



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
2024 Special 301 Review**

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 2023 Special 301 Review.

Background / Piracy in MENA

As the USTR is aware, 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 (including the U.S.), Europe, the MENA region, and Asia. In recent years, beIN has also expanded significantly into entertainment through television production and distribution. beIN is also a majority owner Miramax - the global film and television studio headquartered in Los Angeles, California.

beIN’s portfolio of sports broadcasting rights includes many of the world’s premium sports, including US sports, which for the MENA region includes the National Basketball Association (“NBA”), Major League Baseball (“MLB”), and the U.S. Open Tennis Championships.

beIN’s investments in sports and entertainment have been considerable, and the company continues to be one of the largest investors in this sector in the world. It is important to point out that piracy of any of the content that 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 U.S., and non-U.S., sourced content.

beIN is also a significant investor in the local markets where we operate, often having a local operating company and staff, as well as local networks of dealers and agents. The protection and respect shown for beIN’s intellectual property in these local markets also sends an important signal to other potential investors (both local and international) about the certainty of their own investments in these markets. It also sends signals to potential investors in local sports and entertainment industries too.

Accordingly, beIN believes that the issues raised in this submission concern not only the ongoing health and success of beIN’s business, but of the overall audio-visual sector in the markets in which we operate. We welcome the efforts and support provided by the USTR in raising issues concerning respect intellectual property around the world, and in turn offer our support to the Special 301 process.



This year's submission is again focused on inadequate copyright protection in the Middle East and North Africa ("MENA") region and the resulting harm for creators and broadcasters of sports and entertainment programming (and to the Creative Industry more broadly).

Over the past year, beIN is pleased to say that we have been starting to see signs that the authorities in some MENA countries are beginning to take the issues of copyright piracy of audiovisual materials on the internet more seriously. There have been some encouraging actions taken, including the blocking of access to pirate websites in some countries, as well as some successful enforcement actions against the operators of pirate websites and other services. These actions are beginning to send the necessary messages to those engaged in piracy, that they can no longer act with impunity in the MENA region.

However, there is still a huge amount to be done. beIN and other intellectual property rights owners, continue to sustain huge revenue losses from piracy in MENA, which greatly threatens the development of the legitimate audio-visual sector.

In many countries, commitment to intellectual property enforcement, and general respect of intellectual property remains very low. In many countries, piracy continues to be the primary way for people to consume premium sports and entertainment content.

Further, the lack of sophisticated civil enforcement regimes (and in particular, the absence of effective pre-trial evidence gathering procedures, which are fundamental for online intellectual property disputes), means that rights owners are highly dependent on effective criminal and administrative processes. These processes can also take a very long time, costly to engage with, and do not necessarily guarantee protection in the end.

Accordingly, beIN would urge the USTR and other governmental agencies to stay strongly engaged in the region. In addition to official dialogue, beIN believes that support for training and education, as well as support for the development of effective laws and administrative procedures, and judiciary training will remain a very important element. Continued ongoing support of this nature, will be vital for ensuring that countries across MENA develop into markets where local and foreign investment into high value intellectual property industries, is nurtured, and protected.

Specific comments

In addition to the above general comments which apply across the MENA region we also offer the following comments on specific countries where beIN has been active. Notably, piracy within the below highlighted country cases do not only impact local markets, but rather have an extra-territorial impact across the region.

Jordan

Piracy of sports and entertainment audio-visual content is widespread in Jordan. Television receivers and internet media devices pre-loaded with piracy services are being openly sold from shops and physical distribution outlets across the country. beIN's investigations indicate that a number of very



popular pirate IPTV services in the MENA region, carrying premium sports and entertainment programming, are being operated by persons and entities within Jordan.

Further, there are large companies operating from Jordan, which manufacture and distribute receiver equipment pre-loaded and sold in association with piracy services. These activities are harmful not only to the development of the legitimate audio-visual sector within Jordan, but also spread into markets throughout MENA and further afield, where this equipment is also commonly distributed.

The widespread nature of the piracy has been reflective of a poor level of respect for, and (enforcement of intellectual property rights within the country.

beIN has been seeking to raise these issues with the relevant authorities in Jordan over the past year. In particular, we welcome the support that has been shown in assisting beIN to obtain the blocking of access to pirate websites streaming illegal sports and entertainment content by internet service providers in the country.

However, we are disappointed that there has not been more progress made in tackling the entities which are openly selling devices enabled for piracy. Although beIN has filed an official complaint against on the major entities engaged in this activity, it has not yet yielded positive results.

In beIN's view, Jordan would greatly benefit from having much clearer laws with explicit enforcement mechanisms and remedies which are specifically directed to preventing the distribution and sale of services which provide access to pirated audio-visual content, and also provide for meaningful deterrent penalties.

In the absence of such laws and enforcement mechanisms, the situation for owners of copyright in audio-visual material in Jordan, and in particular premium sports and entertainment content remains precarious.

Iraq

In previous years, beIN has provided information about the lack of effective enforcement, and the widespread piracy in Iraq.

While piracy continues to be widespread in Iraq, we are pleased to say that there have been some positive steps taken in the past year, with some of the more notorious localised piracy networks having ceased to provide illegal access to beIN content.

However, there are still major companies based in Iraq which are engaged in piracy, and also distributing devices within Iraq, and in MENA more generally, which are commonly associated with piracy. Iraq remains a very difficult market for foreign intellectual property owners to seek to protect their IP. Therefore, continued support for Iraq to modernize its intellectual property system, to the take necessary enforcement actions, and promote respect for intellectual property will be extremely important, not only for the development of the legitimate audio-visual sector in Iraq, but across MENA more generally.



