



IBCAP

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October 7, 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

RE: Submission by International Broadcaster Coalition Against Piracy, Inc.
2022 Review of Notorious Markets for Counterfeiting and Piracy
(Docket No. USTR-2022-18405)

International Broadcaster Coalition Against Piracy, Inc. (“IBCAP”) is pleased to make the following submission to USTR’s 2022 Review of Notorious Markets for Counterfeiting and Piracy. IBCAP’s submission will focus on markets associated with copyright piracy.

Please note the submission below is not intended to provide an exhaustive list of piracy issues and markets where IP deficiencies are affecting IBCAP’s members. Rather, we have chosen to highlight just a few markets that we think warrant inclusion and attention by the 2022 report.

About IBCAP

By way of background, IBCAP is a non-profit alliance of leading United States and international content producers, broadcasters, and distributors organized to prevent unauthorized streaming and illegal transmission of television content in the United States. Our goal is to enforce our members’ copyrights by identifying unauthorized video sources and markets, collecting evidence, sending takedown notices, and assisting with legal actions and criminal investigations against individuals and companies engaged in pirating activities. IBCAP is primarily focused on international television content targeted to multicultural communities in the United States and domestic content targeted to those same communities. IBCAP operates from the Denver, Colorado area.

IBCAP represents members who own or are the exclusive licensees to more than 170 television channels from Asia, Europe, the Middle East, South America, and the United States, and is the largest anti-piracy organization focused on multicultural content in the United States. A representative sample of IBCAP’s members and some of their television channels are the following:

- MSM Asia Limited (a Sony affiliate): SAB, Sony SET, SET Max, Sony Mix, and Sony Yay;

- BBC Studios: BBC One, BBC Two, BBC Three, BBC Four, BBC News, BBC World News, CBBC and CBeebies;
- 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, ON E, 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;
- The E.W. Scripps Company: Bounce, Bounce XL, CourtTV, Defy, Grit, Grit Xtra, Ion, Ion Mystery, Ion Plus, Laff, Newsy and True Real; 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 Anti-Piracy Efforts

As part of IBCAP's anti-piracy program, we undertake extensive investigations into IPTV video content pirates, markets where pirate services are available, and the hosting companies and content delivery networks (CDNs) that facilitate the piracy of our members' content in the United States. Given the nature of the distribution and public performance rights held by many of IBCAP's members, those pirates may be based overseas, but are making their pirated content available within the United States through internet streaming technology and online and physical distribution. Our anti-piracy actions include coordinating many legal actions for our members in the United States in which substantial damages awards, injunctions, and other orders have been obtained in relation to the pirates, their distributors and retailers, and their internet infrastructure providers.

We also seek cooperation from internet service providers, both within the United States and overseas, that we identify as facilitating piracy of our members' content. In some cases, where those internet service providers are not cooperative and fail to comply with takedown requests, we assist our members in pursuing legal action.

IBCAP is seeing tremendous success with its anti-piracy program in 2022. For example, during the first nine months of 2022, IBCAP was able to shut down nearly 300 Android and iOS apps that were unlawfully streaming IBCAP member content. During the same period, IBCAP's anti-piracy program was responsible for sending takedown

notices demanding action against more than 382,000 unauthorized streams with a significant portion of those being shut down as a result.

Hosting Companies and CDNs Facilitate Copyright Piracy

As IBCAP explained in response to the USTR related to IBCAP's submission in connection with the 2022 Special 301 review, unauthorized streaming services often depend on third-party hosting companies and content delivery networks, or 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.

IBCAP operates a state-of-the-art anti-piracy 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, and mobile applications.

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, mobile applications, 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.

