



WIPO/IP/KIN/11/6

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SEMINAR ON INTELLECTUAL PROPERTY AND SPORT

organized by

the World Intellectual Property Organization (WIPO)

in cooperation with

the Jamaica Intellectual Property Office (JIPO)

and in collaboration with

Gordon McGrath, Attorneys-at-Law

Kingston, April 19 and 20, 2011

PROTECTION OF COPYRIGHT ON THE INTERNET AND LICENSING

Document prepared by Mr. Oliver Weingarten, Attorney-at-Law, Sports Rights Owners Coalition, London, England

Sports Piracy and Sports Betting

Kingston, Jamaica

20 April 2011

Oliver Weingarten

Sports Rights Owners Coalition
(SROC)

The Sports Rights Owners Coalition ("SROC") is an informal group of representatives of international and national sports bodies with a particular focus on rights issues.

SROC operates as a forum through which sports bodies can share information and experiences. In particular, the purpose of SROC is to enable:

- discussion and sharing of best practice on key legal, political and regulatory issues;
- raising awareness of new developments and innovation in sports rights; and
- sports to take joint action to protect and promote their rights.

Sport is special. It has the power to bring together nations, religions, races, and people of all ages. Sport makes a real difference to peoples' lives and delivers huge economic and social benefits at national and local level.

SROC members sell rights to create income that can be reinvested into their sport. Due to its immense popularity across the world, sport is attractive to pirates and commercial undertakings looking to sports content to create profit, without any re-investment in sport.

SROC seeks proper recognition of the value of sport from Governments across the world, and effective protection for their rights under law.

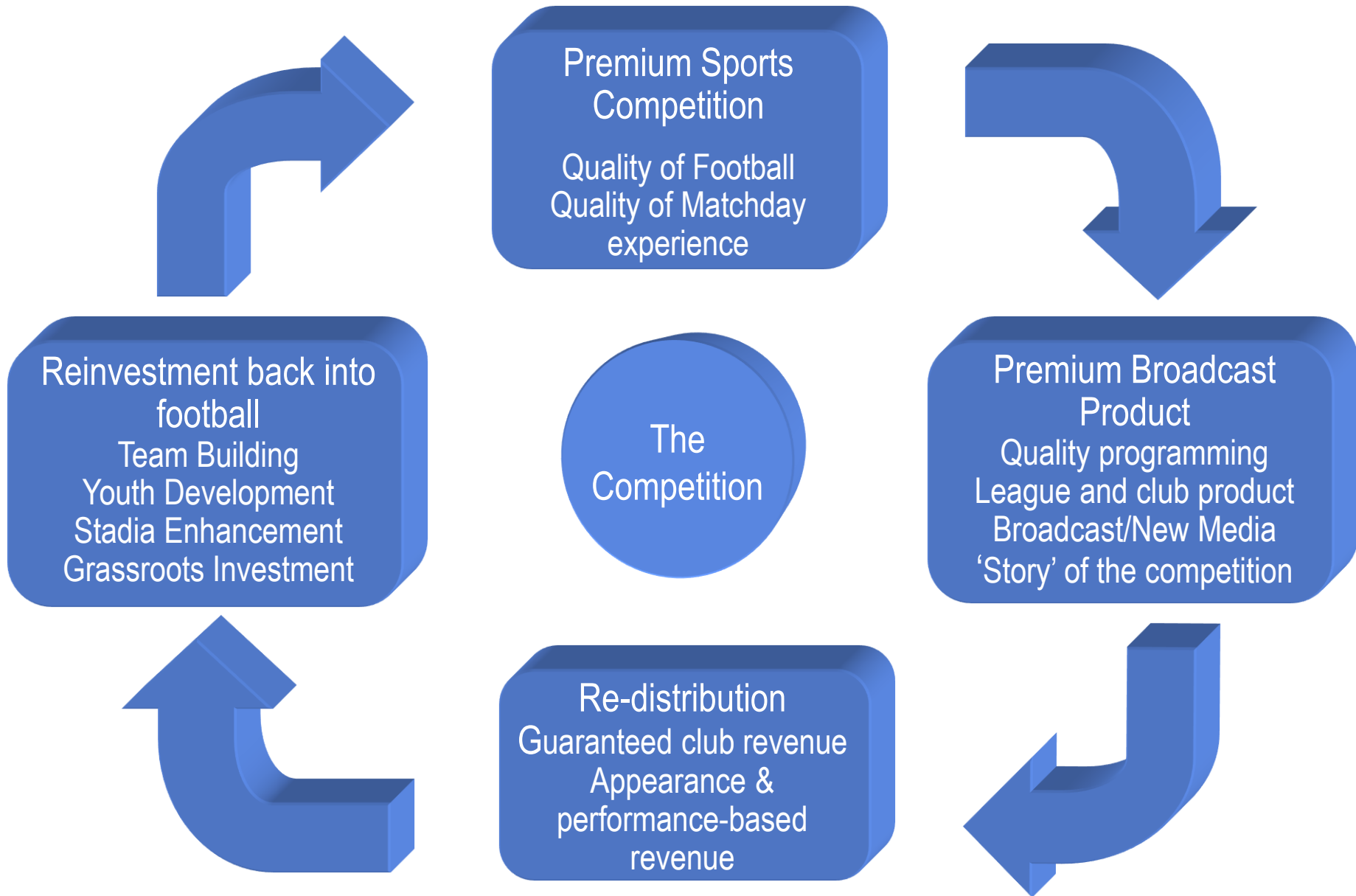
SROC members are looking to National Governments and international Treaty Organisations such as the European Union, WTO and WIPO to:

- Fully recognise, protect and promote the special nature of sport and sports rights;
- Provide comprehensive protection for sports rights, including their names, logos and marks;
- Prevent the theft of sports events broadcasts by pirates;
- Outlaw ambush marketing and ticket touting/scalping; and
- Create a regime for sports betting that enables sport to protect its integrity, and establishes a fair return to sports for the use of their events by betting operators.



