



Consultation on the EC Proposal for a Regulation on a Single Market for Digital Services

SROC is a coalition of the leading sporting events’ organisers, a sector which is overwhelmingly impacted by illegal sharing and streaming of copyright-protected content online, an economically devastating activity.

Our sector relies on the ability to exploit its IP rights to drive investment in professional and amateur competitions. In many European countries, the financing of grassroots sport depends directly on redistribution of revenue from broadcasting rights. It is imperative to protect IP rights for the financial health of the sector.

The value of live sports content stems from its live nature as once a match or competition is over, consumer interest diminishes drastically. So, it is critical to have near-instant tools to remove or block copyright-infringing content. Our members do not face the same challenges as other sectors in terms of interpreting the legality of content as it is usually watermarked or digitally fingerprinted and we are able to provide a clear list of the licensees that are legally allowed to show it.

Therefore, we consider that the DSA should include an obligation for all hosting services to provide a ‘real-time take-down tool’ to enable rights owners to easily and quickly flag infringing content for removal and ensure that it stays down. The January 2021 EPRS study commissioned by the Parliament’s JURI Committee on “Challenges facing sports event organisers in the digital environment” supports *‘the adoption of a technology-based legal obligation, to be put on streaming server providers, to enable sports organizers and their licensees to perform real time take downs of those illicit signals rendered available by the former’*. The study explores the option of reviewing the eCommerce Directive as a way to address the issue, assessing this as potentially highly effective and efficient, low in economic cost to implement and yielding high economic benefit.

The tool we propose would not be a proactive measure used by hosting services. It would simply allow a coordination between rights owners and such services to ensure quick action, as an additional resource in the existing notice and action procedures. Illegal content would be flagged by rights owners and hosting services would then immediately take it down, which is critical to the protection of live sports content rights.

Such a requirement would ideally fit into the DSA’s Chapter III, provided that a few clarifications are included. Article 14 should clarify that notification mechanisms implemented by providers of hosting services should include mechanisms dedicated to trusted flaggers that enable the takedown of illegal content immediately after its identification through a valid notification.

To be truly impactful, the new trusted flagger regime must apply to all hosting service providers, not only online platforms. It must also ensure that hosting services process

notifications from trusted flaggers immediately. SROC supports an efficient approach, with easy and secure cooperation between trusted flaggers and hosting service providers across Europe, for immediate take down of notified content.

Practical points to clarify include: (1) a wider definition of which organisation could gain a trusted flagger status; (2) a trusted flagger not established in the EU should be certified by a Member State; (3) a trusted flagger could be established in several Member States; and (4) a trusted flagger certified by one Member State should be able to send notifications to hosting service providers not established in that Member State.

Moreover, we welcome the introduction of an obligation for online platforms to verify the identity information provided by online businesses (article 22). The current lack of such an obligation makes it impossible to bring civil or criminal actions against online businesses infringing intellectual property, as they can simply provide false information. This new obligation should however be extended to all intermediaries to truly create a safe and trustworthy online environment.

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About SROC

SROC is an informal group of representatives of international, European and national sports bodies, operating as a forum through which sports can share information and experiences. SROC members represent the majority of the leading and most popular European and international leading and most popular sports and competitions, attracting millions of spectators, with many of our events available to consumers across a growing variety of broadcast platforms. More information about us can be found on our website: www.sroc.info