



IBCAP

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October 6, 2023

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

RE: Submission by International Broadcaster Coalition Against Piracy, Inc.
2023 Review of Notorious Markets for Counterfeiting and Piracy
(Docket No. USTR-2023-0009)

International Broadcaster Coalition Against Piracy, Inc. (“IBCAP”) is pleased to make the following submission to USTR’s 2023 Review of Notorious Markets for Counterfeiting and Piracy. IBCAP’s submission will focus on markets associated with copyright piracy. The online markets that we identify in this submission actively engage in and/or facilitate substantial piracy and warrant review by the USTR.

Please note that the submission below is not meant to provide an in-depth list of piracy issues and markets where intellectual property deficiencies are affecting IBCAP’s members. Rather, we have chosen to highlight several markets that we think warrant inclusion and attention.

About IBCAP

IBCAP is a coalition of leading international and United States content owners, broadcasters, and distributors representing more than 170 television channels from the United States and around the world. As the largest antipiracy organization focused on illicit services offering international and multicultural content in the United States, we proactively monitor and identify unauthorized video services, collect evidence, and assist with legal actions against organizations and individuals engaging in pirate activities. As discussed in more detail below, IBCAP also coordinates with its members to bring civil copyright infringement actions against direct and secondary infringers of its members’ copyright rights. A representative sample of IBCAP’s members and some of their television channels are the following:

- **BBC Studios:** BBC One, BBC Two, BBC Three, BBC Four, BBC News, BBC World News, CBBC, and CBeebies;
- **The E.W. Scripps Company:** Bounce, Bounce XL, CourtTV, Defy, Grit, Grit Xtra, Ion, Ion Mystery, Ion Plus, Laff, Scripps News, and True Real;
- **MSM Asia Limited** (a Sony affiliate): SAB, Sony SET, SET Max, Sony Mix, and Sony Yay;
- **IndiaCast US Ltd.:** Aapka Colors, Colors Cineplex, Rishtey Cineplex, and MTV India;

- **MBC FZ, L.L.C.:** MBC, MBC2, MBC Kids, MBC 4, MBC Drama, MBC MAX, and MBC Pro Sports 1-4;
- **International Media Distribution (Luxembourg) S.A.R.L:** Al Hayah 1, Al Jadeed, ART Aflam 1, Future TV, Iqraa, LBC, LDC, Murr TV, NBN, ONE, ONT, and Rotana channels;
- **TV5 USA, Inc.:** TV5Monde and TiVi5 Kids;
- **Globo Comunicação e Participações S.A.:** TV Globo and TV Globo Internacional
- **beIN Media Group, LLC:** beIN Sports channels 1-14;
- **Times Internet (UK) Ltd.:** Willow Cricket and Willow Extra; and
- **DISH Network L.L.C.,** a United States satellite and OTT distributor of international television channels in the United States offering hundreds of channels in a large number of languages.

Summary of IBCAP's Antipiracy Efforts

IBCAP operates a state-of-the-art antipiracy lab in the Denver, Colorado area, where a project manager leads the day-to-day activities and oversees a team of technical monitoring analysts, software engineers, and additional support staff. Using a combination of automated and non-automated processes, the lab monitors infringements and potential infringements in the United States of IBCAP members' content occurring in connection with pirate services available on, among other platforms, set-top boxes (STBs), websites (including social media websites), and mobile applications.

When enforcing IBCAP member rights, IBCAP's lab typically sends an initial abuse notification to the infringer and frequently the infringer's hosting company or content delivery network (CDN), described further in the next section. If that infringer or the hosting company or CDN provider fails to comply, those targets are then referred to IBCAP's legal department, which sends a takedown letter in accordance with the Digital Millennium Copyright Act ("DMCA"). Those who continue to infringe are then prioritized based on several factors and referred to the particular IBCAP members who control the pirated copyrights to consider filing copyright infringement lawsuits in the United States.

In addition to identifying and helping to prioritize infringers, IBCAP coordinates with our members by providing ongoing monitoring and evidence of infringement that can be used to support lawsuits. To date, IBCAP members have filed more than thirty lawsuits. Judgments typically involve a monetary award and injunctive relief in favor of IBCAP's members.

