



In conclusion,

1. The Conference recognized that a clear IP framework for sport, through appropriate legislative action, is absolutely indispensable both at national and international levels.
2. The Conference welcomed the positions recently expressed by the European Commission, in its White paper on Sport, and European Parliament, in its (draft) Report on the referred to White Paper. The Conference welcomed the acknowledgment of the crucial need to reinforce the intellectual property rights frameworks, both inside and outside the Internal Market, to ensure sports' economic viability and, consequently, enable sport to pursue its social function to the full. Not only this is vital to sport, but also to the wider economy, as sport is definitely a major contributor to the European GDP.
3. The Conference paid particular consideration to the significant investments made by sports rights owners and related industries, generating some of the world's most economically significant content for audio-visual and audio broadcasts in their many formats, from images and text data to statistics, across an ever increasing array of platforms.
4. The Conference remarked that the primary responsibility for the organisation and governance of sport lies with the national and international (on a worldwide basis) sport bodies. Nevertheless, there are certain sport-related rights issues where public policy could be more supportive to achieve balanced and constructive solutions. Consequently, the Conference stressed the important role to be played by the European Commission on ensuring full application of international IP instruments and commitments to guarantee that sports rights enjoy full protection in a third country environment by enforcing and adapting the EU IP *acquis* to:
  - Secure the protection of IP rights for sports and their major events within the EU Copyright *acquis* framework;
  - Recognise that news access arrangements must draw on existing copyright law and reflect the needs of sports rights holders; and
  - Establish legislation to combat ambush marketing and growing threat of internet piracy.
5. The Conference addressed the European Commission's strategy and response in this respect and noted the Commission's request for greater dialogue and cooperation with the EPFL and sports right owners. The Conference welcomed such request and stressed that a proactive and vigorous attitude by the Commission, as well as by the EU Member States, is fundamental to establish adequate legislation and implement firmer policies to effectively prevent and combat ambush marketing and the growing threat of internet piracy.
6. The participants also voiced serious concerns with regard to the growing threat caused by IP infringements to the creation and strengthening of legitimate services to distribute copyrighted content online.

7. The Conference noted that this problem is not exclusive of sports and particularly Professional Football, but a concern that affects the vast majority of rights holders belonging to different sectors, such as the phonographic and film industries. However, the Conference recognized that, as opposed to music or film piracy, live broadcast is the key content of sports businesses: Therefore, the Conference urges the Commission to take into account that infringements activities, such as digital piracy, at national and international level, has a significant negative impact on the economic viability of exploiting sports rights and the possibility to continually invest in sporting and social activities.
8. Moreover, the Conference welcomed and endorsed the involvement of members of the Sports Rights Owners Coalition (which includes, *inter alia*, the EPFL and its affiliated Leagues) as well as the US Sports Coalition in the Organisation for Economic Cooperation and Development Case Study on 'Digital Piracy' in the sports sector, as part of Phase II of its project on the Economic Impact of Counterfeiting and Piracy.
9. The Conference strongly encouraged sport organisations to continue contributing to the debate concerning the Commission's forthcoming Content Online initiative and called upon the Commission to ensure that their forthcoming Content Online initiative:
  - takes due account of the importance of a robust IP framework as the basis for European and international content services to flourish;
  - addresses the significant threat that piracy poses to the growth of legitimate online content distribution;
  - tackles the need to ensure ISPs and network intermediaries are actively involved in stopping the illegitimate use of sports content; and
  - focuses on the need to increase the effectiveness of enforcement – both inside the European Union and globally.
10. The Conference also approached the short news extract provisions contained in the Audiovisual Media Services Directive and the repercussions which may influence rights holders if the new provisions are transposed in an inconsistent manner with the existing copyright-based news access framework. With reference to this issue, the Conference supported the Commission's intention to protect the public's right to information, and enhance cross-border news access in the European Union, but it also stressed the effect that the new provisions for short news extracts will have to existing news access arrangements without some significant tightening of the draft legislative texts, and the potential damage to valuable sports rights and the reinvestment of revenues back into sports. In addition, the Conference expressed concerns on the increased the likelihood of a proliferation of court cases in the Member States due to a legally confusing environment.
11. The Conference stressed the importance of looking for specific action against ticket touting at major sporting events in the EU. The Conference expressed the view that this phenomena is responsible for:
  - The breakdown of segregation within stadia;

- Fans having to pay inflated prices for tickets;
- The proliferation of criminal activities such as money laundering, creating public nuisance against fans outside grounds and the selling of tickets that do not exist; and
- Revenues being taken out of the sport.

