



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

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Submission by The Football Association Premier League Limited for the 2022 Review of Notorious Markets for Counterfeiting and Piracy

(Docket No. USTR-2022-0010)

Dear Mr Lee

Introduction

The Football Association Premier League Limited (the “**Premier League**”) is the organising body of the top level football competition for clubs in England and Wales, which is currently known as the Premier League (the “**Competition**”). The Premier League is owned by the 20 constituent member clubs of the Competition from time to time (the “**Clubs**”). The Premier League is authorised by the Clubs to license broadcasters throughout the world to provide and offer audio-visual coverage of the 380 matches that are played in the Competition during the course of each season (“**Matches**”). The Premier League owns copyright in the audio-visual coverage of all Matches, including film works (in the footage) and artistic works (in the various logos and on-screen graphics). The Premier League is broadcast to almost 800 million households around the world.

A high proportion of the Premier League’s revenue is generated from the sale of exclusive audio-visual broadcasting rights to the Matches. This revenue is crucial to the quality and success of the Competition, and for the Premier League’s ability to contribute to community projects around the world. In the 2019/20 Season alone for example, the Premier League provided over £450 million of support to wider football initiatives and funded community programmes, benefiting almost 2 million people.

The Premier League welcomes the opportunity to respond to the Office of the United States Trade Representative’s (“**USTR**”) 2022 Review of Notorious Markets for Counterfeiting and Piracy (the “**Notorious Markets List**”). Abuse of the Premier League’s IP rights occurs through many forms, both physical and online. However, due to the scale of infringement, the Premier League has decided to focus on the infringement of its copyright over the internet. During the course of the 2022/23 Season to date¹, the Premier League has detected over 100,000 infringing live streams of Matches available around the world.

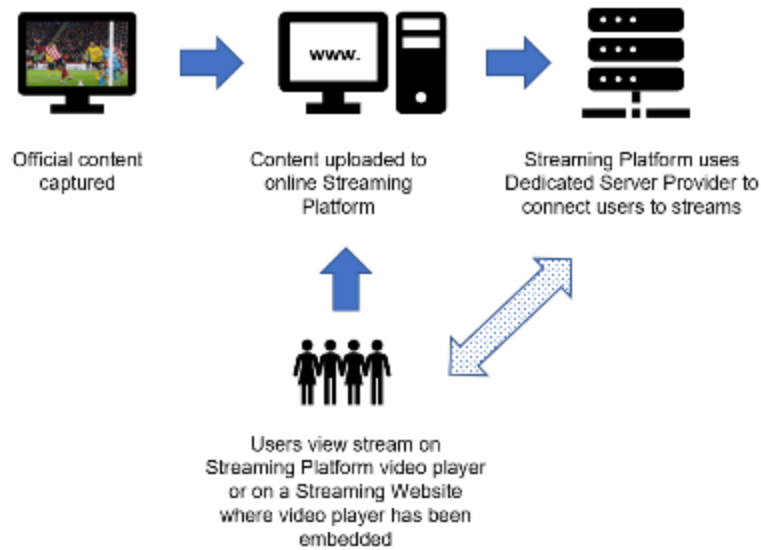
Online copyright infringement of live sport

Infringement of the Premier League’s copyright has evolved in many ways over several years. The current ecosystem for unauthorised online streaming of Matches can most simply be broken down into: (a) “Open Web Piracy” - where infringing streams of Matches are openly available for free over the internet, although generally at reduced quality; and (b) “Closed Network Piracy” - where infringing streams of Matches are made available by sophisticated operators, at a generally higher quality, to individuals that have purchased the necessary subscriptions from them, either as a one-off fee or a regular subscription.

A simplified illustration of how both these forms of online piracy work are below:

