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Chair of the Trade Policy Staff Committee
Office of the United States Trade Representative
600 17th Street, NW
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Re: 2026 Russia WTO Implementation Report — Written Comments of the International Intellectual Property Alliance (IIPA) in response to "Request for Comments and Notice of Public Hearing Concerning Russia's Implementation of its WTO Commitments" (91 Fed. Reg. 56275, September 1, 2026)

To the Trade Policy Staff Committee:

The following comments regarding Russia's implementation of its obligations as a Member of the World Trade Organization (WTO) are submitted on behalf of the International Intellectual Property Alliance (IIPA).[1] IIPA's comments focus exclusively on Russia's copyright law and enforcement obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (Marrakesh Agreement Establishing the World Trade Organization, Annex 1C (Apr. 15, 1994)), as well as related market access issues. Russia's complete compliance with the TRIPS Agreement, including accession obligations, would help to expand the local market for creators and producers. In addition to these comments, IIPA has attached its 2026 Special 301 Russia Country Report that sets out a broader array of concerns regarding copyright protection and enforcement in the country, as well as market access and issues beyond the scope of TRIPS Agreement obligations.

[1] IIPA is a private sector coalition, formed in 1984, of trade associations representing U.S. copyright-based industries working to improve copyright protection and enforcement abroad and to open foreign markets closed by piracy and other market access barriers. Members of the IIPA include: Association of American Publishers (www.publishers.org), Entertainment Software Association (www.theesa.com), Motion Picture Association (www.motionpictures.org), and Recording Industry Association of America (www.riaa.com). Collectively, IIPA's four member associations represent over 3,100 U.S. companies producing and distributing copyrightable content. The materials produced and/or distributed by IIPA-member companies include: video games for consoles, handheld devices, personal computers, and online; motion pictures and television programming distributed in all formats (including cinema, television, online, mobile, DVD, etc.); music recorded in all formats (from digital files to CDs and vinyl) for streaming and other online services, as well as broadcasting, public performance, and synchronization in audiovisual materials; and fiction and non-fiction books, educational, instructional and assessment materials, and professional and scholarly journals, and databases.

As requested by the Trade Policy Staff Committee (TPSC) in the Federal Register notice, IIPA's written submission specifically addresses "Russia's implementation of the commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas: . . . [i]ntellectual property rights (including intellectual property rights enforcement)," related to the obligations set forth in the TRIPS Agreement and in the Report of the Working Party of the WTO on the Accession of the Russian Federation (Working Party Report).[2]

This submission is provided against the backdrop of Russia's 2022 invasion of Ukraine, the attendant sanctions against Russia by the United States and its allies, the suspension of operations in Russia by many U.S. and international companies, and the disturbing tendency of the Government of Russia to ignore the intellectual property rights (IPR) of companies that have withdrawn from the market because of the invasion. As such, this submission largely draws from IIPA's submissions from prior years.

The TRIPS Agreement includes substantive copyright law and related rights obligations in Articles 9 through 14, and obligations on enforcement in Articles 41 through 61. Deficiencies regarding substantive copyright protections (i.e., TRIPS Articles 9 through 14) have not historically been the focus of concern for the copyright industries, with the exception of overly broad exceptions in the copyright law in the Civil Code, Part IV (detailed in previous IIPA Special 301 filings).

Thus, the copyright industries continue to prioritize two actions for Russia, both a result of legal and/or enforcement deficiencies related to Russia's TRIPS Agreement obligations:

(1) Russia should make significant improvements in copyright enforcement against:

   (a) piracy, especially digital piracy, which significantly impacts the recording, audiovisual, book and journal publishing, and entertainment software industries; and

   (b) unlicensed screenings and camcording of motion pictures in Russian theaters, which results in illegal copies of films being widely available without authorization; and

(2) Russia should address deficiencies in the collective management of rights in Russia.

ENFORCEMENT AGAINST ONLINE PIRACY

WTO Obligations

Article 41(1) of the TRIPS Agreement reads "Members shall ensure that enforcement procedures . . . are available under their law so as to permit effective action against any act of

[2] 90 FR 38878 (Aug. 12, 2025).

infringement of intellectual property rights covered by this Agreement, including expeditious remedies to prevent infringements and remedies which constitute a deterrent to further infringements." Taken as a whole, the existing remedies and enforcement procedures under Russian law do not provide the kind of "expeditious," "effective," or "deterrent" remedies required by Article 41 of the TRIPS Agreement.

In addition to the Article 41 obligation, the Government of Russia pledged certain actions in the Working Party Report as a part of its WTO accession in 2012. Specifically, the Government of Russia pledged that it would "continue to take actions against the operation of websites with servers located in the Russian Federation that promote illegal distribution of content protected by copyright or related rights, such as phonograms (sound recordings) and investigate and prosecute companies that illegally distribute objects of copyright or related rights on the Internet."[3]

Even before WTO accession, the U.S. and Russian governments completed a detailed Intellectual Property Rights (IPR) Action Plan in December 2012, which set out several important copyright enforcement and legal reform priorities for Russia. Here, Russia agreed it would take "enforcement actions targeting piracy over the Internet" and more specifically it would, *inter alia*:

> Take measures to disrupt the functioning of websites that facilitate criminal copyright infringement, and provide for takedown of infringing content: … Take actions against the creators and administrators of websites through which intellectual property crimes are committed … Conduct meaningful consultations with rights holders to target and to take action against high-priority infringing websites.[4]

This IPR Action Plan was preceded by another bilateral agreement — the 2006 U.S.-Russia Bilateral WTO Market Access Agreement Side Letter on IPR (2006 IPR Side Letter). In this 2006 IPR Side Letter, Russia agreed to combat the growing threat of Internet piracy "with the objective of shutting down websites that permit illegal distribution of content protected by copyright or related rights" (especially for websites registered in Russia's *.ru* domain name, or whose servers are situated in Russia), and "to investigate and prosecute companies that illegally distribute objects of copyright or related rights on the Internet."[5] Still, the Government of Russia has failed to properly or fully implement either agreement.

Persistent Failures in Online Environment

Full and proper implementation of these international agreements (TRIPS Agreement, 2012 IPR Action Plan, and 2006 IPR Side Letter) would help combat online piracy in Russia, especially hosting sites and streaming services. The consistent failure to do so has stalled the ability of legitimate digital services to thrive in Russia. Russia remains host to several illicit sites that cater to English-speaking audiences, negatively impacting markets worldwide. These include commercial-scale infringing websites, such as web-based, peer-to-peer (P2P) downloading and

[3] WTO Working Party Report (paragraph 1339).
[4] U.S.-Russia Intellectual Property Rights (IPR) Action Plan (2012), p. 1, Section 1A.
[5] 2006 U.S.-Russia Bilateral WTO Market Access Agreement Side Letter on IPR (2006 IPR Side Letter), p. 3, Section 2.

streaming sites, stream-ripping sites, linking sites, and cyberlockers, offering access to unauthorized music, film, video games, books, and journal articles.

