

# MOROCCO

## INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)

### 2025 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

**Special 301 Recommendation:** IIPA recommends that Morocco be placed on the Watch List in 2025.<sup>1</sup>

**Executive Summary:** Morocco has extremely high rates of piracy for film and music. Enforcement against copyright piracy is limited due to shortcomings of the existing customs recordation system and a weak legal framework that does not adequately empower authorities to address digital piracy. Moreover, administrative authorities have not acted against many instances of piracy, despite their authority to do so. Education of the public on the harms of infringement and the rights of copyright holders could significantly decrease the piracy rate in Morocco because the public at large lacks a basic understanding of copyright principles. IIPA urges Morocco to improve enforcement efforts, educate the public on general copyright principles, and revise its legal framework to reduce its piracy problem.

#### **PRIORITY ACTIONS REQUESTED IN 2025**

##### **Enforcement**

- Implement effective enforcement methods against those involved in illegal distribution of copyrighted materials, specifically streaming and IPTV services.
- Educate the public and government officials about the damaging effects of copyright piracy, specifically in the digital environment.

##### **Legal Reforms**

- Modify the current customs recordation system to allow rights holders longer than ten working days to initiate legal proceedings.
- Encourage adoption of a legal framework to improve and expedite administrative actions against illegal IPTV and streaming services in a rapid manner.
- Make amendments to Moroccan law that clarify the powers of the Bureau Marocain des Droits d'Auteur et Droits Voisins (BMDAV) to ensure that rights holders have autonomy in the management of their rights, that licenses covering related rights do not extend outside of Morocco, and that broadcasting and communication to the public rights for sound recording producers are exclusive rights.
- Affirmatively declare that copyright protection extends beyond Moroccan citizens and residents.

#### **ENFORCEMENT**

- **Implement effective enforcement methods against those involved in illegal distribution of copyrighted materials, specifically streaming and IPTV services.**

The level of achievable enforcement in Morocco is currently not adequate to make a meaningful impact on copyright piracy. Illegal Internet protocol television (IPTV) is rampant in Morocco. Many illegal IPTV services have professionalized, with some offering business cards and after-sale technical assistance to legitimize their reputation and increase sales. These IPTV services are operated out of Morocco and/or by Moroccan nationals. The yearly subscriptions to these illegal services are typically inexpensive, between 150 and 500 dirhams (~US\$50-\$150) per year. These types of subscription services no longer require a receiver or physical equipment and are accessible via

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<sup>1</sup> For more details on Morocco's Special 301 history, see previous years' reports, at <https://iipa.org/reports/reports-by-country/>. For the history of Morocco's Special 301 placement, see <https://www.iipa.org/files/uploads/2025/01/Appendix-C-2025.pdf>.

any device with a browser, which makes purchasing easier and selling less risky. IPTV subscriptions are especially popular in Morocco because of the cultural interest in soccer games.<sup>2</sup>

A flea market in Casablanca, *Derb Ghallef souk*, is a hub for pirated content with over 1,500 storefronts.<sup>3</sup> Infringing copies of copyrighted works are sold within this market for redistribution nationally. Consumers are attracted to pirated copies of works because of a lack of awareness of the law and the cheap cost of infringing works in these marketplaces. Due to the size and the longevity of markets like *Derb Ghallef* (which has existed since the beginning of the 1900s),<sup>4</sup> the availability of pirated goods is rampant in the large cities of Morocco.

Rights holders are often frustrated by the BMDAV's inaction in the process of enforcing their rights, which has led to a decline in complaints filed overall. The BMDAV, the Moroccan copyright office, created through public law and granted financial autonomy, also functions as a collective management organization (CMO). The BMDAV is thus responsible for the protection and exploitation of copyright and related rights in Morocco.<sup>5</sup> Rights holders have lodged complaints against many known sellers of infringing content, but the BMDAV has not initiated enforcement actions.

