



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

**Submission by Fédération Internationale de Football Association for the 2020 Special 301 Review
(Docket No. USTR-2019-0023)**

Dear Mr. Lee,

Fédération Internationale de Football Association (“**FIFA**”) appreciates the opportunity to assist the Office of the United States Trade Representative (“**USTR**”) in identifying countries where intellectual property rights protection and enforcement is a high concern, and to review and update the list of countries on the Priority Watch List.

FIFA is the world governing body of association football and is the lawful owner of the worldwide rights relating to FIFA’s various competitions. With respect to all FIFA competitions taking place in the period 2015 – 2022, FIFA has licensed media rights to Al Jazeera Media Network (“**beIN**”) for exclusive exploitation on a territorial basis for the Middle East and North Africa region (“**MENA**”), including Saudi Arabia.

From August 2017 until August 2019, a broadcast pirate whose transmissions were primarily received in KSA under the name “beoutQ” was engaged in the unauthorised streaming, broadcasting and distribution of media content licensed to beIN and others, including the 2018 FIFA World Cup™ and FIFA Women’s World Cup 2019™. The piracy began with streaming of pirated sports content on beoutQ’s website, and expanded to include the widespread sale of beoutQ set-top boxes and annual subscriptions in retail stores in Saudi Arabia and other MENA countries, providing access to all types of pirated media content. These beoutQ set-top boxes received beoutQ’s satellite broadcasts of pirated content via Saudi-based Arabsat satellites¹ and, as explained below, continue to provide access to third

¹ Arabsat is an intergovernmental satellite operator headquartered in Riyadh and 36.6% owned by Saudi Arabia. Technical analysis has revealed that the beoutQ pirate channels were transmitted via Arabsat satellite frequencies to the MENA region, and can also be received in parts of Europe, including the south of France. *See Report on the protection and enforcement of intellectual property rights in third countries, Council of the European Union (December 23, 2019), p. 42, available at <https://data.consilium.europa.eu/doc/document/ST-15330-2019-INIT/en/pdf>; beoutQ Investigation Prepared by MarkMonitor, FIFA.COM (April 2019), available at <https://img.fifa.com/image/upload/bsaawfqlbtm3vdubuehl.pdf>.*

party Internet Protocol Television applications (“**IPTV apps**”) offering thousands of pirated movies, TV shows, and TV channels from the United States, Europe, and across the globe.²

In part as a result of this piracy, USTR placed Saudi Arabia on the Priority Watch List, explaining in the 2019 Special 301 Report that “[r]ampant satellite and online piracy is a rising concern in Saudi Arabia”, highlighting “ongoing concerns regarding IP enforcement” in Saudi Arabia.³ Although beoutQ ceased broadcasting in mid-August 2019 (we note that rumours continue to circulate about its possible return), widespread piracy continues in Saudi Arabia. IPTV apps providing access to vast swathes of pirated content⁴ continue to be available by means of up to three million beoutQ set-top boxes reportedly in circulation in Saudi Arabia and the region,⁵ among other IPTV boxes in the Saudi market.

We draw your attention to a report that we commissioned together with other football rightsholders (the AFC, UEFA, the Bundesliga, LaLiga, the Premier League and Lega Serie A, collectively the “**Football Rightsholders**”) which revealed that one such IPTV app, EVDTV, is itself based out of Saudi Arabia.⁶ According to the report, contact details for the pirate service are publicly available on the app’s website, universeiptvs.com, which provides, *inter alia*, a phone number and location in Saudi Arabia.⁷ The report further noted the availability of the EVDTV app on the beoutQ app store as well as the Google Play store for Android devices.⁸ EVDTV provides access to over 3,900 live channels,⁹ including 271 US channels in the USA and USA Ultra HD sections.¹⁰

Among other deficiencies in its copyright regime, Saudi Arabia suffers from a structural deficiency that remains in place today. In particular, as the European Commission explained last month when it added Saudi Arabia to its own list of countries with deficient intellectual property protection:

² See Submission by beIN Media Group, LLC and Miramax, LLC for the 2019 Special 301 Review, available at <https://www.regulations.gov/document?D=USTR-2018-0037-0052>.

