APPENDIX B – ADDITIONAL CONCERNS IN OTHER KEY FOREIGN MARKETS

AUSTRALIA

There have been multiple reviews in recent years regarding the availability of Australian content and the disparity in local content obligations for free-to-air broadcast and digital services. In 2019, the Australian Competition and Consumer Commission, through its *Digital Platforms Inquiry Final Report*, recommended "harmonization" of content regulation across broadcast and Video-on-Demand (VOD), introducing the possibility of local content obligations extending to VOD services. In November 2025, the Albanese government followed through on its 2023 National Cultural Policy commitment to introduce an investment obligation for VOD services. This obligation is violative of Australia's FTA commitments to the United States. To date, there has been no evidence supporting claims of a market failure in this area. Indeed, the data on investment in Australian content for streaming services continues to indicate high levels of production and wide availability for subscribers. There remains no necessity for quotas or obligations to invest in local content.

In 2023, Australia's Attorney-General announced the establishment of a Copyright and Artificial Intelligence (AI) Reference Group (CAIRG) "to better prepare for future copyright challenges emerging from AI."[1] In 2024, CAIRG released a report on *Copyright material as AI inputs*.[2] The Productivity Commission (an independent authority that does not administer government programs) conducted an inquiry into "Harnessing Data and Digital Technologies." In August 2025, the Commission released an interim report that suggested the need for a new text and data mining (TDM) exception tied to Australia's fair dealing copyright framework, which they argued will better promote the development of AI technologies, purportedly to increase productivity. This proposal faced strong public pushback from local and international rights holders who argued the country's framework is already well-equipped to accommodate development of new technologies such as generative AI. Consequently, in late October 2025, the Australian government announced that it would not pursue a TDM exception to its copyright law. The government also reactivated the Copyright & AI Reference Group to explore a licensing-led approach to AI use in Australia. However, the proposal to consult on whether a compulsory license should be introduced remains a concern.

Limited copyright enforcement in Australia is a growing concern. IIPA encourages the Australian Federal Police to dedicate more resources to investigating and taking meaningful and effective enforcement action against crimes involving intellectual property (IP).

Finally, Australia has a market distorting 1% cap on fees commercial radios pay for the right to use sound recordings in their broadcasts. This has caused rights holders' significant economic losses over the years. The royalty cap amounts to a forced subsidy to the commercial radio industry, reduces the amount of funds available for investment in local talent, and is without precedent internationally. There was a private members bill during the last parliament proposing to remove the cap, but it was not passed in time before the last parliamentary election. The removal of the cap is long overdue.

BELGIUM

Belgium transposed the European Union (EU) Directive 2019/790 on copyright and related rights in the Digital Single Market (DSM Copyright Directive) and SatCab Directive[3] in 2022. The existing author and performer unwaivable remuneration right was extended to the new definition of retransmission and is subject to mandatory collective rights management for cable retransmission and for direct injection when authors and performers transfer their rights to

[1] See *Copyright and Artificial Intelligence Group (CAIRG)*, Australian Government Attorney General's Department (2025), https://www.ag.gov.au/rights-and-protections/copyright/copyright-and-artificial-intelligence-reference-group-cairg.
[2] See *Copyright and AI Reference Group* (September 2024), https://www.ag.gov.au/sites/default/files/2024-09/AGD-Questionnaire-4-September-2024.pdf.
[3] SatCab Directive is Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organizations and retransmissions of television and radio programs and amending Council Directive 93/83 [2019] OJL130/82.

audiovisual producers. This new definition includes simultaneous/live and unabridged retransmission of television or radio programs when carried out by a party other than the broadcaster, including via satellite, digital terrestrial, Internet Protocol Television (IPTV) networks, and mobile networks. This remuneration right was introduced without consultations with stakeholders or a proper impact assessment. Additionally, it covers live retransmission if it takes place in a controlled and secure environment for authorized users. Belgium went beyond what is prescribed in the Directive by introducing another mandatory unwaivable remuneration right for performers and authors that is paid by audiovisual and music on-demand services and, unless there is a collective agreement, is subject to mandatory collective rights management (Articles 60-62). This adds a completely unnecessary step, which will be costly and highly bureaucratic to administrate, to the process for remunerating artists for the use of their recordings by online streaming services. Instead of benefitting Belgian or international artists, the remuneration right jeopardizes the future of the Belgian music sector by damaging the ability of record labels to invest in Belgian artists and the country's wider music sector. It further makes entry for digital music services into Belgian and EU markets more complicated and costly. The law entered into force in 2022 and some of its provisions are being challenged before the Belgian Constitutional Court, which recently decided to refer thirteen preliminary questions in the case to the Court of Justice of the EU.

BULGARIA

Bulgaria is consulting on the transposition of the Network and Information Security 2 (NIS2) Directive. The draft provisions define the scope of legitimate access seekers as extremely narrow and mandate that top-level-domain (TLD) name registries and entities providing registration services cooperate only with national competent authorities, CSIRT (Computer Security Incident Response) teams (sectoral and national), and pre-trial proceedings authorities. This definitional limit, which restricts the scope of parties that could use the provision, was brought to the attention of the Parliamentary Committee on E-Government and Information Technology to the 51st National Assembly but was ultimately rejected, as evidenced by the committee's report prepared for the second plenary vote. Such a narrow interpretation would negatively impact online copyright enforcement actions. Additionally, Bulgaria has not fully implemented Article 8(3) of the EU Copyright Directive (2001/29/EC).[4] However, in March 2025, the Bulgarian Ministry of Culture initiated consultations with stakeholders with a view toward introducing legislation on enforcement that would fully implement Article 8(3).

