

Asia Video Industry Association  
Submission to the Office of the US Trade Representative  
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Identification of Trading Partners under Section 182 of the Trade Act of 1974  
(Special 301)

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 through 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 to support a vibrant video industry. AVIA was founded in 1991 and currently represents about 60 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.

United States (US)-owned member organizations include A&E Networks, Amazon, Bloomberg Television, The Walt Disney Company, Invidi, Magnite, Motion Picture Association, National Basketball Association, NBCUniversal International, Netflix, Paramount, PubMatic, Sony Pictures Television Network and Warner Bros. Discovery.

AVIA welcomes the opportunity again to provide information to the US Trade Representative on the issue of the protection of pay TV intellectual property rights in various Asian markets. This market continues to make up a large and growing portion of US media companies' international revenues, even as the industry continues to evolve. Sales of video, 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 US companies working in related industries.

For the past few years, AVIA has highlighted the continually growing challenge arising from new ways in which providers of pirated content leverage technology to distribute pirated content. In particular, the proliferation of pirate Internet Protocol Television (IPTV) services around the region is becoming increasingly concerning.

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's Coalition Against Piracy (CAP). In an effort to benchmark the growing problem of Illegal Streaming Devices (ISDs), apps and streaming piracy, 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. Since 2022, CAP has

commissioned 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 that while piracy rates remain stable in many countries in the Asia-Pacific region, we saw disturbing increases in piracy rates in the Philippines and Vietnam, which had piracy incidence rates of 70% and 71%, respectively. Notably, Vietnam has significantly increased its enforcement activity in 2024, and we are hopeful that the results of this will be seen when we undertake our next surveys. For the Philippines, we welcome the voluntary administrative site blocking arrangement between the IP Office of the Philippines (IPOP HL) and internet service providers (ISPs), and we hope their move to introduce site blocking legislation will come to fruition in 2025 and, thereafter, address the rise in online piracy.

For those countries that are implementing site blocking effectively, the surveys show that there continue to be demonstrable effects in behavioral change, with 59% of consumers in Indonesia who tried to access pirate sites and 54% in Vietnam indicating that they have changed their viewing habits as a result of pirate sites being blocked. Indonesia, in particular, has a long-running, effective, and efficient regulatory blocking regime. Singapore, one of the first countries in the region to allow rights holders to protect their content via judicial site blocking measures, continues to have the lowest percentage of consumer piracy in the region but still saw an increase from 39% to 43% of consumers pirating. This is notable as it has been almost ten years since this measure has been in place. However, as noted last year, there remain issues with the time and cost involved with obtaining site blocking orders in Singapore.

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 continuing to believe that piracy has negative consequences. Consumers are aware that the perceived damage from accessing pirated content varies from negatively impacting the 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 one of the main sources of doing so. CAP is working with major platforms across the region to address this issue. Encouragingly, the survey also shows huge unmet potential, as more than 60% of consumers across the region indicated they would use legitimate services if no pirated content were available.

We warmly welcome the US government'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 2024 are Hong Kong, Indonesia, Malaysia, Philippines, Singapore, Taiwan, Thailand, and Vietnam.

## Cambodia

Piracy is a real and growing issue in Cambodia. 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, including US content and other local and international content, to the hotel market and serviced apartments for their guests to watch these 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 create obstacles for legitimate licensed B2B operators to enter the market.

For all the reasons stated above, AVIA urges the US, in its dialogue with Cambodia, to consider capacity-building opportunities to enhance IP enforcement in Cambodia and encourage criminal enforcement against the abovementioned suppliers of piracy content in Cambodia.

## China

As noted in previous submissions, 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, which are mostly Android-based, that enable access to pirated live and recorded premium content. We are also starting to see piracy website operators who appear to be based in China but avoid scrutiny from local authorities by taking steps to geo-block their piracy websites so that such piracy websites are only accessible to the global audience and not those from China.

Despite China's State Council's 5-year Plan (2021-2025) to increase the creation and protection of Intellectual Property Rights (IPRs), there continues to be a lack of enforcement action against international ISD syndicates or exporters of boxes and services in China. 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", allowing pan-Asian downloads of these infringing apps against Asian and global content owners.

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. Whilst we note that the China National Intellectual Property Administration (CNIPA) recently highlighted the ongoing improvements in IP, especially on seeking trademarks, there is less evidence of substantial enforcement of said IP, although we welcome the news that CNIPA will strengthen IP protection in 2025. Accordingly, AVIA's recommendation from our submission in the past few years remains. We would like to see the US, in its dialogue with China, explore what legal reforms might be required to be adopted 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 with to facilitate the pirating of content.