Another problem is the significant movement of pirated content to mobile apps. Some BitTorrent and other pirate sites have reportedly moved their sites to foreign hosting locations in response to the enforcement measures or court-ordered injunctions directed at sites within Russia. The development of technologically advanced pirate cloud systems (e.g., piracy as a service, often consisting of content delivery network-based video providers that are accessible to only pirate streaming website operators), which provide Russian streaming websites with pirate video content, likewise continues to grow.

Deficiencies in Civil and Administrative Enforcement

While civil judicial and administrative remedies had begun to improve before Russia's invasion of Ukraine in 2022 (with legal reforms in 2013, 2014, 2017, and 2020), the ability for U.S. rights holders to bring a civil action in Russia has since completely ceased.[6] Prior to 2022, civil injunctive relief mechanisms allowed rights holders to obtain injunctions against notoriously infringing sites, although critical gaps remained. These include the lack of relevant laws targeted at online piracy, "domain hopping" of pirate sites that continued after the Moscow City Court issued an initial content-removal order, and the liability of hosting providers. Current regulations were designed in the offline environment, and some provisions are difficult to apply to diversified online piracy, particularly regarding timelines, evidence fixation, and damage calculation.

Moreover, pirates have found ways to navigate around the content protection tools provided in recent legal reforms. Part of the problem lies in how *Yandex*, the major search engine in Russia, indexes sites. Neither internal *Yandex* policy nor laws oblige *Yandex* to improve search and retrieval algorithms to reduce the number of pirate sites and links to infringing content. *Yandex* algorithms instantly or even automatically include updated mirror sites. Further, pirates use empty websites with relevant domain names, optimized for search engine results, to redirect users to a different site with infringing content.[7] Significant changes and improvements in the piracy situation will require the adoption of anti-piracy laws and policies that are relevant to the current issues affecting the creative industries.

In addition, court practice relating to title-specific civil injunctions has worsened. The Moscow City Court, under the influence of the first appellate court, changed its approach to decisions in title-specific civil injunction cases. Previously, the court prohibited a site from using the title on the site in general. Now, the court prohibits the use of the title only on the page on which it was captured. Thus, any change of the URL allows the site to avoid enforcement under the court decision.

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[6] Prior IIPA Special 301 Filings on Russia have detailed the 2013, 2014, 2017, and 2020 legal reforms, which implemented ISP liability and safe harbors and injunctive relief against infringing content online/ See e.g., IIPA 2022 at 79-80.

[7] "Empty website" refers to a website that does not host content and appears as a blank page when accessed through search results. Pirates use these search-optimized sites as gateways, redirecting users to the actual sites that host infringing content.

Although the civil law reforms had led to improved enforcement by the courts before the invasion, absent these court orders, most Internet service providers (ISPs) and website operators did not comply with takedown notices. Instead, they merely forward notices to users without taking down infringing material. Often, as a delaying tactic, the Russian websites insist on proof of copyright ownership before even considering compliance with takedown requests. The advertising agencies and payment processors that financially support infringing sites continue to resist cooperation with the copyright industries.

The only alternative has been the voluntary Memorandum of Understanding (MOU), signed in November 2018 between the largest Russian ISPs and certain local rights holders regarding delisting of infringing sites from search engines at rights holders' request. Subject to the amendments adopted in April 2025, the MOU's term will automatically be extended each year for the subsequent year unless any of the parties to the MOU reject the extension before March 1 of the current year. In August 2023, the parties to the MOU agreed to extend it to music and literary works and simplified the approval procedure for the new members, eliminating the requirement to apply via a non-commercial organization for certain rights holders. The candidates for membership must still obtain approval from most of the existing members; however, they can now apply directly if they own a catalog of at least 100 works.

In June 2021, legislation was proposed in the Duma to convert the ISP-rights holder MOU into legislation. The Duma was to consider the bill in February 2022 but still has not taken any action. The legislation should provide sanctions for non-compliance with takedown notices and should be applicable to all platforms and search engines and all copyrighted works. An addendum to the MOU, MOU 2.0, was signed in December 2021, but is subject to the adoption of the legislation and has not been enforced. MOU 2.0 provides for several new measures to stop search engines from providing easy access to infringing services. New measures include the removal of repeat-offender sites from search results, the removal of sites displaying over 100 links to infringing content from search results, and measures to defeat "domain gluing."[8]

IIPA and its members continue to note major overarching concerns in the Civil Code: (a) a lack of clarity on numerous provisions, especially on exceptions and limitations; (b) administrative law principles throughout the Civil Code that likely cannot be enforced by civil or criminal procedures; and (c) the absence of clear liability rules for online websites and services that induce or encourage infringement, as well as the applicability of safe harbors for such services. The law does not define ISPs and the various services they provide, nor does it link liability and safe harbors in a manner that will incentivize cooperation with rights holders to effectively address Internet piracy. Lastly, Russia's law does not define secondary liability. The law should be clarified regarding the liability of online infringing websites and services, including that safe harbors should apply only to passive and neutral intermediaries that do not contribute to infringing activities. Further, it is critical that Russia amends its legal regime to allow for civil injunctive relief that is quick, effective, and applicable to all works.

Criminal Enforcement Deficiencies

[8] "Domain gluing" is a process used by operators of infringing services allowing them to return to the same search ranking from which they were removed by "gluing" together.

The persistence of commercial-scale piracy operations reflects broader and continuing deficiencies in Russia's criminal enforcement framework. To be effective, IPR enforcement in Russia needs a clear nationwide governmental directive with a particular focus on online piracy. Without coordination and a high-level directive, criminal and administrative enforcement practices have varied considerably from region to region and have had little deterrent effect. A coordinated nationwide campaign should focus on *ex officio* criminal actions targeting large-scale commercial enterprises, improving investigations and digital tracking, and strengthening administrative penalties that to date have been largely ineffective.

The agencies that can commence criminal cases — including the Investigative Committee of Russia, the Investigative Department of the Ministry of Internal Affairs (MVD), the Federal Security Service of the Russian Federation (FSB), and Customs — should coordinate their efforts with the police. Because the General Prosecutor's Office has supervisory authority over investigations and prosecutions, it should work with the Investigative Committee of Russia and the Investigative Department of MVD to develop an updated and detailed methodology for investigations of digital copyright infringements. Such coordination would help to increase the quality, effectiveness, and consistency of IPR enforcement activities. Work on a draft methodology was suspended years ago.

