

Asia Video Industry Association  
Submission to the European Commission  
September 6, 2024

State of intellectual property in third countries (2025): targeted consultation on the protection and enforcement of intellectual property rights in third countries

The Asia Video Industry Association (AVIA) is the trade association for the video industry and ecosystem in Asia Pacific. It serves to make the video industry stronger and healthier by promoting the common interests of its members. AVIA is the interlocutor for the industry with governments across the region, leading the fight against video piracy through its Coalition Against Piracy (CAP) and providing insight into the video industry through reports and conferences aimed at supporting a vibrant video industry. AVIA was founded in 1991 and currently represents about 70 companies, located in 17 Asian countries and regions, providing television programming, and curated Over-The-Top (OTT) content to over 700 million homes in Asia and Australasia. In addition to the multinational television networks and programmers, our members also represent leading corporations that are telecom companies, suppliers and manufacturers of cable, satellite and broadband video technology, related business service providers, and new media service providers.

European-owned member organisations include BBC Studios, Canal+, DFL Deutsche Fußball Liga., France 24, TV5Monde, the Premier League and White Bullet.

AVIA welcomes the opportunity again to provide information to the European Commission (EC) on the state of Intellectual Property Rights (IPRs) in certain countries in the Asia-Pacific region. This market continues to make up a large and growing portion of European media companies' international revenues, even as the industry continues to evolve. Sales of video and live sports, whether delivered over traditional pay TV networks or via online "OTT" providers in such a huge and diverse market, continue to offer significant revenue opportunities to a wide array of European companies from related industries.

In our various government submissions over the past few years, AVIA has highlighted the continually growing challenges that arise from new ways in which the providers of pirated content leverage upon technology to distribute pirated content. Whilst the Illicit Streaming Devices (ISDs)/ application ecosystem and streaming piracy platforms remain a problem, in recent years, we have seen a proliferation of pirate Internet Protocol Television (IPTV) services being offered and more operators who provide piracy as a service offering which facilitates the ease of setting up a piracy website. This has led to a profusion of apparently networked or connected sites that are often simply using the same pirate template.

In line with our previous reports which highlighted both industry concerns and successes, we have also included markets this year that have made advancements within their copyright regimes to tackle content piracy.

Measuring the efficacy of enforcement and disruptive anti-piracy strategies remains a key focus of AVIA and CAP. In an effort to benchmark the growing problem of IPTV services, ISDs, apps and streaming piracy platforms, in 2019, CAP began commissioning YouGov, a

leading market research company, to conduct ad hoc surveys that assessed consumer viewing habits and attitudes in some countries. In 2022, CAP moved to commission these surveys annually, at the same time, across a range of Asian countries<sup>1</sup>. These surveys seek to measure the potential impact on the industry and assess the threat to legal services.

The results of the 2024 surveys showed disturbing increases in piracy rates in the Philippines and Vietnam. Notably, in 2023, neither of these countries had effective nor efficient procedures that allowed rights holders to seek orders quickly, be they judicial or regulatory, that would allow for the blocking of pirate sites.

For those countries that are implementing site blocking effectively, these surveys show that there continues to be demonstrable effects on consumer behaviour. For example, 59% of consumers in Indonesia who have tried to access pirate sites before, indicated that they have changed their viewing habits as a result of pirate sites being blocked. Indonesia has a long-running, effective, and efficient regulatory blocking regime. Malaysia also has a relatively effective and efficient site-blocking regime, and this no doubt contributed to it being the only country in the region that saw a decline in piracy rates. Singapore, one of the first countries in the region to allow rights holders to protect their content via judicial site blocking measures, has the lowest percentage of consumer piracy in the region, with only 43% of consumers pirating. This is notable as it has been almost ten years since this measure has been in place. However, issues remain with the time and cost involved in obtaining site-blocking orders in Singapore – this will be discussed in further depth below.