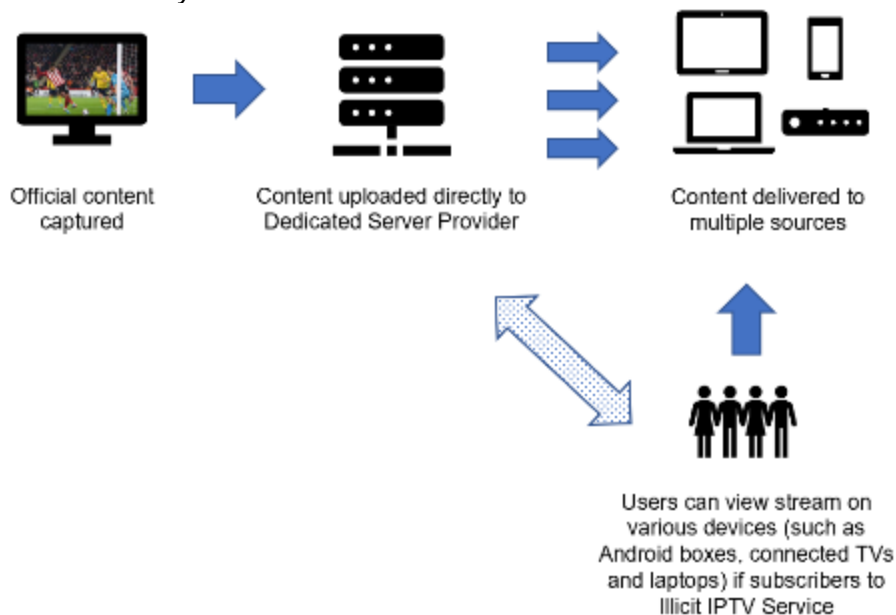
¹ Data based on 8 rounds of Matches, between 5 August 2022 and 3 October 2022

Figure 1: Open Web Piracy



Open Web Piracy involves a pirate operator capturing an official broadcast signal (through various means, such as using a HDMI splitter connecting a legitimate set-top-box to a computer) and then uploading the content to a Streaming Platform. The Streaming Platform software creates a hyperlink to the content that may be played within the Streaming Platform and/or extracted and shared for viewing elsewhere on the internet, often on Streaming Websites (also known as linking or referring websites, that are generally free to access, and which aggregate URLs from a range of Streaming Platforms and provide hyperlinks to live streams). However, as illustrated by the diagram above, users are unable to connect to streams made available through Streaming Platforms and Streaming Websites without the use of a Dedicated Server Provider (sometimes referred to as a Hosting Provider) to deliver the streams. Without them, users would still be able to access Streaming Platforms and Streaming Websites but would not be able to view the audio-visual content on them.

Figure 2: Closed Network Piracy





Closed Network Piracy also requires a pirate operator to initially access an official broadcast signal. However, in this more sophisticated form of piracy, the operator uploads the content straight on to a streaming server (without the need for a Streaming Platform) and makes the content directly available to certain users. This is generally how Illicit IPTV Services operate; in return for a one-off, monthly or annual fee, they provide access to an Electronic Program Guide (“EPG”), typically through illicit streaming devices such as an Android box, containing hundreds or even thousands of channels of premium content. This is termed a “Closed Network” because the content is only available to users who have paid the pirate operators the relevant subscription. However, just as with Open Web Piracy, the process cannot work without the use of a Dedicated Server Provider to enable those users to connect to the audio-visual content. The EPG would remain accessible, but no content would be played when a relevant channel was selected.

Recommendations for the Notorious Markets List

Whilst the above is an over-simplification of the piracy ecosystem, it does illustrate the role of several key entities that are directly involved in the offering of illegal live streams of Matches. This submission therefore deliberately focuses on the following intermediaries: Dedicated Server Providers, Streaming Platforms, Streaming Websites and Illicit IPTV Services. Any internet visit numbers included within the submission are global figures sourced from Similarweb’s traffic analysis tool².

The examples provided are intended to be illustrative and are by no means exhaustive. There are many other examples of these and other intermediaries involved in the wide-scale infringement of live sports content around the world.

Dedicated Server Providers (DSPs)

DSPs play a critical role within both Open Web and Closed Network Piracy. Without them, users would not be able to watch any infringing audio-visual content regardless of whether they are using Streaming Websites, Illicit IPTV Services or other pirate sources. DSPs are therefore in many ways best-placed to prevent both Open Web and Closed Network piracy from occurring. Several, however, instead choose to profit from such infringements by knowingly leasing their servers to pirate operators.

The role of DSPs in copyright infringement was highlighted by the decision of the District Court of the Hague in the Premier League’s civil proceedings against Ecatel Ltd, a notorious non-compliant DSP³. In reaching its decision, the Court (amongst other things) granted an injunction requiring Ecatel to (for the duration of the relevant Match) cease providing any of its services used by third parties to infringe the Premier League’s copyright promptly, and no later than within 30 minutes from receipt of an electronic notification of an illegal stream positively identified by the Premier League. It also recognised the critical role that DSPs can play in combatting illegal online streaming and rejected Ecatel’s claims that technical solutions to remove infringing streams from its network would be complex and costly.