On February 25, 2022, one of IBCAP's members, DISH Network L.L.C., filed a complaint in the Northern District of Illinois against Datacamp Limited, a company providing its CDN services to a number of pirate services.¹ As alleged in the complaint, Datacamp facilitated piracy by transmitting DISH's copyrighted content to users of pirate services in the United States. The complaint provides a thorough explanation of how a CDN facilitates piracy and how that facilitation may constitute copyright infringement. Datacamp, however, disputes that is liable for copyright infringement despite having received hundreds of takedown notices identifying direct copyright infringement by its customers, and it moved to dismiss the complaint. The motion to dismiss is fully briefed and awaiting a court decision. It is important to remember that copyright infringement lawsuits are time consuming and leave rightsholders with the risk of being unable to stop the ongoing infringement of their rights.

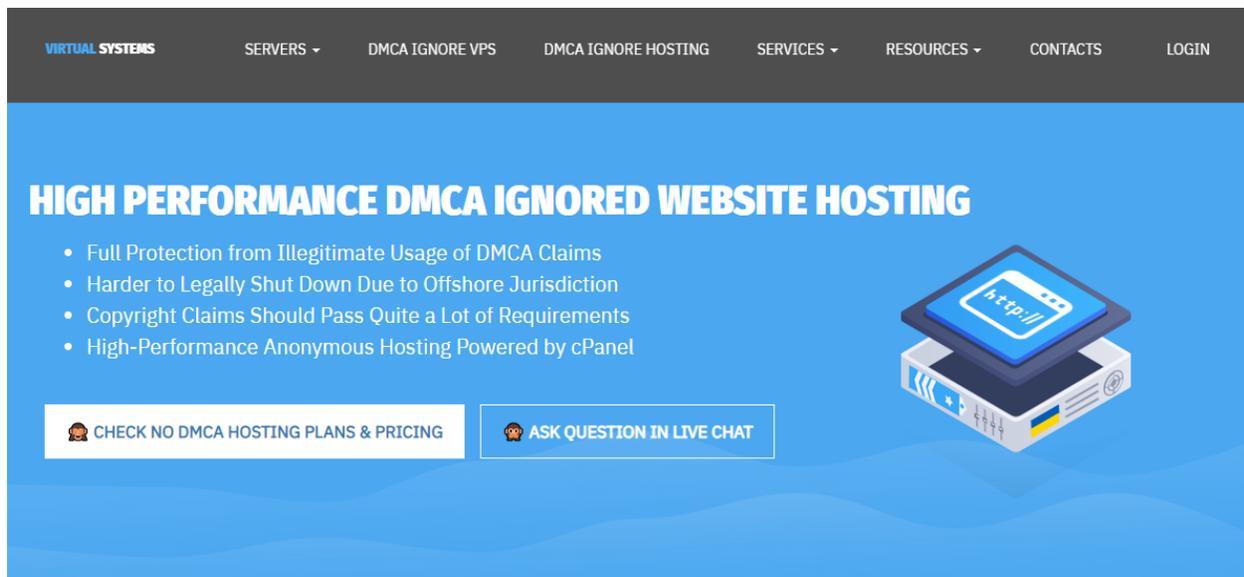
Putting aside potential jurisdictional questions and issues related to enforcement, even if copyright holders were guaranteed a victory in court, they cannot be expected to bring copyright infringement lawsuits against every hosting company and CDN that facilitates piracy. By far, a better solution would be for hosting companies and CDNs to cooperate with copyright holders and remove or disable access to infringing content available on their servers or through their networks and to terminate the accounts of their customers who repeatedly infringe copyrights.

Several Hosting Companies and CDNs Facilitating Piracy are Noteworthy

Through IBCAP's anti-piracy 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, mobile applications, and other streaming platforms. Among the hosting 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 will 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 anti-piracy organizations and rightsholders see similar egregious facilitators of piracy in their own data. Several of these hosting companies and CDNs that egregiously facilitate piracy and that we want to highlight are the following:

¹ *DISH Network L.L.C. v. Datacamp Limited*, Case No. 1:22-cv-00993, Complaint, Dkt. No. 1 (N.D. Ill. Feb. 25, 2022), available at <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.412794/gov.uscourts.ilnd.412794.1.0.pdf> (complaint) & <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.412794/gov.uscourts.ilnd.412794.1.1.pdf> (exhibits).

