

COLOMBIA

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)

2026 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

Special 301 Recommendation: IIPA recommends that Colombia remain on the Watch List in 2026.¹

Executive Summary: With the continuous growth of Colombia's creative economy, including its emerging role as an audiovisual production and digital content hub for Latin America, the Colombian government must direct more resources towards enforcing intellectual property rights (IPR). Unfortunately, Colombia's existing enforcement framework is not up to the challenge of the country's current online piracy problems. The lack of coordination and expertise among the country's judicial and law enforcement personnel is a major obstacle for the protection of copyrighted works in Colombia. IIPA commends recent police raids and judicial decisions in Colombia against illegal streaming services like *MagisTV* and encourages Colombia's government to take similar actions against other piracy services. Colombia must also bring its regime for the protection of technological protection measures (TPMs) into compliance with the provisions of the U.S.-Colombia Trade Promotion Agreement (TPA) and reconsider amendments to its copyright law that curtail the freedom of contract between foreign rights holders and local parties. In a positive development, IIPA commends the Communications Regulation Commission's (CRC) finding in its over-the-top (OTT) Services Study that there are no technical grounds to justify charging platforms for network usage fees to use the Internet.

PRIORITY ACTIONS REQUESTED IN 2026

Enforcement

- Devote essential law enforcement and specialized prosecutorial resources to combatting online and physical piracy, with coordinated operations and actions to adequately protect intellectual property (IP).
- Ensure Internet service providers (ISPs) are incentivized to cooperate with rights holders to address online piracy.
- Encourage the Colombian Copyright Office (DNDA) to take effective action against notorious piracy and stream-ripping sites and conduct preventative national-level training.
- Implement more specialized training programs for judicial and law enforcement personnel on copyright protection and enforcement.

Legal Reforms

- Cease any progress of the General Culture Law in its current form.
- Repeal Articles 3 and 183 of the Colombian Copyright Law.
- Draft legislation that allows rights holders to file actions against unidentified infringers.
- Clarify that TPM circumvention is not permissible for any exception or limitation under the copyright law.
- Reconsider profit requirements for retransmission, annual revisions of exceptions and limitations, and statutory damages through public hearings in the Colombian Congress.
- Ensure legislative proposals related to artificial intelligence (AI) meet the standards set forth by the G7 Hiroshima AI Process.
- Encourage the adoption of recent bill, PL 448/2025 C, to combat digital piracy in audiovisual content.

ENFORCEMENT

¹ For more details on Colombia's Special 301 history, see previous years' reports, at <https://iipa.org/reports/reports-by-country/>. For the history of Colombia's Special 301 placement, see <https://www.iipa.org/files/uploads/2026/01/Appendix-C-FINAL-2026.pdf>.

- **Devote essential law enforcement and specialized prosecutorial resources to combatting online and physical piracy, with coordinated operations and actions to adequately protect IP.**

To date, Colombia's law enforcement authorities have neither developed methods to stop the widespread availability of infringing content to Colombian Internet users nor ensured across the board compliance with existing copyright laws and regulations. Despite the availability of rights and remedies in the law, enforcement levels remain low, demonstrating a tolerance for the continued operation of an illegal online market. For example, in 2025, Colombia ranked 35th in the world for the number of connections by peers participating in the unauthorized file-sharing of Entertainment Software Association (ESA) member video game titles on public peer-to-peer (P2P) networks. Colombia further experiences some of the highest levels of mobile-based piracy in the region, ranking 7th in the world for the unauthorized file-sharing of mobile games. By the same metrics, Colombia ranks 28th in the world for console-based piracy. Further, among other Latin American countries, Colombia is a major player on the piracy scene and ranks in the top five for piracy affecting ESA member companies.

The inefficiencies in Colombia's enforcement of copyright are due to the low prioritization of IP cases and the lack of coordination between criminal, civil, and administrative enforcement authorities. For example, the special cybercrime unit, *Dirección de Investigación Criminal e Interpol* (Department of Criminal Investigations and Interpol, DIJIN), focuses its enforcement actions primarily on narrow areas such as online fraud (ransomware and phishing) without pursuing broader protections for the digital economy that include IPR cases. To enhance coordination, the police and its dedicated cybercrime department, *Centro Cibernético Virtual* (CAI Virtual),² should have a specific channel to assist rights holders or businesses affected by cybercrimes and to coordinate efforts. The DIJIN and CAI Virtual must have an appropriate structure and skill set to handle such cases and achieve a deterrent impact in the illegal online ecosystem. It is thus essential to allocate resources to both law enforcement and specialized prosecutorial training.