SROC meets quarterly, generally in London. It is open to sports bodies who share these goals to contribute in whatever way they can, including through email exchange. For more information, contact SROC through Oliver Weingarten or Mathieu Moreuil at sportsrights@sroc.info

The Value Chain



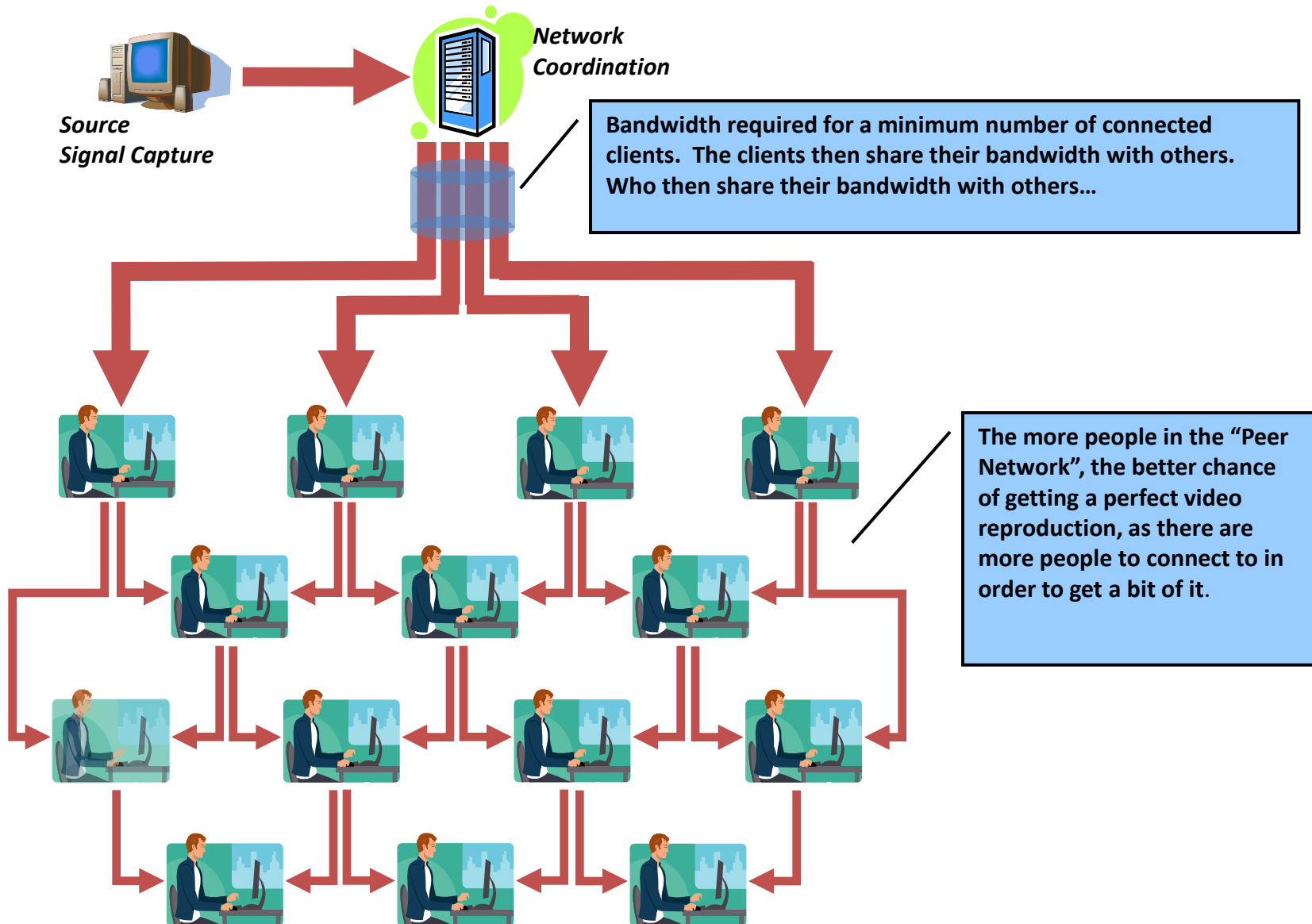
Digital Piracy

- No copyright in a sports event
- Filming by Host Broadcasters
- Distinction between footage and broadcast copyright
- Assignment via contract
- Sell on a platform neutral basis domestically, then internationally
- No different to other creative industries except “live”
- Value diluted if no swift enforcement

Digital Piracy

- Breach of copyright; trade marks
- Free (advertising)/Pay sites/Scams
- Professional appearance of pirate sites (IP)
- Blue chip companies advertising on pirate sites
- Technology improved quality for end-user
- Unicast streams with site providing bandwidth
- P2P software (mainly developed in China) where streams inserted by the site and bandwidth is supplied by users (more users the better the quality of the stream)
- User Generated Content (UGC) Live Streaming

Peer-to-Peer Streaming



The Different Pirates

Site Type	
P2P Developer	Software used to stream live. Content can also be injected into software i.e. SopCast
P2P Streaming Distributor	A site that embeds/links to P2P Developer stream. Mainly Chinese based i.e. www.zqzhibo.com
Streaming Distributor	A site that embeds or links to the live AV content. Link example – myp2p.eu, embed example – atdhenet.tv
Streaming Site	A site that provides streams via a dedicated server i.e. streampro.tv
Streaming Server	A server used by a streaming site
UGC Streaming Site	User Generated Content: live AV streamed through free sites

Statistics

	2007/08	2008/09	2009/10	2010/11 (to 31/03/11)
Standard AV *	277	408	904	963
UGC Live Streaming	6	1,389	15,130	14,166
Total	283	1,797	16,034	15,129