IIPA continues to recommend that the Government of Russia create a dedicated digital IPR enforcement unit to focus on online piracy. For example, combatting copyright violations on the Internet, such as the dissemination of music through illegal pay-per-download sites and illegal P2P or streaming services, does not clearly fall within the current jurisdiction of the Directorate for Countering the Illegal Use of Information and Communication Technologies (DC UBK) within the MVD. DC UBK's authority and responsibility to act in all cases of online infringement should be clarified and strengthened. It should also be clarified that actions can be brought under the Code of Administrative Offenses against commercial actors involved in the massive distribution of infringing material, even where the enterprise does not charge a direct fee.

Prior to the invasion, changes to criminal procedure that placed copyright infringement cases into the category of serious crimes had enabled Russian law enforcement agencies to conduct thorough and comprehensive investigations against owners and operators of piratical operations, although significant challenges persisted. To date, deterrent criminal penalties have rarely, if ever, been imposed against operators or owners of commercial Internet operations. In recent years, police and prosecutors have had difficulty applying the criminal law thresholds to Internet crimes and especially have had difficulty proving intent and identifying the individuals responsible for criminal activities. As a result, few such cases are ever brought and even fewer are tried to conclusion. The underlying problem has consistently been an inability of the police and prosecutors to adopt a unified formulation for how to apply the thresholds for online crimes. An intensification of criminal investigations and criminal convictions against principals of organized commercial pirate syndicates is sorely needed. The status quo only further corroborates the lack of political will or incentives by government agencies to act against large-scale copyright infringers.

Additionally, for roughly the past twelve years, the quality and quantity of criminal raids and police activity against IP infringers in general has declined, especially against large-scale online infringers. The decline in police activity in general is the lingering result of the major reorganization of the police force in 2011 and the consequent reduction in resources, as well as changes in government priorities and an unwillingness to pursue large-scale online infringers. Though rare, Russian courts have imposed some deterrent sentences, including a handful aimed at serious repeat offenders.

The Government of Russia should also examine and redress the lengthy criminal investigative process, particularly at the provincial level. As the government continues to rely on its own experts in investigating, examining, and prosecuting IP violations, it should take measures to increase the number of experts and consider the appointment of a specialized unit of investigators and prosecutors, adequately trained and provisioned to effectively address IP crimes. Due to the lack of adequate staffing and the high volume of work, examinations of seized products take months. For the video game industry, enforcement efforts are also complicated by several issues, including new legislation, changes in jurisdiction, and new law enforcement personnel. Enforcement is also hampered and trials delayed by the requirement that exemplars be collected only with the participation of state officials and by a statutory reliance on government expert reports. Delays also result from a lack of subject-matter expertise in some cases, as well as a reluctance to use or rely on rights holder expertise on forensic matters. The Government of Russia should modernize the rules so that industry experts can be more effectively integrated into the judicial process. One way to accomplish this integration would be for the Supreme Court to issue new guidelines on the admissibility of the testimony of private experts. Some courts reportedly will accept private expert testimony, but a uniform rule would be more effective.

Improvements should also be made with respect to court procedure. The criminal procedures generally permit a rights holder to request the destruction of the seized goods or to move for recovery of damages in a separate proceeding before the Arbitration Court (a court of general jurisdiction). However, the criminal courts are reluctant to order these remedies and instead treat these cases as civil law matters. The copyright industries recommend that the Supreme Court clarify guidelines on the destruction of goods and the calculation of damages in online cases for the purpose of meeting the minimal criminal damage thresholds established under the revised Article 146 of the Criminal Code, which increased such thresholds.

Another recommended measure to increase the efficiency of IP criminal investigations is the appointment of IP special prosecutors, investigators, and police officers at both the federal and regional levels throughout Russia. IIPA recommends that Russia establish an official uniform methodology for the investigation and prosecution of copyright and related rights infringements, focused on digital enforcement. In 2013, a specialized IP court in Skolkovo was launched with 30 trained judges. This development was a positive step in IP enforcement but is limited to patent cases. These courts should be created in other cities and regions across Russia and their jurisdiction broadened to handle copyright, as well as patent cases.

Finally, Russia's Criminal Code should be amended to allow for corporate entities to be held criminally liable for infringement. At present, only a natural person (usually a corporate director) can be found criminally liable and only upon a showing that he or she had a direct intent

to commit the infringement. Because it is extremely difficult to meet this burden of proof, many cases are suspended without any penalty.

Online Piracy Continues to Harm Copyright Industries

Examples of the types of large-scale online piracy problems that persist are evident in the annual Notorious Markets List, and in IIPA's past filings with the U.S. government. Many large-scale sites in Russia, including those sites on the Notorious Markets List, operate unimpeded, offering unauthorized copies of films. The U.S. government included seven Russian online sites on the 2025 Notorious Markets List, including *Sci-Hub*, *Lib-Gen* (and its related sites), *Rapidgator*, and *DDoS-Guard*.[9] Most of these online markets were nominated by IIPA and its members for inclusion on the USTR's Notorious Markets list. The following illustrate the impact of this persistent, large-scale piracy in Russia on various sectors of copyright industries.

Book and Journal Publishing: Most concerning to book and journal publishers are the online book and journal piracy websites operating out of Russia. A notorious site engaged in this industrial-scale infringing activity is *Sci-Hub.se* (also *Sci-Hub.ru* and *Sci-Hub.st*) which remains the most problematic piracy site for professional and scholarly journal publishers, and its sister platform, *sci-net*, which allows users to request articles not available on *sci-hub*. Articles that are sourced through *sci-net* are added to *sci-hub*. *Sci-net* further allows new content to be distributed in circumvention of international blocking orders in place. Infringing journal articles pirated by the site's operator are likewise available on a network of sites collaborating under the "Library Genesis Project" collection of piracy sites. *Sci-Hub* claims its servers hold some 88 million copyright-protected journal articles, as well as millions of books found on *Lib-Gen*, *Z-Library*, and numerous other mirror sites.

In October 2018, publishers successfully sought an injunction to block the site's primary domain in Russia. In 2019, a permanent block was issued against *Libgen.org*, while a permanent injunction against several *Sci-Hub* mirrors in Russia took effect in 2020. [10] Despite the seizure of some 244 *Z-Library*-related domains by the U.S. Department of Justice in November 2022 — and the arrest of the alleged Russian operators in Argentina — *Z-Library* operators continue to infringe. [11] Despite a further seizure of several alternative Z-Library domains (such as *singlelogin.click*) in November 2023, with assistance from enforcement authorities in Europe, various domains remain live, such as *zlibrary.to*.

[9] See USTR "2025 Review of Notorious Markets for Counterfeiting and Piracy". Available at https://ustr.gov/sites/default/files/files/Press/Releases/2026/2025%20Notorious%20Markets%20List%20(final).pdf (2025 NML). The 2025 NML also included two physical markets in Russia, both of which are on the list for the prevalence of counterfeit materials.