It is therefore clear that DSPs are able to act in real-time to remove infringing streams passing through their networks, and that when they do so, piracy can be significantly reduced. They should accordingly be required to (i) offer effective and appropriate takedown tools (which in the Premier League’s experience have proved highly effective, straightforward, proportionate and safe whenever implemented); (ii) provide customer identify and verify customers found to be making available copyrighted content without authorisation; and (iii) enforce meaningful repeat infringer policies.

Recommended DSPs for inclusion on the Notorious Markets List

When compiling its list of DSPs for inclusion on the Notorious Markets List, the Premier League has focussed on those that have (i) been responsible for some of the highest volumes of infringing live streams of Matches in the 2022/23 Season (and often for many years); and (ii) not taken any meaningful action to prevent the

² <https://www.similarweb.com/>

³ The Football Association Premier League v Ecatel Ltd, C/09/485400/ HA ZA 15-367 (2018)



infringements, either in real-time or subsequently against the infringing customer(s), despite receiving an electronic takedown notice for every infringing stream.

The DSPs referenced in this submission have between them been responsible for tens of thousands of infringing live streams of Matches this Season. Where possible, the Autonomous System Number (ASN) is also included to help identify the correct organisation. ASNs are the numbers that allow identification of each network on the internet.

1. Amarutu Technology Ltd (“Amarutu”) – AS206264 – Hong Kong / Seychelles

Amarutu (also known as Koddos) is a DSP which claims to have office locations in Hong Kong and Seychelles and which operates data centres in the United States and the Netherlands⁴. It consistently ignores the takedown notices it receives from the Premier League every week. Amarutu’s attitude to such notices, which it has demonstrated for many years, is illustrated on the offshore dedicated sever page of its website, where it states:

‘Main rules being no childporn, malicious scripts/pages or SPAM on the network, almost all other content is allowed. Abuse and DMCA messages will be forwarded to the client for resolution but in most cases action is not required’⁵

2. HostSpicy / Host9x (“HostSpicy”) – AS210979 / AS141199 / AS210636 – India / Hong Kong

HostSpicy is a DSP that operates multiple ASNs, apparently to frustrate attempts to remove infringing content being delivered through its network. It has been responsible for tens of thousands of infringing live streams and promotes ‘DMCA Ignored Hosting’ on its website⁶. This is reflected in the DSPs’ failure to act upon the large volume of takedown notices it has been sent by the Premier League this Season.

3. AS-Istqservers / Istqserveres (“Istq”) – AS212042 / AS211826 - Jordan

Istq claim to be based in Amman, Jordan. Despite having an online abuse reporting form (<https://istqservers.com/abuse.php>) and abuse email address, we have not received any responses from Istq or seen any action being taken upon receipt of takedown notices. Over 2,000 infringing streams across two associated ASNs have been traced to this DSP during the opening two months of the 2022/23 Premier League Season.

4. K4X – AS48357 – Estonia

Over 5,000 infringing live streams have been traced to K4X servers during the opening two months of the current Premier League Season. K4X is registered as a business in Tallinn, Estonia and its website (<https://k4x.com/>) does not even provide any abuse contact details. Despite sending takedown notices to the address provided on the RIPE database for all the infringing streams traced to the K4X servers, we have yet to see any effective action being taken.

5. OOOTCK – RS – AS210122 – Russia

OOOTCK is a relatively new DSP, apparently based in Russia, with no associated website. The RIPE database provides an abuse contact at a Google Gmail address. We have detected almost 2,000 live streams on OOOTCK servers so far in the current Premier League Season and all takedown notices have been ignored.

⁴ <https://koddos.net/contact.html>

⁵ <https://koddos.net/offshore-dedicated-servers.html>

⁶ <https://www.hostspicy.com/>



6. Squitter Networks – AS213371 – Netherlands / Russia

Squitter, also sometimes referred to as ABC Consultancy, is a clear example of the difficulties in identifying and locating those responsible for making infringing content available. Squitter claims to have an office in Saint Petersburg, Russia (<https://squitter.eu/>), but when reviewing its ASN lookup in the RIPE database, the Netherlands is provided as its location. The Premier League's investigations indicate that both locations are false. Over the opening two months of the 2022/23 Premier League Season, over 15,000 infringing live streams have been detected on Squitter's servers. Takedown notices are sent for each such infringing stream a Squitter server, but we have not received any responses or seen any action being taken to end the ongoing infringements.

Streaming Platforms

Streaming Platforms can play an integral role in preventing Open Web Piracy as the removal of infringing content at source results in the content becoming inaccessible on all third-party locations that are embedding or linking to the content.

The below are two examples of particularly problematic and popular Streaming Platforms whose streams are often embedded into the most popular Streaming Websites.

