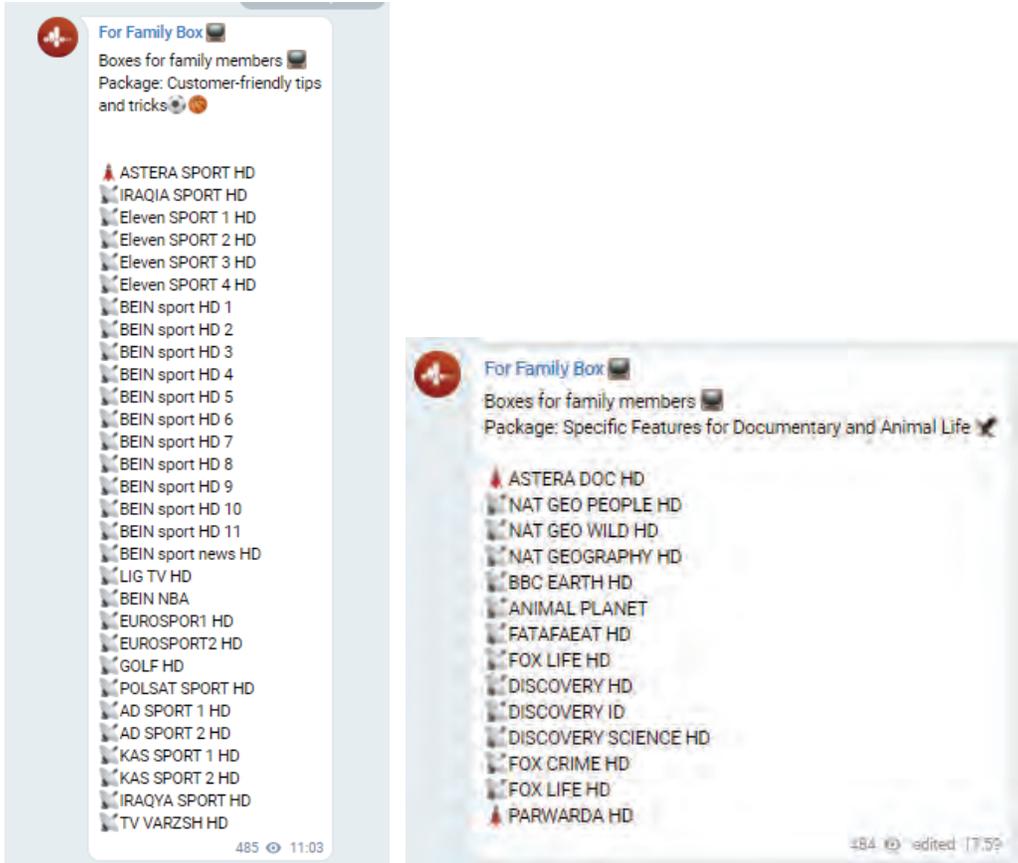
The screenshot below shows “beIN Sat” receivers openly sold in Iraq:



In addition, Family Box, with offices in Erbil, Iraq, is both a terrestrial pirate organization covering Kurdistan, and an IPTV pirate organization with global coverage. The terrestrial network broadcasts 270 channels, while the IPTV network broadcasts 7,000 channels. Video-on-demand content on the IPTV network includes approximately 20,000 movies. Family Box makes available beIN channels, as well as other international and US rights holders' content. A screenshot showing the promotion of FOX as being available on Family Box is provided below:



Family Box has promoted its services via a Telegram channel, in which it advertises the availability of several US and international channels, including National Geographic, Discovery, FOX, and BBC Earth, as well as content from Netflix, as pictured below:



Family Box uses a “Family” logo, which is seen on a very high proportion of beIN channels on pirate IPTV services monitored throughout the MENA region and internationally. This indicates that Family Box is likely the source of these pirated streams.

In addition to the above identified egregious pirates, beIN understands that many other terrestrial network pirates operate within Iraq, including: Al Nawars, Ahlina, Duhok, Saamira, Al Qush, Wadaq, Ahwar, Al Mulk, and Al Iraq Baghdad. These terrestrial pirates encrypt the broadcasts, and then sell subscriptions to their service through local distribution networks. Some Iraqi terrestrial networks provide access to over 150 channels, including numerous US channels, as well as pirated content from Netflix. As noted above, these terrestrial network pirates frequently obtain their content from Shabakaty and rebroadcast it on their own networks.

Al Nawars, which is one of the five main pirate terrestrial networks in Baghdad, reportedly rebroadcasts beIN, OSN, and myHD channels, among many others using four broadcasting towers. It boasts a large distribution network of over 100 dealers and distributors, and is active on Facebook.⁴ The largest of the Iraqi terrestrial networks are located in Baghdad, and each of the five largest Baghdad-based networks has approximately 100,000 to 400,000 subscribers, providing access to 150 channels or more. Subscriptions cost approximately USD 5 to USD 8 per month. Piracy devices and services are openly sold in shops across the country.

To take another example, the Al Mulk pirate network is operated in the Njef province in central Iraq, has more than five thousand subscribers, and carries over 70 channels from Pay TV networks.

Indeed, it is estimated that around 90% of the Iraqi population is watching pirated sports and media content (including beIN channels). beIN understands that these pirate networks not only pirate legitimate broadcasts directly, but often pirate and rebroadcast other pirate IPTV services’ streams, thereby spreading piracy even further. In the table below, beIN identifies pirate networks operating in Iraq and the cities or regions in which they operate:

Pirate Network Name	City	Type of Network
HD Box	All KRG	Terrestrial
United Mixmedia	All KRG	Terrestrial
Istar Media	Erbil	Terrestrial
Istar Media – IPTV	Erbil	Local IPTV

⁴ See <https://www.facebook.com/alnawars.network>.

Fastlink – FastTV	Erbil	Local IPTV
IQ IPTV	Sulaymaniyah	Local IPTV
ASAS BARQ	Diwaniya	Terrestrial
AHLUNA	Diwaniya	Terrestrial
Sky Sport	Diwaniya	Terrestrial
D MAX	Diwaniya	Terrestrial
AHWAR	Nasriya	Terrestrial
NASRIYA	Nasriya	Terrestrial
AL-ANWAR	Nasriya	Terrestrial
ROYAL	Babil	Terrestrial
SKY	Babil	Terrestrial
AL-ANSAR	Babil	Terrestrial
AL-JAZERA	Nasriya	Terrestrial
AL-NAWARES	Baghdad	Terrestrial
Al-Wissam	Baghdad	Terrestrial
SENDEBAD	Baghdad	Terrestrial
IRAQ	Baghdad	Terrestrial
RAFEDAIN	Baghdad	Terrestrial
BESH MARGA	Dhouk	Terrestrial
ISRAR MEDIA	Dhouk	Terrestrial
MELAD SPORT	Mosl	Terrestrial
Batefa sat	Zako	Terrestrial
NIMER IRAQ	Karbalaa	Terrestrial
ALRAFEDAIN	Karbalaa	Terrestrial
IRAQ SPORT	Karbalaa	Terrestrial
SKY	Karbalaa	Terrestrial
Shabakaty	Earthlink – ALL	Local IPTV
Duhok	Dhouk	Terrestrial
Saamira	SAMERAA	Terrestrial
Al Qush	Mosl	Terrestrial
Wadaq	Najef	Terrestrial
Ahwar	Mesan	Terrestrial

Al Mulk	Najef	Terrestrial
Dejla Sat	Mesan	Terrestrial
NAHRAIN	Baghdad	Terrestrial
HAITCH	Najef	Terrestrial
BARQ	Kut	Terrestrial
AL-JAZERA	Kut	Terrestrial
ALSAM	Anbar	Terrestrial
ALMADAR	Anbar	Terrestrial
ALRAMADI	Anbar	Terrestrial
ALKALDEYA	Anbar	Terrestrial
ALQEMA	Slah Al-Deen	Terrestrial
ALBAYAREQ	Slah Al-Deen	Terrestrial
YASER	Slah Al-Deen	Terrestrial
ALSARI	Slah Al-Deen	Terrestrial
ALHADBAA	Mosl	Terrestrial
ALQEMA	Mosl	Terrestrial
ALZHOOR	Mosl	Terrestrial
ALMOSEL	Mosl	Terrestrial

B. Iraq's failure to protect IP rights

Iraq lacks effective protection and enforcement of IP rights, particularly with respect to copyright. Thus, it is unfortunately not surprising that no criminal action has been taken against any of the pirates profiled above, which continue to openly provide pirated content throughout Iraq and the world, covering content from, *inter alia*, beIN, US and European sports leagues, and US studios (including Miramax) and broadcasters.

