



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

5 February 2020

**Submission by the Football Association Premier League Limited for the 2020  
Special 301 Review**

**(Docket No. USTR-2019-0023)**

Dear Mr Lee

The Football Association Premier League Limited ("Premier League") appreciates the opportunity 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 2020 Special 301 Review. In this submission, we ask that USTR maintain Saudi Arabia's place on the Priority Watch List.

The Premier League is the organising body of the top-level competition for football clubs in England and Wales and is authorised by its twenty member Clubs to license broadcasters throughout the World to provide audio-visual coverage of the 380 matches that are played in the competition during each season (the "Matches").

A high proportion of the Premier League's revenue is generated from the sale of exclusive audio-visual broadcasting rights. The scale and nature of online piracy, such as that committed in Saudi Arabia and detailed below, continues to place this revenue at significant risk. This in turn threatens the Premier League's ability to continue investing in, and contributing to, the quality of the competition, the sport more generally, community projects and the wider global economy. In the 2019/20 Season alone, the Premier League will provide £350m of support to wider football initiatives and funded community programmes enjoyed by over 500,000 young people.

For the period 2013 – 2022, beIN Media Group LLC ("beIN") has acquired the exclusive right (via a sub-licence from media rights agency MP & Silva for the 2013/14 to 2015/16 Seasons



and directly from the Premier League thereafter) to make and authorise live transmissions of the Matches for viewing in certain countries in the Middle East and North Africa (“MENA”) region, including Saudi Arabia.

Beginning in August 2017, a Saudi-based broadcast pirate operating under the name “beoutQ” engaged in the unauthorised distribution, streaming, and broadcasting of media content licensed to beIN and others – including Matches – on an unprecedented scale. The piracy began with streaming on beoutQ’s website of pirated sports content and 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,<sup>1</sup> and, as explained below, continue providing access to Internet Protocol Television applications (“IPTV apps”) offering thousands of pirated movies, TV shows, sports programmes and TV channels from the United States, Europe, and across the globe.<sup>2</sup>

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.<sup>3</sup> Although beoutQ ceased broadcasting in mid-August 2019 (though rumours continue to circulate about its possible return), piracy continues unchecked in Saudi Arabia. We understand that IPTV apps providing access to Matches continue to be available on the up to three million beoutQ set-top boxes reportedly in circulation in Saudi Arabia and the region, among other IPTV boxes in the Saudi market.

For example, an independent report commissioned by the Premier League and several other sports rights holders and published in April 2019 revealed that one such IPTV app,

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<sup>1</sup> 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 can also be received in parts of Europe, including the south of France. See Report on the protection and enforcement of intellectual 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.legaseriaa.it/assets/legaseriaa/pdf/stopiracy/en/MarkMonitor%20beoutQ%20Report%20April%202019.pdf>.

<sup>2</sup> See Submission by beIN Media Group, LLC and Miramax, LLC for the 2019 Special 301 Review, available at <https://www.regulations.gov/document?D=USTR-2018-0037-0052>.

<sup>3</sup> 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](https://ustr.gov/sites/default/files/2019_Special_301_Report.pdf).



EVDTV, is itself based in Saudi Arabia.<sup>4</sup> According to that report, contact details for the pirate service are publicly available on the app's website, universeiptvs.com, which provides, *inter alia*, a phone number and location in Saudi Arabia.<sup>5</sup> The report further noted the availability of the EVDTV app on the beoutQ app store as well as the Google Play store for Android devices.<sup>6</sup> EVDTV provides access to over 3,900 live channels<sup>7</sup> a large number of which are owned by exclusive licensees of the Premier League and therefore broadcast the Matches.

Despite repeated complaints by beIN and other rights holders, Saudi Arabia has never brought criminal action against beoutQ, or its Saudi facilitators.<sup>8</sup> Notably, the current off-line status of beoutQ satellite broadcasting is not the result of any Saudi criminal enforcement action. The Saudi Arabian copyright regime suffers from a key structural deficiency that remains in place today. In particular, as the European Commission explained last month when it added Saudi Arabia to its own list of countries with deficient IP protection:

As regards **criminal enforcement**, stakeholders report that the Ministry of Culture and Information has a discretionary right to authorise or deny access to the Copyright Committee, which is the sole entity responsible for copyright infringements in Saudi Arabia, and also to approve or disapprove the decisions of the Copyright Committee, which does not seem to be compatible with the TRIPS Agreement. These rules make the availability of criminal judicial procedures and sanctions conditional on political or subjective considerations.<sup>9</sup>

Moreover, we understand that even civil claims must be reviewed by relevant Government authorities before proceeding through the Court system; something we have been advised can take several months, or even years. This unusual step presents an additional (and in our case insurmountable) hurdle and delay for rights owners that choose to pursue civil proceedings, over criminal sanctions, in search of a swifter resolution. Such practical

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<sup>4</sup> See *beoutQ Investigation Prepared by MarkMonitor*, LEGASERIA.IT (April 2019), pp. 11, 23-24 <http://www.legaseria.it/assets/legaseria/pdf/stopiracy/en/MarkMonitor%20beoutQ%20Report%20April%202019.pdf>

<sup>5</sup> See *id.* at p. 11, 23-24

<sup>6</sup> *Id.* at pp. 11, 23-24

<sup>7</sup> *Id.* at p. 10 ("EVDTV currently offers 3952 live TV channels").

<sup>8</sup> 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>

<sup>9</sup> 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](https://trade.ec.europa.eu/doclib/docs/2020/january/tradoc_158561.pdf)



challenges and inevitable delays clearly stifle rights owners' ability to react quickly and effectively, even in cases of such brazen infringement of their intellectual property rights.

The Premier League has, along with a number of sports rights owners, sought to engage Saudi legal counsel to pursue civil litigation for copyright infringement against the beoutQ service and its facilitators in Saudi Arabia. Our attempts to commence the action were ultimately frustrated following the decision by multiple legal representatives to withdraw their services. In July 2019 after 15 months of attempting to commence an action, the Premier League released a joint press release with FIFA, the AFC, UEFA, the Bundesliga, LaLiga, and Lega Serie A confirming that we "reached the conclusion, regrettably, that it is now not possible to retain legal counsel in KSA which is willing or able to act on [our] behalf in filing a copyright complaint against beoutQ" such that we had "exhausted all reasonable options for pursuing a formal copyright claim in KSA."<sup>10</sup> Ultimately, the Saudi Arabian legal system is not allowing the Premier League to have access to it, regardless of the merits of the case.

After several years of widely-publicised Saudi-based piracy and inadequate and ineffective enforcement of intellectual property rights on the part of Saudi authorities, we are concerned that piracy may become generally accepted as an appropriate means of watching sports content. Barring aggressive enforcement efforts by the Saudi government against copyright piracy, and the making available of civil actions against all instances of copyright piracy, the situation will only deteriorate over time.

In conclusion, Saudi Arabia continues to deny adequate and effective protection of IP rights, as (i) Saudi Arabia remains a centre of piracy, impacting rights holders from around the world, including, *inter alia*, the United States and European Union; (ii) the Saudi government persists in its failure to take action against beoutQ and other pirates, whether criminal or otherwise, that would deter the continuing growth of Saudi-based piracy; and (iii) the Premier League remains unable to gain access to the legal system in order to seek civil remedies against piracy.

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<sup>10</sup> 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>



In view of this longstanding situation, the Premier League respectfully requests that USTR maintain Saudi Arabia's position on the Priority Watch List.

Yours sincerely,

A handwritten signature in black ink, appearing to read "FAFC", followed by a comma.

Football Association Premier League