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 2022, IBCAP identified more than 4,200 unauthorized streams on STB services hosted by Virtual Systems. In addition, IBCAP identified more than 12,700 unauthorized streams hosted by Virtual Systems that are available on websites (linear and video-on-demand (VOD)). During this period, IBCAP sent more than 500 takedown notices to Virtual Systems asking that it remove or disable access to video content that violates the rights of IBCAP members. Virtual Systems, however, has not responded, and content complained about has not been removed or disabled. This is not entirely surprising given that Virtual Systems prominently advertises on its website that it provides “DMCA Ignored” website hosting, dedicated server hosting, and virtual private servers:²



DMCA SAFE WEB HOSTING PLANS & PRICING

² DMCA Ignored Hosting—DMCA-Free Offshore Service, <https://vsys.host/dmca-ignored-hosting> (last visited Oct. 6, 2022); DMCA Free Hosting—DMCA Ignored Dedicated Hosting, <https://vsys.host/dmca-ignored-dedicated-server> (last visited Oct. 6, 2022); NO DMCA—DMCA Ignored VPS Hosting in Offshore, <https://vsys.host/dmca-ignored-vps> (last visited Oct. 6, 2022).

VIRTUAL SYSTEMS SERVERS ▾ DMCA IGNORE VPS DMCA IGNORE HOSTING SERVICES ▾ RESOURCES ▾ CONTACTS LOGIN

 SIMPLY BUY ANY DEDICATED SERVER IN BELOW AND GET \$50, TO TEST OUR **KUBERNETES!** THE BEST WAY TO FORM AN OPINION IS TO TRY IT FOR YOURSELF.
* TO GET A PROMO CODE, PLS TEXT TO OUR SUPPORT TEAM

[LEARN MORE](#)

DMCA IGNORE DEDICATED SERVER HOSTING

- Full Protection from Illegitimate Usage of DMCA Claims
- Copyright Claims Should Pass Quite a Lot of Requirements
- Hard to Legally Shut Down Due to Offshore Jurisdiction
- High-Performance Servers & Custom Configuration Available
- 1 Gbps Port Easy to Speed Up to 10 Gbps
- Unmetered Bandwidth & Fair Pricing for Unlimited



[NO DMCA SERVERS PRICING](#) [CONTACT SALES](#)

NO DMCA DEDICATED SERVER HOSTING PLANS & PRICING

VIRTUAL SYSTEMS SERVERS ▾ **DMCA IGNORE VPS** DMCA IGNORE HOSTING SERVICES ▾ RESOURCES ▾ CONTACTS LOGIN

 WE'VE GOT A NEW CLOUD PRODUCT – **MANAGED KUBERNETES!** RUN YOUR CONTAINERIZED APPS WHENEVER AND WHEREVER YOU WANT!

[LEARN MORE](#)

OFFSHORE VPS HOSTING TO IGNORE DMCA

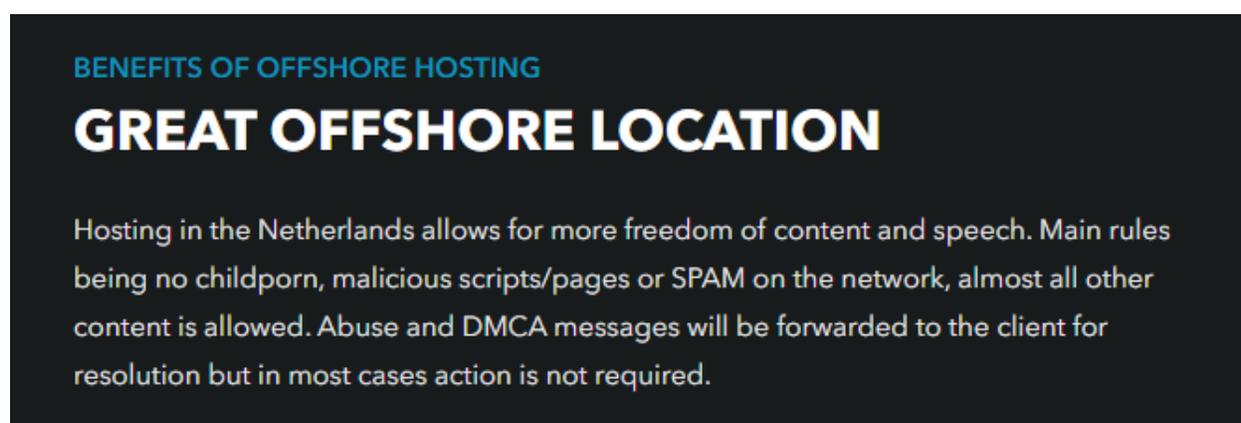
- Protection From Illegitimate Copyright & DMCA Claims
- Offshore Location - More Flexible Content Policy
- Fully Anonymous Offshore Hosting Since 2009