COSTA RICA

As part of Costa Rica's implementation of the Beijing Treaty on Audiovisual Performances, the Legislative Assembly is considering a concerning proposal that would introduce a new remuneration right for performances fixed in an audiovisual work with a mandatory collective management clause. Such a remuneration right is inconsistent with international norms, which support the individual exercise of exclusive rights, and raises concerns regarding Costa Rica's obligations under the Central America-Dominican Republic Free Trade Agreement (CAFTA-DR). Another concern in Costa Rica is a 2023 bill that proposed the exemption of most public venues from payment of broadcasting and public performance rights.

GERMANY

The 2021 transposition of the DSM Copyright Directive introduced an overbroad limitation on the exercise of exclusive rights for "presumably permitted uses" and content that is "pre-flagged" by users as non-infringing. These new *de facto* exceptions exceed the "three-step test" and will lead to an untenable situation in which certain uses would be permitted in Germany but not elsewhere in the EU or worldwide.[5]

[4] In May 2023, the Sofia City Court granted a website blocking injunction against local ISPs in respect of The Pirate Bay and local BitTorrent site *Zamunda* following an application filed in February 2020. The local law was applied in light of EU law and the court found in favor of the rights holders. In July 2023, two ISPs filed separate appeals to the decision and in May 2024, the appeal court issued a decision upholding the ISPs appeal finding that there was in fact no legal basis to issue website blocking orders. An appeal was filed, and an appeal hearing took place in September 2025. The decision remains pending.

[5] Article 13 of the WTO TRIPS Agreement obligates WTO members to "confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rights holder." See also Berne Convention Article

Germany also maintains an additional remuneration right (ARR) for authors and performers, subject to mandatory collective rights management, and exercisable against online content sharing service providers (OCSSPs) like YouTube. This means that authors and performers who have licensed or transferred their rights to producers and already obtained remuneration under these contracts, would still be able to ask for a remuneration from an OCSSP, where the producer has licensed the content to the OCSSP. Moreover, the ARR also applies where use of the content on the OCSSP is subject to an applicable copyright exception (e.g., parody, satire, or pastiche). The ARR is unwaivable and must be administered by collective management organizations (CMOs). This provision raises significant questions regarding both its practical application as well as its legitimacy, not least due to the unreasonable restrictions on freedom of contract. Reportedly, complaints have been filed with German Constitutional Court.

Germany has failed to implement the EU enforcement legislative framework correctly because it has failed to provide for effective injunctive relief against intermediaries. Rather, intermediary injunctions are considered a measure of last resort due to the burdensome "subsidiarity requirement." This impacts enforcement in practice, especially for orders against Internet access providers and domain registrars.

Germany is also late in implementing the NIS2 Directive which had an implementation deadline of October 17, 2024. However, in July 2025, the Federal Cabinet adopted the bill for the implementation of the Directive, and the draft law is expected to be passed by parliament by the end of 2025.

HONG KONG

In 2024, the Hong Kong Intellectual Property Department opened a public consultation on Copyright and AI, including a proposed TDM exception, and in February 2025 concluded that a TDM exception was "necessary." There is no evidence that the introduction of a TDM exception in Hong Kong is needed – the existing copyright regime based on exclusive rights ensures a mutually beneficial licensing market for copyrighted works. While there continues to be pushback from industry, the Hong Kong government reportedly remains committed to introducing legislation to adopt a new policy for TDM. The Chief Executive of the Hong Kong Special Administration, John Lee Ka-chiu, in his 2025 Policy Address to the Legislative Council on September 17, 2025, stated that "following the completion of the public consultation on enhancement of the Copyright Ordinance regarding the protection for AI technology development in September last year, the government will formulate a code of practice in respect of relevant legal principles and prepare a legislative proposal."

On enforcement, a great deal of pirated vinyl produced in mainland China, particularly Guangdong province, continues to be smuggled through Hong Kong for worldwide distribution. Hong Kong Customs should enhance border control measures to stop the smuggling and cease the dissemination of these infringing goods worldwide.

Since the implementation of the Copyright (Amendment) Ordinance in 2022, Hong Kong Customs has started taking action against traders distributing illicit streaming devices. For example, in October 2023, Hong Kong Customs conducted an enforcement operation and raided ten retail shops and seized about 1200 suspected illicit streaming devices and a batch of computers and video equipment, with an estimated market value of about $1.4 million. However, it appears that the case has not yet proceeded to prosecution. Prosecutors should seek custodial sentences, to ensure that enforcement actions result in deterrent outcomes against pirate distributors and operators.

Additionally, digital piracy in Hong Kong remains problematic. Popular piracy streaming sites like *Gimy, movieffm.net, 94itv,* and *xiaoyakankan.com* continue to proliferate, undermining the ability of rights holders and legitimate services to distribute copyrighted content.

9(2) (same, as to reproduction right); WIPO Copyright Treaty (WCT) Article 10 (same, as to all Berne exclusive rights and all exclusive rights granted under the WCT itself); WIPO Performances and Phonograms Treaty (WPPT) Article 16(2) (same, as to all rights provided for under WPPT).

