WTO: Panel Report on sports piracy in Saudi Arabia

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On 16 June 2020, a World Trade Organization (WTO) panel recommended that Saudi Arabia bring its measures into conformity with its obligations under the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) concerning the simulcasting of Qatar-based beIN sports channels by beoutQ, a Saudi Arabian pay-TV broadcaster.

According to the Panel Report, in August 2017, beoutQ began the unauthorised distribution and streaming of media content that was created by or licensed to beIN, replacing beIN's logo with that of beoutQ, providing access to 10 beIN sports channels (both live and pre-recorded by beoutQ) and creating unauthorised reproductions of those broadcasts for later replay as reruns; it further expanded to the retail sale of beoutQ-branded set-top boxes (STBs) throughout Saudi Arabia and other countries, which received satellite broadcasts of pirated content and provided access to Internet Protocol Television (IPTV) applications offering thousands of pirated movies, TV shows and TV channels around the globe. In addition to generating revenue through the sales of STBs and subscriptions, beoutQ allegedly sold advertising slots on its ten pirated channels and promoted its pirated streams on a variety of social media platforms, including Facebook, Instagram and Twitter. On top of that, beoutQ expanded to cover the most popular movies and television programming in the world. In addition to illegally providing access to beIN channels 1-10, the beoutQ STBs come pre-loaded with IPTV applications and portals that lead to other pirated content.

On 1 October 2018, Qatar requested consultations with Saudi Arabia concerning Saudi Arabia's alleged failure to provide adequate protection for intellectual property rights held or applied for by entities based in Qatar in respect of Articles 3.1, 4, 9, 14.3, 16.1, 41.1, 42 and 61 of the TRIPS Agreement.

In its report, the WTO panel found that Saudi Arabia had taken measures that, directly or indirectly, had the result of preventing beIN from obtaining Saudi legal counsel to enforce its IP rights through civil enforcement procedures before Saudi courts and tribunals. These measures were inconsistent with Article 42 and Article 41.1 of the TRIPS Agreement. Furthermore, the panel found that Saudi Arabia had not provided for criminal procedures and penalties to be applied to beoutQ despite the evidence establishing prima facie that beoutQ was operated by individuals or entities under the jurisdiction of Saudi Arabia, acting inconsistently

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with Article 61 of the TRIPS Agreement.

The Panel Report is currently under appeal.

Saudi Arabia - measures concerning the protection of intellectual property rights - report of the panel, WT/DS567/R, 16 June 2020

https://www.wto.org/english/tratop_e/dispu_e/567r_e.pdf

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