The DNDA is the department that is most competent in copyright-related issues, but it operates under the jurisdiction of the Ministry of the Interior, which deprioritizes DNDA's mission more than if DNDA were situated under another Cabinet position. Many proposals to move the DNDA's functions under the jurisdiction of the Ministry of Commerce, Industry, and Tourism (as is the case in other countries in the region) have failed, which is yet another example of the lack of political will to address the concerns of the creative industries. Additionally, the judicial panel inside DNDA has very limited resources, causing serious delays. IIPA urges the Colombian government to increase DNDA's capacity through its implementation of The National IP Policy, which recommends improving the organization of government authorities to combat digital piracy and enforce Colombia's IP laws.³ Colombian authorities should also consider joining the regional antipiracy efforts of Operation 404, an effective model of stakeholder collaboration.

Notwithstanding the concerns identified above, the IIPA commends Colombia for two positive developments this year.

1. Two related cases against the illegal streaming service, *MagisTV*, constitute the first effective criminal enforcement precedents against large scale digital piracy in Colombia.
 - a. In February, the Municipal Court of Bogota issued the first dynamic criminal blocking order in Colombia via "restoration of rights" in a criminal case against the operators of *MagisTV*.
 - b. In May, the Fourth Criminal Court of Pasto convicted, sentenced, and financially penalized two Colombian nationals who facilitated the distribution of the *MagisTV* app. This case, which was referred to Colombian Prosecutors by the Alliance for Creativity and Entertainment (ACE), recognized the scale of economic harm to audiovisual producers and the social impact of piracy networks.

² See *Centro Cibernético Policial*, available at <https://caivirtual.policia.gov.co> (in Spanish).

³ CONPES 4062 outlines Colombia's National IP Policy detailing strategic objectives to consolidate the management of intellectual property in the country as a mechanism to generate innovation, creation, knowledge transfer and increase productivity. Implementation, however, remains limited.

2. In *SAYCO v. DirectTV*, a Colombian court found the defendant guilty of public communication and retransmission of musical works without a license and issued one of the largest copyright infringement awards ever in Colombia.

IIPA hopes these successes will pave the way for similar future actions despite Colombia's current lack of prosecutorial resources and training.

- **Ensure ISPs are incentivized to cooperate with rights holders to address online piracy.**

Online piracy has grown significantly in Colombia since the COVID-19 pandemic. Unfortunately, the country lacks sufficient liability provisions to ensure ISPs are incentivized to cooperate with rights holders to address online piracy. Colombia also lacks specific regulations requiring ISPs to disable access to infringing content. Furthermore, remedies for online copyright infringement are inadequate and unclear, which is why many rights holders do not pursue cases or actions against infringing sites. In 2025, fewer than ten effective blocking or removal orders were recorded.

While many ISPs in Colombia are willing to cooperate with rights holders to combat online piracy, such cooperation is limited as there is no cross-industry memorandum of understanding (MOU) or government pressure on ISPs to improve cooperation. This allows for some ISPs to invoke net neutrality provisions to limit required cooperation. Further lack of infrastructure and funding to monitor compliance with blocking orders limits enforcement. This allows illegal streaming and Internet protocol television (IPTV) services to proliferate with minimal deterrence. One reason ISPs may be hesitant to move forward with an MOU is because the government is considering implementing a notice and take down procedure and creating safe harbor provisions. Thus, ISPs may believe an MOU is not necessary to protect their interests. IIPA however recommends that Colombia – rather than introducing safe harbors – ensure there is a clear legal basis for the liability of active online services and greater responsibilities on intermediaries to act against infringing content.

