



INTERNATIONAL
OLYMPIC
COMMITTEE

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

Lausanne, 06 February 2020

**Submission by the International Olympic Committee for the 2020 Special 301 Review
(Docket No. USTR-2019-0023)**

Dear Mr. Lee,

The International Olympic Committee appreciates the opportunity to provide our perspective to the Office of the United States Trade Representative (“USTR”) regarding territories where significant concerns exist with respect to the protection and enforcement of intellectual property rights, specifically in this case in relation to media rights.

As brief background, the IOC’s media policy is fundamentally based on the Olympic Charter, which states in its Rule 48: “The IOC takes all necessary steps in order to ensure the fullest coverage by the different media and the widest possible audience in the world for the Olympic Games”. Broadcast coverage is one of the primary means by which the IOC fulfils its mission of promoting Olympism throughout the world, but also for people around the world to experience the magic of the Olympic Games. The IOC is the owner of the global media rights for the Olympic Games – including broadcasts on television, radio, mobile and internet platforms – and is responsible for allocating rights to media companies throughout the world through the negotiation of media rights agreements. The IOC generates substantial revenue from the sale of these rights and this revenue constitutes a material proportion of the funding required to support the Olympic Movement. As reported in the IOC’s Annual Report (which is available from the Olympic.org website), the IOC distributes over 90 per cent of its income to the Olympic Movement, helping to support sports development objectives. Payments are made to (amongst others) the various International Federations and National Olympic Committees to support their athletes, including athletes from the United States.

As part of the media rights licensing programme, the IOC has licensed exclusive media rights for the 2018-2024 Olympic Games to beIN Media Group LLC (“beIN”) on a territorial basis for the Middle East and North Africa (“MENA”) region. Saudi Arabia is one of the countries included in the MENA region.

The IOC has been provided with significant evidence which demonstrates that since 2017, a Saudi-based broadcast pirate operating under the name “beoutQ” has been engaged in the unauthorized distribution, streaming, and broadcasting of media content licensed to beIN and others – including the PyeongChang 2018 Olympic Winter Games. Our understanding is that this began with streaming on beoutQ’s website of pirated sports content licensed to beIN, and subsequently expanded to include the widespread sale of beoutQ set-top boxes and annual subscriptions in retail stores in Saudi Arabia and other MENA countries. These beoutQ set-top boxes received satellite broadcasts of pirated content, via Saudi-based Arabsat satellites,¹ and continue to provide access to Internet Protocol television

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 receivable in parts of Europe, including the south of France. See Report on the protection and enforcement of intellectual



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

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”, and highlighting “ongoing concerns regarding IP enforcement” in Saudi Arabia.² Although beoutQ ceased broadcasting in mid-August 2019 (though rumors continue to circulate about its possible return), piracy continues to run rampant in Saudi Arabia. IPTV apps providing access to vast swaths of pirated content³ continue to be available on the up to three million beoutQ set-top boxes reportedly in circulation in Saudi Arabia and the region,⁴ among other IPTV boxes in the Saudi market.

This situation is of particular concern for the IOC, especially in the lead-up to the Tokyo 2020 Olympic Games. As quoted by the *Financial Times*, Timo Lumme, Managing Director, IOC Television & Marketing Services has stated:

“The International Olympic Committee (IOC) is aware of the troubling development in Saudi Arabia of the piracy of sports content, including Olympic content. The IOC takes the threat of illegal piracy of Olympic content and IP incredibly seriously.

Our exclusive broadcast partner in Saudi Arabia, and across the whole Middle East and North Africa region, is beIN MEDIA GROUP. Revenues generated from our broadcast partnerships provide the most important source of funding to support the staging of the Olympic Games, the athletes and the development of sport around the world. The illegal distribution of Olympic content in Saudi Arabia by beoutQ is ultimately cheating the athletes and the global development of sport. Our understanding is that the unlicensed distribution of sports content via satellite has been facilitated by beoutQ via Riyadh-based provider Arabsat.

We will continue to work with, and seek assurances from, the relevant authorities, Olympic Movement stakeholders, and our broadcast partners around the world, to ensure that individually and collectively we are taking all steps necessary to protect the official broadcast of the Olympic Games from attempts of illegal piracy.”⁵

As a matter of fact, the enforcement of copyright and other rights against beoutQ has proven extremely challenging and practically impossible. Reports indicate that, despite repeated complaints raised by beIN and other rights holders, no criminal action has been brought by the authorities of Saudi Arabia against beoutQ, or its Saudi facilitators and supporters.⁶

With respect to civil enforcement of copyright infringement, rights holders have been unsuccessful in initiating copyright infringement cases against beoutQ and its facilitators in Saudi Arabia. According to a July 2019 press release issued by FIFA, the AFC, UEFA, the Bundesliga, LaLiga, the Premier League, and Lega Serie A, after 15 months of attempting to initiate a copyright infringement case, they “reached the conclusion, regrettably, that it is now not possible to retain legal counsel in KSA which is willing or

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, LEGASERIAA.IT* (April 2019), available at <http://www.legaseriea.it/assets/legaseriea/pdf/stopiracy/en/MarkMonitor%20beoutQ%20Report%20April%202019.pdf>.

² 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.

³ 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>.

⁴ 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).

⁵ See <https://beoutq.tv/international-condemnation/> on September 30, 2018 and quoted in *Financial Times*, “Pirated TV Sport Emerges as New Gulf Battleground”, October 1, 2018.

⁶ See Submission by beIN Media Group, LLC and Miramax, LLC for the 2019 Special 301 Review, pp. 14-15, available at <https://www.regulations.gov/document?D=USTR-2018-0037-0052>.



able to act on [their] behalf in filing a copyright complaint against beoutQ” such that they had “exhausted all reasonable options for pursuing a formal copyright claim in KSA.”⁷

Should this situation continue unabated, there is likely to be a significant negative impact to the IOC and to the Olympic Movement more broadly. Last month, the European Commission added Saudi Arabia to its own list of countries with deficient IP protection.⁸

In view of this longstanding situation, the IOC respectfully requests that USTR maintain Saudi Arabia’s position on the Priority Watch List and engage with Saudi Arabia to encourage the Kingdom to protect and enforce the intellectual property rights of rights holders and to consider taking further appropriate steps in order to address the ongoing harm caused to rights-holders and broadcasters from this pirate activity.

Yours sincerely,

Christophe De Kepper
Director General

Lana Haddad
Chief Operating Officer

⁷ *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*, UEFA.COM (July 31, 2019), <https://www.uefa.com/insideuefa/mediaservices/mediareleases/newsid=2617482.html>.

⁸ 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.