HUNGARY

Hungary imposes extended collective licensing (ECL) for the making available right of performers, which interferes with the ability for performers to freely assign or license their right if they don't expressly opt-out following an overly burdensome process. This ECL requirement is having a disruptive effect on the streaming market because, contrary to international norms, the local performers' CMO (EJI) is currently collecting royalties from digital service providers (DSPs) on behalf of Hungarian performers.

IRAQ

In Iraq, local Internet Service Providers (ISPs) often distribute or sponsor access to illegal streaming platforms. These platforms, including *Cinemana, CEE, Vodu, Shashety, MyTV+, Show365, Cinema Box, Veo, Shabakaty, Ubox, Weaana TV, Vega Box*, and *GigaNet World TV*, are currently distributing copyrighted content illegally, without authorization. ISPs in Iraq bundle such illegal IPTV and over-the-top (OTT) services, which they directly fund, with Internet subscriptions, offering consumers illegal access to premium content. This practice significantly undermines the demand for legitimate services and has the potential to contribute to the dissemination of pirated content across the region. There is a need for the Iraqi government to take measures to tackle such illegal services and activities, ensuring that ISPs and telecom operators partner with legal platforms.

JAPAN

In 2019, the Japanese Copyright Act was amended to include an exception, in Article 30-4, that permits the exploitation of a work for data analysis (meaning the extraction, comparison, classification, or other statistical analysis of the constituent language, sounds, images, or other elemental data from a large number of works or a large volume of other such data) or in any other case in which it is not a person's purpose to personally enjoy or cause another person to enjoy the thoughts or sentiments expressed in that work. While the act states that it does not apply if the action would unreasonably prejudice the interests of the copyright owner in light of the nature or purpose of the work or the circumstances of its exploitation, it does not expressly distinguish between use for commercial or non-commercial purpose, nor does it expressly require lawful access to the works in question. It is also not clear what activities are encompassed by the non-personal enjoyment carveout. Rights holders are deeply troubled by the current lack of clarity and certainty, which risks Article 30-4 permitting the use of unlawfully accessed copyright material as the source for TDM activities. Following continuous advocacy by industry stakeholders, the Agency of Cultural Affairs released official guidance in 2024 regarding Japan's TDM exception, noting that the TDM exception does not apply in cases that would unreasonably prejudice the interests of rights holders and highlighting the ability of rights holders to utilize lawful access protections, including technological protection measures (TPMs), to restrict access to their works, including in AI training use cases. The risk of an overbroad interpretation of the TDM exception has gathered significant attention in 2025, including in the form of push back from the creative sector as well as government representatives.[6] It is imperative that any application of the TDM exception is done in a manner consistent with Japan's international obligations.

In 2023, the government also passed amendments to the Copyright Act to establish a system similar to ECL to address orphan works or works where the copyright owner cannot be easily identified. The Agency for Cultural Affairs is now working on implementing regulations and has completed a round of public consultations on the shape of these regulations; the new system will be implemented in early 2026. The introduction of such a compulsory licensing system interferes with freedom of contract and well-established licensing models for audiovisual works. The new system also risks disadvantaging foreign rights holders due to unclear provisions/mechanisms for opting out. The government should address these concerns through clear further regulations and implementing guidance.

[6] In October 2025, Japan's Digital Minister announced the government had asked OpenAI to switch to an opt-in rather than an opt-out model to ensure a mechanism for copyright holders to be compensated for use of their works on AI platforms is available.

Further, Japan does not provide a public performance right for producers of sound recordings, depriving U.S. rights holders of significant revenues.[7] This concerning practice is undergoing a current review by the Agency of Cultural Affairs. Additionally, Japan has a limited making transmissible right, which is an incorrect implementation of the WIPO Performances and Phonograms Treaty's (WPPT) making available right and is narrower than the making available right in other countries. In particular, Japan's right only encompasses the upload of a protected work and not its actual transmission to the public.

Measures should also be taken to address Japan's inadequate online liability framework, which prevents action from being taken to remove copyright protected content including that appearing on unlicensed user-uploaded content platforms. Such measures should include: (i) ensuring that there is a clear legal basis for the liability of active online services; (ii) clarifying that safe harbors online apply to neutral and passive intermediaries that do not contribute to infringing activities; (iii) clarifying the responsibilities of services to be eligible for safe harbors, including an obligation on hosting service providers to remove infringing content expeditiously upon obtaining knowledge or awareness of infringing activity, to take measures demonstrated effective in preventing or restraining infringement, and to implement an effective repeat infringer policy; (iv) requiring marketplaces and encouraging all relevant intermediaries to implement "know your business customers" (KYBC) policies to ensure they keep up to date and accurate information about their customers and to allow rights holders to obtain accurate information to protect their rights against direct infringers; and (v) to address piracy from outside of the jurisdiction, providing for mechanisms that ensure ISPs can impose effective relief to remove infringement, including, where applicable, to disrupt or disable access to structurally infringing websites, on a no-fault basis, upon rights holders' applications to appropriate authorities. The government has previously recognized that disabling access to infringing sites is among the countermeasures to piracy to be considered. Since such a remedy can effectively reduce piracy and has been shown to increase legal consumption, in a measured way that academics have found does not conflict with Japanese constitutional principles, the government should consider adding this important remedy.

