

MENA Broadcast Satellite Anti-Piracy Coalition

Policy for Identifying Infringements

Effective Date

11 March 2015

Contents

1. Definitions	3
2. Purpose.....	3
3. Overview	3
4. Contract between a Channel and Satellite Distributor for the uplink of a new channel.....	4
5. Monitoring of the Infringing Channel’s content by the Pay TV/FTA Operators	4
6. Reporting of a Content Infringement by Pay TV /FTA Operators	5
Appendix A: Example Infringement notice (Pay TV).....	6

1. Definitions

Content Infringement	The broadcast of content that is either a) owned by or b) under exclusive license to a member of the Coalition
Content Owner	ART, Hollywood Studios, Eagle Films etc
FTA Operator	Any channel broadcasting free to air such as MBC or Rotana
Infringing Channel	Channels which broadcast content that is either a) owned by or b) under exclusive license to a member of the Coalition
Pay TV Operator	OSN, ART, WWE
Satellite Distributors	Company that distributes satellite transponder capacity to channels for example Nilesat, Noorsat, Viewsat, Gulfsat, STN, JMC, Du
Satellite Operators	Company that owns satellites and leases satellite transponder capacity to Satellite Distributors including for example Nilesat, Eutelsat

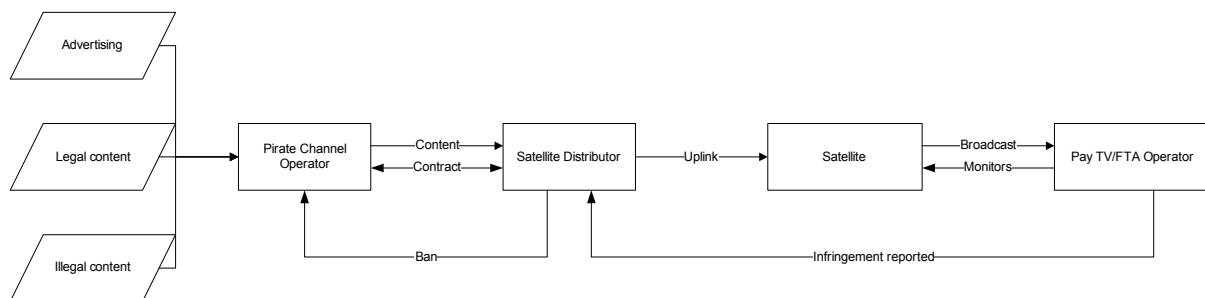
2. Purpose

This document sets out the procedure to be followed by members of the Coalition when tackling an Infringing Channel

3. Overview

An overview of the full process that is covered by the policy is depicted below:

- Signature of a contract between a channel and the Satellite Distributor
- Uplink of the content to the satellite by the Satellite Distributor
- Monitoring of the Infringing Channel by the Pay TV and FTA Operators
- Reporting of any infringement to the Satellite Distributor
- Satellite Distributor decides upon appropriate next steps consistent with Coalition Charter



