

EFFORTS AGAINST THE PIRACY OF TELEVISION CONTENT AND SIGNALS IN LATIN AMERICA AND THE CARIBBEAN

The 39 Meeting of Permanent Consultative Committee I: Telecommunications/Information and Communications Technologies (PCC.I)

CONSIDERING:

- a) That online piracy, understood as the practice of copying, selling, distributing and/or reproducing digital products without the authorization of their creators, developers or owners has been growing significantly in the countries of Latin America and the Caribbean.
- b) That it constitutes a significant threat to the Member States and poses enormous challenges to telecommunications service operators, television operators, programmers, consumers, some technical regulatory and control bodies and governments.
- c) That through piracy, crime illegally exploits legal audiovisual products or content for profit, and, in some cases, the pirate websites used are part of international organized criminal groups that obtain income through the sale of advertising, commissions or payments.
- d) That it significantly impacts the investments of telecommunications companies and their infrastructure, of governments, of television operators and of digital content distribution platforms.
- e) That piracy discourages creativity, entrepreneurship, and innovation, which are the pillars of social, technological, and economic development.
- f) That the piracy of television content and signals, considerably impacts the tax revenues of governments to the detriment of the overall welfare, impacting the development of the countries in the region.
- g) That the aforementioned practices generate unlawful competition that results in a competitive imbalance to the detriment of formal companies that strive to maintain and improve quality standards in the services they provide and that bear economic, regulatory and compliance burdens.
- h) That said competitive imbalance threatens the security, sustainability, and legitimate operation of formally established companies.

RECOGNIZING:

- a) That on line piracy is currently rising significantly, making it an unlawful competitor for television operators and programmers.
- b) That the ongoing growth of this criminal activity is becoming a major challenge the Member States and their regulatory, judicial, and economic agents.

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- c) That ensuring the continued growth and stability of telecommunications and its added services requires swift and joint action by the CITEL Member States and Associated Members.
- d) That legislation and regulatory measures are not keeping pace with the swift of technological development.
- e) That these gaps in legislation and/or regulatory capacity provide an opportunity for the practice of online piracy, allowing the growth of a business with wide profit margins for criminals and generating major economic losses for the telecommunications and audiovisual industry in the countries of Latin America and the Caribbean.
- f) That it is necessary to warn users about consuming content offered below market prices or for free, which is usually provided by pirates.

RECOMMENDS:

Observing the regulatory provisions applicable in each Member State:

- a) That OAS Member States convey the urgent need to pass and effectively enforce regulations and/or laws aimed at preventing, detecting, and combating piracy of television content and signals.
- b) That OAS Member States examine more closely and raise awareness about the negative consequences of unlawfully consuming television content and signals by promoting expedited norms and administrative procedures by which the appropriate authorities will have the power to, seize equipment, punish and/or fine ex officio any actors involved in distributing, promoting, advertising or any other role in this chain related to the piracy of television content and signals.
- c) That these procedures be established within an efficient, practical, speedy framework and with all due legal certainty for the blocking of content that is transmitted illegally through telecommunications networks or digital platforms.
- d) That those channels for reporting piracy be adopted or strengthened to facilitate its detection, involving all the stakeholders in the chain (private or public) including intermediaries, platforms and marketplaces.
- e) That OAS member states, in collaboration with industry and academia, study new technologies and tools as well as the incorporation of equipment designed to detect irregularities that allows the combat of piracy of television content and signals.
- f) That the OAS Member States contributes to drafting innovative policies based on best practices to promote business models respectful of intellectual property rights by considering the participation and cooperation of governments through their regulators or governing bodies, the private sector, the academia and consumers.
- g) That the OAS Member States exchange knowledge and actions to identify legal, administrative and political instruments that might help to combat piracy and commercialization of television content and signals, to support and promote the immediate removal of such contents.

h) That the private sector be encouraged to generate strategies in close coordination with the authorities, to prevent piracy through actions that promote social awareness and invest in technologies that discourages the practice of piracy.

i) That the OAS Member States gather data to generate statistics that enable monitoring conduct and/or behaviors stemming from online piracy, bases on information voluntarily provided by the operators, as well as information collected by the States, in order to confirm its impact in the region and assess current and potential loss of earnings as a result of this.