As a preliminary matter, Iraq is not a WTO member or a contracting party to the Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS Agreement"). Nor is Iraq a contracting party to other key copyright-related treaties, including the Berne Convention for the Protection of Literary and Artistic Works ("Berne Convention"), the Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite ("Brussels Convention"), the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms ("Phonograms

Convention”), and the World Intellectual Property Organization (“WIPO”) Performances and Phonograms Treaty.

The US Department of State reports that “[l]egal structures that protect intellectual property (IP) rights in Iraq are inadequate and infringements are common.”⁵ This may help explain the situation facing beIN, Miramax, our partners, and other US companies that are impacted by the Iraqi-based piracy. The State Department’s 2021 Investment Climate Statement on Iraq reports that a draft IP law, which would attempt to comply with the TRIPS Agreement, has been redrafted several times but has not progressed in Iraq’s legislature.⁶

Copyright piracy is prevalent in Iraq, particularly in Northern Iraq, and is, for most consumers, the “normal” way of accessing sports and entertainment content. As detailed above, localized pirates illegally re-broadcast beIN’s channels from terrestrial broadcast towers within a particular city or region. The pirates encrypt the broadcasts (as a legitimate broadcaster might do), and then sell subscriptions to their pirate service through local distribution networks.

In addition to localized terrestrial broadcasting piracy, localized IP networks that provide local customers with internet access along with access to pirated television content over their IP network, are also commonplace in Iraq. These are closed networks, available only to customers of the company, and cannot be otherwise received or monitored. Such pirate IP networks are particularly prevalent in the Kurdish region of Northern Iraq, where there is good internet capacity. Within Iraq, there are over eight million subscribers to localized pirate networks (as demonstrated in the table above), encompassing both terrestrial broadcasting and localized IP networks.

Further, as detailed above, Iraqi pirates such as iStar, the Chaloo company (and pirates to which it is linked, i.e., Mediastar, Forever IPTV, and Livedream), and Family Box ensure that the harm caused by Iraqi-based piracy, and Iraq’s deficient IP regime, easily and quickly spreads throughout the MENA region, and the world.

beIN has sent legal cease and desist letters to, and has undertaken technical anti-piracy actions against, some of the larger localized pirate network operators in Iraq. However, the services have not been deterred. Given the deficient copyright regime, including the lack of legal enforcement options in Iraq, it remains a largely unchecked market for piracy.

⁵ See 2021 Investment Climate Statements: Iraq, U.S. DEPARTMENT OF STATE, <https://www.state.gov/reports/2021-investment-climate-statements/iraq/>.

⁶ See *id.*

As explained above in detailing the various pirate services, Iraq is also a major global hub for piracy of beIN and Miramax content, and streams pirated in Iraq are found across the MENA region and in international markets.

In light of these instances of frequent willful, commercial scale copyright infringement, beIN has attempted to draw the Iraqi authorities' attention to the matter and has requested that the Iraqi authorities take action against various terrestrial pirates within Iraq. Moreover, beIN's local distributors, whose legitimate business is suffering from this large scale commercial piracy, have also been in contact with the authorities regularly seeking their help, going as far as obtaining religious opinions (Fatwas) condemning illegal subscriptions. However, given systematic problems with corruption in Iraq,⁷ the deficiencies in Iraq's copyright regime, and our awareness of unsuccessful actions taken against pirates in that country, there does not appear to be a realistic prospect for meaningful IP enforcement in Iraq.

Finally, beIN understands that the owners and operators of Earthlink, Chaloos, and iStar (three of the major Iraqi pirates described above) have significant influence among Iraqi government officials, both at the federal and regional levels. This further supports the conclusion that there is little hope that the widespread piracy by these entities could be reduced or eliminated through the use of either civil or criminal judicial procedures in Iraq.

Unfortunately, inclusion of several prominent Iraqi pirates in the 2020 Notorious Markets Report does not appear to have led to any actions by the Iraqi government, or any change in the pirate offerings of the listed entities.

For the reasons set forth above, beIN and Miramax request that Iraq be placed on the USTR Special 301 Priority Watch List for 2022.

III. Ukraine

beIN and Miramax support USTR's most recent decision in 2021 to maintain Ukraine's position on the Priority Watch List, and believe that Ukraine should remain on that same list for 2022, as well. USTR's 2021 Special 301 Report highlighted Ukraine's ongoing failure to implement any effective means to combat widespread online copyright infringement, which in turn "fuels piracy in other markets."⁸ beIN and Miramax have suffered directly from these weak copyright laws, particularly as Ukraine has become an increasingly attractive location for hosting many of the pirate IPTV applications that are available throughout the world, including in the MENA region. Further, as part of its rights distribution business, beIN has been granted

⁷ Transparency International ranks Iraq at 160/180 in its 2020 Corruption Perceptions Index, <https://www.transparency.org/en/countries/iraq#>.

⁸ 2021 Special 301 Report, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE (April 2021), p. 59.

licenses to certain sports-related rights for exploitation in Ukraine; such rights are also adversely affected by Ukraine's deficient IP protection.

Among other deficiencies in its IP regime, Ukraine has very weak laws in relation to copyright protection, and in particular with respect to imposing obligations on internet hosts to limit the copyright infringement facilitated by their service. In contrast to international best practices in which rights owners are able to submit take down notices requesting that companies cease providing services to customers that have been identified as violating copyright, Ukraine does not have effective laws in this regard.

For instance, we understand that the law requires notices to be sent in the Ukrainian language, through local Ukrainian law firms, and by means of a hard copy notice placed in the mail. This is, of course, impractical for limiting international copyright piracy in relation to live sports piracy and newly released entertainment content piracy, where very prompt removal times are imperative.

Moreover, practical experience has shown that even when right holders follow these stringent requirements, hosts fail to comply with any such notices, and little can be done by way of legal redress.

These concerns were echoed in a filing last year by the International Intellectual Property Alliance, which noted that although the government of Ukraine has taken some positive steps against piracy in recent years, a significant number of pirate websites based in Ukraine continue to provide streaming access to unlicensed media content.⁹ Such websites are supported in large part by local Ukrainian ISPs, which have no incentive to cooperate with right holders given the current state of Ukraine's IP law, which does not provide for ISP liability.¹⁰ Further, there have reportedly been no effective criminal enforcement actions taken against the Ukraine-based owners and operators of pirate websites or hosting services in recent years.¹¹

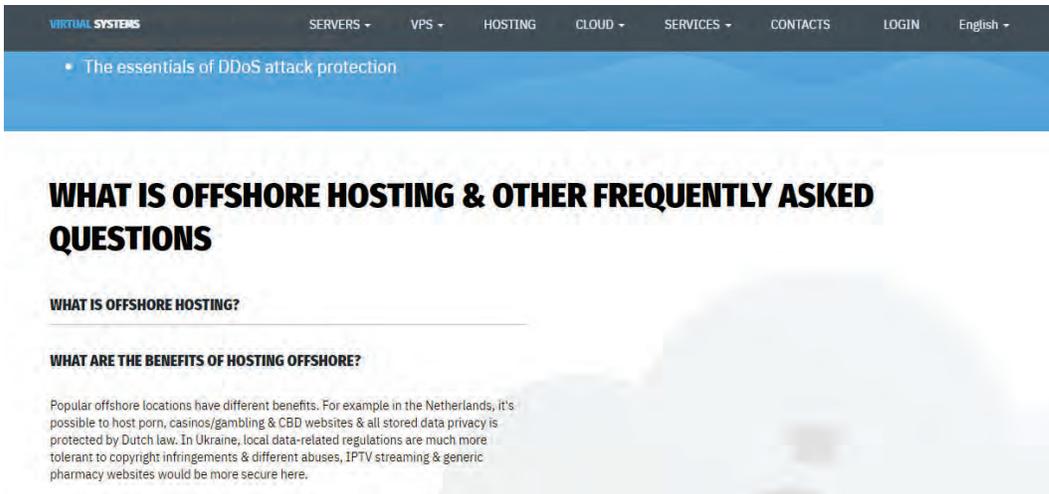
Weak local copyright laws in Ukraine are being actively exploited by internet hosting companies to attract business from international pirates. In particular, the Ukrainian ISP known as Virtual Systems (vsys.host) is fast emerging as *the largest hosting provider for international piracy in the world*. Virtual Systems seeks business based in part on the (correct) statement

⁹ See International Intellectual Property Alliance, 2021 Special 301 Report on Copyright Protection and Enforcement (January 28, 2021), p. 99, available at <https://www.regulations.gov/comment/USTR-2020-0041-0019>.