## Hong Kong

We note the successful passage of the new Copyright Ordinance, which came into operation on 1 May 2023. As a result of the new Copyright Ordinance, especially due to the publicity it received, 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. In September 2024, Hong Kong Customs applied the ‘communication right’ under the Ordinance for the first time to combat the illegal streaming of live football matches to raid a residential unit, seize equipment and arrest two men involved in the illegal operation. Similarly, in November 2024, Hong Kong Customs conducted a raid on commercial premises for illegally streaming a live football match, which also resulted in the arrest of another two men.

We note that despite the successes 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. As previously noted, the Ordinance was based on the 2014 legislation 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 author’s life 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 program that provides due process and effectively blocks websites hosted outside the territory, though in Singapore’s case, as noted above, there are some efficiency and effectiveness issues. While the number of countries that have regulatory blocking procedures continues to grow, we believe that a judicial site blocking program has become an important tool in minimising the opportunity for piracy, provided that the mechanism is implemented appropriately and subject to clearly identified safeguards, thus, having a significant impact when targeting pirate apps and services.

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

## India

In India, the video industry continues to thrive and grow exponentially, with both the success of domestic and foreign content production. India continues to focus on providing incentives for content production and infrastructure investment. The market has benefitted from significant infrastructure expansion, a commitment to digital inclusion, the implementation of ‘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, India, like other markets, has ongoing challenges with the import, manufacture and sale of ISDs, including unauthorized set-top boxes that are preloaded with websites and apps designed to pirate content. The pre-loaded ISD boxes and such equipment are not only available in open markets, but also on online e-commerce platforms owned by multinational companies. Despite raising this specific issue with the MIB as far back as 2019, to date, no action has been taken. These ISDs and apps represent a significant threat to the content industry. Evidence from other markets with a similar ISD problem, such as Singapore, suggests that only a sustained regulatory approach will enable tackling the ease and accessibility of such technology. India has also seen a proliferation of streaming piracy websites and apps, pirate video hosting and pirate infrastructure services operated from within India, which local law enforcement is ill-equipped to investigate and prosecute.

Given the size, depth and complexity of India’s content industry and regulatory oversight, AVIA would urge the US to push the Indian government to convene the key Ministries in an inter-ministerial committee, or similar, to be established to address and combat piracy through an effective framework. Having a cohesive co-regulatory oversight at a senior level, including Ministries such as the Department for Promotion of Industry and Internal Trade (DPIIT), the Department of Telecom (DOT), the Ministry of Electronics and Information Technology (MEITY) and the Ministry of Information and Broadcasting (MIB) would be able to take up IP related issues and give directions to law enforcement agencies at state and central levels.

Whilst we recognise the concept of regulatory cooperation to combat piracy and conversations are only just being initiated, we would recommend that the US remind Indian regulators of the opportunities to include measures to protect copyright in relevant upcoming pieces of legislation. 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 unauthorized distribution. 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.

Finally, enforcement – in particular, a nationally coordinated enforcement approach or mechanism – remains the most crucial element to ensuring that intellectual property is protected 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 US government to continue to raise this agenda item.

## **Indonesia**

In 2024, AVIA continued to submit pirate sites to Indonesia's telecommunications regulator, Komdigi (previously known as 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, Emtak Group, MNC Group, Viva Group, Telkom Indonesia, Cinema 21 Group, CGV, Cinemaxx, iflix, Viu, GoPlay, Rewind, MolaTV and Catchplay. In 2024, the VCI referred more than 800 sites to Komdigi, which are blocked not on the basis of copyright infringement by pirate sites but due to other illegal content on the sites that come under the purview of Komdigi, which is more often than not illegal online gambling. We note Komdigi has undergone some structural changes and faced other challenges in 2024, which we hope will not impede its continued ability to block pirate sites. We also note that while in 2023, Indonesia's Intellectual Property Office (IPO) implemented new fast-tracking procedures, unfortunately, AVIA's experience with these procedures to date has not been satisfactory.

While AVIA is confident that Indonesia will continue to maintain its high level of success in regulatory site blocking, we would recommend that the US Government encourages Komdigi to formalise the site blocking procedures for rights holders in order to definitively address the risk that piracy poses to the content industry.