KAZAKHSTAN

The highly problematic CMO provisions of the newly amended Copyright Law of Kazakhstan grants (in Article 46-1(2)) extended collective licensing (ECL) rights for any accredited CMO, with a highly theoretical possibility for non-represented rights holders to opt-out. To make matters worse, the government has accredited several CMOs to manage rights in musical works and sound recordings — all without substantial mandates from major international rights holders. With the controversial 2025 reform of the Copyright Act, this regime would now also apply to interactive exploitations. In addition to that, the law now imposes on CMOs the use of a government controlled 'Unified Digital Platform', which centralizes registers of rights holders, repertoire, and contracts with users and with rights holders, among others. The practical cumulative impact of these changes is the government control and confiscation of intellectual property rights of international music rights holders.

KENYA

While the Government of Kenya has indicated its intention to ratify the WIPO Copyright Treaty (WCT) and the WPPT (collectively, the WIPO Internet Treaties), it has yet to do so or to set a timeframe for accession. Instead, Kenya should ratify and implement the WIPO Internet Treaties as part of its ongoing Copyright Act amendment process. Kenya's 2019 amendment to the Copyright Act was intended to address some of the challenges of the digital age, but Kenya's copyright framework remains deficient in several significant respects. Since then, there have been several proposals to amend the existing Copyright Act, including the Intellectual Property Bill (2020), Draft Copyright and Related Rights Bill (2023), and more recently, a new draft Copyright and Related Rights Bill (2025). The second draft of the 2025 draft Bill appears to strengthen remedies in certain respects, including by maintaining a remedy (draft Article 83) to disable access to primarily infringing sites and services, including but not limited to addressing live events

[7] The music industry estimates that the value of public performance rights in Japan is $120 million per year, with a significant portion of that value attributable to U.S. rights holders.

and addressing removal or alteration of TPMs and rights management information (RMI). In other respects, the 2025 draft Bill does not yet fully address some other deficiencies in Kenya's copyright framework to comply with international obligations. The current draft of the Bill additionally includes concerning safe harbor provisions that appear to be overbroad. To ensure adequate and effective protection and enforcement of IP rights, Kenya's government should address the following shortcomings in Kenya's copyright and enforcement framework, many of which have not been properly addressed in the 2025 draft Bill, including by:

- Clarifying and rejecting any proposals requiring copyright registration and compulsory recordation of assignments, and removing the requirement in the Copyright Act that authentication devices be affixed to sound recordings, all of which are incompatible with Kenya's international obligations, including under the Berne Convention and the WTO TRIPS Agreement, and with the requirements of the WPPT;
- ensuring that the exclusive rights of communication to the public, broadcasting, and making available are clearly defined and maintained as exclusive rights in keeping with the WPPT;
- ensuring that exclusive rights apply to all sound recordings, including "born digital" recordings;
- ensuring that key definitions such as "broadcast" are defined in line with international treaties, including the Rome Convention and the WPPT, as a technical term referring specifically to wireless, over the air, and one-to-many transmissions;
- providing adequate and effective protections for TPMs and RMI, in line with international standards, including introducing definitions for TPMs and RMI in the 2025 Bill that are in keeping with the international standard;
- providing a term of protection consistent with international norms (life of the author plus 70 years, or at least 70 years from fixation or publication for sound recordings or works not measured by the life of a natural person);
- ensuring that scope of exceptions and limitations to copyright protection is properly confined to the three-step test, including by expressly incorporating the three-step test into the law;
- improving Kenya's online liability regime to ensure that it supports sustainable growth of the digital content markets and does not shield copyright infringing services in keeping with the international standard, including by: (i) ensuring there is a clear legal basis under which ISPs may be held liable for IP infringements carried out by third parties using their services or networks; (ii) clarifying that safe harbors apply only to passive and neutral intermediaries that do not contribute to infringing activities; (iii) clarifying the responsibilities of ISPs eligible for safe harbors, including an obligation to remove infringing content expeditiously upon obtaining knowledge or awareness of the infringing activity, to take measures demonstrated effective in preventing or restraining infringement, and to implement effective repeat infringer policies; and (iv) requiring marketplaces and encouraging all relevant intermediaries to implement KYBC policies to ensure they keep up to date and accurate information about their customers and to allow rights holders to obtain accurate information to protect their rights against direct infringers;
- maintaining a clear legal basis for website blocking injunctions targeting all illegal websites, which are available on a preliminary basis in the Copyright Act, and clarifying the availability of mechanisms that ensure ISPs can impose effective relief to remove infringement, including, where applicable, to disrupt or disable access to structurally infringing websites on a no-fault basis, upon rights holders' applications to appropriate authorities;
- ensuring that the collective management framework and system reflect the essential characteristics of a CMO (that they are non-profit and owned or controlled by their member rights holders) and that CMO operations are in keeping with the principles of transparency, accountability, and good governance consistent with international standards and best practices;
- rejecting any proposal to introduce a statutory licensing scheme for ring back tunes, as artists and rights holders should be allowed to freely negotiate fair commercial terms for the use of their recordings on the back of strong exclusive rights and effective measures to enforce their rights;

- introducing a rate-setting standard applicable to the licensing of collectively managed rights requiring that rates reflect the economic value of the use of the rights in trade (i.e., willing buyer/willing seller standard);
- providing deterrent civil and criminal penalties to combat piracy, including applying increased penalties for second and subsequent offenses and fines and imprisonment terms for all criminal offenses, including for circumvention of TPMs, distribution of devices designed to circumvent TPMs, and removal/alteration of RMI; and
- clarifying the role of the proposed Copyright Tribunal, which should include hearing and determining matters referred to the Tribunal expeditiously and fairly, and clarification that rights holders may elect to bring claims to either the Tribunal or to the Courts.