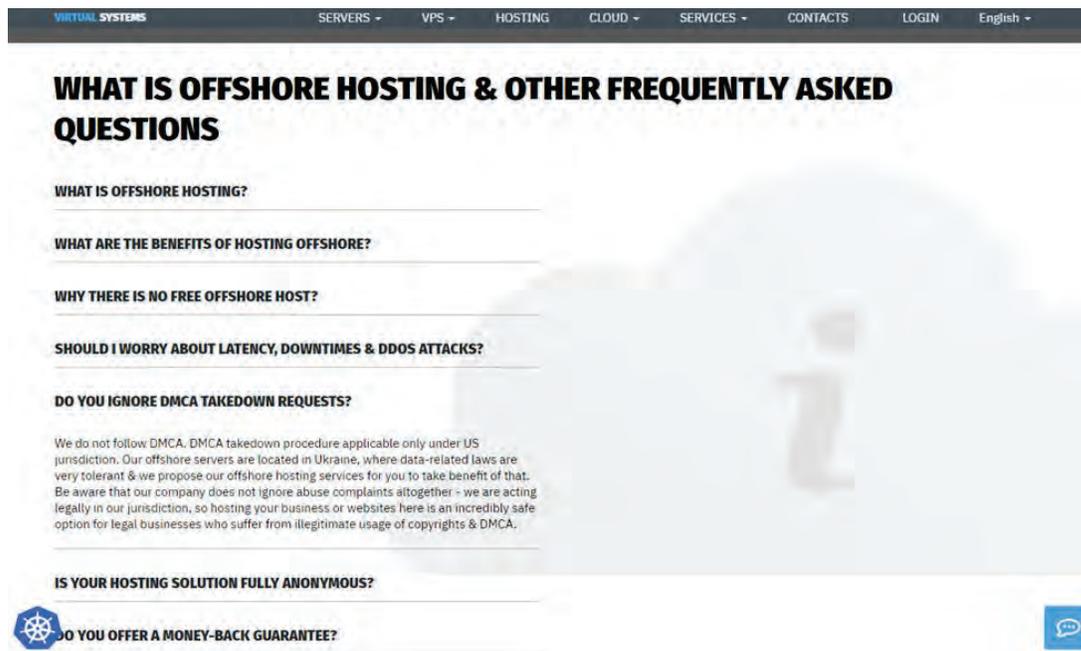
¹⁰ *Id.*

¹¹ *Id.* at p. 100.

(found on its website) that “**In Ukraine, local data-related regulations are much more tolerant to copyright infringement & different abusers:**”¹²



Indeed, Virtual Systems openly promotes on its website the fact that it provides a means to avoid takedown requests for piracy, such as in the Q&As on their website (pictured below).¹³



¹² <https://vsys.host/> (answering the question “What are the benefits of hosting offshore?”) (emphasis added) (last visited January 12, 2022).

¹³ <https://vsys.host/>

Specifically, Virtual Systems states that:

We do not follow DMCA. DMCA takedown procedure [is] applicable only under US jurisdiction. Our offshore servers are located in Ukraine, where data-related laws are very tolerant & we propose our offshore hosting services for you to take benefit of that.¹⁴

Virtual Systems repeats that one of the advantages of using its service is that a content provider can “avoid[] account suspension for DMCA notices for publishing copyrighted content,” emphasizing that “in some cases, offshore destinations allow better overall connectivity for your website’s audience.”¹⁵ Virtual Systems also offers to host IPTV applications through Xtream-UI Panel, which is well-known for being used for piracy.¹⁶

In 2021, beIN’s antipiracy monitoring services provider detected nearly 15,000 instances of illegal streams of live soccer games that were broadcast on beIN channels, which were made available on pirate websites that relied on hosting services from Virtual Systems. There was no meaningful action taken in response to takedown requests sent by our service provider to Virtual Systems. Indeed, Virtual Systems is now the provider responsible for hosting the largest share of pirated beIN channels on illegal websites.

beIN understands that other rights owners are experiencing similar levels of piracy, and non-compliance with notices, associated with Virtual Systems.

The fact that a global and well-known host of pirate websites and IPTV applications can prosper in Ukraine, in part by promoting the weak copyright regime in that country, highlights the highly problematic nature of the state of copyright protection in Ukraine. The serious deficiencies in IP protection in Ukraine are further confirmed by the US Chamber of Commerce’s (“US Chamber”) International IP Index, which places Ukraine near the bottom of the list of countries ranked by the effectiveness of their copyright system.¹⁷

¹⁴ <https://vsys.host/> (answering the question “Do you ignore DMCA takedown requests?”) (last visited January 12, 2022).

¹⁵ <https://vsys.host/> (answering the question “What are the benefits of hosting offshore?”) (last visited January 12, 2022).

¹⁶ See <https://vsys.host/xtreme-codes-panel-saas>

¹⁷ International IP Index (2021), US Chamber of Commerce Global Innovation Policy Center (“GIPC 2021 IP Index”), pp. 10, 52, 295, available at https://www.theglobalipcenter.com/wp-content/uploads/2021/03/GIPC_IPIndex2021_FullReport_v3.pdf.

For the reasons set forth above, beIN and Miramax request that Ukraine remain on the USTR Special 301 Special Watch List for 2022.

IV. Additional Background on MENA Region Piracy

Iraq is just one of a number of countries in the MENA region where piracy has become not only a big business generating substantial revenue, but an increasing part of the consumer culture for the citizens of several of those countries. In our submission, we also take this opportunity to highlight, by way of background, the countries in the MENA region where beIN and Miramax have seen the biggest threats to IP rights during the past few years.

We consider, in particular, the situation in Algeria, Jordan, Morocco, and Tunisia (ordered alphabetically). Finally, we explain how enterprises in China exploit the well-documented limitations in China's IP regime to mass produce the hardware, including set-top boxes (STBs), that is needed to facilitate the piracy in the MENA region.

A. Algeria

USTR placed Algeria on the Priority Watch List from 2018 through 2020, noting concerns with Algeria's protection and enforcement of IP rights, including the need for Algeria to increase its efforts to combat copyright piracy and to adequately and effectively enforce existing anti-piracy statutes.¹⁸ In 2021, USTR moved Algeria from the Priority Watch List to the Watch List, noting improvements in certain areas of IP protection, but indicating that "Algeria needs to make more progress in other areas, including by . . . increasing enforcement efforts against trademark counterfeiting and copyright piracy."¹⁹ beIN and Miramax have seen first-hand many of the same deficiencies in copyright protection referenced in USTR's recent reports. TV piracy is a widespread and common means for watching media content in Algeria, including beIN channels and Miramax content.

As in Iraq, localized piracy, including through illegal broadcasting from terrestrial broadcast towers in Algeria, is a serious problem. These pirates either stream from beIN set top boxes or from pirate IPTV services, and then re-transmit the streams over local networks. They then encrypt their broadcasts (in a similar way as does a legitimate broadcaster), and sell

¹⁸ See 2018 Special 301 Report, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE (April 2018), p. 52; 2019 Special 301 Report, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE (April 2019), p. 52; 2020 Special 301 Report, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE (April 2020), p. 53. See also USTR 2021 National Trade Estimate Report, p. 10 (noting that "significant IP-related concerns remain, particularly regarding the enforcement of anti-piracy statutes, such as those aimed at combating the use of unlicensed software").

¹⁹ See 2021 Special 301 Report, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE (April 2021), p. 10.

subscriptions to their pirate service through local distribution networks. This form of piracy is prevalent across Algeria.

For example, beIN investigations have revealed that a terrestrial network broadcasts free-to-air beIN channels in the city of Tiaret. Another network, calling itself Vialar Sports, does the same in Tissemsilt. Vialar has actively promoted its beIN Sports and movie content through social media. beIN understands that similar pirate networks have been available in Constantine, El Khroub, Biskra, Touggourt, Ouargla, Ghardaia, Setif, Tizi Ouzou, Ouled Derradj, Bou Saada, Ouled Djellal, Sidi Khaled, Guelma, Skikda Tamalous, Laghouat, El Eulma, Batna, M'sila, Bechar, Ali Mendjeli, Annaba, Tebessa, and Oran. In particular, terrestrial networks in the cities of Batna and M'sila have promoted, through social media, that beIN channels and US channels, such as Discovery, Animal Planet and Showtime, are available on their networks.

Internet and IPTV piracy are also prevalent in Algeria, where we understand piracy is the predominant means for watching sports content.