12. Additionally, the Conference underlined the significant work to be done in order to secure to all major international sporting federations that the staging of their events in the EU would receive maximum protection from the activities of those who ‘ambush’ sports right holders’ marketing and sponsorship activities.

13. The Conference also agreed that much more needs to be done to prevent, rather than react to, major betting corruption scandals. In this respect, the Conference paid particular attention to the **Salford University’s** research, which recommends:

- Need for more detailed information sharing and closer co-operation between betting companies and sports bodies;
- Independent audit of betting firms’ risk management procedures;
- Sports need to increase activities that guard against corruption (rules, monitoring, responses, education, etc.); and
- Government and Regulator need to address the ‘impact of one industry imposing costs on another industry’.

14. In this respect, the Conference noted the need for reinforcing the cooperation between sports organisations, legitimate betting operators and the appropriate public institutions, at all levels, to safeguard the integrity of sports events and competitions from the ever-present threat of match-fixing and illegal betting cartels or syndicates. The Conference also noted the current proliferation of globalised internet-based gambling both in Europe and third countries.

15. As a consequence, the Conference called for a new legislative framework for sports betting. A framework that establishes a statutory-based relationship between sports rights holders and betting organizations in order to establish together:

- Mechanisms to protect the integrity of sport, including information sharing, data control and responsibility over the types of bets offered; and
- A fair financial return to a sport from any betting companies wanting to offer betting on it, to compensate for the use of the sports rights by betting operators with commercial purposes.

In addition,

16. The Conference has noted the measures put in place by a number of key organisations, namely FIFA, UEFA, the European Leagues, Football DataCo, British Horse Racing Authority, ESSA, European Lotteries and others, to ensure the integrity of the game and the preservation of the sporting truth.
17. The Conference has noted the strategic action plan that the EPFL intends to implement for the sake of a Professional Football clean from match fixing and illegal betting. This action plan is composed by seven key measures, as follows:
- i) To enhance cooperation and information sharing with the relevant supervisory betting organizations, sport bodies, EU institutions and national Governments.
  - ii) To establish Memorandums of Understanding (MoUs) with the relevant betting supervisory associations to detect irregular betting patterns and insider dealing. [By virtue of these MoUs neither party obtains any rights in respect of and shall make no use of intellectual property rights of the other. The EPFL and its Members and Associate Members also keep full autonomy to take whatever steps they find appropriate to protect and exploit their own intellectual property rights.]
  - iii) For the purposes of the mentioned MoUs, the EPFL affiliated Leagues shall be invited to appoint a person/office/department with special responsibility for betting issues. A person shall be appointed as the League's interlocutor with the EPFL for betting related issues and shall be responsible for assessing all information, under confidential basis, provided by the pertinent sports betting association and/or the EPFL.
  - iv) The EPFL shall foster the Leagues to adapt their regulations, where necessary, including provisions governing the conduct of their participants in relation to betting, to avoid potential conflicts of interest, insider betting and, in general, any situation which may undermine the confidence of the public. These measures shall be applicable to players, coaches, referees, officials, etc.
  - v) The EPFL and its members and associate members will share best practices between themselves and with other football bodies as appropriate.
  - vi) The EPFL and its affiliated Leagues shall take appropriate measures whenever unlawful betting is detected.
  - vii) The EPFL and its affiliated Leagues shall assist and co-operate fully with any investigation conducted by local or European authorities.

On the other hand,

18. The Conference concluded that, since significant amounts of income are increasingly generated by the betting industry on the back of sports, some of that income ought to be allocated towards the sports.
19. As a consequence, the Conference suggests to the European Commission and Member States a new legislative approach, based on the concept of a sports betting relationship that has been established in Victoria, Australia - the Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007.
20. The Conference finally addressed all relevant problems and proposed the much necessary solutions to safeguard Professional Sport's most important income source from illegal practices and detrimental phenomena of global scale which impact negatively on its economy and the credibility of its own image.
21. The Conference requested the EPFL to forward the above mentioned conclusions to the Presidency of the European Union, the EU institutions and Member States, the OECD, national and international sport federations, leagues, clubs and other legitimate sports right owners.

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