The surveys also show that almost 50% of consumers around the region have stated that they would subscribe to legitimate paid online services if the content they wanted to watch was not available via a pirated source. Awareness of the risks associated with online piracy also continues to grow, with at least 80% of consumers in every market surveyed around the region unequivocally believing that piracy has negative consequences. Furthermore, the surveys show that consumers are aware that the perceived damage from accessing pirated content varies from creating a negative impact on creative industries to increasing the risk of malware infection on personal computers and devices.

In addition to consumers accessing pirated content via pirate streaming sites, apps or ISDs, we note that social media and messaging platforms are also a concern as they continue to provide access to pirated content and are now in fact the main source of doing so across the region. CAP is working with major platforms across the region to address this issue. However, while many platforms are cognizant of the problem and actively working with rights holders to address the piracy issues on their platforms, some, notably Telegram and X, are not. As a result, piracy is flourishing virtually unchecked on these platforms.

We warmly welcome the Commission's continued attention to the issue of piracy and the need for increased IP protection within the Asia-Pacific region.

Following are AVIA's comments and views on the markets selected for this submission, on a market-by-market basis, in alphabetical order:

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<sup>1</sup> The countries that were surveyed by YouGov for CAP in 2023 are Hong Kong, Indonesia, Malaysia, Philippines, Singapore, Taiwan, Thailand, and Vietnam.

## **Cambodia**

Piracy in Cambodia is a real and growing issue. In addition to the sale of piracy devices to end consumers, a lax approach to enforcement can be seen in the proliferation of piracy services in the business-to-business market for audio-visual services. For example, AVIA is aware of a number of cable operators that supply pirated television channels, with local and international content, to hotels and service apartments for guests to watch channels within their rooms and other public areas. Weak enforcement laws in the country make it very difficult for rights owners to prevent this and make it difficult for legitimate licensed B2B operators to enter the market.

For all the reasons stated above, AVIA urges the Commission in its dialogue with Cambodia, to encourage criminal enforcement against the abovementioned suppliers of piracy content in Cambodia.

## **China**

China continues to be of concern given its position as the epicentre of the manufacture, export, and distribution of both ISDs and pirate IPTV apps, mostly Android-based, which enable access to pirated live and recorded premium content. In addition, we understand that China-based companies such as Zhuhai Gotech (a.k.a. MKTECH) continue to offer not only the devices and software required to drive the use of these ISDs and pirate IPTV apps. Additionally, they also offer support services in the form of (i) hacking expertise that extracts the decryption codes to access legitimate content streams and (ii) network services that relay these codes around the world. Moreover, circumvention video encoder companies such as Shenzhen Mine Technology (a.k.a. Oupree Technology) continue to provide hardware and software updates that undermine the detection of watermarks deployed by copyright owners.

Despite China's State Council's 5-year Plan (2021-2025) for the increased creation and protection of IPRs, there continues to be a lack of enforcement action in China against international ISD syndicates or exporters of boxes and services. Some boxes, such as those marketed under the EVPAD and SVI Cloud names, continue to be fitted with one-click access to dedicated, built-in "app stores" which allow pan-Asian download of infringing apps against Asian and global content owners. A possible reason for the lack of enforcement is such ISDs are not usually distributed within China itself and is consequently not seen as an enforcement priority within China. However, the broad distribution of such ISDs to countries outside of China, including to EU Member states, makes this a key concern which we hope can be considered and addressed.

While China has indeed reviewed and amended its copyright laws and regulations to increasingly reflect international standards and the obligations placed on it under its free-trade agreements, efficient and robust criminal enforcement measures are yet to be implemented to protect the very rights that the legislation claims to provide. Accordingly, AVIA's recommendation from our submission in the past few years remains. We would like to see the Commission, in its dialogue with China, explore legal reforms that might require adoption, in

order for the authorities to take a much more proactive stance in the enforcement against pirate syndicates and those with whom they continue to collaborate to facilitate the pirating of content.