- **Educate the public and government officials about the damaging effects of copyright piracy, specifically in the digital environment.**

Infringers' lack of understanding of basic copyright principles creates significant resistance to compliance with copyright laws. Morocco has an extremely high rate of piracy for films and music. A staggering 93% of consumers in Morocco are engaged in piracy of films and music.<sup>6</sup> There were more than 3 million visits to stream-ripping sites from Morocco in September 2023, and over 1.5 million visits to just two of the most popular cyberlockers in the same month.<sup>7</sup> These sites are also often exporters of piracy services, targeting foreign jurisdictions while operating within Morocco's permissive environment. Social acceptance of the purchase and sale of pirated content contributes greatly to the spread of infringing activity. In June 2023, cafés and restaurants were charged for licenses to utilize copyrighted works in their businesses (e.g., playing music in a café). The owners of these establishments filed a complaint with the Court of First Instance in Rabat against the BMDAV alleging that it was acting without a basis in law.<sup>8</sup> These business owners claimed that the radio stations or television stations performing the works to the public were the only entities responsible for licensing the material.

To address this lack of understanding it is critical to raise public awareness about the true costs of copyright infringement. Many Moroccans are unaware that consuming pirated content is illegal or do not see the direct connection between piracy and the harm it causes to the local creative economy. A targeted campaign to educate consumers on the legal, ethical, and financial consequences of piracy could make a significant difference. For example, public service announcements on popular social media platforms, in schools, and in public spaces could explain the legal risks involved and promote affordable legal alternatives for accessing content. Additionally, partnerships with local celebrities or artists could add a personal touch, emphasizing the real-world impact piracy has on their work. Highlighting the consequences of piracy in a national conversation and offering practical solutions would begin to reduce the prevalence of copyright infringement and foster a more supportive environment for the creative industries in Morocco. Similarly, steps to educate local citizens on the illegality of illegal IPTV services could greatly reduce the pervasiveness of these

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<sup>2</sup> In 2022 the Alliance for Creativity and Entertainment (ACE) shut down two of the most popular sports piracy sites in Morocco just before the World Cup. These two sites had recorded 20.6 million collective visits in October of 2022 alone. See Mehdi Hitane, HESPRESS English, World Cup 2022: Copyright watchdog prides itself for taking down Morocco piracy ring, but to no avail, November 21, 2022, available at <https://en.hespress.com/53418-world-cup-2022-copyright-watchdog-prides-itself-for-taking-down-morocco-piracy-ring-but-to-no-avail.html>.

<sup>3</sup> See Aziza Belouas, La Vie Eco, In *Derb Ghallef*, activity is not about to resume, shopkeepers are worried, October 5, 2020, available at <https://www.lavieeco.com/influences/societe/a-derb-ghallef-lactivite-nest-pas-pres-de-reprendre-les-commercants-sinquietent/>.

<sup>4</sup> See Abouammar Tafnout, H24Info, From the skin trade to microchips, the surprising story of *Derb Ghallef*, September 30, 2018, available at <https://www.h24info.ma/du-commerce-de-peaux-aux-puces-electroniques-la-surprenante-histoire-de-derb-ghallef/>.

<sup>5</sup> See BMDAV, Who Are We?, available at <https://bmda.ma/>.

<sup>6</sup> See Ministère De L' Économie, Des Finances Et De La Souveraineté Industrielle Et Numérique, Morocco Intellectual Property, available at <https://www.tresor.economie.gouv.fr/Pays/MA/propriete-intellectuelle>.

<sup>7</sup> According to Similarweb traffic from June 2024 to November 2024, the stream ripping site *Notube.lol* received the second highest level of traffic from Morocco.

<sup>8</sup> See Morocco Latest News, Cafés and Restaurants Take Legal Action, June 20, 2023, available at <https://moroccolatestnews.com/cafes-and-restaurants-take-legal-action/>.

illegal streams. This lack of awareness, the ease with which Moroccans can subscribe to illegal IPTV services, the low cost of these illegal services, and the professionalism of the sellers all contribute to rampant infringement.

Improving the education of Moroccan enforcement officials should result in faster and better results in enforcement actions. In February of 2023, the U.S. Patent and Trademark Office organized a workshop in Casablanca to educate prosecutors and judges on digital copyright infringement, illegal services, and methods of identification of the anonymous operators of these illegal entities. Also in February of 2023, the Court of Algiers organized a day for industry members to learn about the protection of intellectual property (IP) on the Internet. Both events are examples of productive educational efforts.