In addition, a mandatory IP recordation system, established under the Anti-Counterfeit Authority (ACA), went into effect in January 2023. Under this system, it is an offense subject to criminal sanctions to import products protected by IP rights into Kenya if such rights have not been recorded with the ACA. Simply, upon import, rights holders must record with the ACA in addition to IP registration. The mandatory IP recordation system raises several concerns, including regarding Kenya's compliance with the Berne Convention, which prohibits formalities regarding the enjoyment and exercise of copyright rights.[8] Kenya should amend its mandatory recordation system to be voluntary and ensure that copyright is not in scope.

The Computer Misuse and Cybercrimes Act, 2018, Kenya Gazette Supplement No. 60 (Acts. No. 5), as amended in 2025 by The Computer Misuse and Cybercrimes (Amendment) Act, 2025 (in force November 4, 2025) provides an additional framework to the Copyright Act for disabling access to websites engaged in copyright infringement. While this framework covers a broader category of activities than just IP theft, and therefore has raised some concerns among opponents, the government has clarified that website takedowns under the amended Act must be subject to judicial review.[9] IIPA supports this remedy to disable access to primarily infringing sites as proposed under the Copyright Act amendments, and we are heartened that the government is paying due deference to constitutional principles and due process in other areas of the law.

Finally, in recent years there has been a notable increase in government interference in the collective management sector:

- The Copyright Office failed to renew the operating licenses of the three music CMOs, despite reasonable efforts by some, especially the Kenya Association of Music Producers (KAMP), to meet the Office's demands and operate within the country's collective management regulations/framework.
- In June 2024, the Kenya Copyright Board (KECOBO) unprocedurally awarded a license to the Performing and Audio-Visual Rights Society of Kenya (PAVRISK) to collectively manage performance and broadcast rights as a single window licensor in the country. With the support of the International Federation of the Phonographic Industry (IFPI) and the National Group (Recording Industry of Kenya (RIKE)), KAMP successfully challenged KECOBO's action at the Copyright Tribunal which resulted in a directive from the Tribunal that KECOBO awards a provisional operating license to all the mechanical licensing collectives (MLCs) and ensure that the accreditation process is transparent, objective, and in line with the law.
- KECOBO unsuccessfully sought a stay at the High Court to overturn the Copyright Tribunal's directive and consequently, in May 2025, KECOBO awarded KAMP a provisional operating license for six months. In the most recent development, KECOBO awarded KAMP a full year operating license in September 2025 following the MLC meeting the Regulator's conditions. KAMP is, however, challenging KECOBO's decision to restrict the MLC's operating license to producer-only share of the

[8] See Berne Convention Article 5(2).
[9] See *Government Clarifies Website Takedowns Under Cybercrime Act Subject to Judicial Review*, CAPITAL NEWS (October 23, 2025), https://www.capitalfm.co.ke/news/2025/10/govt-cybercrime-act-website-takedowns-judicial-review/.

sound recordings while passing on performers' rights to PAVRISK without regard to the producer's exclusive ownership of sound recordings in the country's Copyright Act.
- RIKE, working with KAMP and IFPI, successfully pushed back against the government's attempts in August 2025 to take over collective management operations.

While there has been some positive progress, IIPA underscores that the Government of Kenya's interference or over-involvement in the collective management space could undermine the industry's potential and market stability. Further, copyright is a private right whose management should be left to rights holders, including deciding on the systems for rights administration. KECOBO should instead focus on working with rights holders to align the laws and regulations with international standards and best practice.

Finally, while the proposed Finance Bill of 2024, which included discriminatory taxes on digital content and foreign DSPs, was withdrawn by the President, any return to similar proposals should be strongly rejected. Regarding music piracy, support from authorities is needed to scale up enforcement actions against foreign-based stream-ripping services that dominate the piracy landscape and authorities should receive further training and guidance to handle digital piracy cases.

MALAYSIA

Malaysia should modernize its law to extend the term of protection for sound recordings, films, and other works to at least 70 years. Malaysia also needs to improve and strengthen TPM anti-circumvention provisions to encourage the development of new business models for the dissemination of film, television, and video game content and ensure that any copyright limitation of liability should apply only to passive and neutral intermediaries that do not contribute to infringing activity.

In Malaysia, mandatory one-stop shop CMO licensing could reemerge. A task force made up of government officials and industry players is evaluating whether centralized control over collective licensing is necessary and will report their findings back to the government. This has the potential to revive the previously failed central collective licensing system under Music Rights Malaysia Limited (MRM), which was abandoned in 2020. Such a system would interfere with rights holders' ability to determine how and by whom their rights are managed, as well as how royalties are collected, apportioned, and distributed. Malaysia should desist from this course of action.

While certain stakeholders have continued to call for the Malaysian government to implement a TDM exception, arguing that an exception will better promote the development of AI technologies, to date IIPA is not aware of such an exception being introduced or implemented. There is no evidence that would support the introduction of a TDM exception in Malaysia – the existing copyright regime based on exclusive rights ensures a mutually beneficial licensing market for copyrighted works.