- * Standard AV includes: P2P Infringements, Distributors, Streaming sites & servers
- During the 2009-10 Premier League season, 16,034 live infringements discovered
- 535 unique P2P streams (URLs) from 13 P2P Developers
- 15,130 unique UGC streams/channels from 10 UGC Live sites
- 328 distributor sites (linking to/embedding live content)
- 37 Unicast streams (27 sites/10 servers)
- UGC live streaming = 94% of problem

SopCast Embedded Stream & Ads

English Premier League | Manchester City - Liverpool FC - 23/8/2010 | Free Live P2P Sports Strea - Windows Internet Explorer

http://livefooty.doctor-serv.com/mon23.8/ManCity_Liverpool.php

File Edit View Favorites Tools Help

☆ Favorites ☆ Suggested Sites ▾ Free Hotmail Web Slice Gallery ▾

English Premier League | Manchester City - Liverpool F...

2 - install and refresh this page
3 - Click on channel LiveFooty - 3 Or 4 Or 5 Or 6 Or 13 Or 14 Or eXtra2
Then wait 2-3 min to end of buffering. Enjoy!
4 - FireFox User ? In order to watch this stream please install IE Tab 2 Add-on

Find us on Facebook

Live FREE Football
Like

1,967 people like Live FREE Football

Chris Terry Graeme Min Kev
Raviraj Scott Emmerison Andrew Nidjamoudir

Facebook social plugin



Playing the channel [Livefooty 5] 34

Refresh Channel List

- Play LiveFooty 1
- Play LiveFooty 2
- Play LiveFooty 3
- Play LiveFooty 4
- Play LiveFooty 5
- Play LiveFooty 6
- Play LiveFooty 7
- Play LiveFooty 8
- Play LiveFooty 9
- Play LiveFooty eXtra
- Play LiveFooty eXtra2
- Play LiveFooty 10
- Play LiveFooty 11
- Play LiveFooty 12
- Play LiveFooty 13
- Play LiveFooty 14

bet365 TOTTENHAM V YOUNG BOYS THU 05:45 Stake Winnings BET NOW!

1	1.25	X	6.00	2	10.00
---	------	---	------	---	-------

Play
DOWNLOAD
Your Ad Here

Like 11 people like this.

Internet 100%

Justin.TV

UEFA Champions League – FOX Sports (Latin America)

The screenshot shows a web browser window with the address bar displaying `www.justin.tv/todofutbol_2#/w/1051265584`. The browser's tab bar includes "Sign In", "Welcome to Facebook...", "BBC NEWS | News Fr...", "Chinese for Children -...", "BBC - Languages - Re...", and "http://www.nati". The page title is "todofutbol_2". The main content area features a black profile picture placeholder, the text "BARCELONA vs SHAKTAR", and a category link "in Sports » Snowboarding". Below this is a "Status" input field, a "Like" button, and a "Tweet" button with a count of "0". The central video player shows a live football match with a scoreboard at the top indicating "15:52 BAR 1-0 SHK" and the "FOX SPORTS VIVO" logo. The video player includes standard playback controls (play/pause, volume, progress) and a "Full Screen" button. At the bottom of the page, the statistics "2,650 Viewers 8 Followers 4,811 Views" are displayed, along with "Follow", "Share", and "Report" buttons.

Justin.TV

- February 2008:
 - Used by users for free to stream sports content
 - Affects numerous rights owners
 - Repeat infringers simply change their channel names by 1 character once they have been removed; i.e. pp_6, pp_8, etc
 - Notoriously slow and at times inefficient take down procedure → live takedown tool
 - Ease of set-up for users
 - Repeat infringers
 - Multiple sites embedding streams
 - No limitation on streaming time
 - 49,500 live sports streams removed (NetResult)
 - Working with Vobile
 - UFC initiated lawsuit in US

Justin.TV

Premier League

CASH OUT WHEN YOU WANT. betfair YOUR WINNINGS

MANCITYvsCHELSEA



MANCITYvsCHELSEA SIN CORTES Y GRATIS ACA freetvsports.webs.com
freetvsports.webs.com freetvsports.webs.com
in Sports » Soccer

Status

Like 7 Tweet 0



629 Viewers 22 Followers 3,970 Views

Follow Share Report

Hide this?

9 Steps Optimised Desktop

Provides All The Learning Resources & Technical Guidance. All We Need.
www.TechNet.Microsoft.com/MDOP

Forex.com™ UK

Free Practice Account with Live Market Commentary. FSA Regulated.
www.Forex.com/UK

AV Satellite & Aerials

Installation, Service & Repair Free Quote / Advice 0203 212 0095
www.avsatellite.co.uk



Anuncios Google

Sorry, that room is full - joining #12686-1 instead.

Welcome to the chat room!

4:43 Porcel_Jema: comon chelsea
4:51 Ragadz: chainetv.net
» Chelsea Vs Man City HQ Free =>
www.ChaineTV.net www.ChaineTV.net
www.ChaineTV.net www.ChaineTV.net
www.ChaineTV.net www.ChaineTV.net

5:08 Adailtonr: oi
» hola

12686 says, TODA LA PREMIER LIGUE SIN CORTES Y GRATIS ACA freetvsports.webs.com
freetvsports.webs.com freetvsports.webs.com
freetvsports.webs.com



Speak

Justin.TV

Formula One

www.justin.tv/sipitillotv1#/w/1011677664

Close

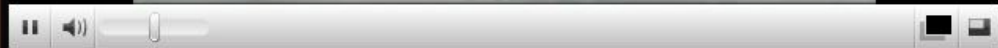


Formula uno de Australia

In Sports » Soccer

Status Description

Мне нравится Tweet 2



500 Viewers 126 Followers 71 238 Views

Hide this?