Algeria

Despite existing legal and regulatory provisions governing the matter, Algeria is a country where respect for copyright in audio-visual material is not yet perceived as a priority. Piracy is still the principal means for watching premium television content in the country. There are substantial companies operating in the country which manufacture and distribute popular brands of television and receiver equipment within the local market and beyond, which are pre-enabled with pirate IPTV apps.

Market intelligence studies have revealed that substantial pirate entities that engage in the piracy of beIN content are being operated from Algeria.

Localised terrestrial networks carrying pirated television content also operate in the country.

beIN has recently opened a local operating company in Algeria and is seeking to expand our investments and activities in the country.

beIN is eager to actively contribute to a global effort to tackle piracy and would greatly welcome the support of the Algerian authorities to take enforceable curtailing measures. Effective protection and enforcement of intellectual property rights is a key driver of a value creation strategy.

Tunisia

Tunisia is another country where piracy a principal means through which local consumers have long been accessing premium television content. In particular, pirate services which provide access to hacked European satellite television broadcasts have long been widely used in the country. Over the past decade or so, this culture of piracy has extended to IPTV and other internet-based means of consuming pirated television content, which are now also very popular. Subscriptions to pirate IPTV services have even been openly offered for sale from well-known electronics retailers.

Presently, there are no regulations in place to oversee the sale of pirated content, leading to a notable absence of effective governance, with intellectual property laws largely unenforced.

In addition, beIN's investigations have identified various piracy operations connected to persons within the country, which impact not only the Tunisian market, more widely across MENA.

beIN is operating a local entity in Tunisia, and has been seeking to bring enforcement action against pirates, and seek injunctive relief from the courts against entities which are distributing piracy services.

The success of those actions so far has been mixed. beIN has experienced significant difficulties in bringing legal action against pirate website operators. Civil procedures require defendants to be fixed with substantial periods of notice before proceedings can be commenced. This makes it impractical to pursue online pirates, who can simply re-organise and hide their online presence after notice has been served.



Similarly, we have seen poor compliance with injunctive relief against retailers engaged in distributing pirate IPTV subscriptions. However, beIN is continuing to pursue these actions, and would greatly welcome support from the local authorities, including steps to modernise and make local laws and processes more amenable to preventing audio-visual piracy. Governmental inspection and standards would also assist in controlling the distribution of pirated content.

Morocco

Morocco is another country where piracy of copyright in audio-visual materials has been commonplace, and enforcement has been challenging. Some major pirate operations have also been identified in the country.

It is also becoming increasingly challenging due to more and more of this pirate activity moving online, and being conducted in ways where it is difficult to identify and gather evidence of the parties involved. The pace of this migration online accelerated during the pandemic, and continues to do so.

beIN operates a local entity in Morocco and has been seeking to take actions to combat this piracy and enforce our rights.

To date, the result of these actions has been mixed. While some significant pirates have been deterred by the threat of legal enforcement, others have not been so deterred. Accordingly, it has been necessary to pursue formal legal complaints, and those actions are ongoing, however they have proven to be timely and costly thus far.

While we have also had some success in bringing legal actions against commercial establishments showing our content to patrons without the necessary licenses (with modest awards for compensation having been made), this type of infringement of our rights also remains widespread.

We have also been seeking (in combination with partners) to obtain legal orders requiring internet services providers to block access to pirate websites. To date this has not been achieved, however the actions will be ongoing.

As with other countries in the region, beIN would greatly welcome the support of the authorities in Morocco to support these actions and provide effective laws, enforcement systems and processes to encourage greater respect for audio-visual copyright in the country.

UAE

beIN has been aware that there have been at least two major retail precincts in the UAE where pirate IPTV services have been openly distributed and sold from physical shops. These are the Deira Satellite Market, and the DragonMart. Both of these precincts receive huge volumes of local and international visitors every year, and are notorious within MENA for being places where it is known that such pirates' services can be obtained.



UAE is a popular place for pirates to set up their MENA headquarters or otherwise have a presence. The freeport is also believed to facilitate much of the trade between China and the rest of MENA for consumer equipment used for piracy.

beIN would greatly welcome the increased support of the authorities in the UAE for curtailing all types of piracy impacting the audio-visual sector which has a connection with the country.

Egypt

Egypt is a country where piracy has also been very widespread. It has long been the case that many of the pirate streaming websites impacting the MENA region have been operated from the country. Localised piracy networks operate in many parts of the country, there are well known piracy brands being sold openly, and public establishments (including major hotels) commonly show live sports broadcasts to their patrons without obtaining the necessary commercial licenses.

beIN has been facing considerable difficulties in obtaining the support of the authorities in Egypt to have internet service providers block access to pirate websites. In 2023, beIN was made aware that licence to order such blocking has been granted to a commercial entity, which is offering this to rights owners as a paid service. The fee offered to beIN was neither proportional nor realistic to the service being offered. beIN is not aware of any other country, where enforcement of IPR has been privatised in such a manner. beIN would urge the authorities in Egypt to reconsider their approach.

Lebanon

beIN is continuing to suffer the consequences of Lebanon's weak copyright protection landscape. beIN previously had commercial arrangements with a Lebanese partner, Sama, to distribute beIN channels in Lebanon. Those contractual arrangements were terminated in 2022. However, beIN channels have continued to be distributed on the Sama network, and also on another distribution provider in Lebanon, i.e., Cablevision. beIN has sought the assistance of the Lebanese government to stop these illegal transmissions, but there has been no response.

beIN has also sought to take steps to disrupt the illegal broadcasts, but they continue to persist in flagrant violation of beIN's rights.

Conclusion

The comments above are by no means intended to be exhaustive.

beIN would be happy to answer any further questions, and to provide support of additional comment as may be required.