For example, Yacine TV is a popular piracy app that beIN's investigations have revealed is likely operating from Algeria. The "Yacine TV" brand is particularly popular in North Africa, and many other pirates use Yacine TV's trademark. When searching the Internet for Yacine TV, many results appear, including for copycats of this piracy service. Investigations indicate that the "official" version of this app is available at: <https://yacineapp.tv>. A screenshot of the Yacine TV logo is provided below:



Yacine TV makes available beIN channels, as well as many other international channels. Screenshots showing beIN and US content available on Yacine TV are provided below:



The “official” version of the app received over 2.84 million total visits in December 2021, with 34.13% of visits from users in Algeria, 16.88% from Morocco, 9.03% from Egypt, 4.97% from France, and 8.1% from Tunisia.²⁰

²⁰ See <https://www.similarweb.com/website/yacineapp.tv/#search> (last accessed Jan. 11, 2022).

GoGo IPTV is another popular and sophisticated pirate IPTV service that likely operates from Algeria. The Algerian-based pirates are particularly active within Algeria but also distribute pirated content elsewhere in the MENA region. beIN understands that this pirate service is responsible for at least twenty percent of the pirated beIN streams that are accessible via IPTV services across the globe. The GoGo IPTV application can be operated from any Android platform, and can be downloaded from online “APK Stores.” We understand that GoGo IPTV is owned by Icone Technology Limited Liability Company LLC, the manufacturer of the very popular Icone pirate receivers; Icone is part of the same piracy ecosystem that includes the card sharing service Orca. Icone receivers are enabled for both IPTV and satellite-based piracy.

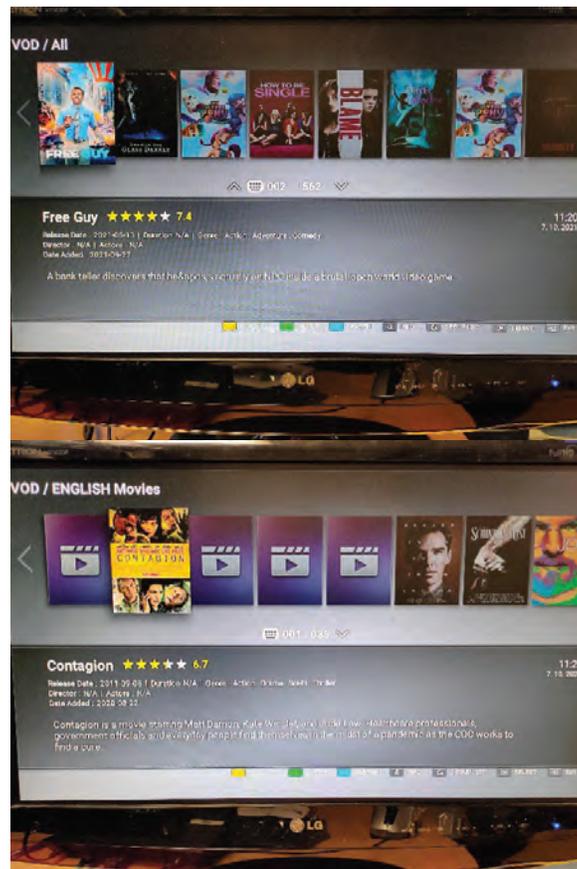
Subscriptions to GoGo IPTV can easily be purchased on GoGo IPTV’s website (for EUR 25-50/month depending on the duration of the subscription package) and on social media platforms or reseller websites.²¹

The GoGo IPTV app makes available thousands of pirated television channels and on demand content, including beIN channels, Miramax content and content of other US and international rights holders. For example, GoGo IPTV provides access to US channels such as: Cartoon Network, CNN, Discovery, FOX, HBO, National Geographic, and NBA HD. Pictured below is an image of an NBA game between the Miami Heat and LA Lakers being broadcast on a beIN channel on January 23, 2022, and made available on GoGo IPTV without authorization:



²¹ See <https://iptvfacile.com/en/home/20-iptv-gogo-iptv-12-months.html>.

Screenshots of on demand movie content available on GoGo IPTV are included below:



GoGo IPTV also operates a reseller program, by which others can sell access to GoGo IPTV (see <https://gogoiptv.net/>).

beIN and Miramax understand that Algeria lacks effective protection and enforcement of IP rights, in particular with regard to copyright piracy online. beIN is not aware of any means for requesting pirate websites to be blocked from access within Algeria. beIN understands that it can be very difficult to convince a public prosecutor to initiate a copyright case against pirates.

Algeria is not a WTO member, and is thus not legally obligated to comply with the TRIPS Agreement. Algeria is also not a contracting party to other key copyright-related treaties, such as the Brussels Convention and the Phonograms Convention.

Given the deficiencies in Algeria's copyright regime set out above, beIN and Miramax understand that it is difficult to achieve meaningful IP enforcement against this widespread piracy.

B. Jordan

As a result of Jordan's inadequate copyright protection, piracy of sports and entertainment programming thrives within its borders, and then emanates outside its borders in a manner that causes commercial harm throughout the MENA region, Europe, the United States, and beyond. beIN, Miramax, and our licensors have experienced this first hand.

As found by the US Chamber's 2021 International IP Index, one of the key areas of weakness in Jordan's IP system is the existence of "[h]igh levels of copyright infringement, particularly online."²² Among the 53 countries ranked by the US Chamber for copyright and related rights protections, Jordan is in the bottom 13.²³ The US Government's 2021 National Trade Estimates Report explains that "challenges regarding IP protection and enforcement persist" in Jordan, and that "online and physical copyright infringement is widespread."²⁴ Further, prosecution efforts against piracy must be strengthened, as suggested by the same report.²⁵

In fact, beIN has raised several complaints about piracy in Jordan via the National Library (i.e., a subsidiary body of Jordan's Ministry of Culture with which copyrights are registered), but has found that this organisation is too poorly resourced, and lacking in the necessary support, to take effective action against Jordanian-based piracy organizations such as those set out below. beIN has also not identified any means for requesting pirate websites to be blocked from access within Jordan.

The prominence and success of the Spider company, based in Amman, Jordan, evidences the deficiencies in enforcement of Jordan's copyright laws. Spider distributes Spider-branded devices across the MENA region and Europe, either via online sales (including at <http://spiderreceiver.com>) or from physical shops. In addition to having its own Spider branded shops, Spider is distributed by other companies across Jordan, and has advertised on billboards, and through social media campaigns.

Spider receivers are typically supplied so as to enable easy access to the following pirate IPTV apps: Golden IPTV, MYHD IPTV, and Echoo IPTV.

Each of these apps offers access to pirated beIN channels, as well as content from Miramax, and many other US and international content owners. For example, Golden IPTV provides

²² GIPC 2021 IP Index, p. 185, *available at* https://www.theglobalipcenter.com/wp-content/uploads/2021/03/GIPC_IPIndex2021_FullReport_v3.pdf.

²³ *Id.* at p. 10.

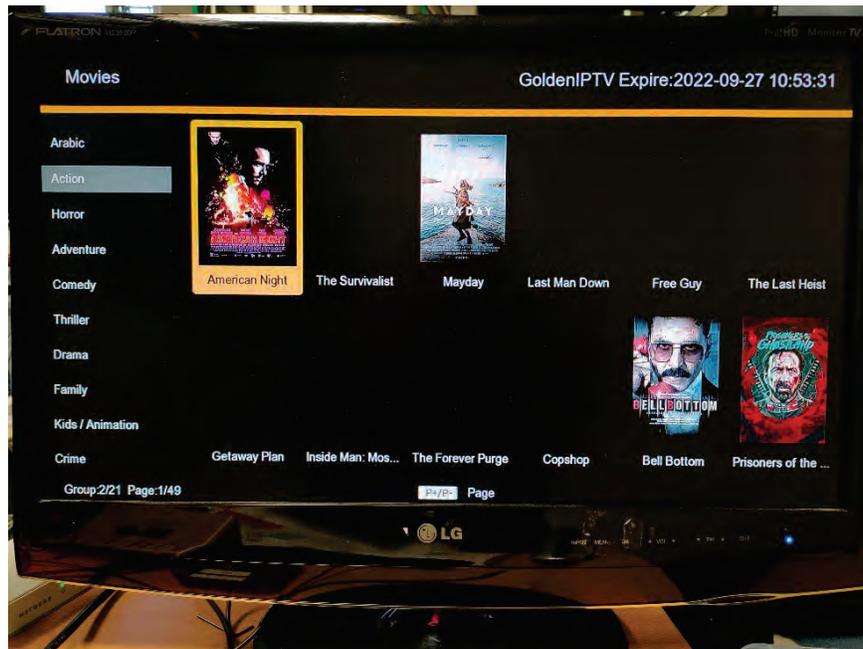
²⁴ 2021 National Trade Estimate on Foreign Trade Barriers, USTR, p. 311.