Hosting Companies and CDNs Facilitate Copyright Piracy

Unauthorized streaming services often depend on third-party hosting companies and CDNs to deliver content to their customers. A CDN is a geographically distributed network of data centers and computer servers designed to transmit content over the internet with high efficiency and peak performance. As at least one CDN explains: CDN services reduce latency, improve scalability and redundancy, increase performance, tighten security, and reduce costs. In many cases CDN services are necessary for a streaming service to operate.

With respect to a pirate service available on an STB, the lab obtains an STB with a pirate television service subscription through consumer channels, such as through a traditional or online retailer. The STB is connected to a monitoring computer terminal, powered on, and provided an internet connection. The monitoring terminal records information about the internet traffic flowing into and out of the STB in the form of pcap files. The lab navigates to different portions of the monitored service, such as a “live TV” feature, and scans through the available channels offered by the service. Through a variety of automated and non-automated means, the lab captures screenshots of the channels and content available on the channels and notes those that contain IBCAP members’ copyrighted content. By analyzing the navigation of the service, the screenshots, the pcap files, and other information, the lab can determine the technical process by which a pirate service streams IBCAP members’ content to end users without authorization, including the names of hosting companies and CDNs (and relevant URLs and IP addresses of servers) that are transmitting content on behalf of their customer—the pirate service. The technical monitoring and analysis is similar with respect to pirate services offering content through websites and other streaming platforms.

Because of the importance of these hosting and CDN services to a streaming service, every hosting company and CDN service used by a pirate service is being used, knowingly or unknowingly, to facilitate piracy. Put simply, if the hosting company or CDN ceased offering services to their pirate service customer, the pirate service would, at least temporarily, stop operating and thereby stop infringing IBCAP members’ content.

In last year’s submission, we provided information on the status of an IBCAP-coordinated lawsuit brought by an IBCAP member against Datacamp. Recently, the U.S. District Court for the Northern District of Illinois denied Datacamp’s motion to dismiss and held that the plaintiff’s allegations were sufficient for Datacamp to be held liable for secondary copyright infringement based on the infringement of its pirate service customers.¹

Several Hosting Companies and CDNs Facilitating Piracy are Noteworthy

Through IBCAP’s antipiracy monitoring and enforcement program, IBCAP collects data related to a number of hosting companies and CDNs used by pirates offering unauthorized streaming services through STBs, websites, and other streaming platforms. Among the hosting

¹ Memorandum Opinion & Order, *DISH Network L.L.C. v. Datacamp Limited d/b/a CDN77 and Datapacket*, Case No. 1:22-cv-00993, Dkt. No. 74 (N.D. Ill. July 14, 2023).

companies and CDNs that IBCAP encounters, a number of them facilitate piracy for a variety of different unauthorized services, provide services that support large-scale infringements (e.g., by hosting streams for a large number of different pieces of content owned by a number of rightsholders), and ignore requests to take down streams of infringing material or to terminate accounts of repeat infringers. In some cases, hosting companies openly tout their refusal to take action against copyright infringement, which likely increases the number of pirate services that use those uncooperative hosting companies. IBCAP suspects that other antipiracy organizations and rightsholders notice similar egregious facilitators of piracy in their own data. Several of these hosting companies and CDNs that facilitate piracy are highlighted below. Notably, all companies included in this year's submission are the same facilitators IBCAP reported last year.

Virtual Systems LLC. Virtual Systems LLC, also known as Yurteh, is an offshore hosting company that facilitates significant copyright infringement of IBCAP member content. For the first nine months of 2023, IBCAP identified more than 4,600 unauthorized streams on STB services hosted by Virtual Systems. In addition, IBCAP identified more than 16,120 unauthorized streams hosted by Virtual Systems that are available on websites (linear and video-on-demand (VOD)). During this period, IBCAP sent more than 590 takedown notices to Virtual Systems asking that it remove or disable access to video content that violates the rights of IBCAP members. Compared to last year's submission, this represents more than 400 additional unauthorized streams on STB services and more than 3,400 unauthorized streams on websites. This trend suggests that pirates know that Virtual Systems will not remove infringing content, and the number of pirate customers may be increasing since last year.