[10] Lindsay McKenzie, *Is Sci-Hub Safe?*, Inside Higher Ed (16 Jan. 2020), available at https://www.insidehighered.com/news/2020/01/17/universities-ignore-growing-concern-over-sci-hub-cyber-risk.

[11] In November 2022, *Z-Library* domains were seized by the Department of Justice, and the network of some 244 sites taken offline. The alleged operators, two Russian nationals, were also arrested in Argentina and await extradition. See U.S. Attorney's Office, Eastern District of New York Press Release, *Two Russian Nationals Charged with Running Massive E-Book Piracy Website*, November 16, 2022, available at https://www.justice.gov/usao-edny/pr/two-russian-nationals-charged-running-massive-e-book-piracy-website.

In addition to these large-scale book and journal piracy platforms, Russian Internet users also use P2P file-sharing services. *DDoS-Guard* also plays a prominent role in hosting at least seven highly popular book piracy platforms. Finally, there is significant e-book piracy on *VK*, particularly of trade books. Although the site responds to notifications of infringement, piracy remains unabated given the ease with which users can continuously upload and make available pirated e-books and audiobooks.

Recorded Music: The most prominent forms of music piracy in Russia remain web downloads, BitTorrent, and stream-ripping sites. The most popular BitTorrent site in Russia is *rutracker.org*, which, according to *SimilarWeb,* received over 413.9 million visits globally from November 2024 to October 2025**.** Indeed, the highest traffic to the site comes from Russia with 54% of the traffic. Visits to the site remain high as Russian users have learned how to circumvent the block imposed on the site by authorities enabling users to easily access the large amounts of both English and Russian content available on the site, including enormous quantities of discographies for many music artists.

SaveFrom.net is an extremely popular stream-ripping site in Russia, receiving roughly 1.48 billion visits globally and 83.7 million visits from Russia according to *SimilarWeb* from November 2024 to October 2025. Over the same period, *Y2down.cc* received over 5.4 million visits from Russia; *SSYouTube.com* received over 8.5 million visits from Russia; and Russian-language MP3 download site *Zaycev.net*, which offers popular music content to download or stream, was visited 69 million times from Russia.

Motion Picture and Television: The motion picture and television industry remains particularly concerned about *VK*, one of the most popular sites in the world and the most popular social network in Russia. *VK*, along with *OK*, are infringement hubs whose impact extends well beyond Russia. Users of *VK* and *OK* can illegally distribute thousands of unlicensed motion picture files (even though *VK* negotiated licenses a few years ago with some of the music companies for its use of music). Previously, *VK* had demonstrated improvements in its responsiveness to takedown notices and limiting access to third-party apps. However, the situation shifted dramatically in 2026 after *VK* was added to the EU sanctions lists. Its compliance with the takedown notices was significantly reduced, and the company's dedicated content protection team appears unresponsive to attempts to contact it. Thus, dozens of groups dedicated to movie and TV piracy with millions of users have expanded and continue illegally uploading and sharing infringing content on *VK*.

Video Games: *VK* has historically been one of the main platforms for promoting video game piracy sites and marketplaces. Before the invasion, Russian social networks had improved their responsiveness to takedown notices from the video game industry, removing infringing material including cheats and other unauthorized digital goods

(UDGs).[12] Today, video game piracy remains a problem in Russia that is feared to fuel piracy in other markets.

The video game industry has been impacted by historically weak overall compliance in Russia with takedown notices regarding links to pages with infringing content via forums, cyberlockers, and direct download sites, and very quick reposting of materials that are taken down. BitTorrent sites are significant sources in Russia for downloading illegal copies of video games, with no abatement in recent years. In 2024, Russia ranked number one 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. By the same metric, Russia ranked first in the world for unauthorized file-sharing of PC-based games and for console-based games.

In short, much more effective enforcement is needed against online piracy in Russia, particularly the long-identified piracy sites (including those on the Notorious Markets list, as well as the myriad of other infringing websites). The WTO TRIPS Agreement, Article 61 provides that "Members shall provide for criminal procedures and penalties to be applied at least in cases of . . . copyright piracy on a commercial scale."[13] Among other things, the WTO TRIPS Agreement requires Members to make remedies available that "shall include imprisonment and/or monetary fines sufficient to provide a deterrent, consistently with the level of penalties applied for crimes of a corresponding gravity," and "[i]n appropriate cases, remedies available shall also include the seizure, forfeiture, and destruction of the infringing goods and of any materials and implements the predominant use of which has been in the commission of the offence."[14] Overall, proper enforcement means focusing criminal enforcement actions against the owners and operators of sites engaged in large-scale infringement, which are causing significant economic harm to all rights holders.

ENFORCEMENT AGAINST THEATRICAL PIRACY

Before the invasion, Russia was the source of the illegal copying of many feature films in theaters that migrated online. Piracy operators obtain their source materials for infringing copies by camcording films at local Russian theaters or soliciting third parties to camcord films in disparate locations and then upload these copies onto the Internet and sell illegal hard copies.

[12] Unauthorized digital goods (UDGs) are unauthorized sales of in-game digital items. They have become a growing concern for the video game industry. Closely related to these in-game items are software products (collectively known as "cheat software") that enable the unfair and rapid collection and aggregation of virtual goods, such as bots, hacks, and "cheats," or which otherwise tilt the scales in favor of one player over another. The rise of UDGs and cheat software have a negative impact on video game companies and consumers in the following ways: (1) sellers of unauthorized digital goods and cheat software divert significant revenue away from video game developers and publishers; (2) sales of digitally delivered items, like in-game digital items, have the potential for consumer fraud (such as stolen payment methods or compromised accounts) and the facilitation of money laundering schemes; (3) the unchecked sales of cheat software can threaten the integrity of game play, alienating and frustrating legitimate players; and (4) video game publishers and developers are forced into a perpetual virtual "arms race" to update their products and security technology before the sellers can update theirs.

[13] WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (Marrakesh Agreement Establishing the World Trade Organization, Annex 1C (Apr. 15, 1994)), Article 61.

[14] *Id*.

Russia remains the home to some of the world's most prolific criminal release groups of motion pictures with substantial operations outside of Russia, organized by Russian expatriates.

After Russia's invasion, the U.S. film, broadcast, and streaming industries, along with many other industries, suspended operations in Russia. Unfortunately, third-party operators began organizing illegal screenings of U.S. films in theaters throughout Russia shortly after. At first, the theaters did not advertise the screenings openly, referring to them as "private club" events. However, this quickly changed to so-called "parallel exhibition" with almost every title available within a week of the official release date. Most privately owned cinemas continue to openly show unlicensed content. The content shown at these illegal screenings is sourced from pirated Digital Cinema Packages (DCPs), allegedly created from legitimate copies supplied to exhibitors in the region, which are then illegally distributed online, in private groups that only include the representatives of the theaters. Moreover, there is evidence of camcording occurring at these illegal screenings, compounding the harm.[15] Even while the number of locally produced features continues to grow, the pirated releases are still generating more revenue than the legitimate Russian releases.