Authorities frequently cite resource limitations as reasons for the inaction or slow action regarding criminal cases, although the remedy to disable access to infringing websites is working to reduce piracy, albeit in need of some improvements (such as disabling access to all redirect, subdomain, and root domains). In an encouraging development, the Deputy Prime Minister has developed and chairs the new Malaysian Cybercrime Task Force, which has tackling digital piracy as one of its stated aims. Through initiatives such as this, IIPA hopes to see more enforcement actions in Malaysia, especially in the IPTV space. In particular, one of the most notorious IPTV piracy operators in the region is *MYIPTV4K*, which offers subscription-based access to a large library of live TV streams and an extensive pirated video-on-demand library of movies and TV series. *MYIPTV4K* has been active for more than ten years and attracts over 16,000 monthly active users across the region. Criminal enforcement action by the Malaysian police is needed to close such an expansive and longstanding piracy network.

PERU

Online and physical piracy continue to be serious problems that undermine the market for legitimate content in Peru. IIPA urges the Government of Peru to devote significantly more resources and political support to combat digital piracy, and specifically, increase funding for the *Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual* (National Institute for the Defense of Competition and the Protection of Intellectual Property, INDECOPI), the agency charged with promoting and defending IP rights. For example, INDECOPI should maintain adequate technical and human resources to enable its ongoing participation in Operation 404, a successful regional antipiracy enforcement campaign, and to build upon recent successful cases in order to have a positive impact on the digital economy. Further, disruptive cases and projects are necessary to address current challenges including mobile app piracy and streaming fraud services.

INDECOPI also recently ordered the country's Internet providers to block access to 128 websites that were illegally broadcasting sports events. Peruvian authorities should continue and strengthen such enforcement against complex IP crime. Law enforcement authorities such as the special public prosecutor's IP and cybercrime units should be more active in supporting and promoting antipiracy cases and operations. State-owned or funded operators rely in an unwarranted way on certain exceptions of the Copyright Act to avoid obtaining licenses for the use of music, thus setting a particularly negative example in the market in terms of respect of copyright.

Regarding legal reform, a bill introduced in 2022 (4627/2022) proposes extending the private copying exception to cloud services. This bill should be rejected. Further, in July 2023, Peru adopted its AI law and its corresponding implementing regulation was adopted on September 9, 2025, confirming (i) the protection of copyright and related rights, and (ii) a list of general obligations for developers of AI-based systems, including disclosure requirements for high-risk systems.

PHILIPPINES

The Government of the Philippines has recognized that online piracy is a major threat to both the local and international creative industries and has made noticeable efforts to implement a more robust IP enforcement regime. Unfortunately, there were several bills introduced in the prior Congress that would amend the IP code to include several problematic provisions that should be addressed, as indicated below:

- Remove the ECL mechanism. An ECL is a system that was developed for certain specific cases in markets with well-developed collective rights management systems, and with CMOs already representing a substantial number of rights holders in their respective fields. This is not the case in the Philippines. Furthermore, an ECL is a limitation on the exercise of rights and, as such, must comply with the three-step test. Accordingly, an ECL may be introduced only where there is a proven market failure and where individual licensing is unfeasible, not into a developed and well-functioning market. There is no evidence justifying the introduction of ECL in the Philippines, and the proposed ECL does not comply with the three-step test.
- Remove the provision for additional remuneration for performers for subsequent communications or broadcasts. This additional remuneration interferes with freedom of contract and established contractual and licensing arrangements.
- Remove the open-ended fair use provision in Section 207 or at least change it to a closed-list fair dealing provision. Open-ended exceptions create unnecessary uncertainty, litigation, and conflicting decisions, causing confusion. Such exceptions can be harmful not only to rights holders but also to users who need certainty regarding which uses are permitted. Closed list systems have been adopted in most countries because they provide a high degree of certainty as to the permitted uses. Fair use is determined on a fact-intensive, case-by-case basis. In the United States, a well-developed body of case law helps to mitigate the inherent uncertainty of the scope of the fair use exception. Without this foundation of a well-developed body

of case law, a fair use exception in the Philippines raises questions regarding the first requirement of the three-step test, that exceptions must be limited to "certain special cases."

- Extend the term of protection for sound recordings and audiovisual and other works to at least 70 years in keeping with the international standard.
- Clarify the requirements for mandatory accreditation of CMOs with the Intellectual Property Office of the Philippines (IPOPHL) in Section 203.2. It should be made clear that individual rights holders, engaged in licensing of rights they own or control, shall not be under any obligation to seek an accreditation.

Although administrative blocking orders in the Philippines have led to some reduction in visits to piracy sites, a significant volume of traffic remains. The program should be expanded to cover more ISPs because there are ISPs that do not participate in the voluntary site-blocking agreement and continue to make such sites accessible in the Philippines.

In addition, more can be done to ensure that site-blocking applications under the administrative scheme are processed within the prescribed timeframe as set out under IPOPHL Memorandum Circular No. 2023-025. Complainants should also be permitted to include a wider range of domains within a single application, rather than being restricted to mirror domains. Currently, multiple filings make the process unnecessarily onerous and time-consuming for rights holders. The overall site-blocking procedure should also be streamlined, and the requirements for repeated or multiple clarificatory hearings should be eliminated.