²⁵ *Id.*

access to, amongst others, the following US channels: Cartoon Network, CBS, Discovery, Disney, ESPN, FOX, HBO, MTV, National Geographic, NBA HD and NBC. An image of beIN channels available on a Spider device is included below:



An image of some of the pirated movie content made available on Spider devices is included below:



Screenshots of some of the pirated US television channels made available on Spider devices are included below:



Subscriptions to well-known pirate IPTV services Haha IPTV, Brave, and MYHD IPTV, are also openly sold from the Spider company's website at <http://spiderreceiver.com>, as can be seen below:



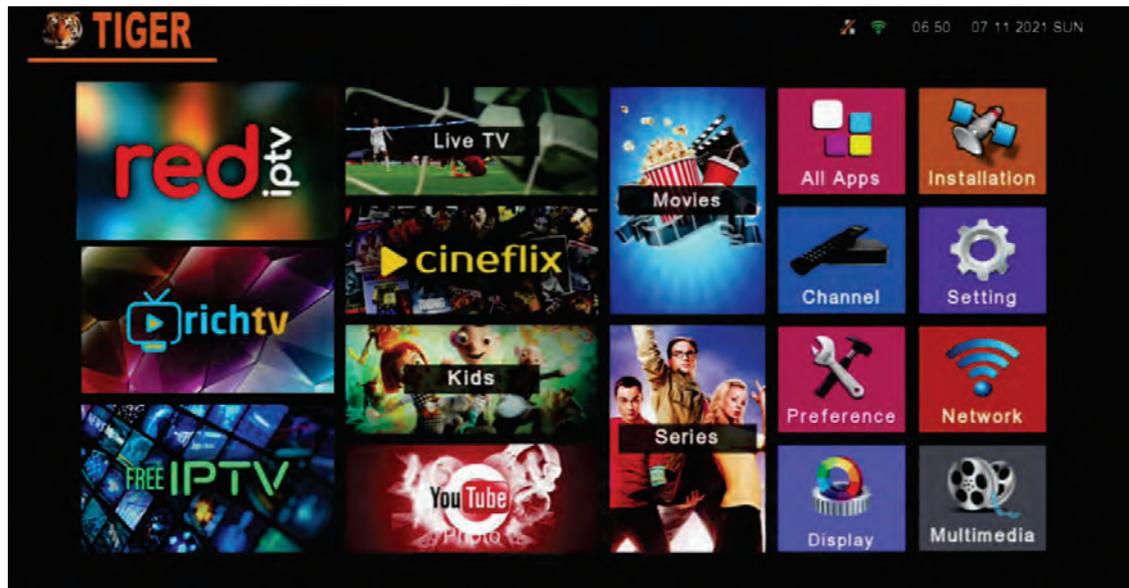
Next, Tiger International Company is a wholesale consumer electronics company established in Amman, Jordan, where it specializes in selling LED TVs and digital satellite receivers. Tiger's business has been primarily focused on the sale of receivers which offer pirated streaming and video-on-demand content from many rights holders. Tiger has seventeen distributors in Jordan. Tiger branded devices are primarily sold across the MENA region, but are available around the world. beIN's recent investigations reveal that Tiger is now active throughout the MENA region, as well as in South Africa, Afghanistan, Cyprus, Brazil and Ukraine.



Well known IPTV services that come pre-installed on the Tiger branded devices include Red IPTV, Royal IPTV, Haha IPTV, Echoo IPTV, Golden IPTV, MYHD IPTV, and Apollo IPTV.

These apps make available pirated beIN channels, as well as content from Miramax, and many other US and international content owners. For example, Golden IPTV provides access to, amongst others, the following US channels: ABC News, Cartoon Network, CBS, CNN, Discovery, Disney, ESPN, FOX, HBO, MTV, National Geographic, NBA HD, and NBC.

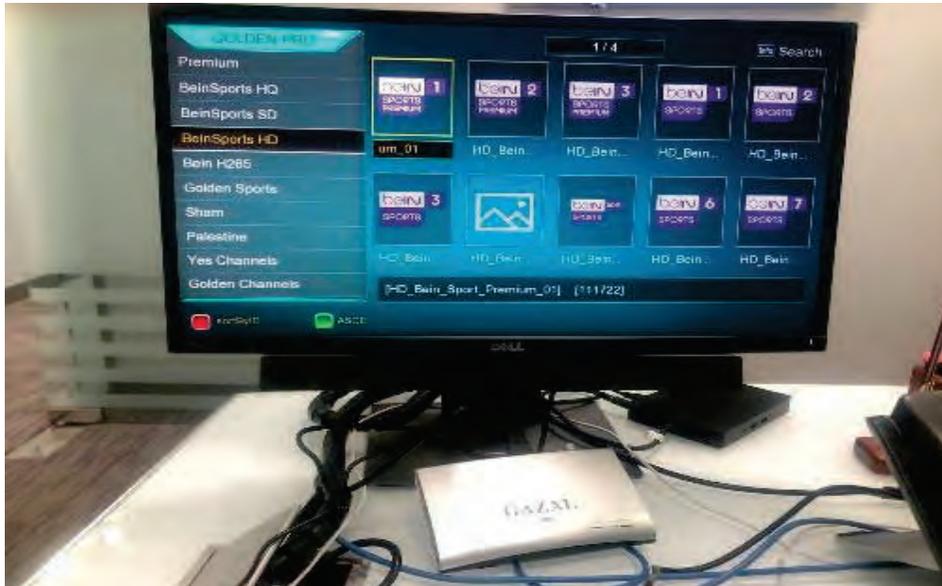
A recent image of a Tiger receiver providing access to Red IPTV, an application that makes available pirated content from US content owners, is provided below:



Gazal is yet another Jordanian-based pirate, operated by Issa Center for Maintenance of Satellite Devices. The company's business operations include selling Gazal, as well as other pirate receiver brands, such as Tiger, Spider & Mediastar. The company sells through physical shops in Jordan, as well as online. Owners of the Gazal brand also appear to be the operators of a pirate IPTV service called Dragon IPTV.

Gazal branded pirate receivers are preloaded with pirate IPTV services such as: Dragon IPTV, HaHa IPTV, Ultra IPTV, Forever, MYHD, Dream IPTV, Echoo, Star IPTV. These apps provide access to thousands of pirated channels and VOD content, including beIN channels.

An image of a Gazal receiver making available beIN content via the Golden IPTV app is provided below:



C. Morocco

Piracy remains extremely widespread in Morocco, and there have been no concrete or otherwise noticeable steps taken by Morocco's government to address it. As in many other countries in the MENA region, piracy is a popular way of accessing sports and entertainment content in Morocco. Moreover, there are a number of copyright pirates that operate from Morocco and spread pirated content far beyond the country's borders.

The following websites, many of which stream sports broadcasts from beIN and other operators, all appear to be operated from Morocco, based on investigations by beIN:

- Beinmatch.vip
- Beinmatch.com
- Beinmatch.tv
- Kora-live.tv
- Kooora2day.com
- Iptv4sat.com
- Fr.m3uipvtv.com
- aflam4you.tv

Morocco-based beIN Match (*beinmatch.com*, *beinmatch.tv*, *beinmatch.vip*) is one of the most popular streaming websites in the MENA region, and illegally restreams beIN's broadcasts of soccer matches. beIN estimates that beIN Match sites have received approximately 2.865

million visits in the last three months.²⁶ In October 2021 alone, beIN Match sites received almost 1.57 million visits, with 1.5 million on beinmatch.tv,²⁷ 35,000 on beinmatch.com,²⁸ and 35,000 on beinmatch.vip.²⁹

Further, beIN Match not only wilfully infringes copyright, but also beIN's trademark. The pirate's very name, "beIN Match," uses the trademark "beIN" to promote (pirated) sports streaming websites. This is a particularly egregious case of infringement of the beIN trademark, and suggests that trademarks are not well-respected in Morocco.

IPTV devices, such as iStar, Echolink, Icone, Vision and Euroview devices, are widely sold out of small shops all over Morocco. The IPTV devices are often sold together with 12-month subscriptions to pirate IPTV applications at extremely low prices. For example, an Echolink receiver (model number ZEN IP TV) with a 12-month subscription to a pirate IPTV application was recently available in Morocco for USD 35. Similarly, a Samsat receiver (model number 60HD mini) or an X96 receiver (model number Smart TV Box) with 12-month subscriptions to pirate PTV applications were each recently available for USD 30.

During the COVID-19 pandemic, there has been a movement toward the use of IPTV applications rather than set set-top boxes. Online sales are occurring through websites, social media, and messaging channels. Shops are also moving online, by establishing dedicated social media pages and websites. beIN understand that the distribution networks of some well-known IPTV applications (including Dream TV, which is discussed below) even offer commission to sales people of televisions and household goods when they sell subscriptions to pirate IPTV services in conjunction with the sale of the device.