COLLECTIVE MANAGEMENT

WTO Obligations

The long-standing problems concerning the collective management of music rights in Russia need to be addressed properly. The ability to exercise one's rights through proper collective management is a WTO TRIPS Agreement obligation, and Russia made specific commitments on these issues as part of its accession to the WTO. In the Working Party Report, Russia assured its trading partners it would "review its system of collective management of rights in order to eliminate non-contractual management of rights within five years after Part IV of the Civil Code entered into effect," to bring the management societies in line with international standards on governance, transparency, and accountability.[16] That commitment had a deadline of 2013. The 2006 IPR Side Letter had similar obligations to correct this problem.

Russia's Collective Management Reforms Failed to Address Core Deficiencies

After years of missed deadlines, Russia adopted new legislation in 2017 (in force, May 2018) that did not address key relevant issues and created even more problems. The new collective management system denies transparency to rights holders and good governance consistent with international norms, as well as best practices for Collective Management Organizations (CMOs) as required by Russia's WTO accession obligations. The 2017 law amended the Civil Code and the Administrative Code to revise the makeup and activities of CMOs. One obvious failure of the 2017 law regarding transparency is that it does not allow rights holders to see how much money their CMO collects and distributes on behalf of rights holders. Moreover, in terms of a lack of good governance, the law does not allow rights holders to control their CMOs.

[15] As of September 2026, *Webwatch* reported 18 titles captured in different cinemas throughout Russia.
[16] WTO Working Party Report (Paragraph 1218).

The so-called "fiscal control improvements" in the 2017 law, including regular audit reports, will not improve accountability because the audit obligations are for reports only to the government for taxation purposes, not to rights holders. The 2017 law creates "supervisory boards" for each of the various authors' CMOs (the Russian Authors Society, the Russian Union of Right Holders, and the All-Russian Intellectual Property Organization) consisting of members of each CMO but also including government representatives and "user" group representatives. This structure does not allow rights holders to be involved in the selection and management of the organizations that purport to manage their rights. Proper management would allow for a supervisory board of rights holders to oversee the internal management of the CMO and would include international rights holders with local representatives on the board. Instead, partial control of CMOs by the Government of Russia deprives rights holders of their ability to control the licensing and collection of monies for their works and recordings and is resulting in less, not more, money flowing to authors and producers and certainly less money than should be collected for a market the size of Russia.

To develop properly functioning music broadcasting and public performance payment systems via collective management, the Government of Russia should revisit the 2017 law to ensure that rights holders are able to control and manage their own CMOs or can effectively opt out of collective management. This change would result in fair representation characterized by direct representation of rights holders on the board in a manner that is proportionate to relevant market share and reflects commercial realities, with no conflicts of interest in the governance structures. Many models for proper governance of CMOs exist, including WIPO best practices, international rights holder group best practices, as well as U.S. and European Union (EU) existing practices. Instead, the existing regulations and state accreditations have institutionalized a system that is neither transparent nor well governed with accountability for authors, record labels, and performers, who have no other option except for the state CMOs.

MARKET ACCESS ISSUES

While U.S. industries have largely suspended operations in Russia since the invasion, significant market access barriers remain, including a discriminatory Value-Added Tax (VAT); foreign ownership restrictions in broadcasters, mass media entities, and over-the-top (OTT) services; and an advertising ban on pay-TV. In 2022, in response to invasion-related sanctions imposed on Russia, the Russian government adopted several restrictive measures targeting foreign investors from unfriendly jurisdictions. The measures include an obligation for the foreign shareholders of the Russian joint-stock and limited liability companies to obtain governmental approval for any deals involving their shares.

In addition to these barriers, the video game industry also faces significant market access issues in Russia. For example, Russia imposes customs duties on the royalty value of some imported audiovisual materials, including some video games, rather than solely on the value of the physical carrier medium, contrary to standard international practice. Another barrier affecting the video game industry is a law adopted on June 17, 2021, mandating foreign information technology (IT) companies with a daily audience of over 500,000 users to open a branch, a representative office, or an authorized legal entity in Russia.

At the beginning of 2025, State Duma deputy Andrey Lugonov tabled a proposal that would limit the share of foreign participation in music platforms. The initiative is unclear but would likely aim to further restrict market access to foreign stakeholders and collection of royalties by foreign rights holders. IIPA urges resistance to such proposals.

CONCLUSION

Russia has not yet fully implemented its WTO TRIPS Agreement and Working Party Report commitments, particularly those requiring adequate and effective enforcement against online piracy. Nevertheless, at present, the primary concern for the copyright industries remains the failure of the Russian IPR legal regime to fully comply with the enforcement provisions in the WTO TRIPS Agreement's Articles 41 through 61, to provide "effective action" and "deterrent" remedies, and especially to enforce those provisions against "willful . . . copyright piracy on a commercial scale," including against digital and theatrical piracy. In addition, Russia has failed to meet its obligations to establish a proper collective management system for music licensing and distribution pursuant to the Working Party Report and to address theatrical piracy.

Thank you for allowing IIPA to provide these comments and for your consideration of them as the U.S. government's annual WTO compliance report regarding Russia is drafted.

Best regards,

/Aidan O'Connor/

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RUSSIAN FEDERATION

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA)
2026 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

Special 301 Recommendation: IIPA recommends that the Russian Federation remain on the Priority Watch List in 2026.[1]

Executive Summary: This submission is again provided against the backdrop of Russia's 2022 invasion of Ukraine, the attendant sanctions against Russia by the United States and its allies, the suspension of operations in Russia by U.S. and many foreign companies, and the disturbing trend by the Government of Russia to ignore the intellectual property rights (IPR) of companies that have withdrawn from the market because of the invasion. The Government of Russia continues to intentionally weaken intellectual property (IP) protections and is considering implementation of a compulsory licensing scheme that permits exploitation of a copyrighted work if a partner from an "unfriendly state" (including the United States) partially or completely unilaterally repudiated an existing license agreement with a Russian entity on grounds not related to a violation of such contract by a licensee. Russia's blatant and unabashed stance that U.S. IP will no longer benefit from protection or enforcement within its borders continues to be an unprecedented rejection of the international norms that govern the global digital marketplace for copyrighted works. Russia should abandon these punitive proposals and instead focus on improving criminal, civil, and administrative enforcement, particularly against organized criminal syndicates and large-scale unlicensed services; addressing longstanding problems with collective management of music rights; preventing the camcording of motion pictures; and preventing or disrupting the proliferation of illegal screenings of films in Russian theaters. Persuading the current Russian administration to reverse discriminatory IP laws or to enhance measures against piracy remains difficult. We outline below the steps Russia should take to return to compliance with international trade norms.