## **Hong Kong**

Hong Kong is to be congratulated for the successful passage of the new Copyright Ordinance which came into operation on 1 May 2023. The most immediate impact of the new Ordinance was the removal of many ISDs from being openly sold in large numbers in retail shops at IT malls in Sham Shui Po and Wanchai, as well as other locations around Hong Kong. The raids on these retail shops by the Hong Kong Customs indicated that the Ordinance had contributed to the conduct of a successful enforcement operation by the authorities. In April 2023, one of the most notorious ISDs, Unblock Tech, publicly announced that they would cease selling their ISDs in Hong Kong (and Macau), and they suggested that their customers buy EVPads or SVI ISDs instead. Market intelligence suggests that neither of these ISDs are available openly, although they can still be purchased at some retailers. However, all ISDs, including Unblock Tech, remain freely available online.

Despite the success noted above, we remain disappointed to find that none of our recommendations, (in particular, the introduction of a judicial site blocking provision, ideally one which is technology neutral and gives the courts flexibility to address piracy issues as they evolve, such as s97A of the United Kingdom's Copyright, Designs & Patents Act), which would have ensured that the new copyright framework was in line with international best practices, had been taken into account in the new Copyright Ordinance. The Ordinance was based on the 2014 legislation that was presented to the Legislative Council but failed to make progress. Despite calls for the draft text to be updated to reflect technological changes and address advancements from pirates, the Ordinance remained mostly unchanged from the 2014 language. Equally disappointing, although raised by various stakeholders, the issue of extending copyright to 70 years from the existing 50 years from the death of its creator, was not considered in this iteration of legislation.

In our submission during the copyright legislation consultation process, AVIA also suggested that the scope of enforcement efforts should be broadened outside of IP crimes to include other relevant and associated criminal activity such as fraud-related and money laundering offences. As noted above, we also recommended that Hong Kong carefully consider the introduction of either a judicial or regulatory site-blocking program. Within the Asia Pacific region, both Singapore and Australia currently have a judicial site blocking process, providing due process and effectively blocking websites hosted outside the territory, while the number of countries that have regulatory blocking procedures continues to grow. It has become an important tool in minimising the opportunity for piracy, provided the mechanism is implemented appropriately and subjected to clearly identified safeguards, and could have a significant impact when targeting pirate apps and services.

We understand that the Intellectual Property Department anticipates commencing consultations on the next update for the Copyright legislation. We would urge the Commission, in its dialogues with Hong Kong, to encourage them to consider starting early consultations and taking into account the above points, to enable the next iteration of the Copyright Ordinance to be more fit for purpose and enable future enforcement action to be taken on behalf of both rights holders and consumers.

## India

The Indian video industry continues to see unparalleled growth, driven by the production of content by both Indian and foreign channel suppliers. The market has benefitted from significant infrastructure expansion, a commitment to digital inclusion, the implementation of the ease of doing business initiatives, and the relaxation of foreign investment restrictions.

There is consensus among AVIA members that, with the exception of some much-needed provisions around Technology Protection Measures (TPMs), India has a robust copyright legislative regime in place, with content owners afforded adequate written legal protection. However, while our members welcomed key provisions of the Cinematograph Bill, which criminalises illicit camcording in cinemas, our members have continued to identify some camcording sources originating from India. The Cinematograph Bill amendments will only be meaningful if it is seriously enforced by police officials in all Indian states. India, like other markets, has ongoing challenges with the import, manufacture and sale of ISDs, including unauthorised set-top boxes, that are preloaded with websites and apps designed to pirate content. These ISDs and apps represent a significant threat to the content industry.

Despite assurances in 2023 that there was willingness and support by the three relevant ministries which have oversight of the video industry (the Ministry of Information and Broadcasting (MIB), the Telecom Regulatory Authority of India (TRAI), and the Department of Telecom (DoT)) for an Inter-Ministerial Committee, or similar, to be established to address and combat piracy through an effective framework, we have seen no significant attempts to move this agenda forward.