If, however, proposals are put forward to introduce safe harbor provisions, these proposals should include the following:

1. Mechanisms that ensure that ISPs can impose effective relief to remove infringing content, including, where applicable, to disrupt or disable access to structurally infringing websites on a no-fault basis, upon rights holders' applications to appropriate authorities.
2. Adequate incentives for ISPs to cooperate with rights holders to combat piracy.
3. Ensuring safe harbors are available only to passive and neutral intermediaries that do not contribute to infringing activities.
4. Measures demonstrated effective in preventing or restraining infringement.
5. Requiring marketplaces and other online platforms, and encouraging all relevant intermediaries to implement "know your business customers" (KYBC) policies to ensure they keep up to date and accurate information about high-volume third-party sellers and to allow rights holders to obtain accurate information to protect their rights against direct infringers.

To date, Colombia has not launched a national strategy to facilitate ISP cooperation with rights holders. IIPA urges Colombia to hold public-private round tables with all stakeholders, including ISPs, to promote cross-industry cooperation to tackle online piracy based on industry best practices, facilitate a cross-industry agreement, and foster commitment to the legal framework. Colombia should also issue regulatory guidance clarifying that compliance with IP enforcement orders does not violate net-neutrality principles under Law 1341 of 2009.

On a positive note, IIPA specifically commends Amazon and Mercado Libre for their cooperation in minimizing the advertisement and sale of counterfeited goods through their networks in the Colombian marketplace. Though there remains significant room to improve for both platforms, this effort is a welcome first step. Given the growing shift towards piracy-related advertising and sales via social media instead of through online marketplaces, social media platforms should be encouraged to follow suit.

- **Encourage the DNDA to take effective action against notorious piracy and stream-ripping sites and conduct preventative national-level training.**

In 2022, *ProMúsica Colombia* filed a pilot case requesting a blocking order against popular stream-ripping site *Y2Mate.com*. DNDA dismissed the case based on legal technicalities and failed to pursue any additional actions or initiatives to combat Colombia's digital piracy problem. Despite DNDA's legal authority to order injunctions in cases against digital pirates, such powers are rarely exercised. To date, Colombia has not resolved any case of significance to the protection of the legitimate online music market. As a result, Colombia has some of the highest traffic to stream-ripping sites throughout the Latin American region. For example, in the second quarter of 2025, *SimilarWeb* recorded 3.1 million monthly visits to *savefrom.net*, 2.4 million monthly visits to *y2mate.nu*, and 1.2 million monthly visits to *notube.im* from Colombian users. Colombia should also take action against widely used unlicensed mobile apps, such as *SnapTube*, which allows unlimited downloads from video streaming sites. DNDA should implement an effective campaign against digital piracy, including issuing blocking orders against major stream-ripping services and piracy streaming sites in response to rights holders' applications, specifically targeting the Colombian marketplace. This type of recourse via administrative enforcement mechanisms is fully consistent with Article 16.11.14 of the TPA, which requires Colombia to ensure any civil remedy ordered as a result of administrative procedures on the merits of an IP case conform to "principles equivalent in substance to those set out in this Chapter."⁴

Since 2020, the DNDA has issued orders to block infringing websites, mainly for the illegal broadcast of pay-tv signals. For example, in March 2021, the DNDA ordered ISPs to block the Internet signal from IPTV Colombia Premium, which illegally broadcast pay-tv signals.⁵ Such order was renewed in 2023. However, the Ministry of Internal Affairs recently appointed a new Copyright Director General, Edwin Robles, and there is concern that he may not follow through on this important step. IIPA urges the Colombian administration to ensure that the National Development Plan includes a powerful component to engage authorities to protect IP more actively in the digital environment, including a leadership role for the DNDA to coordinate the protection of the creative sector ecosystem.

A solid blueprint for these efforts is contained in an inactive anti-piracy program drafted and signed by various Colombian authorities in 1999. The program's objectives (a nationwide anti-piracy campaign, training of law enforcement officials and judges, raising public awareness, etc.) should be revisited to advance IP enforcement in Colombia. In these efforts, the administration should encourage national level training programs, highlighting DNDA's jurisdictional powers.