Welcome to the chat room!

7:27 Lennon_: j



Justin.TV

Formula One

www.justin.tv/infalibl3tv#/w/1010759232/3

InfadibleTV

@InfadibleTV



Irapuato-Tijuana FutbolPicante

in Sports » Soccer

Status

Мне нравится Tweet 0



114 Viewers 14 Followers 761 Views

For up to **45% off**
home insurance online

Click for a quote

(Includes introductory discount)

Making insurance straightforward



GET A QUOTE >

directline.com

- 6:17 Sayeck518: » el primero pondria a michel o a corona
- 6:18 Sm3000_: para mi es 1. jose de jesus corona 2. ochoa 3. michel ??????
- 6:18 Sayeck518: michel anda mejor q osoa » jaja » q haccsss! jaja quieres q t tire el refresco? » ponle play broad pliss
- 6:21 Sm3000_: ya nos quem correatar porlomenos dijan para saber y no estar esperando
- 6:23 Tumama_jefa: lol
- 6:25 Blinkmx:
- 7:05 Chiapasweb: repetiran picante?



Justin.TV


Tennis Australia

Justin.tv Live Channels ▾ Sign In | Create Account | Language ▾ Search **Go Live!**

DC UNIVERSE ONLINE RELEASED: 14.01.11
Available on PS3 and PC

BOCA

espn deportes en vivo y en hd
in Sports » Soccer
Status Description Badges Like 80 Tweet 4



5 MURRAY 0 4 2 1
3 DJOKOVIC 1 6 6 1

9:40 **Latinofan**: viva joko
9:40 **Sipnop**: este partido no creo que dure
» =S
9:46 **Grondonafromhell**: nop muchop
10:03 **Vitordanielriso**: british figlio di putana...forza djokovic...
» buona trasmissione...grazie
10:08 **Latinofan**: jaja vitor by sure you love brits
10:08 **Vitordanielriso**: non m piace brits
» kkk
10:09 **Latinofan**: kkk
10:23 **Grondonafromhell**: que
Jtv: chochera13 says, bienvenidos y a disfrutar de la señal si eso pasa hacer el canal de sus favoritos haciendo click en el corazon

Hide this?
Welcome to Dublin
Hi, I'm Dara...
What's your name?
(type here and press enter)

Sig


Ustream

- UGC live site based in Silicon Valley
- Affects numerous rights owners
- Takedown tool
- Password protected streams
- Not all streams are listed on site

Ustream

USTREAM Search for users and events... Login | Sign Up **Go Live!**


On Air News Pets & Animals Entertainment Sports Music Gaming Education Spirituality More

 say it to get it
voice search for mobile by Google **Download it now**

Prev Show videpotes56 This show does not yet have a status update Next Show

Join Crowd 0 in


Live broadcast started 1 hour ago Social Stream Chat



Sign Up For Xbox Live Music
Unbeatable Entertainment Experience Right To Your Xbox. Sing Up Here.
Marketplace.Xbox.com

3670 viewers / On Air

Show info Honors Embed Flag

 unbienjona Total views: 32,130

Ustream

USTREAM

Search for users and events...

Login | Sign Up

Go Live!

On Air News Pets & Animals Entertainment Sports Music Gaming Education Spirituality More

[Webcasting](#) Live and On Demand Webcasting Meetings, Events & Conferences www.gav.co.uk

[Windows Media Center](#) Make your PC a TV and watch your favorite shows with Windows 7! microsoft.com/windows-...



Ads by Google

Prev Show

Next Show

futboltotal12

This show does not yet have a status update



Join Crowd 3 in

Live broadcast started 2 minutes ago



Social Stream

Chat



futboltotalblogspot.com

4 viewers / On Air



Audience



Send

Show info

Honors

Embed

Flag



futboltotalblogspot.com

Total views: 76,241

Ustream

USTREAM

Search for users and events...

Login | Sign Up

Go Live!

On Air News Pets & Animals Entertainment Sports Music Gaming Education Spirituality More

[Football Live Coverage](#) Constant Football Coverage. Free Toolbar w/ Real-time Scores! [www.SoccerInferno.com](#)

[Watch Live Football](#) All About Watch Live Football Watch Live Football in One Site! [Peeplo.com/Top_Results](#)



Ads by Google

Prev Show

Next Show

[www_futbol1a_com](#) This show does not yet have a status update

Join Crowd 0 in

Live broadcast started just now

Social Stream Chat



www-futbol1a-com

Audience



Send

82 viewers / On Air

Show info

Honors

Embed

Flag



[www_futbol1a_com](#)

Total views: 0

Videos

This show hasn't recorded any videos yet

Thomas Cook
SPORT
official travel partner

WHERE WILL YOU BE THIS SEASON?

TICKET + [bed icon]

MATCH BREAKS FROM £89

How to Tackle?

- Find the content – webcrawling (automated) and manual
- NetResult – cease and desists
- Legal Action - jurisdiction issues, locating defendants who registered with false details, problems with enforcement, frivolous counterclaims, payment gateways e.g. Paypal
- ISPs/filtering technology
- Credit card companies
- Advertising
- Police and law makers
- Intermediary liability?
- Site blocking – Spain, Italy, New Zealand, Korea, UK

How to Tackle?