³ See 2019 Special 301 Report, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE (April 2019), pp. 6, 22, 57 available at https://ustr.gov/sites/default/files/2019_Special_301_Report.pdf.

⁴ See IPTV Piracy on BeoutQ STBs, NAGRA KUDELSKI (Nov. 25, 2018), available at <https://beoutq.tv/wp-content/uploads/2019/01/IPTV-piracy-on-beoutQ-STB.pdf>.

⁵ Anthony Harwood, ‘Piracy will see Premier League rights values drop off a cliff’, warns beIN Sports CEO, SportsPro Media, <http://www.sportspromedia.com/news/premier-league-tv-rights-value-pirate-steams-bein-sports-beoutq>; see also Rebecca Hawes, beIN slams persistent piracy menace, DIGITAL TV EUROPE (Nov. 8, 2019), <https://www.digitaltveurope.com/2019/11/08/bein-slams-persistent-beoutq-piracy-menace/> (reporting that beoutQ continues to “distribut[e] premium channels illegally via the IPTV function of its boxes,” and it remains possible that beoutQ could resume under a different name).

⁶ See beoutQ Investigation Prepared by MarkMonitor, FIFA.COM (April 2019), pp. 11, 23-24 <https://img.fifa.com/image/upload/bsaawfqlbtm3vdubuehl.pdf>.

⁷ See *id.* at p. 11, 23-24.

⁸ *Id.* at pp. 11, 23-24.

⁹ *Id.* at p. 10 (“EVDTV currently offers 3952 live TV channels”).

¹⁰ IPTV Piracy on BeoutQ STBs, NAGRA KUDELSKI (Nov. 25, 2018), pp. 24-25, 49-80, available at <https://beoutq.tv/wp-content/uploads/2019/01/IPTV-piracy-on-beoutQ-STB.pdf>.

As regards **criminal enforcement**, stakeholders report that the Ministry of Culture and Information has a discretionary right to authorise or deny access to the Copyright Committee, which is the sole entity responsible for copyright infringements in Saudi Arabia, and also to approve or disapprove the decisions of the Copyright Committee, which does not seem to be compatible with the TRIPS Agreement. These rules make the availability of criminal judicial procedures and sanctions conditional on political or subjective considerations.¹¹

With respect to civil enforcement of copyright infringement, rights holders have been unable to initiate copyright infringement cases against beoutQ and its facilitators in Saudi Arabia. In this regard we draw your attention to a July 2019 press release issued by FIFA and the Football Rightsholders, which was issued after 15 months of attempting to initiate a copyright infringement case: *"we have reached the conclusion, regrettably, that it is now not possible to retain legal counsel in KSA which is willing or able to act on our behalf in filing a copyright complaint against beoutQ"* and that we had *"exhausted all reasonable options for pursuing a formal copyright claim in KSA."*¹²

In view of this longstanding and damaging situation, FIFA confirms its support should USTR maintain Saudi Arabia's position on the Priority Watch List.

Yours faithfully

**FÉDÉRATION INTERNATIONALE
DE FOOTBALL ASSOCIATION**



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¹¹ See *Report on the protection and enforcement of intellectual property rights in third countries*, EUROPEAN COMMISSION (January 8, 2020), p. 42, available at https://trade.ec.europa.eu/doclib/docs/2020/january/tradoc_158561.pdf.

¹² *Joint statement by FIFA, the AFC, UEFA, the Bundesliga, LaLiga, the Premier League and Lega Serie A regarding the activities of beoutQ in Saudi Arabia*, FIFA.COM (July 31, 2019), <https://www.fifa.com/about-fifa/who-we-are/news/joint-statement-by-fifa-the-afc-uefa-the-bundesliga-laliga-the-premier-league-an>