



Counterfeit and Piracy Watch List

Premier League Submission

14 February 2022

Introduction

The Premier League

The Football Association Premier League Limited (the “Premier League”) is the organising body of the top level competition for football 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 each season (the “Matches”). The Premier League owns copyright in the audio-visual coverage of all Matches, including film works (in the footage) and artistic works (in various logos and on-screen graphics).

A high proportion of the revenue generated by the Premier League derives from the sale of audio-visual broadcasting rights to the Matches. The scale and nature of IP infringement, particularly through online piracy, 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 distributed over £450m to other leagues and community initiatives, and its community funding is used to engage over 500,000 young people in positive community projects each year.

The Premier League is pleased to respond to this public consultation and have the opportunity to identify commercial entities located outside the EU that play a significant role in counterfeiting, piracy and/or other forms of IP abuse. We welcome the Commission’s desire to encourage their operators and owners, along with relevant local authorities and governments, to take necessary steps to cease ongoing IP infringement. The importance of addressing IP infringement is evident from the 2020 Counterfeit and Piracy Watch List (the “2020 Watch List”), which highlighted that imports of counterfeit and pirated products into the EU had increased to over €120 billion or almost 7% of EU imports¹.

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 this submission on the infringement of its copyright over the internet. During the 2021/22 Season to date², the Premier League has already detected over 250,000 infringing live online streams and over 300,000 unauthorised recorded clips of Matches.

Online copyright infringement of live sport

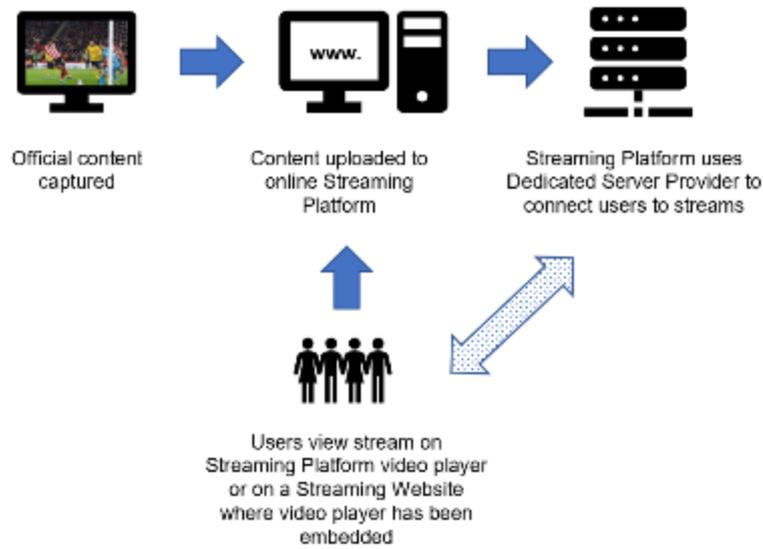
Infringement of the Premier League’s copyright has evolved in many ways over several years. The current ecosystem for unauthorised online streaming of Matches can most simply be broken down into: (a) “Open Web Piracy” - where infringing streams of Matches are openly available for free over the internet, 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 Commission Staff Working Document, Counterfeit and Piracy Watch List, Brussels, 14.12.2020, SWD(2020) 360 final, p.2