## **Laos**

Intellectual property protection in Laos is in its nascent stages. Although government bodies and legislation are in place, there are no records of successful enforcement actions against digital piracy operators. Unfortunately, a number of rightsholders have noticed issues with entities based in Laos distributing pirated content both within the country and to nearby territories. The most prominent example is LaoSAT, a government-linked entity that broadcasts pirated content from various rightsholders, primarily by satellite.

AVIA recommends that the US, in its dialogues with Laos, ensure that broadcasters such as LaoSAT set a good example for the market by respecting copyright protection to take the first steps in Laos' efforts to combat digital piracy.

## **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 Cost of Living (MDTCL) and was designed to have expedited timelines such that the MDTCL could accept and review referrals and if deemed appropriate, direct ISPs to block piracy websites within a designated

timeframe. All ISPs must comply with the government blocking order within 48 hours. After a slowdown in processing referrals in 2021 and 2022, we are pleased to note that things picked up in 2023 and have continued through to 2024, where AVIA made monthly referrals of close to 300 sites by the end of last year.

We commend the Malaysian government for updating its legislation to factor in the shifting technological landscape and introducing 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 increasing concern for rights holders in Malaysia and around the Asia Pacific region, AVIA welcomes the introduction of a criminal sanction 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, which should ideally include custodial sentences rather than the low-level fines that are issued currently.

AVIA commends Malaysia for their success in recent years in regulatory blocking. We would recommend the US urges 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 ransacked by piracy operators. Over these last few years, we have seen internet piracy through internationally popular piracy venues and specialized local language sites, as well as the growth of pirated content consumed via social media.

Legal content on authorized 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 authorization, thus infringing copyright.

There have been 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 organizations and the Government Authority are currently facing resource constraints, including limited budgets, technological tools, and trained personnel, hindering their ability to combat piracy effectively. Similarly, there is a lack of government support even though existing copyright law has been

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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.

enacted. There has been minimal collaboration among government bodies such as the Digital Protect and Development Committee (DPDC), the Myanmar Motion Picture Organization (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.

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, and we would ask the US to raise these issues going forward.

## **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 unauthorized 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 Organization 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 US government 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 see what he could do to move the bill forward and the bills were combined into Senate Bill 2651. Unfortunately, after two hearings, leadership changes in the Senate saw the hearings for SB2651 grind to a halt. We strongly implore the Philippines Senate to pass this urgently needed bill.

Separate to the legislative moves, the Intellectual Property Office of the Philippines (IPOP HL) should also be applauded for their proactive activity in pushing for a voluntary site blocking MOU agreement between industry and some local ISPs. The MOU was signed towards the end of 2023 and came into play in early 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 92% of Philippine consumers believing there are negative consequences – with illicit profiteering and malware identified as the greatest risks.

Going forward, we would suggest the US encourages progress to move forward the stalled legislative process, ensuring that the Philippine government continues to build on the initial momentum.

## **Singapore**

Singapore is to be commended for leading the way in the region when it comes to legislative response and enforcement to the concern around ISDs. October saw the first convictions under s150 of the Copyright Act, which targets copyright infringement by commercial dealers of ISDs, with the owner of two shops selling such devices sentenced to 10 months in prison and the two shops he owned fined SGD200,000 and SGD100,000, respectively. Enforcement is critical, and we encourage the Singapore government to remain vigilant about the sale of ISDs in the open and informal markets.

However, as noted last year and the year before, Singapore’s site blocking legislation needs to be revisited. The current process is not agile enough to address sites and apps that focus on pirating live events, as these sites or apps often seamlessly and rapidly change domains, only coming online during the broadcast of a live event and then becoming dormant thereafter. There is also difficulty in addressing sites that can quickly move from one domain to another to circumvent a blocking order. Therefore, there is a need to 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. 2022’s FIFA World Cup highlighted the shortcomings of the current process where immediate action was required to block a live sports event.

AVIA suggests that the US Government urges the Singapore government to either enhance its current judicial procedures or implement regulatory blocking procedures that would allow for more efficient and effective site blocking.

## **Taiwan**

Taiwan has been taking encouraging steps in recent years to tackle pirate IPTV services. Following the 2023 convictions, including imprisonment, of the operators of the 8maple pirate services, 2024 saw the successful prosecutions of the operator for Ubox IPTV and four operators behind the pirate GimmyTV service, again resulting in considerable prison sentences ranging from 12 to 48 months for these operators. Further success followed later in the year with the raid and takedown of the SunnyTV pirate IPTV operation.