- **Implement more specialized training programs for judicial and law enforcement personnel on copyright protection and enforcement.**

The proposed National Intellectual Property Policy (introduced in 2023) identified the lack of knowledge and training in IPR among its judicial and law enforcement personnel as one obstacle for effective copyright enforcement.⁶ It is essential for Colombia to implement comprehensive IP enforcement training for all relevant judicial and law enforcement personnel at the local and regional levels, as well as training for customs officials to identify and seize illegal streaming devices (ISDs). These programs should be held in various cities throughout Colombia to empower officials across the country, especially those in regions where piracy is deeply entrenched. Developing specialized training programs could also help drive law enforcement interest in copyright-related matters, which is an ongoing

⁴ One "principle equivalent in substance" being strong protection and enforcement of IP rights. See e.g. U.S.-Colombia Trade Promotion Agreement (TPA), Article 16.1(7) (permitting parties to implement in its domestic law more extensive protection and enforcement of IP rights than is required under this chapter).

⁵ Juan Francisco Campuzano Velez, *Asuntos: Legales, Se impuso primera medida cautelar contra piratería online en la historia de Colombia*, March 9, 2021, available at: <https://www.asuntoslegales.com.co/actualidad/se-impuso-primer-medida-cautel-ar-contra-pirateria-online-en-la-historia-de-colombia-3136271> (in Spanish).

⁶ The entertainment software industry, in connection with the Interamerican Association of Intellectual Property (ASIPI), held separate educational sessions in recent years on leveraging law enforcement and specialized prosecutorial resources to more effectively combat online and physical piracy.

concern. The video game industry has struggled to get any criminal actions off the ground due to piracy lacking priority and many procedural delays.

In 2024, the United States Patent and Trademark Office's (USPTO) IP attaché in Lima, Peru organized a conference series to judges and law enforcement officials across the Andean community, including Colombia, to educate them on enforcement and protection measures. In 2025, a handful of training programs were organized by Colombia for judicial and law personnel. Colombia additionally engaged in technical cooperation with the World Intellectual Property Organization (WIPO) and USPTO. Further consistent engagement along these lines is encouraged.

LEGAL REFORMS

- **Cease any progress of the General Culture Law in its current form.**

The Colombian government has undertaken a bill referred to as the “General Culture Law,” that included a provision that would introduce a remuneration right for performers for the making available of their performances to be paid by digital service providers (DSPs), in addition to performers’ existing exclusive making available right. A proposal of this nature would stunt growth of the music industry in the Colombian market and distort existing contractual agreements, including for audiovisual streaming platforms. A recent version of bill deleted the remuneration right, which is, in principle, a positive development. However, the new version provides powers for the Executive to issue a “Performers Statute.” The wide scope of content that the Statute may include raises concern and uncertainty. Since the General Culture Law remains in the legislative process, we request the deletion of the provision regarding the issuance of the “Performers’ Statute” by the Executive.

- **Repeal Articles 3(d) and 183 of the Colombian Copyright Law.**

Article 3(d)

In August 2021, the Constitutional Court agreed to hear a case filed by *ProMúsica Colombia* (on behalf of the recording industry) that challenged the constitutionality of Article 3(d) of the Copyright Law.⁷ This provision mandates that authors receive at least 60% of remunerations collected from performance rights, *de facto* limiting remunerations to 40% for owners of neighboring rights in the communication to the public of works and phonograms. The lawsuit received many supportive submissions, including from the International Federation of the Phonographic Industry (IFPI), performers organizations, and the Attorney General, all of whom generally agree that the provision is not found in any other copyright law in the region and is clearly discriminatory against artists, performers, and phonogram producers without justification.

On March 16, 2022, the Supreme Court dismissed *ProMúsica Colombia*’s Article 3(d) challenge on the basis that the 60-40 rule was justified by the “essential” nature of the creative works. While the Court clarified that Article 3(d) applies only by default when parties do not already have an agreement in place, the 60-40 rule remains a legal barrier to the growth and development of the rights of performers and producers in Colombia. It is inconsistent with Colombia’s obligation under the TPA to ensure no hierarchy is established between the rights of authors, on the one hand, and the rights of performers and producers, on the other.⁸ Sound recordings and musical works are separate subject matters protected under separate legal treaties (WIPO Performances and Phonograms Treaty (WPPT) and WIPO Copyright Treaty (WCT) respectively). Thus, Colombia should amend Article 3(d) of the Copyright Law to eliminate the 60% remuneration floor for authors.

