

MIDWINTER MEETING 2024

JANUARY 26-28, 2024

Detailed Agenda – Session 6

IT'S ALIVE (Event)! A Deep Dive Into Content Protection for Live Events

January 28, 2024 | 12:00 PM – 1:00 PM PST

This panel will discuss the particular challenges associated with protecting live events including sporting events and live concerts. The panel will look at this from a global perspective, specifically reviewing legislative initiatives in the US and EU which would require internet service providers to take infringing content down expeditiously and ensure the content stays down. The panel will also review civil measures taken by rights holders including site blocking and Right of Information actions and how these have changed the live piracy landscape.

Speakers:

- John Green
TikTok
- Eric Mayzel
Cassels
- Michael Moore
Amazon
- Mark Mulready
Vice President | Cyber Services, Irdeto
- Julian Wailblinger
Nordemann Law

- **Michael Moore** (moderator) will introduce the speakers and will provide an overview of the current live event piracy landscape, including the different types of live events the panel will discuss, and the global nature of this issue. (10 minutes)
 - **Supporting written materials:**
The Copyright Act of 1976
106. Exclusive rights in copyrighted works
Subject to sections [107](#) through [122](#), the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:
(1) to reproduce the copyrighted work in copies or phonorecords;
(2) to prepare derivative works based upon the copyrighted work;

- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
- 6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.
- **Mark Mulready** will discuss current issues related to live event piracy, what ACE (the leading global anti-piracy organization) has been doing in this space, the global nature of live event piracy in general, the specific difficulties related to live event piracy (including the shortened windows for remediation), and what the future of the fight against online piracy looks like. *(10 minutes)*
 - **Supporting written material:** Comparative study from an economic perspective on European vs. North American leagues. Discusses piracy as a significant cost to business: https://www.researchgate.net/profile/Harry-Solberg/publication/359958927_International_sport_broadcasting/links/62f9f6f752130a3cd721a5e5/International-sport-broadcasting.pdf
 - **Julian Waiblinger** will discuss how sporting leagues and content creators are fighting live event piracy in the EU, the push for legislation in the EU to address live event piracy (including requiring OSPs to remove live event piracy within minutes of notification), the push to require OSPs to keep pirated content down once they've received take down notification ("notice and staydown"), and what the EU sporting leagues are doing to fight piracy of their events (including site blocking litigation). *(10 minutes)*
 - **Supporting written materials:**
 - EUIPO – Live Event Piracy – Discussion Paper
 - <https://euipo.europa.eu/ohimportal/en/web/observatory/-/news/live-event-piracy-discussion-paper-1>
 - EUIPO – Online Copyright Infringement in the European Union
 - <https://www.euipo.europa.eu/en/news/observatory/online-copyright-infringement-in-the-european-union>
 - EUIPO study indicating piracy (incl. live sports) is on the rise in the EU: <https://www.euipo.europa.eu/en/news/online-piracy-study-europeans-are-consuming-more-pirated-tv-shows-and-live-sports>

- **John Green** will discuss working directly with 3P business critical service providers (including payment processors, ISPs, cloud storage providers, reverse proxy services, ad and ad agencies) to create friction in the live event piracy ecosystem. *(10 minutes)*
 - **Supporting written material:** Piracy Landscape Study: Analysis of Existing and Emerging Research Relevant to Intellectual Property Rights (IPR) Enforcement of Commercial-Scale Piracy Prepared for the U.S. Patent and Trademark Office.
- **Eric Mayzel** will discuss what's happening on this front in Canada, what the Canadian sporting leagues are doing (including dynamic site blocking litigation), and a review of the significance in this area of the United King Film Distribution Ltd. and Rogers Media cases. *(10 minutes)*
 - **Supporting written materials:**
 - [Dynamic Site Blocking North and South of the Border | Cassels.com](#)
 - Comparative study from an economic perspective on European vs. North American leagues. Discusses piracy as a significant cost to business: https://www.researchgate.net/profile/Harry-Solberg/publication/359958927_International_sport_broadcasting/links/62f9f6f752130a3cd721a5e5/International-sport-broadcasting.pdf
 - [2022 FC 775 \(CanLII\) | Rogers Media Inc. v. John Doe 1 | CanLII](#)
- **Questions from the audience** *(10 minutes)*