We recognise the concept of regulatory cooperation to combat piracy, and conversations are only just being initiated, and welcome the inclusion of measures to begin tackling this issue in the recent drafting of regulations from both TRAI and MIB. Indeed, we note that TRAI included recommendations to MIB about the need to combat piracy and safeguard the rights of content creators and intellectual property holders through copyright protection and MIB had included draft legislation on piracy in the last draft of the Broadcast Services Regulation Bill. However, as the TRAI recommendations are simply that and the MIB Bill has currently been withdrawn, at present we have seen no concrete change. The health of the broadcasting and content production industries, and achievement of the economic benefits sought through the globalisation of Indian content, will depend on whether the carriage and distribution systems for media content can be made sufficiently leakproof to guard against unauthorised distribution and should include effective enforcement. Creating systems that impede and reduce piracy should be a top-level goal of policy relating to the broadcasting industry and merits a prominent place in any legislation that aims to deliver a comprehensive National Broadcasting Policy.

Finally, enforcement – in particular a nationally coordinated enforcement approach or mechanism – remains the most crucial element to ensuring that there is protection of intellectual property in India. The inability to tackle content piracy and a lack of respect with regard to intellectual property rights continue to work against the intent of the government to



make India the content hub of the world, and we urge the Commission government to continue to raise this agenda item, especially if MIB choose not to introduce a new Broadcast Regulation.

## Indonesia

Indonesia continues to lead the way in 2024 for regulatory blocking of pirate sites in Asia-Pacific in terms of the number of sites blocked and how quickly they are blocked with demonstrable impact on both consumer attitudes to piracy as well as traffic to pirate sites. AVIA has historically submitted referrals of piracy-dedicated websites to, the telecommunications regulator, Kominfo, for consideration on behalf of the Video Coalition of Indonesia (VCI), a grouping of international companies and major local players in the content services market that was established in 2019 following the identification of an urgent need to address online video piracy. The members of VCI include: AVIA's CAP, APFI, APROFI, GPBSI, Emtel Group, MNC Group, Viva Group, Telkom Indonesia, Cinema 21 Group, CGV, Cinemaxx, iflix, Viu, GoPlay, Rewind, MolaTV and Catchplay.

In 2024, the VCI has maintained its regular program of referring sites to Kominfo with more than 650 sites referred to date. The success of the blocking program in Indonesia saw a marked migration of pirate sites away from domains that can be blocked by normal Domain Name Server (DNS) blocking and towards IP address-only sites, i.e. without a domain that can be blocked by DNS blocking. However, working in conjunction with Kominfo, VCI instituted a trial program whereby a number of IP addresses for pirate sites were referred monthly to Kominfo for blocking. That trial was a success, and in 2024, nearly all of the 650 sites referred to Kominfo were for IP blocking. Indonesia's Intellectual Property Office (IPO) also has site blocking procedures, however historically they were cumbersome and while in 2023 the IPO implemented new fast-tracking procedures, to date their implementation has been lacking in efficiency.

Another positive development in Indonesia was the formation of the Indonesian Video Streaming Association (AVISI) in 2023. The mission of AVISI is to grow the OTT industry in Indonesia and they work closely with the government to do so, as well as other industry bodies such as AVIA, with whom they entered a MOU in 2023. AVISI has been behind a number of criminal actions against pirate operators in Indonesia in 2023 and 2024. There is no doubt that Indonesia has continued in its laudable efforts to combat piracy. While AVIA is confident that Indonesia will continue to maintain its high level of success in regulatory site blocking, we would recommend that the Commission encourage Kominfo to formalise the site-blocking procedures for rights holders in order to definitively address the risk that piracy poses to the content industry.