[NO DMCA VPS PLANS](#) [CONTACT SALES](#)

DMCA IGNORE VPS PLANS & PRICING

Amarutu Technology Ltd. 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 2022, IBCAP identified more than 3,200 unauthorized streams on STB services hosted by Amarutu. In addition, IBCAP identified more than 3,000 unauthorized streams hosted by Amarutu that are available on websites (predominantly linear). During this period, IBCAP sent more than 350 takedown notices to Amarutu asking that it remove or disable access to video content that violates the rights of IBCAP members. Although Amarutu typically responds by acknowledging IBCAP’s takedown notices, the content complained about is not removed or disabled. This is not entirely surprising given that, as with Virtual Systems, Amarutu advertises 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”:³



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 2022, IBCAP identified more than 830 unauthorized streams on STB services hosted by Squitter Networks. In addition, IBCAP identified more than 7,800 unauthorized streams hosted by Squitter Networks that are available on websites (predominantly linear). During this period, IBCAP sent more than 530 takedown notices to Squitter Networks asking that it remove or disable access to video content that violates the rights of IBCAP members. Squitter Networks, however, has not responded, and content complained about has not been removed or disabled.

ISTQSERVERS. ISTQSERVERS, also known as Istqrar for Servers Services Ltd., is an offshore hosting company that facilitates significant copyright infringement of

³ Offshore Web Hosting – Anonymous Hosting, <https://koddos.net/offshore.html> (last visited Oct. 6, 2022).

IBCAP member content. For the first nine months of 2022, IBCAP identified more than 700 unauthorized streams on STB services hosted by ISTQSERVERS. In addition, IBCAP identified more than 3,500 unauthorized streams hosted by ISTQSERVERS that are available on websites (predominantly linear). During this period, IBCAP sent more than 100 takedown notices to ISTQSERVERS asking that it remove or disable access to video content that violates the rights of IBCAP members. Generally, ISTQSERVERS requests screenshots showing that IBCAP member content is being streamed, and in each case IBCAP provides this additional evidence. Invariably, however, ISTQSERVERS ignores the provided information, and the content complained about is not removed or disabled.

Comments on Two Markets Identified in the 2021 Report

IBCAP would like to comment on two online markets identified in the USTR's 2021 Review of Notorious Markets for Counterfeiting and Piracy – Spider and iStar – both of which provide STBs with pre-loaded apps and subscription services offering unauthorized linear and VOD content.⁴

Spider

IBCAP included the Spider TV service in its anti-piracy monitoring and enforcement program in August 2017. After collecting substantial evidence of Spider's infringing conduct, IBCAP coordinated with its member, DISH Network, to bring a lawsuit against the operator of the Spider TV service, who resided in Amman, Jordan.⁵ On July 12, 2019, the United States District Court for the District of Maryland adopted the magistrate judge's Report and Recommendation and granted judgment against the operator of the Spider TV service.⁶ As part of that Order, the court included a permanent injunction against the defendant and his officers, agents, servants, employees, attorneys, or other persons, including dealers and retailers of Spider TV STBs and service plans, acting in active concert or participation with any of the foregoing that receives actual notice of the order, and prohibited a variety of conduct including "transmitting, streaming, distributing, or publicly performing in the United States" a number of television channels or programming that comprises those channels.