Dream TV is a well-known and widely viewed Moroccan-based pirate IPTV service provider.



²⁶ See <https://www.similarweb.com/website/beinmatch.com/#overview> (last accessed Jan. 11, 2022); <https://www.similarweb.com/website/beinmatch.tv/#overview> (last accessed Jan. 11, 2022); <https://www.similarweb.com/website/beinmatch.vip/#overview> (last accessed Jan. 11, 2022).

²⁷ See <https://www.similarweb.com/website/beinmatch.tv/#overview> (last accessed Jan. 11, 2022).

²⁸ See <https://www.similarweb.com/website/beinmatch.com/#overview> (last accessed Jan. 11, 2022).

²⁹ See <https://www.similarweb.com/website/beinmatch.vip/#overview> (last accessed Jan. 11, 2022).

On its website, <https://dreamtvshop.com/en/>, Dream TV presents itself as the largest provider of IPTV international channels on the market for individuals and resellers, offering 2,300 channels of different qualities: SD, HD, FHD and H265.

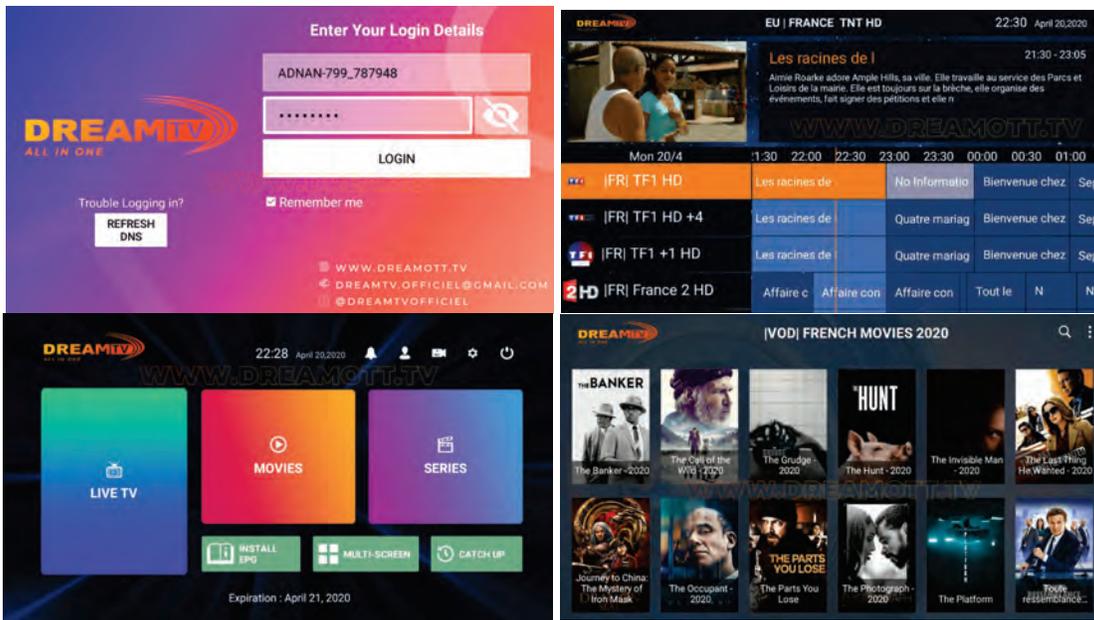
Through its investigations, beIN has found that Dream TV is likely to be responsible for a substantial proportion of pirated beIN channels streamed in the pirate IPTV ecosystem. These are all pirate streams showing pirated beIN channels, as well as Miramax content and channels belonging to other international and US rights holders, such as: ABC News, Cartoon Network, CNN, FOX, and NBC. Screenshots of beIN-broadcast games being shown on Dream TV are provided below, along with screenshots of Sky Sports:



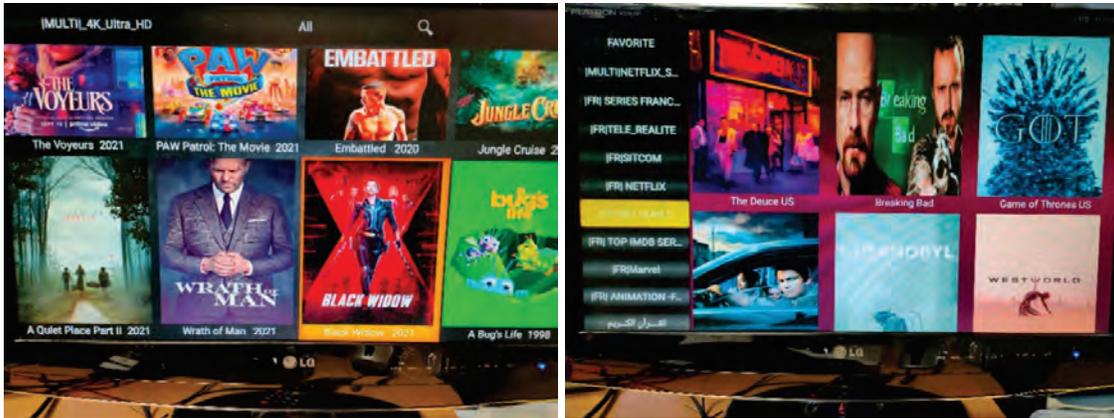


Dream TV offers for download several android apps which, in combination with a valid subscription, provide direct access to infringing content. These apps are available at: <https://dreamtvshop.com/fr/applications/>.

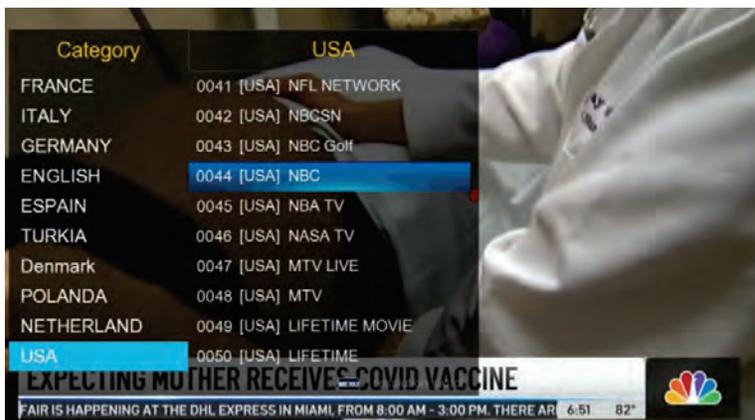
Screenshots of Dream TV's sophisticated user interface are included below:



Screenshots of some of the movies and TV shows available on Dream TV, including Miramax movies and other well-known US content, are shown below:



Screenshots of some of the television channels available on Dream TV, including CNN, CBS, Cinemax, Cartoon Network, FOX, NFL Network, NBC, NBA TV, MTV, and Lifetime are included below:





Dream TV's IPTV Reseller Program, which allows individuals to sign up, purchase and resell Dream TV, is also available on Dream TV's website at: <https://dreamtvshop.com/en/iptv-reseller/>.

Morocco lacks effective protection and enforcement of IP rights, in particular with regard to copyright piracy online. As reported by the WTO Secretariat in its 2016 Trade Policy Review of Morocco, piracy of audio and audiovisual media has been found to be among the most commonly encountered type of IP infringement in the country.³⁰ The US Chamber similarly reports that Morocco's enforcement environment is challenging and plagued by high rates of piracy, including through satellite decoding and broadcasting signal piracy and, more recently, through the use of set-top boxes for streaming.³¹

Based on beIN's experience in Morocco, this continues to be true today. Indeed, beIN has observed that the companies that market IPTV boxes in Morocco specialized for facilitating access to pirate IPTV applications (e.g., Echolink, as described below in Section III.E) have actually registered trademarks in Morocco for the pirate brands. In other words, they are attempting to protect their own IP rights (here, trademarks) for a product with the primary purpose of facilitating violation of the IP rights of others, including beIN and US content producers. And the Moroccan authorities are allowing this to happen.

Given the deficiencies in Morocco's copyright regime set out above, the prospect for meaningful IP enforcement against this widespread piracy is quite low. In fact, beIN understands that it could be very difficult, as a non-Moroccan company, to successfully initiate criminal action against pirates in Morocco, because the prosecuting authorities are unlikely to prioritise any such action. Nevertheless, beIN has attempted to bring the piracy issue to the

³⁰ 2016 WTO TPR Morocco, Report by Secretariat, p. 81, available at <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/TPR/S329R1.pdf&Open=True>.

³¹ GIPC 2021 IP Index, p. 210, available at https://www.theglobalipcenter.com/wp-content/uploads/2021/03/GIPC_IPIndex2021_FullReport_v3.pdf.