## Malaysia

AVIA, on behalf of its members, continues to submit piracy website blocking requests using the one Ministry referral process established in 2019 as a direct result of the 2019 Digital Anti-Piracy Summit organised by the Malaysia Communications and Multimedia Commission (MCMC), AVIA's CAP, and ASTRO, Malaysia's leading digital streaming company. This blocking process operates under the Ministry of Domestic Trade and Costs of Living (MDTCL) and was designed to have expedited timelines such that the MDTCL could accept and review

referrals and if determined appropriate, direct ISPs to block piracy websites within a designated timeframe. All ISPs must comply with the government blocking order within 48 hours. To date, in 2024 AVIA has referred more than 200 sites for blocking.

We commend the Malaysian government for updating its legislation to factor in the shifting technological landscape and the introduction of targeted ISD legislation within the new Copyright (Amendment) Act. This has enabled more decisive intellectual property enforcement by content owners, such as the action jointly conducted against a seller of ISDs by the Premier League and others in October 2022. However, the MDTCL should ensure that raids are followed by cases, moving swiftly to prosecution, as has been seen recently through alternative law enforcement agencies in Malaysia. Delays to prosecutions send a damaging message to the market about the likelihood of criminal sentences for infringers. With the prevalence of ISDs as a source of concern for rights holders in Malaysia and around the Asia Pacific region, AVIA welcomes the introduction of a criminal sanction in the Copyright (Amendment) Act as a penalty for the sale of ISDs. This is undoubtedly a positive step, which offers rights holders greater scope and confidence to take action against ISD operators. We trust this will in turn lead to successful prosecutions and the passing of deterrent sentences.

AVIA recommends that the Commission commend Malaysia for its success in recent years with regulatory blocking and continues to urge Malaysia to ensure that the success it has achieved thus far is not inadvertently eroded as a result of delayed or slow responses by the Government to referrals.

## Myanmar

In Myanmar, local and international content from major international broadcasting players are both significantly affected by piracy operators. Over these last few years, we have seen internet piracy through internationally popular piracy venues and specialised local language sites, as well as the growth of pirated content consumed via social media.

Legal content on authorised TV channels and official digital platforms is redistributed by pirates on their illicit online platforms, especially on social media platforms, notably Telegram, which is very popular in Myanmar. In addition to this rising trend, some local TV channels broadcast both local and international content without authorisation, thus infringing copyright.

There have been recent legislative changes to combat piracy in Myanmar.<sup>2</sup> However, despite this body of laws, enforcement remains weak or absent, and prosecution is rare. Piracy operators carry on with their activity with impunity. Law enforcement organisations and the Government Authority are currently facing resource constraints, including limited budgets, technological tools, and trained personnel, hindering their ability to effectively combat piracy. Similarly, there is a lack of government support even though existing copyright law has been enacted. There has been minimal collaboration among government bodies such as the Digital

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<sup>2</sup> The primary legislation is the recent and effective Literary and Artistic Copyright Law 2019 of Myanmar, which was enacted on 24th May 2019, and came into effect on 31st October 2023, as per Notification No. 218/2023 dated 18th October 2023, thereby repealing the Myanmar Copyright Act of 1914. The newly effective Copyright law (Literary and Artistic Copyright Law 2019) protects original works and grants exclusive rights to the creators. This law outlines penalties for copyright infringement, including fines and imprisonment.

Protect and Development Committee (DPDC), the Myanmar Motion Picture Organisation (MMPO), and local associations like the Myanmar Intellectual Property Proprietors Association (MIPPA). There is also a need to increase consumer awareness and provide stronger enforcement measures by the authorities due to the current situation in Myanmar.

For all the reasons stated above, AVIA would like to add Myanmar to its submission. Indeed, while there are laudable efforts made to draft laws to protect content, substantial efforts need to be made in Myanmar to enforce intellectual property laws and protect the local economy, as well as safeguard much-needed jobs related to the local audiovisual industry.