Regular training sessions of enforcement officials tailored to the unique challenges posed by illegal IPTV operations can provide officials with the knowledge and tools necessary to identify, investigate, and prosecute infringers. Similarly, training local law enforcement and judges on digital piracy is a critical step in curbing the spread of illegal content in Morocco. As digital piracy evolves with technology, so must the knowledge and skills of those responsible for enforcing the law. Many law enforcement officers and judges may not be fully aware of the complexities involved in modern digital piracy cases, including how illicit streaming services operate, how content is distributed, and the methods used to conceal these activities. This lack of expertise often hampers effective enforcement and prosecution.

A key challenge is the technical knowledge necessary, but lacking, by law enforcement to collect and interpret digital evidence. This gap can cause significant delays in cases involving IPTV and illegal streaming services, allowing operators to continue and suspects to evade capture. To prevent such delays and ensure more effective responses, Morocco should introduce specialized training programs in collaboration with international experts like INTERPOL. These programs would educate law enforcement officers on tracing illegal streams, detecting pirated content, and identifying the financial networks behind these operations.

Judges would also benefit from training and should adopt international procedural best practices for adjudicating digital crimes. For instance, courts in countries like France and the Netherlands have streamlined processes that allow courts to issue quick rulings, such as blocking illegal services or freezing financial assets linked to piracy. Morocco can learn from these models to improve its judicial process and protect IP more effectively. Providing judges with a deeper understanding of global piracy trends, legal frameworks, and enforcement strategies would enable them to make more informed rulings. Equipping both law enforcement and the judiciary with these essential skills would not only improve Morocco's ability to investigate and prosecute digital piracy but also significantly deter such crimes.

## **LEGAL REFORMS**

- **Modify the current customs recordation system to allow rights holders longer than ten working days to initiate legal proceedings.**

Under Morocco's current customs recordation system, rights holders or their representatives may file requests with the Central Administration of Customs to seize or suspend pirated goods at the ports of entry in Morocco.<sup>9</sup> The BMDAV may also file these requests in the case of copyrighted goods. Once customs has detained goods as requested, the rights holder has a maximum of just ten days from the date of notification to request a formal order for a seizure to continue until a bailiff can visit the port to inspect the goods. If this order is not filed, the goods are released after the ten day period. Ten days is too short because rights holders need additional time to investigate these issues and prepare before initiating proceedings. Additional time is even more critical for foreign rights holders or those who are not physically located in Morocco, for whom this narrow time frame is especially restrictive. IIPA urges Morocco to update the customs recordation system to increase the time for rights holders to initiate legal proceedings.

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<sup>9</sup> See Law No. 17-97 on the Protection of Industrial Property, Article 176.4.

- **Encourage adoption of a legal framework to improve and expedite administrative actions against illegal IPTV and streaming services in a rapid manner.**

The BMDAV does not initiate action against known infringers or investigate complaints lodged by rights holders. Law No. 25-19 on the Moroccan Copyright and Neighboring Rights Office has clarified the status of the BMDAV as a legal entity under public law with financial autonomy to investigate reports of infringement.<sup>10</sup> Morocco should adopt a new legislative or regulatory framework requiring the BMDAV to initiate action or affirmatively decline action requested by a complaint to ensure the BMDAV is accountable to rights holders.

Under Article 65.2 of Morocco's Copyright Law, copyright infringement may be subject to proceedings ordered by the Public Prosecutor's Office without a complaint from a private party or rights holder.<sup>11</sup> Although an expert report is not mandatory to initiate such actions, it becomes crucial for civil actions where technical details are paramount. Even when available experts lack in-depth knowledge of digital piracy, their reports remain critical to guide investigations and legal proceedings effectively. Rights holders can request the appointment of an expert through the national court, but this process can take two to three months. The timeline for expert appointments is technically subject to a deadline of ten days to one month, but these deadlines are rarely met due to a limited pool of available experts. Some experts decline appointments, citing insufficient technical knowledge of digital piracy, which delays investigations and/or legal proceedings and allows infringing activities to persist. Furthermore, some experts may decline appointments because of insufficient technical knowledge in digital piracy, which can significantly delay proceedings and allow infringing activities to continue unabated. In some cases, alternative evidence—such as bailiff reports and investigation minutes—can suffice for criminal complaints, enabling the Judicial Police to conduct investigations independently of expert reports. However, if the prosecutor takes the case to court, the court may still order an expert report if deemed necessary. To enhance the effectiveness of copyright enforcement in Morocco, it is imperative to address the existing bottlenecks in the expert appointment process. This can be achieved by expanding the pool of knowledgeable experts, improving their training in digital piracy, and expediting the appointment process. Such measures are essential for effectively implementing reform and reducing prolonged infringing activities.