Virtual Systems continues to fail to respond to IBCAP's takedowns, and content complained about has not been removed or disabled. Virtual Systems continues to boldly advertise on its website that it provides "DMCA Ignored" website hosting, dedicated server hosting, and virtual private servers.² In particular, IBCAP finds it poignant that Virtual Systems offers "protection from illegitimate copyright & DMCA claims" as the first selling point for its virtual private systems services. As it fails to respond to IBCAP's DMCA notices, this appears to imply that Virtual Systems considers any DMCA claims that it receives as illegitimate. Virtual Systems also touts its location in Kyiv, Ukraine, as "[d]ue to different local regulations, this location stand out with it's relatively lax content policies. Alike, these are pretty mint for hosting movie sites & streaming, adult, gambling & everything that doesn't engage in illegal activities like spam, phishing, etc." Virtual Systems fails to contend with the fact that it is intentionally ignoring the illegal activities being performed by its customers to engage in piracy and permitting those customers' accounts to remain active.

² DMCA Ignored VPS Hosting, <https://vsys.host/dmca-ignored-vps> (last visited Oct. 6, 2023).

The screenshot shows the Virtual Systems website. At the top, it says 'TRUSTED HOSTING PROVIDER SINCE 2009' and has a 'LOGIN' button. The navigation menu includes 'VIRTUAL SYSTEMS', 'SERVERS', 'DMCA IGNORE VPS', 'DMCA IGNORE HOSTING', 'CLOUD', 'SERVICES', and 'RESOURCES'. The main heading is 'DMCA IGNORED VPS HOSTING'. Below this, there is a list of features: 'Protection From Illegitimate Copyright & DMCA Claims', 'Offshore Location - More Flexible Content Policy', 'Fully Anonymous Offshore Hosting Since 2009', 'We Respect your Anonymity and Protect It', 'Crypto Payments are Always Welcome', and 'No Immediate Suspensions Over Illegitimate Complaints'. To the right is an illustration of a server box labeled 'VPS'. At the bottom, there are two buttons: 'NO DMCA VPS PLANS' and 'CONTACT SALES'.

DMCA-IGNORED VPS ADVANTAGES

Our VPS hosting is located in Kyiv, Ukraine - a popular offshore hosting destination outside US jurisdiction, thus we ignore DMCA takedown notices. We have a more flexible content policy, but still, we still have rules that must be followed. Local laws require copyright abuse complaints to be submitted through lawyers by postal mail. We are vigilant about getting proof of copyright infringement before acting on any copyright claim we receive. Full protection against DMCA takedown notices & illegitimate use of copyrights! Furthermore, you could use our services absolutely anonymously, to find out more about privacy protection [click here](#).

VPS hosting would be your best choice if you are in need of more advanced hosting solutions but can't afford a dedicated server or don't want to deal with the complexity of bare metal beasts. Renting a VPS means you get your own virtual server environment: 100% control over OS, software extensions and all their settings. Each VPS instance is allocated with key resources - CPU cores, amount of RAM, and storage. Professional and business users very often prefer VPS over shared hosting.