PRIORITY ACTIONS REQUESTED IN 2026

Enforcement

- Increase the number and effectiveness of criminal copyright digital piracy cases, especially deterrent criminal actions directed against organized criminal syndicates.
- Improve administrative enforcement against large-scale unlicensed services, including by imposing deterrent-level penalties.
- Improve civil enforcement, including by amending the Civil Code or other relevant laws to address the issue of "domain hopping."
- Encourage domain registrars to refrain from harboring piracy sites and services, and ensure that the registries Coordination Center for Top-Level Domains (TLD) *.RU/PФ* and the Russian Institute for Public Networks (RIPN) properly address illegal activities.
- Prevent or disrupt the unauthorized screenings of motion pictures in cinemas.

Legal Reforms

- Continue to resist efforts to implement state-sanctioned IP theft regardless of existing license agreements, which is having serious, long-term implications for Russia's economy and creative ecosystem.
- Ensure recent legal reform proposals do not worsen copyright protection and enforcement.
- Reject proposed legislation that would allow esports event organizers to profit from copyright-protected video game content without authorization from rights holders.

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

- Convert the memorandum of understanding (MOU) between Internet service providers (ISPs) and rights holders into law with broader applicability and sanctions for non-compliance and enforce the addendum to the MOU.
- Implement regulations on the operation of collective management organizations (CMOs) that confirm that rights holders, whether local or foreign, have the legal and practical ability to determine how to exercise their rights.
- Amend the Administrative Code and Criminal Code to prevent theatrical camcording.
- Amend the Civil Code, Part IV, to incentivize ISPs to cooperate with rights holders to effectively address online piracy.
- Amend the Civil Code and Criminal Code to provide adequate protection for technological protection measures (TPMs).
- Ensure legislative proposals related to artificial intelligence (AI) meet the standards set forth by the G7 Hiroshima AI Process.

Market Access

- Remove market access restrictions negatively impacting the U.S. creative industries, including the value-added tax (VAT), foreign ownership restrictions, customs duties, a local presence requirement and a proposal that would limit the share of foreign participation in music platforms.

ENFORCEMENT

- **Increase the number and effectiveness of criminal copyright digital piracy cases, especially deterrent criminal actions directed against organized criminal syndicates.**

The Government of Russia has unfulfilled commitments to take action against digital piracy under the 2006 U.S.-Russia Bilateral WTO Market Access Agreement Side Letter on Intellectual Property Rights (2006 IPR Side Letter). In the 2006 IPR Side Letter, Russia agreed to combat the growing threat of Internet piracy "with the objective of shutting down websites that permit illegal distribution of content protected by copyright or related rights" (especially for websites registered in Russia's *.ru* domain name, or whose servers are situated in Russia), and "to investigate and prosecute companies that illegally distribute objects of copyright or related rights on the Internet." When Russia joined the WTO in 2012, as part of its accession, Russia pledged that it would "continue to take actions against the operation of websites with servers located in the Russian Federation that promote illegal distribution of content protected by copyright or related rights, such as phonograms (sound recordings), and investigate and prosecute companies that illegally distribute objects of copyright or related rights on the Internet."[2] Also in 2012, Russia agreed it would take "enforcement actions targeting piracy over the Internet" and more specifically it would, *inter alia*:

> Take measures to disrupt the functioning of websites that facilitate criminal copyright infringement, and provide for takedown of infringing content: …Take actions against the creators and administrators of websites through which intellectual property crimes are committed …Conduct meaningful consultations with rights holders to target and to take action against high-priority infringing websites.[3]

The Government of Russia should fully and properly implement these obligations.

Russia remains host to several illicit sites that cater to English-speaking audiences, negatively impacting markets worldwide. The lack of explicit liability provisions for hosting providers creates a supportive environment for infringing services to use the infrastructure in Russia. Infringement on Russian social media and hosting platforms such as *vKontakte (VK)*, *Odnoklassniki* (*OK)*, and *DDoS-Guard*, as well as dealing with registrars such as *Reg.ru*, *Beget*, and *RU-CENTER* remains a significant concern for rights holders.

[2] WTO Working Party Report (paragraph 1339).
[3] U.S.–Russia Intellectual Property Rights (IPR) Action Plan (2012).

Examples of the types of large-scale online piracy problems that persist are evident in the annual Notorious Markets List, and in IIPA's past filings with the U.S. government. Many large-scale sites in Russia, including those on the Notorious Markets List, operate unimpeded, offering unauthorized copies of films. The U.S. government included seven Russian online sites on the 2024 Notorious Markets List, including *Sci-Hub*, *Lib-Gen* (and related sites), *Rapidgator*, and *DDoS-Guard*.[4] All of the aforementioned online markets were nominated by IIPA and its members for listing on USTR's Notorious Markets list. The following illustrate the impact the persistent nature of this large-scale piracy in Russia has on various sectors of copyright-based industries.

Motion Picture and Television: The motion picture and television industry remains particularly concerned about *VK*, one of the most popular sites in the world and the most popular social network in Russia. *VK*, along with *OK*, are infringement hubs whose impact extends well beyond Russia. Users of *VK* and *OK* can illegally distribute thousands of unlicensed motion picture files (even though *VK* negotiated licenses a few years ago with some of the music companies for its use of music). Previously, *VK* had demonstrated improvements in their responsiveness to takedown notices and limiting access to third-party apps. However, dozens of groups dedicated to movie and TV piracy with millions of users have been illegally uploading and sharing infringing content on *VK* for several years, despite multiple removal requests from rights holders.

Video Games: *VK* has historically been one of the main platforms for promoting video game piracy sites and marketplaces. Before the invasion, Russian social networks had improved their responsiveness to take-down notices from the video game industry, removing infringing material including cheats and other unauthorized digital goods (UDGs). Today, video game piracy remains a problem in Russia and is feared to fuel piracy in other markets. The video game industry has been impacted by historically weak overall compliance in Russia with takedown notices regarding links to pages with infringing content via forums, cyberlockers, and direct download sites, and very quick reposting of materials that are taken down. BitTorrent sites are significant sources in Russia for downloading illegal copies of video games, with no abatement in recent years. In 2024, Russia ranked number one 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**.** By the same metric, Russia ranked first in the world for unauthorized file-sharing of PC-based games, and for console-based games.

Recorded Music: The most prominent forms of music piracy in Russia remain web downloads, BitTorrent, and stream-ripping sites. The most popular BitTorrent site in Russia is *rutracker.org*, which according to SimilarWeb received globally over 413.9 million visits from November 2024 to October 2025. Indeed, the highest traffic to the site comes from Russia with 54% of the traffic. Visits to the site remain high as Russian users have learned how to circumvent the block imposed on the site by authorities enabling users to easily access the large amounts of both English and Russian content available on the site, including enormous quantities of discographies for many music artists.