However, Taiwan continues to face similar challenges as other Asian markets with regard to online piracy, and more can be done, such as implementing an efficient and expedient site blocking regime, to tackle streaming piracy through illegal websites. The administrative site blocking systems set up through the Taiwan Network Information Center (TWNIC), the official referral entity under the National Communications Commission (NCC), are not generally supported by the ISPs in Taiwan. Also, the process for handling file complaints

appears to be cumbersome and could take more than three months, which is not efficient and responsive enough for dealing with such cases. As such, AVIA proposes that the US government encourages the NCC 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**

2024 saw a number of encouraging criminal enforcement actions by the Department of Special Investigations (DSI) and the Economic Crime Suppression Division (ECD) in Thailand. These included a series of coordinated raids by the ECD in February against operators of the pirate site [siambit.com](#); the arrest of the operator of the pirate site [Dolphin4k](#); the closing of 224 gambling sites pirating live sport by the Cyber Crime Investigation Bureau in early July and coordinated raids by the DSI against 21 locations in Thailand that were involved in pirating live football matches. Despite the increase in criminal enforcement raids, whether prosecutions will follow remains to be seen.

AVIA has long advocated for more effective and efficient site blocking procedures in Thailand, and there were some encouraging signs in 2024 with the progress of some blocking procedures under Section 20 of the Computer Crimes Act (CCA). However, the process continues to remain inconsistent. In 2024, AVIA co-hosted a copyright enforcement workshop with the Thai Intellectual Property Office to address the issue of rampant online piracy in Thailand and, in particular, the lack of clear and effective site blocking procedures. The workshop brought together all relevant bodies, including the IP Court, Police and the Ministry of Digital Economy & Society (MDES), which is ultimately tasked with instructing ISPs to block sites.

In 2024, AVIA recommended that the US urge the Thai government to take a clear position and make the CCA site blocking provisions effective to ensure that any previous and new court orders are complied with. Although the current Copyright Act from 2022 includes a notice-and-takedown system, defines liability for service providers, and creates additional measures for circumventing TPMs, we now believe that it may be better to introduce additional bespoke site blocking legislation under the Act, given the numerous issues faced with blocking under the CCA. AVIA would therefore suggest the US consider focusing efforts on working with the Thai authorities to look at more refined, bespoke site blocking regulations.

## **Vietnam**

AVIA's 2024 surveys show Vietnam had the highest incidence of piracy in the region at 71%, up from 58% a year earlier. However, there were a number of very promising and high-profile enforcement actions against piracy services in Vietnam in 2024. In March, the highly popular pirate site [Vumoo](#) went offline as a result of discussions by content owners with the operator. In April, the operator of the highly popular 'BestBuyIPTV' piracy service was handed a 30-month suspended prison sentence, along with a small fine that followed a similarly small restitution payment. Whilst this was the first ever online piracy conviction in Vietnam and should be applauded, the punishments ordered were insignificant and did not offer any deterrence. In July, news emerged that three men who were arrested in January had been

convicted and received fines ranging from USD 7,000 to almost USD 80,000, which further highlights the concerns we have about the non-deterrent punishments being meted out. These actions were followed by the takedown of the notorious Fmovies pirate site, as well as numerous related sites.

While the inclusion of a specialised IP court governed by Law No. 34/2024/QH15 on Organisation of People's Courts that has come into effect on 1 January 2025 offers a more predictable legal process and is a significant milestone, it remains to be seen how it will clarify processes for rights holders. As such, while the processes remain unclear to rights holders outside of Vietnam, we understand that the Authority of Broadcasting & Electronic Information (ABEI) has greatly increased the frequency of its site-blocking activity, and since the start of the European football season in August, blocking occurs every 30 minutes during live football games. However, blocked websites like Xoilac have quickly changed their domains, so this action has not yet achieved the desired results for rights holders. An automated blocking process involving relevant stakeholders, as well as the flexible application of technical measures (DNS, IP, CDN), is considered to enhance the effectiveness of these blocking efforts.

AVIA urges the US, in its dialogues with Vietnam, to encourage them to maintain strong criminal enforcement against Vietnamese operators of the most egregious piracy streaming websites and applications. In particular, punishments meted out to such convicted piracy operators need to be significantly enhanced for there to be any deterrence. We also recommend that US dialogues should focus on the Ministry of Public Security (enforcement side), as well as with ABEI (MIC), the Copyright Office of Vietnam under the Ministry of Culture, Sports and Tourism and the State Bank of Vietnam (on the payment side).