- **Make amendments to Moroccan law that clarify the powers of the *Bureau Marocain des Droits d'Auteur et Droits Voisins* (BMDAV) to ensure that rights holders have autonomy in the management of their rights, that licenses covering related rights do not extend outside of Morocco, and that broadcasting and communication to the public rights for sound recording producers are exclusive rights.**

The current collective rights management system and enforcement mechanisms in Morocco grant BMDAV a legal monopoly for the management and enforcement of all forms of copyright exploitations. This system must change to allow rights holders autonomy in exploiting their rights and choosing collective management methods.

Article 4 of Law 25-19 requires rights holders to become members of the BMDAV, a state-run CMO. BMDAV provides all collective rights management services per Law 25-19, which precludes rights holders from establishing their own CMOs.<sup>12</sup> The provisions in Law 25-19 ultimately restrict rights holders from deciding whether to manage their rights individually or collectively.

Further, the effects of the requirement for rights holders to join the BMDAV CMO are not limited to Morocco. This is because the newly adopted Article 49.1 of the Copyright Law could be interpreted to extend the scope of BMDAV licenses, including licenses covering related rights, outside of Morocco.

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<sup>10</sup> See Law No. 25-19 on the Moroccan Copyright and Neighbouring Rights Office, WIPO LEX, available at <https://www.wipo.int/wipolex/en/legislation/details/21930> (2022).

<sup>11</sup> See Law No. 2-00 on Copyright and Related Rights, WIPO LEX, available at <https://www.wipo.int/wipolex/en/text/567196> (2000).

<sup>12</sup> See Law No. 25-19 *Relative au Bureau Marocain des Droits D'Auteur et Droits Voisins*, WIPO LEX, available in French at <https://www.wipo.int/wipolex/en/text/587394> (2022).

Morocco should also provide sound recording producers with exclusive rights for broadcasting and communication to the public. Exclusive rights enable record companies to negotiate commercial terms for the public performance and broadcast of sound recordings.<sup>13</sup>

Article 59.6 of the Copyright Law contains a distribution key, which unfairly prejudices phonogram producers for collections of the private copying levy. Phonogram producers are allocated only 10% of these collections, versus 35% for authors and performers respectively.<sup>14</sup> This distribution key is arbitrary and does not accurately reflect the economic value of the rights at issue. Given that the BMDAV manages exclusive rights, there is concern that this distribution key may be the basis of distributions of monies collected from other exploitations. Article 59.6 should be reevaluated and if necessary revised to ensure an economically proportionate and fair distribution to rights holders.

- **Affirmatively declare that copyright protection extends beyond Moroccan citizens and residents.**

Article 67 of Morocco's Copyright Law establishes the scope of copyright protection. Phonograms specifically are limited to (i) those, the producer of which is a national of Morocco, (ii) those, the first fixation of which took place in Morocco, and (iii) those produced for the first time in Morocco.<sup>15</sup> Article 68 of Morocco's Copyright Law gives international treaties (such as the WIPO Performances and Phonograms Treaty) to which Morocco is party precedence over the national law in the case of a conflict. To eliminate all doubt, Article 67 should affirmatively declare that foreign nationals of nations that are parties to treaties to which Morocco is also party are entitled to the same scope of copyright protection under Morocco's Copyright Law as Moroccan nationals.

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<sup>13</sup> See id.

<sup>14</sup> See Law No. 79-12 Complétant la loi no. 2-00 Relative aux Droits D'Auteur et Droits Voisin, WIPO LEX, available in French at <https://www.wipo.int/wipolex/en/text/570011> (2014).

<sup>15</sup> See Law No. 2-00 on Copyright and Related Rights, WIPO LEX, available at <https://www.wipo.int/wipolex/en/text/567196> (2000).