SaveFrom.net is an extremely popular stream-ripping site in Russia, receiving roughly 1.48 billion visits globally and over 83.7 million visits from Russia according to *SimilarWeb* in the last 12 months (November 2024 to October 2025). Over the same period, *Y2down.cc* received over 5.4 million visits from Russia; *ssyoutube.com* received over 8.5 million visits from Russia; and Russian-language MP3 download site *Zaycev.net*, which offers popular music content to download or stream, was visited over 69 million times from Russia.

[4] See USTR, "2024 Review of Notorious Markets for Counterfeiting and Piracy," available at https://ustr.gov/sites/default/files/2024%20Review%20of%20Notorious%20Markets%20of%20Counterfeiting%20and%20Piracy%20(final).pdf (2024 NML). The 2024 NML also included three physical markets in Russia, all of which are on the list for the prevalence of counterfeit materials.

Book and Journal Publishing: Most concerning to book and journal publishers are the online book and journal piracy websites operating out of Russia. Key Sources for the problem are *Sci-Hub.se* (also *Sci-Hub.ru* and *Sci-Hub.st*), which remains the most problematic piracy site for professional and scholarly journal publishers, and now it's extension, *sci-net*, which allows users to request articles in exchange for *sci-hub* crypto. Articles that are "funded" through *sci-net* are added to *sci-hub*. *Sci-net* further allows new content to be distributed in circumvention of international blocking orders in place. Infringing journal articles pirated by the site's operator are likewise available on a network of sites collaborating under the "Library Genesis Project" collection of piracy sites. *Sci-Hub* claims it holds over 88 million copyright-protected journal articles, as well as millions of books found on *Lib-Gen*, *Z-Library*, and numerous other mirror sites.[5]

In October 2018, publishers successfully sought an injunction to block the sites' primary domain in Russia. In 2019, a permanent block was issued against *Libgen.org*, while a permanent injunction against several *Sci-Hub* mirrors in Russia took effect in 2020. It remains the unfortunate case that despite the seizure of some 244 *Z-Library*-related domains by the U.S. Department of Justice in November 2022—and the arrest of the alleged Russian operators in Argentina—*Z-Library* operators continue infringe. [6] Despite a further seizure of several alternative *Z-Library* domains (such as *singlelogin.click*) in November 2023, with assistance from enforcement authorities in Europe, various domains remain live, such as *zlibrary.to*.

In addition to these large-scale book and journal piracy platforms, Russian Internet users also use P2P file-sharing services. Over the last year, an AAP member company registered 1.3 million P2P downloads of pirated copies of its books originating from Russia approximately equal to the aggregated volume from the next top five countries (China, France, India, the United States, and the UK). Publishers have identified dozens of pirate platforms (among them *Vdoc.pub, rapidgator.net, alfafile.net, pixel-brush.ru, VK, prizrak.ws, libramar.net,* and *torrentdownloads.pro)* hosted in Russia that either host pirated books or link to pirated content. *DDOS-Guard* also plays a prominent role in hosting at least seven highly popular book piracy platforms. Finally, there is significant e-book piracy on *VK*, particularly of trade books. Although the site responds to notifications of infringement, piracy remains unabated given the ease with which users can continuously upload and make available pirated e-books and audiobooks.

The copyright industries continue to report elevated levels of piracy and declining levels of criminal enforcement, continuing a trend of the past several years. Currently, criminal cases for online piracy do not reach courts due to outdated provisions of the Criminal Code that are difficult to enforce for online infringements, specifically, the "value of the crime" definition. This definition, which means the value of the produced physical copies (e.g. DVDs, books, CDs. video game discs, etc.) or the value of the rights granted to a licensor, is not always appropriate for calculation of damages for digital releases. Official statistics of the Ministry of Interior demonstrate a continuous decrease in the number of registered copyright-related crimes, dropping from 423 cases in 2020 to 317 cases in 2021 (a 22% decrease) and zero copyright infringement cases in 2022. The Ministry stopped publishing these statistics since the invasion.

Prior to the invasion changes to criminal procedures that placed copyright infringement cases into the category of serious crimes had enabled Russian law enforcement agencies to conduct thorough and comprehensive investigations against owners and operators of piratical operations, although significant challenges persisted. Since the invasion, nearly all criminal prosecutions and procedures related to fighting piracy have been suspended. More

[5] Sci-Hub is an adjudged pirate entity, with two Association of American Publishers (AAP) members having secured judgments against the site and its operator in 2017 and 2015 in two U.S. courts. These judgments resulted in injunctions requiring U.S. domain name registries to suspend the site's U.S. administered domains. In October 2018, publishers successfully sought an injunction to block the sites' primary domain in Russia. In 2019, a permanent block was issued against *Libgen.org*, while a permanent injunction against several Sci-Hub mirrors in Russia took effect in 2020. *Sci-Hub* provides access to nearly all scholarly literature. See https://www.insidehighered.com/news/2020/01/17/universities-ignore-growing-concern-over-sci-hub-cyber-risk

[6] In November 2022, *Z-Library* domains were seized by the Department of Justice, and the network of some 244 sites taken offline. The alleged operators, two Russian nationals, were also arrested in Argentina and await extradition. See U.S. Attorney's Office, Eastern District of New York Press Release, *Two Russian Nationals Charged with Running Massive E-Book Piracy Website*, November 16, 2022, available at https://www.justice.gov/usao-edny/pr/two-russian-nationals-charged-running-massive-e-book-piracy-website.

information about deficiencies in Russia's anti-piracy enforcement before the invasion can be found in previous IIPA reports.

- **Improve administrative enforcement against large-scale unlicensed services, including by imposing deterrent-level penalties.**

In addition to criminal enforcement, the relevant administrative agencies should target large illegal distribution enterprises, such as the large-scale unlicensed services responsible for most of the illegal distribution of music and film in Russia. The Administrative Code (Article 7.12) provides a range of fines for infringement by natural persons (1,500 to 2000 rubles, US$20 to US$27), the owners or managers of legal entities (10,000 to 20,000 rubles, US$133 to US$266), and legal entities themselves (30,000 to 40,000 rubles, US$400 to US$533) and permits the confiscation and destruction of pirated products. The police or agencies file administrative cases, but the courts of general jurisdiction levy fines. Imposing significant administrative fines on legal entities would have a deterrent effect, especially in instances when criminal cases are terminated for failing to meet the high evidentiary burdens. Unfortunately, current administrative procedures are inadequate because of the very low level of fines imposed, as well as the inability to reach commercial enterprises that distribute infringing content. Moreover, enforcement under the Administrative Code has been ineffective due to the lack of enforcement actions. In 2024, there were 224 cases under this article, of which only 116 cases included fines totaling 1,643,000 rubles (approx. US$20,000).