- Sports organisations have brought legal actions:
 - UEFA
 - Premier League
 - Formula One
 - Cricket Australia
 - UFC
- Premier League High Court Orders and Injunctions against:
www.premiershiplive.net; www.footballon.net; www.freepremierleague.com and www.freelivefootball.co.uk (Bankruptcy Proceedings; Enforcement of Order issues); www.youtube.com (with French Tennis Federation)
- Cricket Australia/Multi Sport – www.livecricket/sporton.tv
- Premier League action in Israel - <http://livefooty.doctor-serv.com> & <http://live-footy.org>
- Multi sport action against myP2P.eu
- Iraqgoals.net in Australia
- US website domain name seizures

Positive Developments

- NetResult send C&Ds in Chinese and work at weekend with sites to remove links e.g. SopCast
- Legal action expensive and timely
- PL met Chinese officials
- SROC written to Chinese Ambassador
- SARFT Regulations
- US Coalition Against Online Video Piracy
- EU IPR2/China IP dialogue acknowledged “online piracy of sports events”
- Working with NCAC / SCIO

YouTube

- Unauthorised Premier League and French Tennis Federation clips on www.youtube.com
- Damage to licensees with live, delayed and internet clip rights
- Google declined to bid for Premier League rights
- May 2007 class action in New York's Southern District Court
- Additional members joined who had not done deals with YT
- Over 30,000 Premier League clips removed

YouTube

- Slow takedown and inconsistent procedure
- Lack of filtering or availability of filtering
- “Private” sharing
- Embedding links
- Numerous complaints from licensees
- Masses of views dilutes their rights value

YouTube

- Recent court filings have included documents showing that:
 - YouTube’s founders intended to exploit unlicensed sports content: “take down XXX stuff. Everything else keep including sports...”
 - Before acquiring YouTube, Google execs knew that “YouTube's business model is completely sustained by pirated content”
 - Internal analyses of YouTube concluded that 60%-80% of videos were copyrighted, and that there was “enormous user demand for premium content”

YouTube

- YouTube/Google studied Premier League and other infringing sports content on YouTube in advance of bidding for licences:
 - Premier League was “already proven as key programming based on [Google Video] and [YouTube] popular videos/usage.”
 - Google exec will “be attending a seminar...in Dublin with the heads of several major sports leagues and teams [...] takedown any clearly infringing, official broadcast footage [...] from these rights holders”
 - “we need more sports inventory to monetize.”

YouTube

- The DMCA “safe harbor” protects only innocent, passive ISPs from infringement liability. Plaintiffs, including Premier League, allege YouTube is disqualified because:
 - It knew the content on its site was infringing
 - It used tools to identify and monetize content, but refused to use the same tools to block infringements
 - It benefitted from infringements because:
 - 1) it knew infringements were a substantial draw for users
 - 2) it associated context-specific ads with infringing content, including sports content (e.g., sports ads next to user searches for “Premier League” or “Roland Garros”)
 - It does not merely “store” user content, but actively markets, promotes and distributes the infringing content on its site

YouTube

- The District Court Decision
 - The district court ruling: YouTube is entitled to safe harbor protection under § 512(c) of the DMCA against all infringement claims
 - Effectively held that if YouTube complies with “takedown notices” from content owners, it will be protected by the safe harbor no matter how egregious and deliberate its efforts to profit from infringements.
 - Court held that only “item-specific” knowledge by YouTube of particular, individual infringing videos was actionable

YouTube

- Arguments on Appeal
 - “Item-specific” requirement nowhere found in statute; instead, statute expressly contemplates various types of knowledge and other culpable conduct, including control over infringing acts for which there is no “knowledge” requirement.
 - District court ignored considerable record evidence showing that YouTube:
 - Searched for Premier League content to gain leverage in licensing negotiations, but when it decided not to bid for the rights, still chose to keep the Premier League content on its site; and
 - Located and ran targeted advertisements directly next to Premier League’s and co-plaintiffs videos; and
 - Refused to make content identification tools available to plaintiffs unless they signed a licensing deal, and used those tools to profit from plaintiffs’ unauthorised content.

YouTube

- Timeline on Appeal
 - Appeal was filed on August 12, 2010, two days after final judgment in the district court
 - Appeal brief was submitted on December 3, 2010; over 15 “friend of the court” briefs were submitted in support of our position, including from SROC, The Associated Press, and the NFL; CBS; the Motion Picture Association of American; music rights associations ASCAP, BMI and SESAC; the Business Software Alliance; and leading American intellectual property professors
 - YouTube’s opposing brief was submitted on March 31, 2011; approximately 10 “friend of the court” briefs were submitted in support of YouTube’s position
 - Reply brief for Premier League and co-plaintiffs is due April 28, 2011
 -

The “Google” Problem



YouTube:

Free to use & anonymous. Users can upload goal/match highlights within minutes of an event. Also allows users to promote infringing sites.



Blogger:

Free to use & anonymous. Users can embed YouTube clips and clips from other UGC sites. Users can also embed P2P streams.



Google Checkout:

Online payment service often used by streaming sites to sell illegal streams/events.



Google AdSense:

Matches advertising on sites, to other sites. For example; a sports news site using AdSense may contain Google Ads referring to sport streaming sites.



Google AdWords:

Advertising on Google's main search pages. Advertisements appear dependent on search terms. For example a search on “Live Football” could return Ads for streaming sites.

Blogspot



← → ↻ maxsportz4.blogspot.com/2010/08/channel-1.html ☆

Max Sportz

[Ads by Google](#) [Live Football Stream](#) [Live TV](#) [TV Channel Stream](#) [Live Video](#)

Channel 1


The TV you love in glorious high definition



MY P2P.eu
MY PEER-TO-PEER, THE BEST GUIDE FOR ALL LIVE SPORTS

Please wait 40-50 sec or refresh the page if stream does not load

Call over 30 countries from **1p** /min



Lebara mobile

58

LIVE FULL SCREEN

Digiturk Approach

15:08:29 03/11/2008

turk.internet.com TM
The Internet & IT Network [Detaylı Arama](#)

03 Kasım 2008, Pazartesi  ?

▼ buraya tıklayabilirsiniz Kullanıcı Adı: Şifre:

Ana Sayfa	Bugün	BİM	ISS	eİş	Donanım	Yazılım	Web	Wireless	Teknoloji	Finans	eDevlet	Güvenlik	Pİ	TICOM
-----------	-------	-----	-----	-----	---------	---------	-----	----------	-----------	--------	---------	----------	----	-------

 [SEE MORE LIKE THIS](#) 

£0.99	** SAT TV ON YOUR PC - NO BILLS FREE LIVE SPORT ** 02
£0.99	** SAT TV ON YOUR PC - NO BILLS FREE LIVE SPORT ** 04
£4.99	Free 2 Vew Live Premiership football Soccer Internet TV
£3.99	FREE Films Movies live Football Sport Digital TV on PC
£4.49	** CABLE TV ON YOUR PC - NO BILLS FREE LIVE SPORT **

BlogSpot and Blogger Banned Due to Copyright Laws in Turkey for 3 days
Author: Çetin Kasırga 27-10-2008

 [Printable Page](#)

Diyarbakir Court has decided an access restriction ban to Google's Blogspot and Blogger web sites. Similar restriction decisions were taken before for Justin TV since these sites have been violating the copyright laws by giving Lig TV (a sports TV channel broadcasting Turkish Football League games with a pay per view model) broadcasting links in their blogs. Digiturk platform, who owns Lig TV, has its own team working against pirate broadcasts. This team has also helped to identify some online or offline illegal broadcasts before.

XML



Ads by Google ^ v

[Sky: French Channels](#)
Sky TV for £17/month & don't miss a single minute of your programmes!
www.Sky.com/French_channels

FREE TV from Your

OECD

- OECD case study into digital (online) piracy – Phase II
- Raise issue of sports piracy - general description, different forms, types, drivers and trends, industry initiatives
- 27 sports signed up via Sports Rights Owners Coalition including US Sports
- Need for more effective policy and enforcement mechanisms to address digital piracy, both in OECD member countries and on a global basis
- Background Report highlighting issue circulated/publicised and provided to OECD Governments and legislatures
- 2011 updated Report – www.sroc.info

Important Stakeholders

- Broadcasters – ACT, Television Against Piracy, FTA/PTV
- US Coalition Against Online Piracy
- STOP (Scandinavia)
- Cable and Satellite Broadcasting Association of Asia
- UK Intellectual Property Office
- USTR and Homeland Security/IPR Centre
- European Commission
- WIPO
- Other creative industries
- Alliance Against IP Theft
- CBI
- NCAC/SCIO