4. Contract between a Channel and Satellite Distributor for the uplink of a new channel

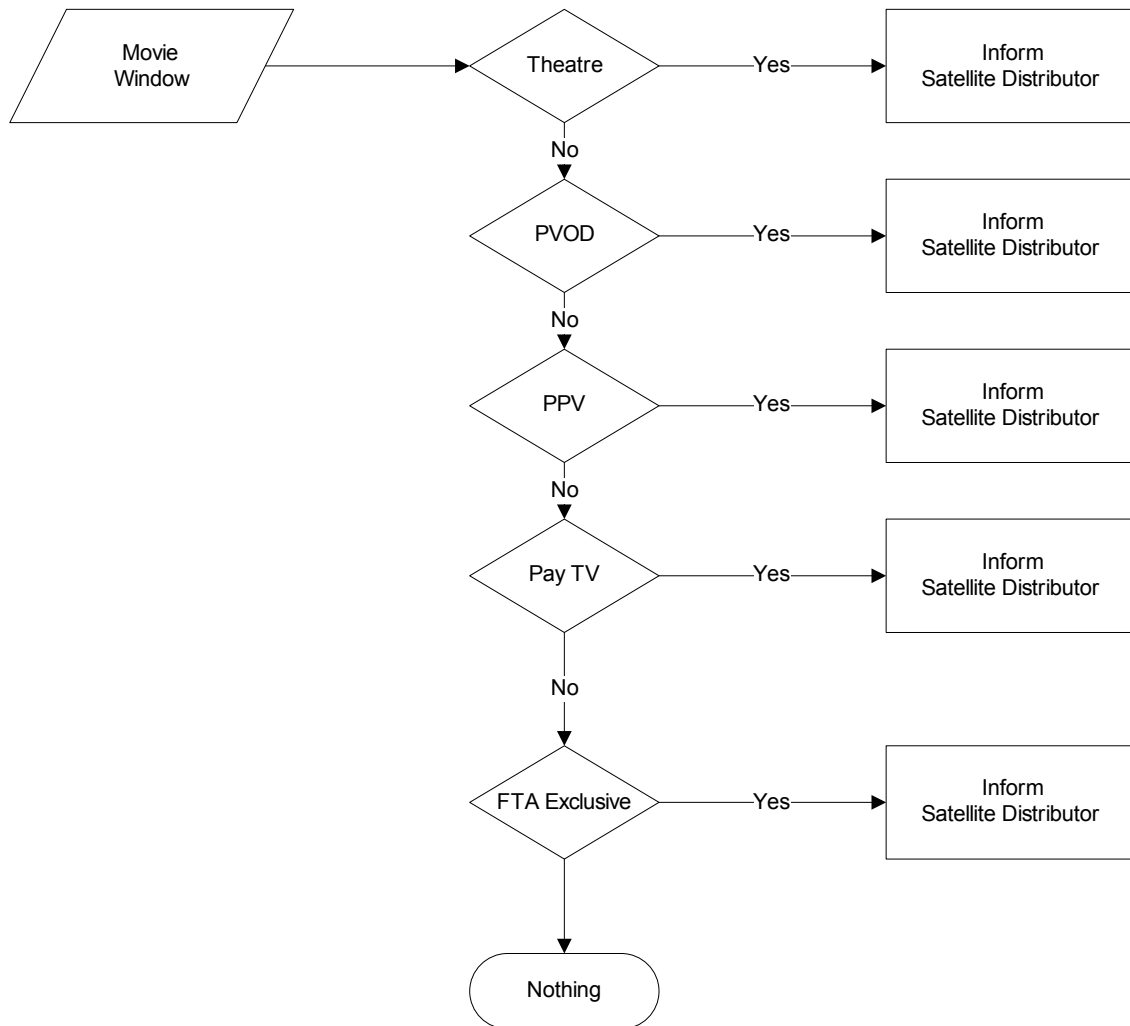
When agreeing to broadcast a new channel the Satellite Distributor should obtain the following details:

- a. Passport copies of the CEO, CFO and CTO
- b. Email addresses and phone numbers of the CEO, CFO and CTO
- c. Copy of the trade license
- d. Address of the company

5. Monitoring of the Infringing Channel's content by the Pay TV/FTA Operators

Theatre release Pay TV/FTA Operators have established systems to monitor channels which they suspect of airing Content Infringements. Content Infringements can occur in any of the following windows (as also depicted below):

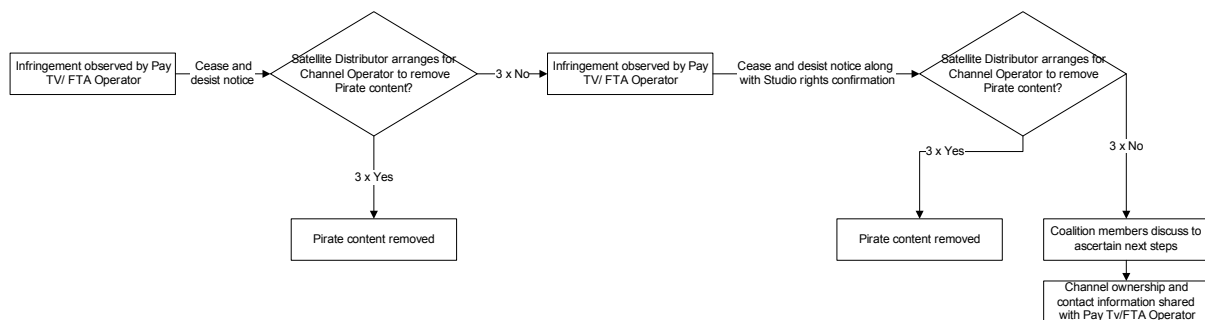
- a. Theatre release
- b. Premium VOD
- c. Pay-Per-View
- d. Pay TV
- e. FTA Exclusive