The Philippines should continue to actively pursue the enactment of a law to ensure ISPs can impose effective relief to remove infringement, including, where applicable, to disrupt or disable access to structurally infringing websites on a no-fault basis, upon rights holders' applications to appropriate authorities. Such a mechanism will allow rights holders to be better positioned to enforce against online piracy and exercise their rights, as well as to support the growth of the legitimate audiovisual industry. A legislative framework will complement the Philippines' administrative site-blocking program and provide a more comprehensive and effective system for safeguarding the rights of local and international rights holders. Following the 2025 Philippine midterm elections, we urge the government to reintroduce legislation which expired in the prior Congress.

SOUTH KOREA

While all bills under the previous National Assembly that sought to introduce an additional statutory remuneration right for directors, authors (including scriptwriters), and performers expired following legislative elections in 2024, some legislators have sought to re-introduce similar bills under the new National Assembly. The South Korean government should continue to ensure consistency with its international treaty obligations and maintain freedom of contract for all rights holders.

South Korea does not fully recognize producers' public performance right, limiting it to only a select list of venues recognized on a "positive list" and maintaining an unacceptably broad exemption from the public performance right. This problem is exacerbated by the government's interference in the setting of public performance tariffs, resulting in rates set below international standards. The Ministry for Culture, Sport, and Tourism (MCST) is actively considering reforms on this matter which are welcome as rights holders would significantly benefit from all businesses having to pay public performance rights, and tariffs being set at a rate that reflects the true value of recorded music.

There have been reports that the Korean government is actively considering the introduction of a TDM exception, and the MCST plans to conduct research on an AI-related copyright law overhaul in connection with Culture Korea 2035, a vision that emphasizes a "fundamental policy shift based on economic and social changes and the emergence of AI. IIPA to date is not aware that such an exception has been passed in the National Assembly. In October 2025, the Ministry of SMEs and Startups introduced the AI Utilization Promotion Act for SMEs, to allow SMEs

to conduct TDM – despite copyright being the remit of the MCST. There is no evidence that would support the introduction of a TDM exception in Korea – the existing copyright regime based on exclusive rights ensures a mutually beneficial licensing market for copyrighted works.

Legislators in the National Assembly are proceeding with draft bills that would unify media regulation under a single ministry or regulatory body under the guise of "media convergence regulation." This is the latest attempt at so-called regulatory harmonization for legacy media (mainly television) with new media platforms (VOD streaming/OTT services). There is concern that rather than regulate down, the new framework will create a pathway to regulate up. This would mean extending Korea's existing onerous television regulation (most notably, its outdated Broadcasting laws, which apply local content requirements and foreign ownership/operating restrictions on TV media in Korea) to the streaming sector (subscription VOD services as well as YouTube, social media, etc.). Korea should preserve light-touch regulation to encourage continued growth of the VOD/OTT sector and avoid heavy-handed or protectionist legislation, which would impact U.S. service providers, in particular.

There are several amendment bills in the new National Assembly that would force content providers to pay for network usage fees, including a provision mandating negotiations for network fees in network service contracts. If implemented, these proposed amendments would restrict trade and freedom of contract, raising concerns under the U.S.-Korea FTA (KORUS). South Korea should avoid unnecessary intervention into the commercial relationship between content providers and ISPs, apply light-touch regulation to OTT services, refrain from regulation or new mechanisms that favor domestic ISPs over global digital content services, and ensure consistency with its KORUS obligations.

South Korea also suffers from an unnecessarily cumbersome pre-approval and classification mechanism for the release of music videos. The procedure of approval and classification of music videos by the Korea Media Rating Board (KMRB) is time-consuming and does not reflect the fast distribution cycle of today's music industry, which releases and promotes music videos at the same time as the sound recording is released. It also generates difficulties in the design of an international release strategy for artists' projects, as all too often the release of an artist's music video is delayed on South Korean delivery channels, including on-line platforms, because of the pre-classification process.

Regarding enforcement of rights related to music online, South Korea should close certain gaps in its copyright legislation, especially with respect to linking to copyright infringing content (which is currently not illegal), and ISP liability rules (Article 102). Some issues have also been identified with the criteria set by the competent authority, the Korea Communications and Standards Commission (KCSC), for blocking actions targeting a certain category of websites where the infringing content is not hosted (e.g. stream-ripping websites). However, since there appears to be a pending government bill to change the blocking procedure, it is hoped that the situation concerning website blocking will improve eventually. The audiovisual industry reports that the system is effective and efficient, resulting in up to 99% reduction in piracy traffic, but improvements can be made, including applying it to English language streaming sites and applying a qualitative (rather than quantitative) standard based on "primary purpose" of the site (rather than proof of licensing, etc.). The extension of Project I-SOP: INTERPOL Stop Online Piracy initiative to 2029, with support from the South Korea Ministry of Culture, Sport and Tourism is welcomed, as a dedicated initiative targeted to digital piracy enforcement globally. It is hoped that the next phase will include a global enforcement operation.

Finally, in a positive development, in November 2024, the Korean Ministry of Culture, Sports, and Tourism arrested one of the operators of the Korean site *TVWiki/NooNooTV*. The operator was later sentenced to three years in prison for violating copyright laws and fined 700 million won. IIPA commends the proactive stance that South Korea has taken to deter widespread and commercial-scale piracy and hope to see continued efforts in this area.