⁷ See Article 3(d) of Law 23 of 1982, available at <https://www.wipo.int/wipolex/en/text/584747> (in Spanish).

⁸ U.S.-Colombia Trade Promotion Agreement (TPA), Article 16.7(1), available at <https://ustr.gov/sites/default/files/col-ipr.pdf>.

This rule amounts to a limitation of producers' and performers' public performance right that does not meet obligations of the longstanding three-step test, incorporated in Article 16.7.8 of the TPA, governing the scope of exceptions and limitations to copyright protection. The 40% limitation on producers' and performers' remuneration rights is inconsistent with the three-step test because it conflicts with the normal exploitation of a phonogram or performance and unreasonably prejudices the legitimate interest of rights holders.

Article 183

Article 183 of the Copyright Law is highly problematic because it provides a set of limitations to contractual assignments of copyright and neighboring rights, which may have a negative impact on the ability of phonogram producers to manage their business and produce new local talent. While a constitutional challenge filed against Article 183 was dismissed by the Supreme Court on formal grounds, further actions against the provision are being considered.

While it is not uncommon that copyright frameworks regulate the transfer of rights of authors and/or performers, a restriction of this nature is unheard of. For example, the European Union's (EU) Digital Single Market (DSM) Directive harmonized provisions on exploitation of contracts of authors and performers. However, a restriction on transfer rights of future forms of exploitation was not included. This limitation should be repealed because it is out of step with Article 16.7.3(a) of the TPA, which clearly establishes that, "... for copyright and related rights, any person acquiring or holding any economic right in a work, performance, or phonogram... may freely and separately transfer that right by contract."⁹

- **Draft legislation that allows rights holders to file actions against unidentified infringers.**

Currently, Colombia requires IPR holders to identify an infringer by name and domicile to successfully petition the courts in cases of copyright infringement. This undermines effective enforcement in the digital age as pirates can easily obfuscate their identities. Colombia should amend Article 82(2) of the General Procedural Code to allow rights holders to bring actions against anonymous or unidentifiable sources of infringement via special procedural mechanisms in line with due process. Allowing the order of investigations and precautionary measures against anonymous online infringers will help to improve Colombia's legitimate digital marketplace. In a positive development, a Colombian criminal judge recently issued a dynamic blocking order against an unidentified infringer. This should be repeated against other piracy services.

- **Clarify that TPM circumvention is not permissible for any exception or limitation under the Copyright Law.**

The video game industry faces significant problems with modified consoles being sold in Colombia that are preloaded with scores of pirated games. The sellers of these devices warn buyers against connecting to the Internet to avoid detection of unauthorized software. Circumvention devices and modification services are also widely available in Colombia, through online and physical marketplaces, as well as social media platforms. Current law does not adequately criminalize the sale or use of console modification tools, leaving a legal loophole that is often exploited. The scale and visibility of these devices and online piracy reflect a high level of tolerance and a low risk of enforcement in Colombia. Stringent civil and criminal TPM laws are vital to efficient protection against acts of infringement committed by modifying devices to operate infringing games. To fully comply with the TPA some of the amendments to Colombia's Copyright Law need clarification and reconsideration. IIPA urges the Government of Colombia to clarify that: (1) the new permanent exemptions to TPMs are subject to review, requiring proponents to offer substantial evidence of actual or likely adverse impact on non-infringing uses;¹⁰ and (2) a TPM may not be circumvented to exercise any copyright exception or limitation.¹¹

⁹ See *id.*

¹⁰ See TPA Article 16.7(4)(f).

¹¹ See TPA Article 16.7(4)(d), which establishes that circumvention of TPMs "is a separate civil or criminal offense, independent of any infringement that might occur under the Party's law on copyright and related rights."

Additionally, stronger civil and criminal penalties for TPMs violations are needed that take into consideration the prevalence of repeat offenders. Only an adequate structure for escalating these offenders will improve the deterrent effect and help curb the culture of piracy tolerance that undermines legal protections and enforcement efforts.