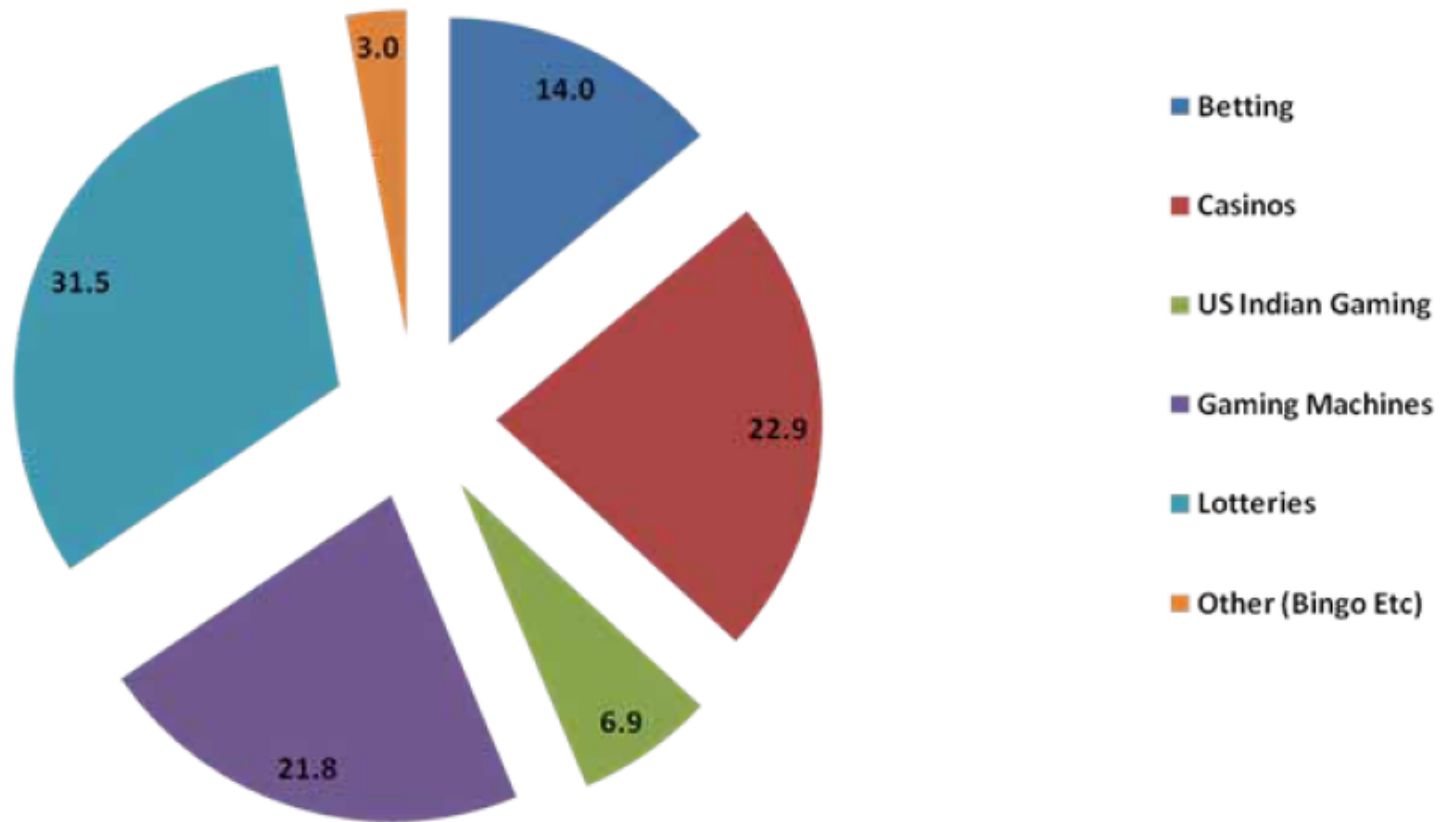
Sport and Betting

The Sports Betting Environment

- Betting on sports is at an all-time high – and still growing
- Differing cultural approaches by regulatory regimes throughout the EU/World : National/International
- The market is changing
- Other sports are challenging horseracing's position as largest sport betting market: Football is over half the online market (UK)
- Technological advances, innovation and new betting products (exchanges, in-event bets, exotic bets etc) have led to significant income for gambling businesses – global market, national responses
- Live sport is betting's most compelling proposition
- Geographical nature of betting is changing

Global Gambling Market

Total Global Market Share by Product (%) 2009



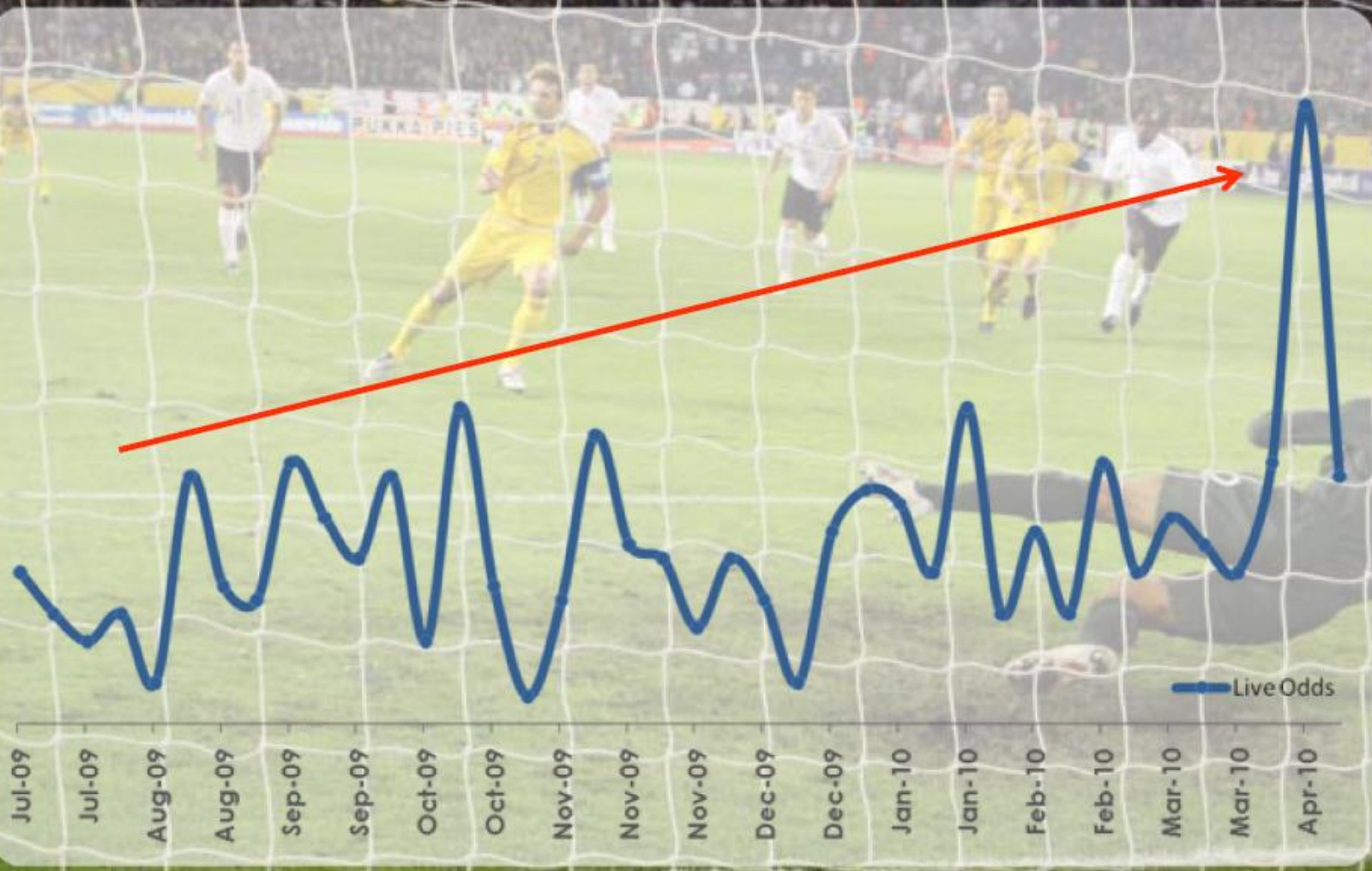
On-line/ Mobile Betting in GROWTH

- The first internet bet was placed on 17-Jan-1996 by Jukka Honkavaara for US\$50 on a football match between Spurs v Hereford Utd with a company called Intertops using software designed in Sweden.
- UK leagues received their first licensing revenue for on-line betting in 2001-02
- Football is still the most popular sport betting product on the internet, 15 years later...
- In-game betting is now the most popular on-line sport betting product

2009 Bwin reported 55% of gross win came from in-game betting

Licensed by UK	31-Mar-2009	31-Mar-2010	% Change
General Betting	72	73	1%
Telephone Betting	40	41	2%
Pool Betting	42	53	26%