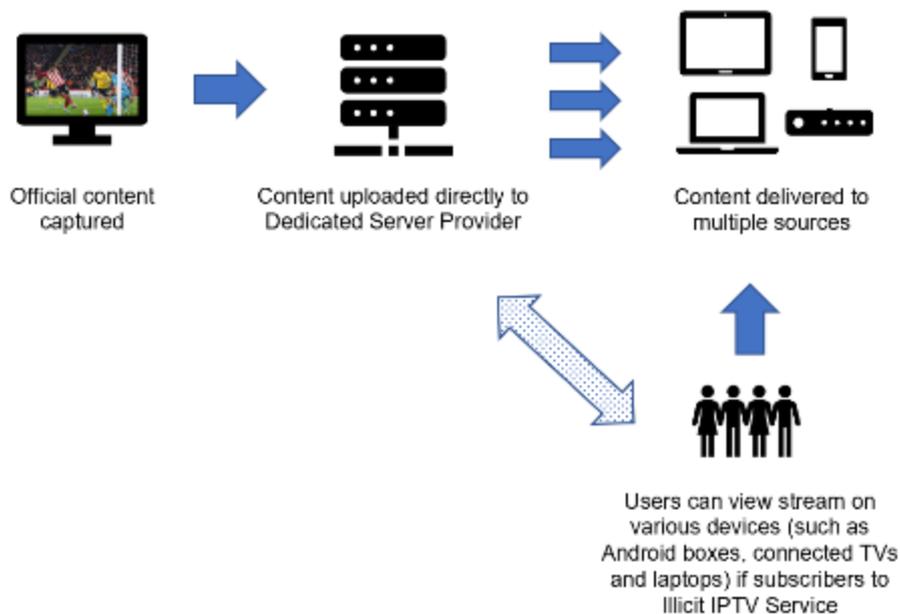
² Data based on 22 rounds of Matches, between 13 August 2021 and 19 January 2022

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 Counterfeit and Piracy Watch List (the “Watch 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 tool³.

The examples provided are intended to be illustrative and are by no means exhaustive. The reality is that many other examples of these and other intermediaries are involved in the wide-scale infringement of live sports content, both within and outside the EU. There is, however, one type of intermediary that is consistent across all the streaming methods identified above, in both Open Web and Closed Network Piracy: Dedicated Server Providers. The Premier League would therefore respectfully encourage the Commission to place a particular focus on these entities, both through this Watch List and more generally in its future legislative proposals, in order to have a real and positive impact on the fight against piracy of live content.

Dedicated Server Providers (DSPs)

As explained above, 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 DSP⁴. In reaching its decision, the Court (amongst other things):

- i. 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;
- ii. Recognised the critical role that DSPs can play in combatting illegal online streaming, by noting that *‘intermediaries whose services are used by a third party in order to commit copyright infringement...in many cases are best able to eliminate the infringement’*; and
- iii. Rejected Ecatel’s claims that technical solutions to remove infringing streams from its network would be complex and costly, finding that *‘null-routing of the server in question is relatively easy and entails little cost’* and that *‘if Ecatel solves the matter in the same manner as its industry partners Portlane and Voxility, which have a take-down tool with which apparently everything continues automatically, the effort may be considered to be little’*.

³ <https://www.similarweb.com/>

⁴ The Football Association Premier League v Ecatel Ltd, C/09/485400/ HA ZA 15-367 (2018)

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:

1. Offer effective and appropriate takedown tools

Such tools typically just involve the provision of a secure, password-protected online portal where rights owners could add IP addresses that they identify, and crucially verify, as infringing their copyright. Once added to the portal, access to the IP address is blocked, thereby preventing users from connecting to the infringing video. Such blocks can even be made temporary in nature, making them extremely important to rights owners, such as the Premier League, seeking to protect live content. Moreover, such functionality is often already used by DSPs to block pirate operators that have not paid them their bills. The implementation of such tools is neither costly nor burdensome for a DSP.

The impact of these tools is evident from the action taken by one of the DSPs named in a previous Premier League submission to the Watch List. At the time of the submission, the DSP was one of the intermediaries responsible for the highest volume of infringing live streams of Matches anywhere in the world. However, it has since provided the Premier League with access to an automated real-time takedown tool, which enables the removal of unauthorised streams of Matches within minutes of detection and verification. As a result, there has been a negligible number of infringing live streams of Matches found passing through its network so far during the 2021/22 Season. The use of this tool (and others) has proven to be effective, proportionate and cost-efficient and, as far as the Premier League is aware, has not resulted in any legitimate content being erroneously removed.