Moroccan authorities' attention, requesting that the Moroccan authorities take action against pirates based in Morocco. Unfortunately, no action has been taken.

beIN is continuing in its efforts to enforce copyrights in Morocco, including through pending litigation regarding the hosting of pirate websites by Moroccan internet service providers.

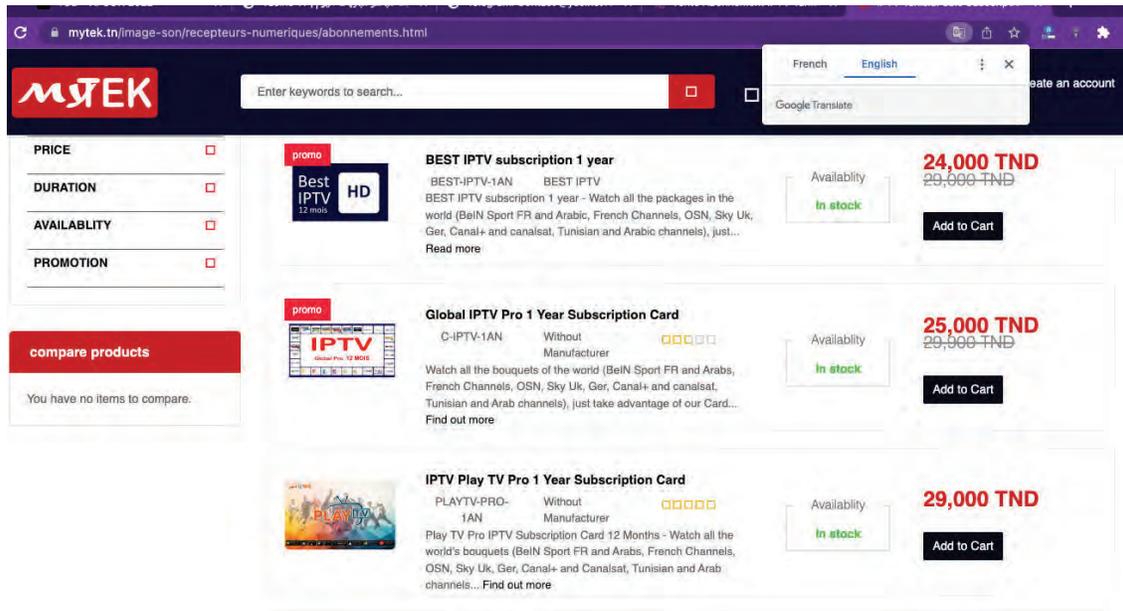
D. Tunisia

Piracy is widespread in Tunisia, and has been a popular means for users in the country to access sports and entertainment content for several years, including beIN and Miramax content. A recent industry-sponsored study has found that 92% of households in Tunisia viewed paid channels through pirate IPTV applications or devices with access to pirate services. Further, a recent poll revealed that far more households in Tunisia watched a recent Africa Cup of Nations match, for which beIN is the exclusive rights holder in Tunisia, than subscribe to beIN in that country.

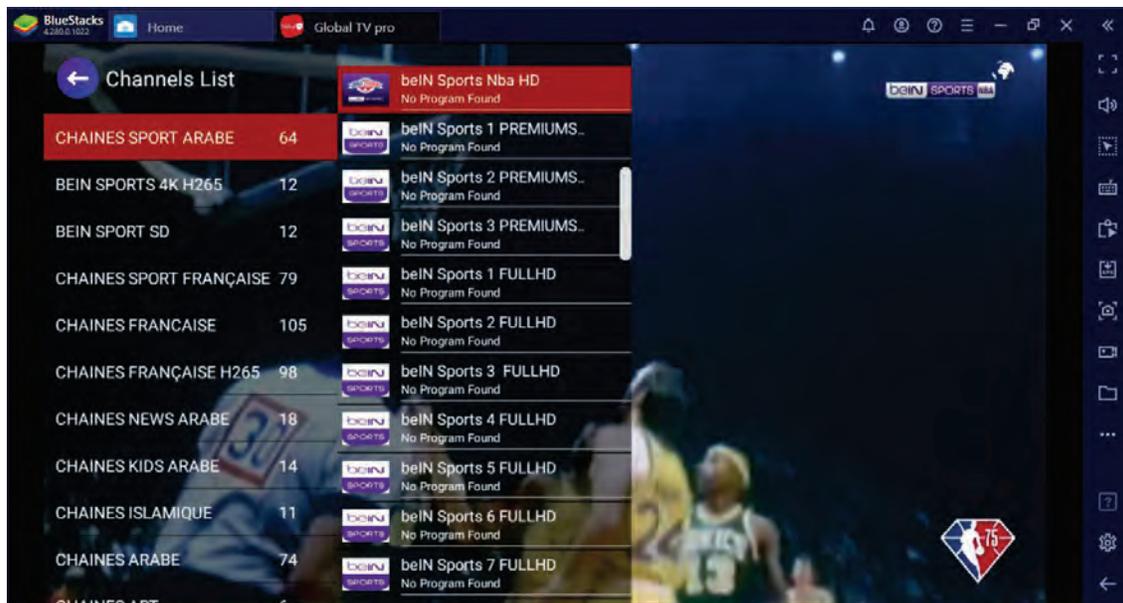
Tunisia-based pirates also impact the full MENA region. In particular, beIN has identified pirate streaming websites, which are popular across the whole MENA region, being operated from Tunisia. In the case of one very popular website which was illegally re-streaming beIN content, beIN had identified the operator, and served him with cease and desist letters registered with a court in Tunisia. beIN was then advised to wait to give the operator time to comply, as this is the practice in Tunisia. However, the action proved fruitless because, instead of complying, the operator simply restructured his website so that it was no longer possible to identify him, and moved it to a new domain. Although it was clear from the circumstances that the new and old website were operated by the same person, beIN was advised that there was no longer sufficient evidence to proceed. Such arcane procedures mean that it is very difficult, if not impossible, to attain civil or criminal enforcement in Tunisia against a pirate website operator like this, which repeatedly re-directs its website to new domains.

Thus, beIN itself has learned first-hand of Tunisia's lack of effective protection and enforcement of IP rights, in particular with regard to copyright piracy online.

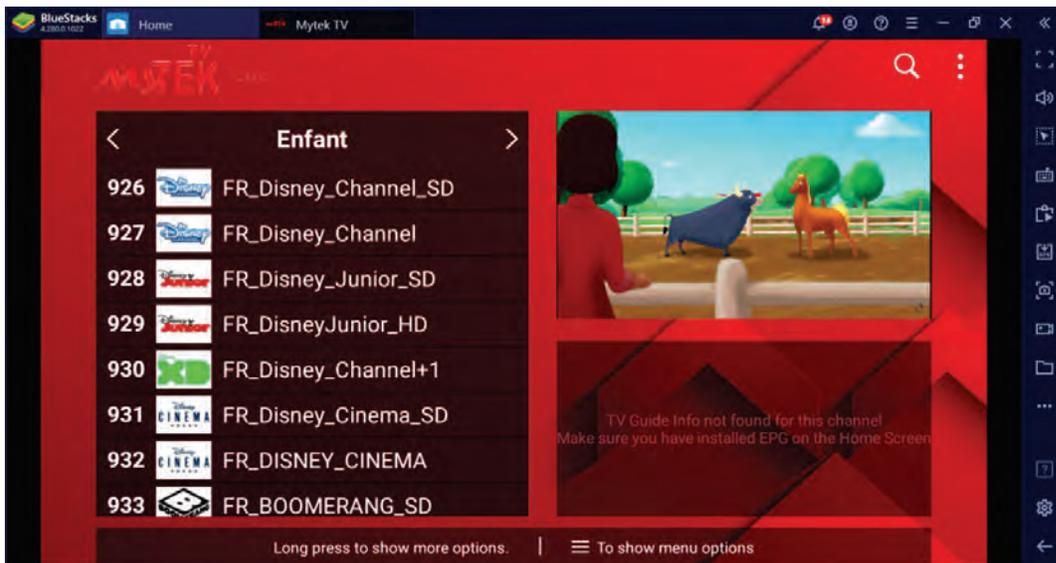
To take one example, MyTek is a registered company in Tunisia, selling information technology accessories with various shops across Tunisia and a web store: <https://www.mytek.tn/>. MyTek infringes the copyright of various content providers, including producers of US content, through its own pirate IPTV applications as well as by promoting and selling other pirate IPTV applications through its online store. A number of IPTV applications that distribute pirated content of several international broadcasters (including of beIN) are available on MyTek's online store, as shown below:



A screenshot of Global IPTV Pro (on sale on the MyTek store) featuring unauthorized live re-streaming of beIN Sports’s NBA channel is shown below:



Screenshots of the pirate application MyTek featuring US copyrighted work, including content from a Disney channel, as well as series such as HBO’s “Game of Thrones” and Netflix’s “La Casa del Papel,” are provided below:



Tunisia is not a contracting party to several relevant IP treaties, including the Brussels Convention, Phonograms Convention, and WIPO Performances and Phonograms Treaty.³² The US Government's 2021 National Trade Estimate reports that "[a]lthough Tunisia has made some progress with respect to intellectual property (IP) protection and enforcement, the prevalence of, and trade in, counterfeit and pirated goods remains a concern."³³ Based on beIN's experience in Tunisia, beIN agrees with this assessment.