## **Pakistan**

Although Pakistan has made efforts to improve intellectual property protection and enforcement, there is more work to be done. Cable television piracy, such as the unauthorised broadcast of content, and digital content piracy, continues to be a top concern.

That said, Pakistan has established intellectual property tribunals as well as the Intellectual Property Organisation of Pakistan (IPO), amongst other positive endeavours, and we would encourage that these be properly resourced, to address infringement and deliver enforcement in a timely fashion. We are hopeful that there will be tangible results arising from the government's continued efforts to improve Pakistan's intellectual property regime – and urge the Commission to keep IP at the forefront of its bilateral talks and capacity-building efforts vis-à-vis Pakistan.

## **Philippines**

The Philippines is to be commended for continuing the efforts begun in 2022 to enact site-blocking legislation that would allow rights holders to make referrals via the Philippines Intellectual Property Office. May 2023 saw the conclusion of the rapid passage of Representative Joey S. Salceda's HB 7028, known locally as the Online Site Blocking Act, which provides for regulatory blocking through the lower house. Senators Jinggoy Estrada and Ramon "Bong" Revilla introduced mirror legislation in the Senate shortly after the passage of Representative Salceda's Online Site Blocking Act. Encouragingly, President Ferdinand Marcos Jr. stated that he would include the Act in his list of priority legislation and that he would see what he could do to move the bill forward. However, while the two bills were replaced by Senator Villanueva's Bill SBN2651 and passed through two hearings in the first half of the year, Senate reshuffles in June saw Senator Villanueva replaced as the head of the Committee hearing the bill, and to date, there have been no further hearings.

Separate from the legislative moves, the Intellectual Property Office of the Philippines (IPOP HL) should also be applauded for its proactive activity in pushing for a voluntary site-blocking MOU agreement between the industry and some local ISPs. The MOU was signed towards the end of 2023 and is expected to come into play at some stage in 2024.

It is worth noting that the 2024 YouGov survey also showed that Philippine consumers are clearly aware of the efficiency of site blocking, with it being selected as the most popular solution to stopping piracy. Continuing the trend identified in 2022, there remains high awareness of the negative consequences of online piracy, with 90% of Philippine consumers



believing there are negative consequences – with illicit profiteering and malware identified as the greatest risks.

AVIA recommends that the Commission commends the Philippines for their efforts in recent years to enact regulatory blocking and continue to urge the Philippines to ensure that the success it has achieved thus far is not derailed by a lack of progress of SBN2651 at the final hearings in the Senate.

## **Singapore**

After ten years, it is time for Singapore’s site-blocking legislation to be revisited in order to ensure it is agile enough to address the issues of today. We note that the most effective judicial processes in the world, found in countries like the UK, Ireland and Canada, have left the Singaporean process quite significantly behind. Whilst such dynamic live blocking applications have yet to be tested in Singapore court, the Government should be aware of the current substantial gap that exists in how blocking is applied in Singapore compared to a growing number of other countries worldwide.

AVIA recommends therefore that Singapore should consider enhancing the current process to significantly shorten the time it takes for content owners to obtain site blocking orders, which from start to finish can take more than six months. This makes it difficult to expeditiously block sites which focus on pirating ‘live’ events. These sites often only become active during the broadcast of a ‘live’ event. This being the case, by the time the court order is obtained and can be enforced, the site may well already have become dormant. 2022’s FIFA World Cup and the 2024 UEFA European Championship highlighted the shortcomings of the current process where immediate action was required to block a live sports event.

These delays are in part due to the requirement to allow at least 14 days for the target piracy websites to voluntarily take-down the infringing content on their sites before an application for a judicial site blocking order can be filed, and also the time (typically a couple of weeks) taken for a court hearing to be fixed. AVIA therefore recommends that the 14-day take down period be shortened or done away with entirely, and an avenue be provided for an urgent court application to be filed and obtained in appropriate cases.