2. Provide sufficient customer identification and verification

One of the major challenges in removing infringing content from the internet is the difficulty in identifying and locating the various people responsible for making the content available. The majority of pirates are technically proficient and able to use a matrix of pseudonyms and privacy services to mask their true identities.

All DSPs should therefore be required to provide verified identification of their customers where they have been found to be making available copyrighted content without authorisation.

3. Enforce meaningful repeat infringer policies

Many DSPs are inflexible and opaque when asked to explain their approach to repeat infringement. Pirate operators are currently easily able to ensure that their content comes back online very quickly after removal. It is therefore crucial that DSPs offer and effectively operate a clear and consistent repeat infringement policy. As a minimum, DSPs should be required to suspend access to any services being provided to that infringing customer, pending the resolution of any dispute.

Recommended DSPs for inclusion on the Watch List

When compiling its list of DSPs for inclusion on the Watch List, the Premier League has focussed on those that have (i) been responsible for thousands of infringing live streams of Matches in the 2021/22 Season (and often for many years); and (ii) not taken any meaningful action to prevent the infringements, either in real-time or subsequently against the infringing customer(s), despite receiving an electronic takedown notice for every infringing stream.

The list below does not include various other non-compliant DSPs, such as Squitter-Networks NL (Russia/Netherlands) and Globe DC (Netherlands) that are based within the EU but would otherwise comfortably satisfy the conditions above. The Premier League therefore respectfully urges the Commission to look equally at addressing infringements facilitated by entities based within the EU by requiring them to take the relatively simple but extremely impactful measures outlined above. The Premier League would also like to draw the Commission's attention to the use of technical infrastructure (including data centres) from within the EU, especially the Netherlands, by many of the DSPs identified below.

The DSPs referenced in this submission have between them been responsible for almost 70,000 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 Netherlands⁵. 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’⁶

Amarutu was included in the Premier League’s previous submissions to the Watch List and has since continued to be responsible for high volumes of infringements.

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

Istq is a Jordanian DSP that operates multiple ASNs, seemingly in order to evade efforts by legitimate copyright owners to enforce their IP rights. It has been responsible for over 10,000 infringing live streams of Matches so far this Season and failed to take any meaningful action upon receipt of takedown notices.

3. HostPalace Web Solution PVT LTD (“Host Palace”) - AS134512 - India

Host Palace is an Indian DSP with data centres located in the USA, Europe and India. Whilst its website pays lip service to respecting copyright - stating that *‘Live Streaming of Illegal Contents / Live Channels are not allowed. We have rights to terminate account without warning and refund’⁷* - in reality Host Palace takes no action whatsoever to cease the copyright infringement that it is well aware occurs across its network every week.

Host Palace was included in the Premier League’s last submission to the Watch List and has since continued to be responsible for high volumes of infringing live streams of Matches every week.

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

HostSpicy is another DSP that operates multiple ASNs, apparently to frustrate attempts to remove infringing content being delivered through its network. It has been responsible for almost 20,000 infringing live streams of Matches and promotes *‘DMCA Ignored Hosting’* on its website⁸. This is reflected in the DSPs’ failure to act upon the thousands of takedown notices it has been sent by the Premier League this Season.

5. Virtual Systems LLC (VSYS) - AS30860 – Ukraine

Yurteh is a Ukrainian DSP that ignores all takedown notices sent in relation to the thousands of infringing live streams of Matches that have been delivered from its servers over multiple years. It has also failed to cooperate with formal correspondence from local legal counsel engaged by the Premier League. Virtual Systems explicitly advertises itself as a favourable destination for pirate operators on its website:

⁵ <https://koddos.net/contact.html>

⁶ <https://koddos.net/offshore-dedicated-servers.html>

⁷ <https://host-palace.com/netherlands-streaming-servers>

⁸ <https://www.hostspicy.com/>

'We do not follow DMCA. DMCA takedown procedure applicable only under US jurisdiction. Our offshore servers are located in Ukraine, where data-related laws are very tolerant & we propose our offshore hosting services for you to take benefits of that'.⁹

Virtual Systems was included in the Premier League's previous submissions to the Watch List and has since continued to be responsible for high volumes of infringements every week.