6. Reporting of a Content Infringement by Pay TV /FTA Operators

- a. Upon identification, the Pay TV/FTA Operator will report such Content Infringement to the Satellite Distributor on which the channel is carried by way of an Infringement Notice to an agreed contact address
- b. Upon receipt of the first infringement notice, the Satellite Distributor will forward the notice to the Infringing Channel with a warning letter asking the Infringing Channel to rectify this breach and not to repeat such breach. The Satellite Distributor will keep the FTA/Pay TV Operator, which is claiming the infringement, updated on any response.
- c. If after 3 such Infringement Notices either i) The Content Infringement has not been removed or ii) The Infringing Channel has not ceased broadcasting the Pay TV/FTA Operator will issue 3 further Infringement Notices along with evidence of the rights ownership from the respective Content Owner
- d. If after such evidence is provided the Content Infringement continues then
 - i. The Satellite Distributor will provide ownership, contact and location details of the Infringing Channel to Content Owner and Pay TV/FTA Operator.
 - ii. The Coalition members will discuss to ascertain next steps. Next steps may include legal action by the Content Owner, taking the channel off air temporarily or permanently, or any other step consistent with the Coalition Charter.
- e. Full details of all infringements should be kept by the relevant parties and the Coalition should be updated on a periodic basis regarding infringements and actions.

This process is depicted below:



NOTICE OF INFRINGEMENT

To:

Tel:
Fax:
e-mail:
Cc:

Date: 12/27/2013
Time: 01:30
Ticket reference 201312270130

Notice of Infringement

Dear Sirs,
We respectfully hereby notify and inform you of the following Infringement presently occurring on your Platform:

Channel & Date	Frequencies	Title	Time
Majestic Cinema	11680H	ATM	01:30 12/27/2013
		Gulf Films	

We ascertain that the broadcast of the copyrighted material (the "Title") by the identified Channel constitutes a copyright infringement and that the said Channel is not authorized by the copyright owner(s), its agent(s), or the law to make any use whatsoever of the described Title as a copyrighted work.

We confirm that the information in this notice relating to reported infringement is accurate and that we are authorized to act on behalf of the owners of an exclusive right that is allegedly infringed.

We therefore kindly ask you to act expeditiously and take all necessary measures to suspend your services to the Channel specified herein.

We look forward to your immediate action and cooperation.

Please contact Mr. David Waterhouse (david.waterhouse@osn.com) or Mr. Zahi Semaan (zahi.semaan@osn.com) should you require any clarification or assistance.

For and on behalf of:

OSN

إشعار الانتهاك

تاريخ التسجيل: 12/27/2013

الوقت: 01:30

رقم إشارة التذكرة: 201312270130

إشعار انتهاك

تحية طيبة وبعد،

إننا نخطركم ونبلغكم بموجبه بالانتهاك التالي الذي يقع حالياً على المنصة الخاصة بكم:

القناة	الترددات	العنوان	أختام الوقت والتاريخ المرخص
ATM	11680H	Majestic Cinema	01:30 12/27/2013
		Gulf Films	

نؤكد أن بث البرنامج المحمي بحقوق الطبع والنشر (يشار إليه بـ "العنوان") من قبل القناة المحددة أعلاه يشكل انتهاكاً وأن القناة المذكورة غير مخولة من قبل صاحب أو أصحاب حق الطبع والنشر أو وكيله أو وكلائه، أو القانون لاستخدام بأي شكل من الأشكال البرنامج المحمي بحقوق الطبع والنشر والموصوف أعلاه بالعنوان.

ونؤكد أن المعلومات الواردة في هذا الإشعار المتعلقة بالانتهاك دقيقة وأنها مخولة للتصرف بالنيابة عن أصحاب الحق الحصري الذي يزعم انتهاكه.

ولذلك، فإننا نطلب منكم العمل على وجه السرعة واتخاذ جميع التدابير اللازمة لوقف خدماتكم إلى القناة المحددة في هذا الإشعار.

بانتظار إجراءاتكم الفورية وتعاونكم.

يرجى الاتصال بالسيد / ديفيد واترهاوس (david.waterhouse@osn.com) أو السيد / زاهي سمعان (zahi.semaan@osn.com) إذا كنتم بحاجة إلى أي توضيح أو مساعدة.

لأجل وبالنيابة عن:

أو إس إن

Appendix A: Example Infringement notice (Pay TV)