AVIA suggests that the Commission urge the Singapore government to enhance its current judicial process, in particular by considering how to reduce application costs; streamline procedures for filing site-blocking applications and obtaining hearings, and provide the courts with greater flexibility to determine how and when certain requirements for site-blocking orders to be obtained can be modified/relaxed.

## **Taiwan**

Taiwan continues to face similar challenges as other Asian markets with regard to online piracy. We believe more can be done, such as implementing an efficient and expedient site blocking regime, to tackle streaming piracy through illegal websites. The 2024 YouGov research found that 50% of Taiwanese consumers watch pirated content, compared to 37% in 2022. Further to this, 12% accessed pirated content via ISDs and 10% accessed such content via streaming and torrent sites.

The Taiwan Information Network Center (TWNIC), the official referral entity under the National Communications Commission (NCC), had in the past attempted to initiate an administrative site-blocking mechanism through Mutually Agreed Norms for Internet Intermediaries (MANII) to handle copyright infringement disputes between right owners and ISPs. However, the mechanism has fallen into disuse as it is not generally supported by the ISPs in Taiwan. Whilst currently some sites are being blocked via the Domain Name System Response Policy Zone (DNS RPZ) system also administered by TWNIC, a piracy site can only be blocked under such system with the filing of a criminal complaint against the piracy site, which is not always feasible as many piracy sites are operated from outside Taiwan.

AVIA proposes that the Commission encourages the government of Taiwan to look at countries such as Indonesia, Malaysia, and Korea for an efficient and effective approach in implementing administrative site blocking using a one-ministry/ one-stop-shop approach, which ensures site blocking requests are fast-tracked and streamlined, often with a 48-hour turnaround.

## **Thailand**

Over the last four years, Thailand has made some progress in enforcement activities against operators of piracy services that use Thailand as a base for their activities. However, there remains a concerning lack of prosecutions following criminal enforcement raids. In early 2022, Thailand enacted a new Copyright Act that creates a notice-and-takedown system, defines liability for service providers, and creates additional remedies for the circumvention of technological protection measures. Both the Department of Special Investigations (DSI) and the Economic Crime Suppression Division (ECD) have been proactive in denouncing copyright and content infringements, although substantive actions slowed down slightly in 2023. In 2023, the Department of Intellectual Property (DIP) organised a series of public education seminars and conferences. These proactive measures were conducted to enhance public understanding of IP rights and potentially serve as a deterrent for future infringements. However, difficulties in inter-agency collaboration can pose challenges to effective enforcement.

Despite the efforts above, there was a higher incidence of piracy in 2023 as compared to the year before, and pirated content continues to be easily found.

Compounding the issue, site blocking procedures in Thailand are not clear and can in no way be classed as efficient or effective. After many years of frustrations with efforts to block sites in Thailand in 2024 AVIA and CAP co-hosted an anti-piracy roundtable with the DIP in Bangkok to highlight concerns around piracy to a wide audience and urge the government to address the issue of ineffective site blocking procedures.

As a result of the general lack of enforcement, Thailand continues to have an unhealthy consumption of pirated content. In the 2024 YouGov study, it was found that 61% of Thai online consumers access pirated content. Of those consumers engaged in piracy, Thailand, along with Vietnam, continues to lead the way in Southeast Asia with the number of consumers

who have cancelled all or some of their subscriptions to legal pay TV services in the past 12 months.

AVIA proposes that the Commission encourages the government of Thailand to look at countries such as Indonesia, Malaysia, and Korea for an efficient and effective approach in implementing administrative site blocking using a one-ministry / one-stop-shop approach, which ensures site blocking requests are fast-tracked and streamlined, often with a 48-hour turnaround.