Streaming Platforms

As illustrated above, Streaming Platforms are Open Web online platforms that allow pirate operators to create a unique channel and upload the content they have captured. Once uploaded, the content can be viewed on the Streaming Platform or extracted and shared through alternative media, such as Streaming Websites, applications and add-ons. The removal of infringing content at source from a Streaming Platform therefore results in that content becoming inaccessible on all third-party online locations that are embedding or linking to that content.

Streaming Platforms can therefore also play an integral role in preventing Open Web Piracy and should be under an obligation to provide access to a content identification system which (i) prevents unauthorised streams from being uploaded to the internet; and/or (ii) enables rights owners to access a real-time takedown tool for the removal of any infringing content that has been uploaded to the Streaming Platform.

Content identification systems exist and are regularly used by the Premier League in cooperation with some Streaming Platforms to prevent and immediately cease infringements. For example, the Premier League ingests its live feeds into YouTube's Content ID system and Facebook's Rights Manager system. When a user of those platforms seeks to upload a stream of a Match onto the platform, the systems check the content against the official feed. If a match occurs, and the user or channel is not authorised by the Premier League, the stream is blocked.

The Premier League understands that not all Streaming Platforms are able to develop and provide a sophisticated content identification system. In such cases, the Streaming Platforms should still be required to provide access to a live takedown tool, the costs associated with which are minimal. There are numerous examples of relatively small Streaming Platforms that have provided rights owners with access to such a tool. They typically work by providing the rights owner with a unique password-protected login to an administrative panel on the Streaming Platform. Once a stream is identified and verified as infringing, the rights owner can add the channel ID into the takedown tool, at which point it is blocked. This is akin to the pirate operator essentially ending their own stream.

Recommended Streaming Platforms for inclusion on the Watch List

The following Streaming Platforms have been identified using very similar criteria to those outlined above for DSPs. In the current 2021/22 Season alone, they have been responsible for thousands of infringing live streams of Matches.

1. **Acestream – Ukraine**

Acestream is free software that enables users to view streams via a decentralised peer-2-peer (P2P) model. In essence this is a network that relies on individual user (or "peering") connections to stream content without the need for a centralised system. In practice, once a stream has been uploaded to the software, the video can be shared via a URL or be embedded into a Streaming Website for viewing by those that have downloaded the software¹⁰. Previously known as Torrent Stream, this software has been used to make available pirate streams of live sports events for a number of years. The operators are believed to be based in the Ukraine.

⁹ https://vsys.host/?utm_source=v-sys.org&utm_medium=Referral&utm_campaign=redirect

¹⁰ The software is available across various online download sources, such as <https://ace-stream.en.softonic.com/>

Despite thousands of notices being sent to the software operators over many years, and being included in the Premier League's previous submissions to the Watch List, no action has ever been taken by Acestream to stop infringements.

2. Wigistream – Unknown

Wigistream.to is an Open Web Streaming Platform that claims to offer free live streaming with unlimited bandwidth. It also actively promotes that its links can be embedded across multiple devices, including PCs, games consoles and handheld devices. The operator of the platform has taken extensive measures to obfuscate their identity, rendering any attempts to enforce against the platform or the streams it offers extremely challenging. Wigistream.to received over 2 million global internet visits in 2021 and its streams have been embedded in a high number of Streaming Websites.

3. Zhuafan – China

Zhuafan¹¹ 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 4 million global internet visits in 2021. 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 was included in the Premier League's previous submissions to the Watch List but continues to ignore all correspondence from the Premier League and its authorised partners.