Searches for “live odds”
have increased recently



Amount Generated for Sport - Lottery

<i>2004-07 Olympic Cycle</i> €m	Total Lottery Sales	Total Lottery Funding to Sport	Total % Lottery Sales to Sport
1. France	34,983	1,388.1	3.8
2. UK	24,599	1,115.8	4.5
3. Denmark	3,552.7	571.3	16.1
4. Norway	4,521.7	569.7	12.6
5. Sweden	5,814.9	375.4	6.5
6. Finland	3,899.9	372.2	9.5
7. Netherlands	5,432.1	369.3	6.7
8. Germany	37,735.5	214.2	0.6
9. Austria	6,917.7	202	2.9
10. Czech Republic	1,282.9	142.8	11.1
11. Hungary	1,990.1	67.7	3.4
12. Greece	10,425.6	21.2	0.2
		5,403.7	3.8

Source: EGBA/Sportsbusiness/H2GC 2008

What about the EU?

- Article 63 : EC/States to legislate to protect IP/copyright including “spin offs” (eg betting) and to stop “unlawful sports betting”
- Article 69 : EC/States to strengthen further IP in sports sector
- Article 70 : WIPO to act vs piracy
- Article 78 : EC to help maintain income from Lotteries and licensed gambling
- Article 80 & 81 : Concern about deregulation in gambling
EC/States to regulate to protect sport from improper influence from betting – call for study
- Green Paper on Online Gambling: Commission has recognised the importance of protecting the integrity of sporting competitions and of ensuring a sustainable financing of sports

Sport's Response

- Common Declaration of the European Horseracing Organisation, Brussels, 6 March 2008

Call the European Parliament, the Council and the Commission, to recognise urgently the need for a clear and coherent legal and regulatory framework, guaranteeing:

- A fair return from betting to the racing on which it is promoted or offered;
 - The protection of the future integrity of the sport
- We call on the European Commission to develop a policy to achieve this, in consultation with the European horseracing organisations
 - It is necessary that, in conformity with the principle of subsidiarity, Member States have a European legal framework on betting, which will allow them to exercise their own competence in conformity with EU law
 - “Polluter pays principle”
 - Aim of SROC – right of fair return (with integrity element)
 - International Olympic Committee

Solutions

- Ireland (Horseracing)
- Australia (Victoria) - Gambling & Racing Legislation Amendment Bill
- United States – Bill for an Internet Gambling Regulation & Enforcement Act has been deliberated in the US Congress
- Japan – voluntary schemes
- New Zealand – 1% betting turnover
- France

Integrity

- The concept of sport is based on fair competition between participants played to agreed rules
- Those who fix matches and sports events undermine the founding principle of sport – that all parties are competing to win
- Promoting and upholding integrity in sport is one of the key functions of all sports governing bodies and event organisers
- There is growing recognition that sports betting integrity is an issue, by governments and legitimate betting operators
- There is no regulatory framework in Europe to protect sports and legitimate betting operators

Sports Lobbying

- Football pools a long-standing betting income for sport - 2004 ECJ judgement came just as sport was seeing the potential income to be had from growth of sports betting online and in-play
- France, Australia and others have introduced versions of sports betting rights/relationships
- Governments looking for funding streams as lotteries under pressure; EC Sports Review
- Sport has mobilised several campaign groups to progress issue: SROC, IOC, 5 sports and Sport and Recreation Alliance
- **SROC mission statement:** *SROC members are looking to National Governments and international Treaty organisations such as the European Union, WTO and WIPO to create a regime for sports betting that enables sport to protect its integrity and establishes a fair return to sports for the use of their product by betting operators*
- **IOC policy statement on sports betting:** *It is recommended to develop collaboration with public authorities (national and regional Governments) and their agencies to promote legislation and public policies which contribute to preserving the integrity of sport and to fight against corruption in sport; and Ensure a fair return from betting operators, not only for the organisers of sports event but also more generally for the development of the sport*
- DCMS 2008/9 attempts to broker voluntary arrangements rejected by betting operators
- Sports lobbying Ministers – not settled policy; N.B. 2012 Association Right application

France

- New system to enable limited online market opening - the licensing of the "right to offer bets" on sporting events taking place in France. Implemented as part of the new French online gambling law in May 2010
- Treated as a specific right under French law, to prevent or authorise the commercialisation of sporting events
- Bookmakers must enter into a licence with the organiser of the applicable sporting competition
- Sports able to charge a fee based on a percentage of the stakes taken by the operators on their events; Government grass roots levy
- ARJEL
- Site blocking/ISP liability

Are the Risks Real?

- Recent evidence of attacks on sport connected with betting
- Racing's Experience
- Men's Tennis : review by BHA Director completed
- "Say it ain't so Joe"
- IAAF Athletics
- Cycling
- Malaysian national football coach
- Recent football match-fixing transgressions in the Netherlands, Finland, Italy, Belgium, Czech Republic, Spain, Poland, Turkey, Thailand, Hong Kong, Singapore....
- Cricket
- Norwich v Derby
-Basic Human (Criminal) Behaviour.....

- Other states currently engaged in revising or considering on-line gambling are:
 - Austria
 - Belgium
 - Denmark
 - Estonia
 - Germany
 - Greece
 - Italy
 - Netherlands
 - Norway
 - Portugal
 - Spain
 - Sweden

Partnership Working and Information Sharing

- Information sharing arrangements with the betting industry
- Gambling Commission (Licence Condition 15)
- Liaison with other agencies to help tackle potential corruptors from outside the sport (eg. Police, Revenue Authorities)
- Liaison with participants and associations
- Offshore companies outwith LC15
- Reliant on MOUs
- Sports looking at Rule structure

UK

- Sports Betting Integrity Group
- Integrity Seminar
- Tri-partite meetings with GC and operators
- Overseas Review
- Voluntary.....

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