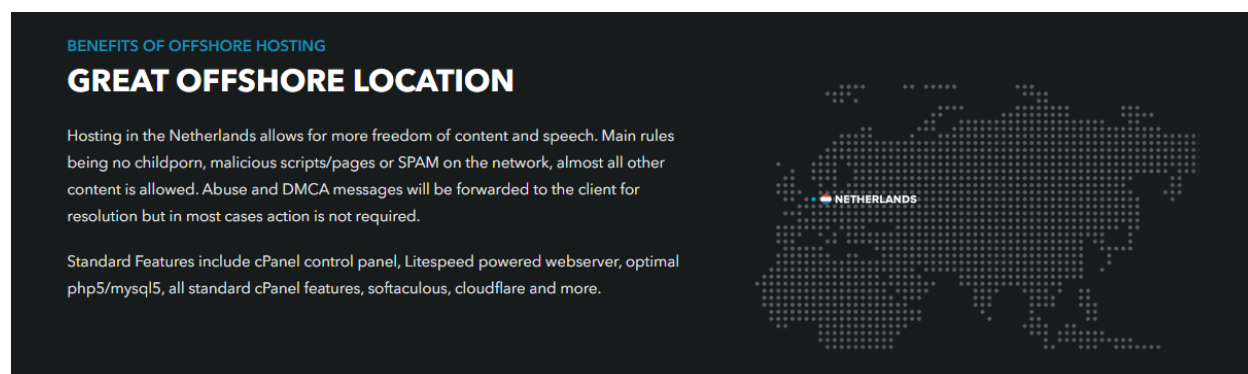


Amarutu Technology Ltd. IBCAP was pleased to know that this online market that we reported last year as deserving review by the USTR was published in the *2022 Review of Notorious Markets for Counterfeiting and Piracy* (the “List”).³ Amarutu Technology Ltd., also known as KoDDos, is an offshore hosting company based in Hong Kong that facilitates significant copyright infringement of IBCAP member content. Amarutu offers website hosting, dedicated servers, and DDoS protection services. For the first nine months of 2023, IBCAP identified more than 870 unauthorized streams on STB services hosted by Amarutu. In addition, IBCAP identified more

³ Office of the United States Trade Representative, Executive Office of the President, *2022 Review of Notorious Markets for Counterfeiting and Piracy*, at 23, available at [https://ustr.gov/sites/default/files/2023-01/2022%20Notorious%20Markets%20List%20\(final\).pdf](https://ustr.gov/sites/default/files/2023-01/2022%20Notorious%20Markets%20List%20(final).pdf).

than 1,610 unauthorized streams hosted by Amarutu that are available on websites (predominantly linear). During this period, IBCAP sent more than 100 takedown notices to Amarutu asking that it remove or disable access to video content that violates the rights of IBCAP members. Compared to last year's submission, this represents more than 2,000 fewer unauthorized streams on STB services, approximately 1,500 fewer unauthorized streams available on websites hosted by Amarutu, and 250 fewer takedown notices sent to Amarutu. This trend suggests that publication of the List may have been helpful in reducing the amount of unauthorized content streamed through Amarutu.

Although Amarutu typically responds by acknowledging IBCAP's takedown notices, the content complained about is not removed or disabled. Since IBCAP's last USTR submission in 2022, Amarutu continues to advertise on its website that it does not remove or disable access to infringing content—rather, it claims that other than “childporn, malicious scripts/pages or SPAM . . . almost all other content is allowed,” and that “DMCA messages will be forwarded to the client for resolution but in most cases action is not required.”⁴



The image is a screenshot of a website with a dark background. At the top left, it says 'BENEFITS OF OFFSHORE HOSTING' in blue. Below that is a white heading 'GREAT OFFSHORE LOCATION'. The main text describes hosting in the Netherlands, mentioning freedom of content and speech, and lists standard features like cPanel and Litespeed. On the right side, there is a world map with a red dot and the label 'NETHERLANDS' over the European continent.

Squitter Networks. Squitter Networks, also known as ABC Consultancy, is an offshore hosting company that facilitates significant copyright infringement of IBCAP member content. For the first nine months of 2023, IBCAP identified more than 1,300 unauthorized streams on STB services hosted by Squitter Networks. In addition, IBCAP identified more than 54,700 unauthorized streams hosted by Squitter Networks that are available on websites (predominantly linear). During this period, IBCAP sent more than 3,000 takedown notices to Squitter Networks asking that it remove or disable access to video content that violates the rights of IBCAP members. Compared to last year's submission, this represents more than 500 additional unauthorized streams on STB services, more than 46,900 additional unauthorized streams are available on websites hosted by Squitter Networks, and more than 2,500 additional takedown notices sent to Squitter Networks. This trend suggests that pirates know that Squitter Networks will not remove infringing content, and pirate customer numbers may be increasing on this service over the last year.

Since IBCAP's last USTR submission in 2022, Squitter Networks continually fails to respond, and content complained about has not been removed or disabled.

⁴ Offshore Web Hosting – Anonymous Hosting, <https://koddos.net/offshore.html> (last visited Oct. 6, 2023).