Streaming Websites

The Premier League notes that the 2020 Watch List identified a particular concern amongst the music and film industries about linking and referring websites. As highlighted above, they are also a significant issue for the sports industry. 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, including within the EU:

1. 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 received over 240 million global online visits in 2021. The site is currently the subject of blocking injunctions obtained by the Premier League for copyright infringement in multiple jurisdictions but remains available to access in the vast majority of countries within the EU. The Premier League's investigations suggest that the operators are located in Cyprus, Kazakhstan and/or Russia and understands that previous successful legal proceedings brought by other rights owners have ultimately failed to cease the ongoing infringements.

2. Hesgoal – Morocco

Hesgoal¹² is a Streaming Website that is deliberately designed to appear as a sports news platform but which in fact is populated with a large range of links to live streams of all major sporting events, once those events begin. The website received over 400 million global internet visits in 2021 and is regularly discussed on social

¹¹ <https://zhuafan.tech/>

¹² <http://www.hesgoal.com/>

media platforms as a reliable source of pirate streams. The Premier League's investigations have identified an operator who is suspected to be located in Morocco.

3. 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 appeared¹³, 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 domain, under the brand name, "weakstreams"¹⁴, which the Premier League believes is operated by the same individual(s), refers users directly to Soccerstreams. The websites between them received over 250 million global internet visits in 2021, according to SimilarWeb. The Premier League's investigations suggest that the operator(s) is likely located in Egypt.

Illicit IPTV Services

The Premier League welcomed the inclusion of Illicit IPTV Services for the first time in the 2020 Watch List. As recognised in the 2020 Watch List, *'unlicensed IPTV services offer without authorisation access via streaming to hundreds or even thousands of TV channels illegally sourced from legitimate service providers worldwide'*¹⁵. 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:

1. Chaloo – Iraq

Chaloo 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. Chaloo was named by the United States Trade Representative ("USTR") on its 2020 Notorious Markets List¹⁶.

2. EV Pad – Hong Kong / China

EV Pad¹⁷ is an illicit IPTV streaming service that operates through a network of online and physical resellers around the world. 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.

3. 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, with assistance from individuals in other locations, including within the EU.

¹³ <https://redi1.soccerstreams.net/>

¹⁴ <http://weakstreams.com/>

¹⁵ Commission Staff Working Document, Counterfeit and Piracy Watch List, Brussels, 14.12.2020, SWD(2020) 360 final, p.32

¹⁶ 2020 Review of Notorious Markets for Counterfeiting and Piracy (final).pdf (ustr.gov), p.20

¹⁷ <https://www.evpadpro.com/>

4. Redline – Turkey

Redline¹⁸ 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.

5. 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 USTR’s 2020 Notorious Markets List¹⁹.

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 Watch List.

There is one particular group of those entities that is especially well-placed to prevent mass scale copyright infringement of live content, through both Open Web and Closed Network piracy, at little cost or effort to them: DSPs. As the Commission found in its 2017 Communication on Tackling Illegal Content Online, *‘the use of automatic detection and filtering technologies is becoming an ever more important tool in the fight against illegal content online’*. This is especially important for live content where time is of the essence for the removal of illegal streams from the internet. Every minute that an infringing live stream remains online represents a significant threat to sports rights owners’ economic interests.

Intermediaries, and in particular DSPs, both within and outside of the EU, should be required in light of their central roles and capabilities, to work with legitimate rights owners to implement technological solutions that prevent and/or immediately remove infringing live content from being viewed on the internet. In the Premier League’s view, this would be best achieved through the measures identified above. This would achieve a swift, proportionate and very significant reduction in the infringement of legitimate IP rights owned by the Premier League and many other members of the content industry.

Should you have any follow up questions or wish to discuss the submission in greater detail then please contact Mathieu Moreuil, Director of International Football Relations and EU Affairs (mmoreuil@premierleague.com) or Stefan Sergot, Head of Legal - Enforcement (ssergot@premierleague.com).

¹⁸ <https://redline.com.tr/en/>

¹⁹ [2020 Review of Notorious Markets for Counterfeiting and Piracy \(final\).pdf \(ustr.gov\)](#), p.30