- **Reconsider profit requirements for retransmission, annual revisions of exceptions and limitations, and statutory damages through public hearings in the Colombian Congress.**

IIPA continues to urge Colombia to reconsider: (1) the profit requirement for the crime of retransmission or reception of illegally decrypted satellite signals; and (2) the annual revision of copyright exceptions and limitations via public hearings in the Colombian Congress, because this revision creates uncertainty for both enforcement and private investment.¹²

IIPA recognizes the Colombian Ministry of Interior's 2025 draft decree creating the possibility of statutory damages in civil proceedings such as copyright infringement to comply with the TPA. Under this draft, rights holders could choose between actual and statutory damages based on monthly minimum wage calculations. However, as of October, the draft has yet to be formally enacted.

- **Ensure legislative proposals related to AI meet the standards set forth by the G7 Hiroshima AI Process.**

In September 2024, the government announced the filing of an AI bill intended to consolidate all existing legislative texts. This new bill (CR- 154-24) would seem to mirror the system adopted by the EU regarding a graduated level of risk with no specific frame for copyright and no text-and-data mining (TDM) exception. However, on October 22, Senators Julio Elías Vidal and Pedro Florez Porras, submitted to Congress another AI Bill (identified as 294-2024) that would introduce a TDM exception for the use of works and sound recordings by AI and impose mandatory collective management for all uses on AI and for all exclusive rights of authors, performers and producers. In July 2025, both bills were tabled at the Colombian Senate but the Senate did not discuss the bills nor vote on them. Thereafter, additional AI bills have been introduced, including by the Ministry of Science, Technology, and Innovation, and the Ministry of Information and Communications Technology, but none have received a vote. As Colombia looks to possibly regulate AI, IIPA strongly encourages the Government of Colombia to look towards the G7 Hiroshima AI Process, which has set forth important rules of the road for the development of AI systems.

Examples of important principles set forth by the G7 Hiroshima AI Process include, the International Code of Conduct for Organizations Developing Advanced AI Systems including the following: "Organizations are encouraged to implement appropriate safeguards, to respect rights related to privacy and intellectual property, including copyright-protected content."¹³ The International Guiding Principles for Organizations Developing Advanced AI Systems includes the following principle: "Implement appropriate data input measures and protections for personal data and intellectual property."¹⁴ In the June 17, 2025, G7 Leaders' Statement on AI for Prosperity, the G7 Leaders indicated they would "leverage the outcomes of the Hiroshima AI Process (HAIP) to foster trust."¹⁵ The Leaders further committed to "[p]romote economic prosperity by supporting SMEs to adopt and develop AI that respects personal data and intellectual property rights, and strengthen their readiness, efficiency, productivity and competitiveness" and stated, "We recognize the need to respect intellectual property rights in enabling these efforts."¹⁶

¹² The Colombian Copyright Office (DNDA) is again this year considering holding a public hearing to determine whether more exceptions and limitations should be added to the law.

¹³ See Hiroshima Process International Code of Conduct for Organizations Developing Advanced AI Systems, p. 8, available at <https://www.mofa.go.jp/files/100573473.pdf>.

¹⁴ See Hiroshima Process International Guiding Principles for Organizations Developing Advanced AI System, p. 5, available at <https://www.mofa.go.jp/files/100573471.pdf>.

¹⁵ See G7 Leaders' Statement on AI for Prosperity, June 17, 2025, available at <https://g7.canada.ca/assets/ea689367/Attachments/NewItems/pdf/g7-summit-statements/ai-en.pdf>.

¹⁶ Id.

- **Encourage adoption of the recent bill, PL 448/2025, to combat digital piracy in audiovisual content.**

Introduced in October 2025, PL 448/2025 C (“bill”) primarily targets the unauthorized retransmission of audiovisual works, including live sports events, and illegal dissemination of movies, series, music, TV programs, and other protected content. To facilitate enforcement, the bill proposes the creation of the National Directory of Audiovisual Content Holders, under the Ministry of Information Technologies and Communications (MinTIC). The Directory would allow authorities to track the ownership of rights to audiovisual content and broadcasts and thus, enable the issuance of measures such as precautionary measures, suspensions, signal blockages, and restrictions on websites and streaming services hosting illegal content. The bill further includes real-time monitoring provisions and establishes a framework for cooperation between policy authorities and digital intermediaries to prevent the mass distribution of pirated content. IIPA urges Colombian policymakers to embrace these concepts in the fight against digital piracy and adopt this bill.