



Australian Competition & Consumer Commission
175 Pitt St
Sydney
NSW 2000

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By email: platforminquiry@acc.gov.au

To Whom It May Concern:

Digital Platforms Inquiry - Submission of Stan Entertainment Pty Ltd

Stan is the country's leading local SVOD service and is at the forefront of changing how Australians consume video content. Stan's interest in the Australian Competition & Consumer Commission's Digital Platforms Inquiry revolves around the issue of content piracy. Stan invests significant amounts of money in original productions and licensed content, for which we either own or license the intellectual property. This content forms the basis of Stan's business model. Stan is also owned by two of Australia's biggest content creators in Nine Entertainment and Fairfax Media. We have a first-hand view of how harmful piracy is to the content industry and, therefore, to the quality of content itself.

The ways in which piracy relates to Stan can be summarised into four key issues:

- 1. Circumvention of site blocking** – There has been great progress made in combatting piracy by the 2017 Federal Court of Australia order to block a significant number of the most popular pirate websites. However, the benefit of the court order is limited by the fact that Google does not de-prioritise websites that explain how users can access those sites that have been blocked. Stan believes more could be done in this area.
- 2. Slow and onerous takedown procedures** – Currently, when IP-infringing or pirated materials are published on a social media or digital platform, the onus is on the rights owner to discover the material and then issue a takedown notice. Stan believes there should be greater onus on social and digital media platforms to police this issue proactively.
- 3. Safe harbour framework** – Digital platforms have lobbied for safe harbour protections to be extended to them. Stan believes this would remove any incentive for digital platforms to take down infringing content and work with rights holders to combat piracy.
- 4. Competitors buying trademarks as keywords in Google AdWords auctions** – Currently, the structure of Google AdWords allows for entities to buy keywords for registered trademarks that appear in a priority position in Google search even when they do not own that trademark. This means the trademark owner can be outbid for the keywords to its own trademark by a third party. Stan believes more could be done to ensure that only the registered trademark owner can bid for the keywords to its trademark.

Stan thanks the ACCC for considering its views on the important issue of piracy in this submission to the Digital Platforms Inquiry.

Stan Entertainment Pty Ltd

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