1. Aliez.me/apl(#).me (“Aliez”)

Aliez is a hybrid site that operates as both a streaming platform and a user generated upload site, where users can start and stream their own content. The Premier League also understands that this website has close ties with the linking site, livetv.sx (see below), where we frequently see Aliez streams being shared. Over 1,000 infringing live streams have been detected on Aliez over the opening two months of the current Premier League Season. Furthermore, over 80% of these streams were delivered from Squitter servers.

2. Zhuafan – China

Zhuafan⁷ is a Chinese user-generated Streaming Platform that offers a mixture of video content, including a large number of unauthorised live streams of Matches. It is extremely popular, receiving over 7 million global internet visits so far in 2022⁸. The platform enables individuals to upload live and on-demand content to the platform, with live streams of Matches indexed and accompanied by commentators / anchors provided by the platform. As well as being indexed and viewable on the platform itself, a large number of Streaming Websites, predominantly within China and Hong Kong, offer separate access to the streams. Zhuafan ignores all correspondence from the Premier League and its authorised partners.

Streaming Websites

Streaming Websites offer consumers free access to live streams of Matches and other live events and, according to the Premier League's extensive consumer research, remain the preferred method of pirate consumption in many markets around the world. The following is a non-exhaustive list of Streaming Websites that have ignored all takedown notices sent by the Premier League and are popular around the world.

1. Lalastreams / istream2watch.com - Germany

Lalastreams / istream2watch.com is a family of Streaming Websites that have amassed almost 60 million global visits so far in 2022. Approximately 20 domains redirect to istream2watch.com, where the Premier League detected over 1,000 infringing live streams over the course of Season 2021/22. Investigations by the Premier League have traced the likely operator of the service to Germany.

⁷ <https://zhuafan.tech/>

⁸ All figures for 2022 cover January to August (inclusive)



2. Livekoora.online

Livekoora⁹ is an Arabic language Streaming Website that provides links to live football matches from around the world, including the Premier League. The site provides a list of infringing streams for each match, allowing users to select what they want to watch and play the stream within the website. The site received 151 million global visits in the last year (October 2021 – September 2022).

3. Livetv.sx – Cyprus / Kazakhstan / Russia

Livetv.sx is a Streaming Website that has historically operated through multiple domains to provide an index of links to live streams of a very broad range of sports events, including live Matches. Users can simply select the event they wish to view, click on the relevant link and watch the live stream within the framework of the site. It is available in 12 different languages and has received over 125 million global online visits so far in 2022. The site is currently the subject of blocking injunctions obtained by the Premier League for copyright infringement in multiple jurisdictions but remains available and popular elsewhere. The Premier League's investigations suggest that the operators are located in Cyprus, Kazakhstan and/or Russia and we understand that previous successful legal proceedings brought by other rights owners have ultimately failed to cease the ongoing infringements.

4. Soccerstreams / Weakstreams – Egypt

Soccerstreams was originally a sub-thread on the Reddit platform which had attracted over 400,000 subscribers. Following pressure by a number of legitimate content owners, including the Premier League, the thread was suspended by Reddit in January 2019. Shortly afterwards, however, a website with the same brand name appeared¹⁰, claiming to be 'by the founders of /r/SoccerStreams'. The website operates in a very similar way to Livetv.sx, offering a wide range of sports content, and has a dedicated URL for live streams of Matches in the header of the website. A separate and potentially linked domain, under the brand name, "weakstreams"¹¹, refers users directly to Soccerstreams. The websites have between them received over 230 million global internet visits so far in 2022. The Premier League's investigations suggest that the operator(s) is likely located in Egypt.

5. Totalsportek – Poland

Totalsportek¹² is a major pirate sports Streaming Website that provides links to multiple live sporting events. The site does not post links until about an hour before each live football match starts and when it does, it provides an index of up to 40 links. The site attracted over 150 million global visits in the last year (October 2021 – September 2022). The Premier League believes that this website is operated by an individual in Poland.