SPAIN

Spain is the only country in the world with an operational additional remuneration right for performers for the making available of their performances in interactive services. This right is unwaivable and untransferable and is subject to mandatory collective management paid by DSPs to the local performers CMO, AIE, in addition to the remuneration received from phonogram producers. The right is an unwarranted disruption of a market that is generally working well for all rights holders, especially performers. Additionally, figures made public by AIE would suggest that the management of this right is highly inefficient, with over 50% of collected income not paid to performers due to deductions applied by the CMO for management costs and funding cultural, educational, and social programs, and the CMO's inability to adequately identify the performer to whom the money is due. Another concern is that Spain imposes mandatory collective management on performers and phonogram producers for the broadcasting and public performance of sound recordings.

SWITZERLAND

The last revision of Switzerland's Copyright Law in 2020 failed to address substantial concerns related to copyright enforcement. Switzerland's Copyright Law does not sufficiently comply with Switzerland's obligations to provide for effective and deterrent remedies against any act of copyright infringement, especially with respect to the use of unlawful sources, cross-border infringement, and intermediary liability. The enforcement deficit remains problematic, particularly within the context of the United States's otherwise strong bilateral trade relationship with Switzerland. IIPA urges the Government of Switzerland to consider additional amendments to the Copyright Act to strengthen enforcement tools for rights holders and bring the Copyright Law in line with its international treaty obligations, current best practices in Europe, and international norms. In particular, Switzerland should make the following legal reforms:

- Amend the Copyright Act to provide sufficient tools to combat all types of piracy, including cross-border piracy, regardless of technical details, including by providing mechanisms that ensure ISPs can impose effective relief to remove infringement, including, where applicable, to disrupt or disable access to structurally infringing websites on a no-fault basis, upon rights holders' applications to appropriate authorities in addition to aligning ISP liability provisions with international standards.
- Require marketplaces and strongly encourage all relevant intermediaries, including data centers and ISPs, to implement and enforce better KYBC protocols.
- Require hosting providers, like *Private Layer*, to stop providing the infrastructure needed by copyright-infringing websites displaying pirated content. This should be done regardless of where a hosting provider is registered, including if the hosting provider is registered in Panama as in the case of *Private Layer*.
- Amend the Copyright Act to affirm that Switzerland's private use exception permits single copies for private use only if they derive from a legal (authorized) source and restrict the permission for third parties to provide services for private use to prevent unlicensed commercial services affecting, or competing with, rights holders' exploitations.
- Ensure narrow practical application of the ECL regime.
- Amend the Copyright Act to redress the unreasonable and commercially damaging statutory restrictions on rights holders' freedom to negotiate licensing terms for the use of their respective rights.
- End the unfair treatment of neighboring rights for sound recordings under collective rights management by modifying the 3% cap in Article 60(2) of the Copyright Act, which remains below the level of other European countries.
- Provide an independent broadcasting and public performance right for music producers, in line with the WPPT.
- Revise additional provisions of the Copyright Act to ensure Switzerland provides adequate and effective copyright protection and enforcement and meets its international obligations.
- Amend the Copyright Act and other relevant laws to enable rights holders to collect evidence to enforce rights (e.g., collection or processing of Internet protocol (IP) addresses to bring *direct* civil claims without a related criminal proceeding).

- Abolish or ease provisions of the Swiss Film Act that negatively affect the distribution and making available of audiovisual works in Switzerland and remove streaming and broadcasting quotas.
- Materially simplify all filing and reporting obligations imposed on the audiovisual industry, including under the Copyright Act and tariffs thereunder and under the Film Act.

Switzerland has also been considering several problematic proposals regarding copyright and AI that would weaken copyright protections through exceptions or the application of an ECL mechanism for GenAI licensing. Finally, the Federal Office of Culture has been considering proposals discussing how to increase the visibility of Swiss repertoire on music streaming platforms and regarding artist remuneration. There is concern that some ideas that have been expressed during this debate, if accepted by FOC, could lead to measures that are discriminatory toward non-local artists or introduce unwarranted and highly disruptive additional remuneration rights subject to mandatory collective management.

UNITED KINGDOM

The Labour government consulted in early 2025 on proposals to address the use of copyrighted materials to train AI models. It plans to report on the outcome to the consultation and next steps before March 18, 2026, at the latest. The consultation document had identified the government's preferred option whereby it would broaden the UK's TDM exception to allow commercial AI developers to train models on material for which they have lawful access, but with a rights reservation (opt out) system and transparency obligations for AI developers regardless of purpose, commercial or otherwise. Following an intense public and parliamentary campaign against its preferred option, the government announced the option no longer had preferred status. The government indicated they would conduct further economic and legal analysis and stakeholder engagement on this and a number of other options i.e. maintaining the status quo, requiring rights holders to opt-in to TDM training, and allowing all commercial TDM without restrictions. There is no evidence that the UK's current exception on TDM, adopted in 2014, is failing or that the combination of licensing and the existing TDM exception would not be able to address future technological developments.

The Creator Remuneration Working Group (CRWG), formed by the UK Government and chaired by the Department of Culture, Media and Sport, has now largely completed its work. Following discussion about remuneration in their cohorts – legacy artists, composers and songwriters, and session musicians – the UK government published a series of streaming Principles, agreed with the labels. This focused on each of the cohorts, with a focus now on measuring their success in a year's time.

Finally, IIPA would like to highlight the Police Intellectual Property Crime Unit within the City of London Police, which plays a key role in the enforcement and disruption of perpetrators of IP crime and the impact of its work is felt beyond the UK. It is vital that it continues to be adequately funded.