Given the deficiencies in Tunisia's copyright regime set out above, the prospect for meaningful IP enforcement against this widespread piracy is quite low.

³² See https://www.wipo.int/treaties/en/ShowResults.jsp?country_id=171C.

³³ USTR 2021 National Trade Estimate, p. 497, available at <https://ustr.gov/sites/default/files/files/reports/2021/2021NTE.pdf>.

E. China’s facilitation of MENA-based piracy

The widespread MENA-based piracy detailed above is often facilitated by Chinese-based entities. Indeed, a great number of the pirate devices that are sold, and allow users, through piracy apps, to stream, download, or otherwise access unauthorized content from the internet, are manufactured in China—a hub for the manufacturing of such devices.³⁴

With these pirate devices, users can easily gain access to a wide range of unauthorized movie and television content, including beIN channels and virtually unlimited US and international channels. The pirate devices enable access to unauthorized content in several ways. They can, for example, provide access to “internet key sharing” (IKS) that enables unauthorized decryption of Pay TV satellite broadcasts. This is a very notorious and widespread form of piracy in territories where Pay TV is accessed via satellite broadcasting, including in the MENA region. The pirate devices may also come preloaded with infringing IPTV streaming applications that provide access to unauthorized content.

In fact, some Chinese syndicates specialize in providing IKS infrastructure that allows piracy operators in many countries to sell set-top boxes that receive real-time decryption data (keys) that permit continuous piracy of satellite pay TV program streams. As explained by the Asia Video Industry Association (“AVIA”), syndicates in China offer a full suite of support services to local piracy operators, including:

- Hardware (hybrid set-top boxes that receive IKS programming from satellites and/or IPTV programming over the internet),
- The software that drives the boxes,
- Hacking expertise that extracts the decryption codes, and
- Network services that relay those codes around the world.³⁵

When the keys are changed, the Chinese syndicates can break the new codes and immediately provide them to their affiliates in various countries.

To take a prominent example, the Chinese company Zhuhai Gotech Intelligent Technology Company Ltd. (“GoTech”)³⁶ manufactures pirate devices that come preloaded with infringing

³⁴ See, e.g., U. S. Chamber of Commerce, 2021 Special 301 Submission (January 28, 2021), pp. 65-66, *available at* <https://www.regulations.gov/comment/USTR-2020-0041-0033> . See also International Intellectual Property Alliance, 2021 Special 301 Report on Copyright Protection and Enforcement (January 28, 2021), p. xvii, *available at* <https://www.regulations.gov/comment/USTR-2020-0041-0019> .

³⁵ See Asia Video Industry Association, 2021 Special 301 Review Comment January 28, 2021), p. 6, *available at* <https://www.regulations.gov/comment/USTR-2020-0041-0010> .

³⁶ GoTech is a Chinese company whose direct involvement in broadcasting piracy was at issue in a 2016 civil suit heard in the United States, in which a federal district court entered a default judgment against GoTech. The U.S. Court of Appeals for the Fifth Circuit, in upholding the judgment of the district court, noted that the lawsuit

IPTV streaming applications and allow users to watch unauthorized content accessed via the internet. Receivers manufactured by GoTech are supplied after having already been enabled for IPTV piracy, including via the G-IPTV pirate service, which illegally makes available beIN channels, along with over 2,000 other channels from other major broadcasters. These devices are often enabled with other well-known pirate IPTV applications, such as Red IPTV, which pirate beIN channels and channels from thousands of other broadcasters around the world.

In addition, GoTech receivers are enabled with an initial subscription that allows access to internet key sharing services, including Forever IKS, Funcam, and G-Share. These latter services, widely promoted on the internet and across social media, offer access to beIN France channels (which are distributed by partner broadcasters in France, whose encryption has been hacked and channels made available via these pirate IKS service) and channels of many US and international broadcasters. Typically, GoTech supplies its receivers to local companies that brand, market, and distribute them in their own market.

GoTech pirate devices are readily available in the MENA region, and commonly sold with brand names such as Echolink, Starsat, Redline, Tiger, Geant, and Samsat.

The social media pages of Forever IKS promote the availability of beIN and US content on Forever IKS. Forever IKS has explicitly touted its Chinese origin:



brought by Nagravision, i.e., “a provider of security technology, including technology supporting subscription-based television producers . . . [was] based on Gotech’s sophisticated-but-illegal soft- and hardware that both steals Nagravision technology and defeats Nagravision security, allowing for piracy of pay-television programming.” *Nagravision SA v. Gotech Int’l Tech. Ltd.*, 882 F.3d 494, 497 (5th Cir. 2018).

Images from the Forever iks Facebook page in recent years have shown the availability of content from beIN, Fox, ESPN, and CNN, among others.

There are also a number of video encoder manufacturers in China that are proactive in facilitating video piracy by including a watermarking-removal mechanism in their encoders.³⁷ As watermarking is a technology implemented by content owners to aid in detection and termination of pirate video streams, the watermark removal function is aimed at undermining the interests of legitimate content suppliers and content owners alike. By removing watermarks, these device manufacturers are effectively providing their customers with devices that are better equipped for piracy. Certain leading Chinese pirate device manufacturers, such as XI'AN Tongshi Data Co., Ltd in Xian China, as well as TBS Technologies International Limited and Oupree Technology Company Limited, both based in Shenzhen China, reportedly openly market watermark-removal technology as a key selling point for their devices.³⁸

To our knowledge, the Chinese government has failed to take any action against these and similar Chinese manufacturers, which thereby facilitates and further enables the spread of piracy in the MENA region and beyond.

Although we understand that China has revised its Copyright Law and Criminal Law in 2020, and entered into a Trade Agreement with the US Government in January 2020 (which includes an IP chapter aimed at addressing longstanding IP concerns), protection and enforcement of IP rights continue to be a major concern in China. As noted in USTR's latest Special 301 Report, "these steps toward reform require effective implementation and also fall short of the full range of fundamental changes needed to improve the IP landscape in China."³⁹

We understand that IP enforcement, in particular, continues to be a major problem in China. According to AVIA, "Chinese authorities have stated that, while they impose regulatory barriers and licensing requirements on manufacture, outfitting and sale of IPTV set top boxes aimed at the domestic market (to prevent their being used for content objectionable to the Chinese state), they do not impose any restrictions on design, manufacture or sale of such boxes for export."⁴⁰

³⁷ Asia Video Industry Association, 2021 Special 301 Review Comment January 28, 2021), pp. 5-6, *available at* <https://www.regulations.gov/comment/USTR-2020-0041-0010>.

³⁸ Asia Video Industry Association, 2021 Special 301 Review Comment (January 28, 2021), pp. 5-6, *available at* <https://www.regulations.gov/comment/USTR-2020-0041-0010>.

³⁹ See 2021 Special 301 Report, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE (April 2021), p. 40.

⁴⁰ Asia Video Industry Association, 2021 Special 301 Review Comment (January 28, 2021), p. 5, *available at* <https://www.regulations.gov/comment/USTR-2020-0041-0010>.

Further, the experience of rights owners has been that there is no effective means to take action against a Chinese company, within China, that is distributing pirate devices or otherwise enabling piracy in international markets. As such, China is a major facilitator and exporter of piracy around the world.

V. Conclusion and Recommendations

beIN and Miramax respectfully request that USTR designate Iraq and Ukraine on the Priority Watch List for 2022. Further, given the prominence of piracy of beIN, Miramax, and other US content in multiple countries in the MENA region – piracy which then often spreads throughout the world – beIN and Miramax request that the US Government expand its efforts to improve IP protection and enforcement in that region. USTR should also continue to put pressure on China to improve its IP regime, including in view of the manner that China’s inadequate laws and enforcement facilitate the piracy of US content in the MENA region and beyond.

Should USTR have any questions or require any further information regarding this submission, beIN and Miramax remain at your disposal.

* * *

Yours sincerely,



Caroline GUENNETEAU
Deputy General Counsel

beIN Media Group, LLC

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Miramax, LLC