The Order also enjoined third parties from providing internet infrastructure for the Spider TV service (e.g., hosting, proxy, and CDN services), ordered several hosting companies to disable IP addresses associated with the Spider TV service, and ordered domain name registries and registrars to disable and transfer to DISH several domain

⁴ 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>.

⁵ *DISH Network L.L.C. v. Dima Furniture, Mohammad Yusif & Tareq Hasweh d/b/a Spider-TV*, Case No. 8:17-cv-03817-TDC, First Amended Complaint, Dkt. No. 17 (D. Md. May 2, 2018).

⁶ *Id.*, Report and Recommendation, Dkt. No. 42 (June 17, 2019), Order, Dkt. No. 43 (July 12, 2019).

names used by Spider TV. As a result of enforcement of the Order, and to the best of IBCAP's knowledge, Spider TV no longer operates in the United States.

Although IBCAP was able to work with one of its members to obtain a sufficiently broad injunction and effectively enforce that injunction, the injunction was limited to DISH's United States rights in the content and did not preclude Spider TV from continuing its operations outside the United States. IBCAP no longer includes Spider TV in its anti-piracy monitoring and enforcement program because IBCAP is focused on the infringement of its members' United States rights. It is IBCAP's understanding, however, that Spider TV operates outside the United States and provides its pirate services to users outside the United States, including across Europe, the Middle East, and North Africa. Many of IBCAP's members (or their affiliates) hold copyrights in television and movie content included, without authorization, in the Spider TV service outside the United States and suffer harm by the infringement of their copyright rights in those international jurisdictions.

iStar

As noted in the 2021 report, iStar offers pirated content on a subscription basis in a variety of countries, including the United States. Through IBCAP's investigation and monitoring, the iStar service was identified as a significant threat to a number of IBCAP's members' United States businesses, particularly IBCAP's members offering Arabic language content to users in the United States. As a result, IBCAP coordinated with its member, DISH Network, to bring suit against iStar Company based in Iraq, its principal, and what was believed to be the largest retailer of the iStar service in the United States – Atlas Electronics Inc. based in Dearborn, Michigan – and its principal.⁷

On July 15, 2022, the United States District Court for the Eastern District of Michigan entered a Judgment and Permanent Injunction against Atlas Electronics Inc. and Alaa Al-Emara for inducing and materially contributing to copyright infringement and awarded damages of \$5,740,000.⁸ It is IBCAP's understanding that Atlas Electronics no longer offers the iStar service and that a number of other, smaller retailers that had offered the iStar service, no longer do so.

DISH subsequently moved for default judgment against iStar Company and is seeking damages of \$23,550,000 and a permanent injunction, including an order for third party service providers to cease providing services supporting iStar's infringement and for an order for registries and registrars to disable and transfer the domains

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

⁸ *Id.*, Judgment and Permanent Injunction, Dkt. No. 26 (July 15, 2022).

supporting iStar's infringement.⁹ The motion for default judgment is awaiting a decision from the court. Assuming the court enters an injunction along the lines DISH requested, IBCAP expects to work with DISH to enforce the injunction and is hopeful that enforcement will lead to the iStar service becoming permanently unavailable in the United States. While IBCAP's members would welcome an iStar service shutdown in the United States, as with Spider TV, many of IBCAP's members (or their affiliates) hold copyrights in television and movie content included, without authorization, in the iStar service outside the United States and suffer harm by the infringement of their copyright rights in those international jurisdictions.

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

Chris Kuelling
Executive Director

⁹ *Id.*, Plaintiff DISH Network L.L.C.'s Motion for Default Judgment Against iStar Company and Ahmed Karim, Dkt. No. 29, and Brief in Support of Plaintiff DISH Network L.L.C.'s Motion for Default Judgment Against iStar Company and Ahmed Karim, Dkt. No. 29-1 (Aug. 5, 2022).