

## [FR] Piracy of sports content: reinforcement of anti-piracy measures

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Adopted by the Joint Committee in the middle of the summer, the Act on the organisation, management and funding of professional sport (the Act) was published in the *Journal officiel* on 4 August. Among other things, this legislation includes a considerable strengthening of the fight against piracy, in particular to enable much more rapid blocking measures during retransmissions of sporting events. It also incorporates an overhaul of the framework governing the marketing and redistribution of broadcasting rights.

Chapter III of the Act (Articles 31 to 34) is specifically devoted to strengthening the anti-piracy measures regarding sports content. The main change concerns Article L.333-10 of the Sports Code.

A key problem with the previous system lay in the constantly evolving nature of piracy practices: during a match, offenders could change their domain name, IP address or streaming service, which reduced the effectiveness of a measure targeting only those services identified at the time of the court order.

The Act therefore establishes a mechanism which, where a court order so provides, enables new sources of piracy that emerge *during a live broadcast* to be dealt with. Rights holders provide the Regulatory Authority for Audiovisual and Digital Communication (*Autorité de régulation de la communication audiovisuelle et numérique* - Arcom) with the data needed to identify new illegal services; this data is then communicated, via an automated system under Arcom's control and responsibility, to the parties subject to the order so that blocking measures may be implemented without delay and for the entire duration of the retransmission.

The range of rights holders entitled to take action has been broadened: in particular, French or foreign legal entities that organise a sporting competition or event, in France or abroad, or that market or exploit their audiovisual rights where these are, or are likely to be, infringed, may benefit from this mechanism.

Arcom has also adopted model voluntary agreements intended for rights holders and the various categories of intermediaries likely to contribute to the fight against piracy (domain name resolution services, virtual private networks (VPNs), alternative Domain Name System (DNS) services, etc.). These model agreements are intended to facilitate pre-litigation and litigation procedures. They also

establish the procedures for transmitting the identification details of the services in question to the various intermediaries. Article 32 of the Act extends the provisions of Article L.331-25 of the intellectual property code to sports rights, empowering Arcom to establish a list ("blacklist") of services that seriously and repeatedly infringe protected rights.

The publication or making available to the public of websites unlawfully providing access to sporting competitions will be subject to harsher penalties (three years' imprisonment and a fine of EUR 300 000). Encouraging others, in particular through advertising, to use a service, device or piece of software that provides unlawful access to sporting events is also punishable (one year's imprisonment and a fine of EUR 15 000).

The second notable aspect of the law concerns the conditions for the marketing of broadcasting rights, which must now require prospective licensees to comply with the rules relating to the retransmission of major events on free-to-air television, on the one hand, and the rules relating to audiovisual advertising and sponsorship, on the other. The aim is therefore to incorporate these regulatory obligations directly into the rights allocation process.

The law strictly regulates the redistribution of television rights within a single competition. The maximum permitted disparity in revenue distribution between clubs in the same competition or division is reduced to three (compared with five at present in the French league). The governance of companies responsible for marketing the rights is also regulated. Certain senior management roles within these companies are incompatible with holding an interest in, or holding a position within, an audiovisual broadcasting undertaking, except where that undertaking is controlled by the commercial company itself.

Finally, the bill introduces the possibility of a pilot scheme for virtual advertising and sponsorship between 1 January 2027 and 30 June 2028, under the supervision of Arcom and subject to the submission of an evaluation report to parliament by 1 January 2029 at the latest. This technology, which is already authorised in several European countries, allows advertising banners to be displayed on television that differ from those physically present around the edge of a sports ground.

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<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000054608060#JORFSCTA000054608063>

*Act No. 2026-725 of 3 August 2026 on the organisation, management and funding of professional sport, Journal officiel of 4 August 2026*