## Vietnam

AVIA notes concern with the number of high-profile pirate services operating out of Vietnam and the difficulties right holders have in taking enforcement actions in this country which has essentially become a haven for pirate operators. Some of the most popular pirate sites in the world, such as **Chiasenhac** and the pirate anime site **Aniwave**, operate out of Vietnam with relative impunity. We hope that the recent police action that resulted in the taking down of the **Fmovies** ring of pirate sites, including **Aniwave**, and the successful prosecution of the **BestBuy** case will be followed through by the successful prosecution of **Fmovies**. In particular, we would like to highlight the first-ever online piracy conviction in Vietnam that was handed down earlier this year, which represents a significant milestone in the fight against piracy. Having said that, the conviction only resulted in a suspended sentence against the operator, which is disappointing.

In 2024, AVIA's YouGov survey indicated that Vietnam had the highest incidence of piracy, with 71% of Vietnamese consumers admitting to watching pirated content. Most popular piracy websites that target Vietnamese consumers and are accessed by them are run by locals based in the country who use offshore cloud services and proxies such as CloudFlare. While there is a blocking regime in place, it could be more expansive and information about the procedures involved should be more transparent. However, we understand that the Authority of Broadcasting and Electronic Information (ABEI) said that their enforcement of IP rules is a public service reserved for businesses that pay tax in Vietnam. Those foreign companies whose products are pirated need to localise and pay tax in Vietnam in order for ABEI to process their complaints about piracy in Vietnam.

The amended Criminal Code, which became effective on 1 January 2018, criminalises online piracy websites. There was an attempt for inter-agency collaboration in the fight against online piracy by the Ministry of Information and Communications (MIC), the Ministry of Culture, Sports and Tourism (MCST), and the Ministry of Public Security (MPS) to establish a specialised unit to tackle copyright issues. However, whilst initially encouraged by the announcement from the MPS of their investigations into the operators of the notorious piracy site, [www.phimmoi.net](http://www.phimmoi.net), unfortunately, over a year later, the case has still not reached the trial stage yet<sup>3</sup>. We hope that enforcement efforts will continue against the Phimmoi copycat sites that have sprung up since the original site came down.

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<sup>3</sup> See article in Vietnamese at [https://congan.com.vn/vu-an/tphcm-khoi-to-vu-an-truy-tim-nhom-lap-website-phimmoinet-chieu-phim-lau\\_118507.html](https://congan.com.vn/vu-an/tphcm-khoi-to-vu-an-truy-tim-nhom-lap-website-phimmoinet-chieu-phim-lau_118507.html)

In 2023, Vietnam amended the Intellectual Property (IP) Law to promote cooperative action against online piracy and provide intermediaries with defined responsibilities related to copyright infringement. Decree No. 17/2023/ND-CP<sup>4</sup> detailed some articles and enforcement measures of the 2022 IP Law, providing long-awaited, necessary guidance for the implementation of this law by listing the process to work with ISPs to take down infringing content per each entity's request. This decree, which took effect on 26 April 2023, makes it clear that ISPs are only liable for direct compensation if there is an infringement or if they act as a secondary source of distributing digital information obtained by copyright infringement. However, this has to be determined by judgment through a court, a competent state agency or the IP holder.

AVIA urges the Commission, in its dialogues with Vietnam, to encourage criminal enforcement against Vietnamese operators of the most egregious piracy streaming websites and applications as well as enforcement of the aforementioned amendments to the site blocking regulations. We recommend that the Commission's dialogue should focus on the MPS (enforcement side), as well as on ABEI (MIC), the Copyright Office of Vietnam (Ministry of Culture) and the State Bank of Vietnam (on the payment side). We also hope that the Commission can encourage the Vietnamese Government to revisit the penalties which can be meted out under the Penal Code for piracy offences and ensure that the penalties are commensurate with the significant damage and harm caused by such illegal activities.

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<sup>4</sup> <https://vietanlaw.com/decreed-no-17-2023-nd-cp-elaborating-the-law-on-intellectual-property-regarding-copyrights-and-related-rights/>