Illicit IPTV Services

Illicit IPTV services offer unauthorised access to hundreds or even thousands of TV channels illegally sourced from legitimate service providers worldwide. This has allowed Illicit IPTV operators to exploit IP rights in order to offer a much wider range of content than any legitimate broadcaster could, without contributing to any investment in production, rights acquisition or wider economic and community initiatives. The following is a non-exhaustive list of sophisticated Illicit IPTV Services that are brazenly operating in such a way to offer live streams of Matches every week, as well as access to US sporting events and TV channels:

⁹ <https://fc.livekoora.online>

¹⁰ <https://redi1.soccerstreams.net/>

¹¹ <http://weakstreams.com/>

¹² <https://totalsportek.com>



1. BestBuyIPTV - Vietnam

BestBuyIPTV is a popular global IPTV service that carries channels from broadcasters located all around the world, including many that carry Premier League content. Investigations conducted by the Premier League have located the operator of the service in Vietnam. BestBuyIPTV was included in the 2021 Notorious Markets List¹³

2. Chaloos – Iraq

Chaloos is a major source of pirate streams which the Premier League believes is linked to several other prominent piracy operations, including Mediastar (another major source of pirate IPTV streams), Forever IPTV (a wholesaler of pirate IPTV channels) and Livedream (a local pirate network in Northern Iraq). These services between them are responsible for the unauthorised provision of thousands of premium TV channels and on-demand movies and TV content. Chaloos was named on the 2021 Notorious Markets List¹⁴.

3. EV Pad – Hong Kong / China

EVPad¹⁵ is an illicit IPTV streaming service that operates through a network of online and physical resellers and is hugely popular around the world – it is one of the pirate devices found most commonly in South East Asia, for example. It offers content through multiple hardware models that are loaded with apps capable of providing access to thousands of channels. The business is extremely sophisticated and regularly launches new product lines; just one such product purchased on behalf of the Premier League was found to provide access to 1,786 channels, including 75 offering live sports broadcasts. The operators have been very careful to hide their location and identities, although the Premier League's investigations have linked them to a presence in Hong Kong and China. The service has also been found to infringe copyright in a blocking injunction obtained against it by the Premier League in Singapore.

4. Globe IPTV – Lebanon

Globe IPTV is one of the most prominent wholesalers of content to pirate services around the world, offering access to live sports, movies and television content through over 1,500 channels. It is known to have supplied multiple pirate services that have been the subject of historical and ongoing legal action pursued by the Premier League. Investigations carried out by the Premier League and several other content owners have identified the operator in Lebanon. All attempts by content owners to directly engage with the operator, including most recently in August 2022, have been ignored.

5. Redline – Turkey

Redline¹⁶ is a supplier of illicit streaming services which, although headquartered in Istanbul (through the company DTS Elektronik Sanayi Ticaret Limited Sirketi), has been operating through a network of online marketplaces, physical distributors and warehouses across Europe, the Middle East and Africa for over 10 years. One of its "Red360 TV" products for example, purchased on behalf of the Premier League, was provided with a list of almost 5,000 available channels including many US ones.

6. Shabakaty – Iraq

Shabakaty is a pirate service which the Premier League understands is operated by Iraq's largest internet service provider, Earthlink, and essentially offered as a free promotion for Earthlink's internet service. It offers a bundle of pirated television channels, alongside an on-demand service. It is available on a set-top-box, mobile app and website. Shabakaty was also named on the 2021 Notorious Markets List¹⁷.

¹³ <https://ustr.gov/sites/default/files/IssueAreas/IP/2021%20Notorious%20Markets%20List.pdf>, p24

¹⁴ <https://ustr.gov/sites/default/files/IssueAreas/IP/2021%20Notorious%20Markets%20List.pdf>, p25

¹⁵ <https://www.evpadpro.com/>

¹⁶ <https://redline.com.tr/en/>

¹⁷ <https://ustr.gov/sites/default/files/IssueAreas/IP/2021%20Notorious%20Markets%20List.pdf>, p35



7. SVI Cloud – Hong Kong / China

SVI Cloud is an illicit streaming device that is particularly popular in South East Asia. It operates both online and through an extensive list of resellers with over 70 physical locations listed as selling the device on their official website¹⁸. The devices have also been sold brazenly on many e-commerce marketplaces. The devices offer content through multiple hardware models that are loaded with the app “Luca TV” which is capable of providing access to over 1,000 live TV channels. The operators have taken steps to conceal their identity but the Premier League’s investigations have linked them to a presence in Hong Kong and China.

Conclusion

As demonstrated throughout this submission, IP infringement through online piracy is a complex issue that involves many different intermediaries and forms of technology. The entities identified above are all however playing an integral role in the direct offering of high volumes of infringing live streams of Matches (as well as, in many cases, other copyright protected content) and are therefore recommended for inclusion on the Notorious Market List.

The Premier League would be happy to assist the USTR with more detailed commentary on any of the countries covered within this submission.

Yours sincerely

FAPL

The Football Association Premier League Limited

¹⁸ <https://www.svicloud.net/en/news.html>