ISTQSERVERS. ISTQSERVERS, also known as Istqrar for Servers Services Ltd., is an offshore hosting company that facilitates significant copyright infringement of IBCAP member content. For the first nine months of 2023, IBCAP identified more than 920 unauthorized streams on STB services hosted by ISTQSERVERS. In addition, IBCAP identified more than 1,200 unauthorized streams hosted by ISTQSERVERS that are available on websites (predominantly linear). During this period, IBCAP sent more than 110 takedown notices to ISTQSERVERS asking that it remove or disable access to video content that violates the rights of IBCAP members. Compared to last year's submission, IBCAP identified more than 200 additional unauthorized streams on STB services and more than 2,300 additional unauthorized streams that are available on websites hosted by ISTQSERVERS.

Generally, ISTQSERVERS requests screenshots showing that IBCAP member content is being streamed, and in each case IBCAP provides this additional evidence. ISTQSERVERS continually ignores the provided information, and the content complained about is not removed or disabled.

Comments on iStar

IBCAP was pleased to know that an online market that we reported last year as deserving review by the USTR, iStar, was published in the List for the last two years.⁵ Below are several new updates since our last submission. Per last year's List, "iStar manufactures and distributes iStar-branded ISDs that are sold around the world, including ... the United States. iStar offers pirated content on a subscription service, and iStar ISDs are reportedly pre-loaded with a 12-month subscription to the 'Online TV' pirate IPTV app that provides access to unlicensed live sports streams, live and on-demand television shows, and movies."⁶

iStar

As noted in IBCAP's 2022 submission, iStar offered pirated content on a subscription basis in a variety of countries, including the United States. IBCAP coordinated with its member, DISH Network, to bring suit against iStar Company based in Iraq, its principal, and Atlas Electronics Inc. a large retailer of STBs loaded with the iStar service (based in Dearborn, Michigan), and its principal.⁷

Following the July 15, 2022 judgment and injunction already issued against Atlas Electronics as outlined in IBCAP's 2022 submission, on November 4, 2022, the United States District Court for the Eastern District of Michigan entered an Order Granting in Part DISH Network's Motion for Default Judgment Against Ahmed Karim and iStar Company for inducing

⁵ *Id.* at 29; Office of the United States Trade Representative, Executive Office of the President, *2021 Review of Notorious Markets for Counterfeiting and Piracy*, at 25, 32, available at <https://ustr.gov/sites/default/files/IssueAreas/IP/2021%20Notorious%20Markets%20List.pdf>.

⁶ *Id.* at 29.

⁷ Complaint, *DISH Network L.L.C. v. Atlas Electronics Inc., Alaa-Al-Emara, iStar Company & Ahmed Karim*, Case No. 2:21-cv-12219-LJM-EAS, Dkt. No. 1 (E.D. Mich. Sept. 21, 2021).

and materially contributing to copyright infringement against Karim and iStar. Judgment was entered against Karim and iStar, jointly and severally, in favor of DISH for \$15.7 million.⁸

The court also enjoined all dealers, distributors, and sellers of the iStar service; ordered Worldstream B.V. and other hosting providers to disable certain IP addresses used by iStar and to cease providing other services to iStar; and ordered VeriSign, Inc. and Registry Services, LLC to disable certain iStar-related websites and transfer key domain names used by iStar to market and operate the iStar service. As a result, the enforcement of the injunction has led to the iStar service becoming permanently unavailable in the United States. While IBCAP is pleased with the result of this lawsuit, it is clear that engaging in litigation with every pirate service is not feasible. A more prudent method of preventing further piracy would be for hosting companies and CDNs to promptly comply with takedown notices.

IBCAP thanks the USTR for the opportunity to make this submission and is ready to provide any further information that the USTR may require.

Sincerely,



Chris Kuelling
Executive Director

⁸ Order Granting in Part DISH Network's Motion for Default Judgment Against Ahmed Karim and iStar Company, *DISH Network, L.L.C. v. iStar Company and Ahmed Karim, et al.*, Case No. 2:21-cv-12219-LJM-EAS, Dkt. No. 32 (E.D. Mich. Nov. 4, 2022).