- **Improve civil enforcement, including by amending the Civil Code or other relevant laws to address the issue of "domain hopping."**

Though civil judicial and administrative remedies had begun to improve before Russia's invasion of Ukraine in 2022 (with legal reforms in 2013, 2014, 2017, and 2020), the ability for U.S. rights holders to bring civil action in Russia has since completely ceased.[7] Prior to 2022, civil injunctive relief mechanisms allowed rights holders to enjoin notoriously infringing sites though critical gaps remained. These include the lack of relevant laws targeted at online piracy, "domain hopping" of pirate sites that continued after the Moscow City Court issued an initial content-removal order, and the liability of hosting providers. Current regulations were designed in the offline environment, and some provisions are difficult to apply to diversified online piracy, particularly regarding timelines, evidence fixation, and damages calculation.

Moreover, pirates have found tools to navigate around the content protection tools provided in recent legal reforms. Part of the problem lies in how *Yandex*, the major search engine in Russia, indexes sites. Neither internal *Yandex* policy nor laws oblige *Yandex* to improve search and retrieval algorithms to reduce the number of pirate sites and links to infringing content. *Yandex* algorithms instantly or even automatically include updated mirror sites. Another tactic is to use an empty site with a relevant domain name for search engine results, which redirects to a site with infringing content. Significant changes and improvements in the piracy situation will require adoption of anti-piracy laws and policies that are relevant to the current issues affecting the creative industries.

In addition, court practice related to title-specific civil injunctions has worsened. The Moscow City Court, under the influence of the first appellate court, changed its approach to decisions in title-specific civil injunction cases. Previously, the court prohibited a site from using the title on the site in general. Now, the court prohibits the use of the title on only the page on which it was captured. Thus, any change of the URL allows the site to avoid enforcement under the court decision.

- **Encourage domain registrars to refrain from harboring piracy sites and services, and ensure that the registries Coordination Center for Top-Level Domains (TLD) *.RU/РФ* and the Russian Institute for Public Networks (RIPN) properly address illegal activities.**

[7] Prior IIPA filings have detailed the 2013, 2014, 2017, and 2020 legal reforms, which implemented ISP liability and safe harbors and injunctive relief against infringing content online. See, e.g., IIPA 2022 at 79-80.

Increasingly, copyright owners face difficulties in enforcement against domains with *.ru* or *.su*. While the official registry administrators, Coordination Center for Top-Level Domains (TLD) RU/РФ (for .ru) and Russian Institute for Public Networks (RIPN) (for .su), have rules against illegal services, the complex legal landscape in Russia, as well as the complexities of Internet governance and international laws (and, e.g., lack of extraterritoriality) means that these domains can be exploited by malicious actors in the commercial market. Such is the case in the copyright space with respect to piracy services. A good example of this is the Piracy-as-a-Service (PaaS) known as *vidsrc*, which is a PaaS responsible for over 100 of the world's top piracy sites. Recent court orders in India managed to suspend a couple *vidsrc* domains, which prompted their operators to swiftly establish new domains with the *.ru* and *.su* country-code top level domains (ccTLDs). Without engagement, the commercial domain registrars for *.ru* and *.su* (as opposed to the official registry administrators), will do nothing. Often, the pirates are hiding behind domain registrars like RU 01/RU-CENTER knowing these specific registrars will not cooperate with rights holders. To foster a healthy internet, the Russian government should ensure that its registries and associated domain name registrars are doing their part to combat piracy.

- **Prevent or disrupt the unauthorized screenings of motion pictures in cinemas.**

Before the invasion, Russia was the source of the illegal copying of many feature films in theaters that migrated online. Piracy operators obtain their source materials for infringing copies by camcording films at local Russian theaters or soliciting third parties to camcord films in disparate locations and then upload these copies onto the Internet and sell illegal hard copies. Russia remains the home to some of the world's most prolific criminal release groups of motion pictures with substantial operations outside of Russia, organized by Russian expatriates.

After Russia's invasion, the U.S. film, broadcast, and streaming industries, along with many other industries, suspended operations in Russia. As a result, theatrical piracy has skyrocketed. Unfortunately, third-party operators have recently begun organizing illegal screenings of U.S. films in theaters throughout Russia. At first, the theaters did not advertise the screenings openly, referring to them as "private club" events. However, by August 2023, most of the theater chains included such screenings in their schedules and started promoting them along with the legal exhibitions, such as *Barbie*, *Blue Beetle*, and *Oppenheimer*. In 2024, most cinemas continued to openly show unlicensed content. However, the growing number of locally produced features has resulted in a decrease of the overall percentage of cinema screenings that are pirated. The content shown at these illegal screenings is sourced from pirated Digital Cinema Packages (DCP), allegedly created from legitimate copies supplied to exhibitors in the region, that are illegally distributed online. Moreover, there is evidence of camcording occurring at these illegal screenings, compounding the harm.

LEGAL REFORMS

- **Ensure recent legal reform proposals do not worsen copyright protection and enforcement.**

Major overarching concerns in the Civil Code include: (a) a lack of clarity on numerous provisions, especially on exceptions and limitations; and (b) administrative law principles throughout the Civil Code that likely cannot be enforced by civil or criminal procedures. Moreover, since its invasion of Ukraine, Russia has introduced several troubling legal reforms that threaten to further worsen copyright protection and enforcement in Russia.

- On May 27, 2022, the Russian President issued Decree #322 regarding the payment of remuneration to foreign rights holders from "unfriendly" countries (i.e., the countries that imposed sanctions against Russia in response to its invasion of Ukraine). The Decree orders that Russian persons (including the Russian authorities, organizations, companies, and residents) make payments for the use of IP to foreign rights holders in rubles to a special O-type bank account opened in the name of the foreign rights holder. Russian entities

have no obligation to make payments to foreign rights holders until the rights holder agrees to the new method, and rights holders may not transfer funds from O-type bank accounts outside of Russia without government permission. The Decree restricts the rights holders subject to the Decree from receiving license payments other than through governmental approval.

- Russian law requires persons and organizations receiving international support or whom Moscow deems under foreign influence to be registered as a "foreign agent." On December 17, 2024, the Duma passed a bill requiring these "foreign agents" to transfer all income from creative industries, including works of literature, performances, and broadcasting to special ruble accounts. Funds are only accessible once individuals are removed from the registry of foreign agents. The law entered into force on March 1, 2025. The recorded music industry is concerned about the inability to collect payment for the broadcasting of their sound recordings in Russia.
- In June 2024, the Russian President signed into law amendments to the Criminal Code that further increased the threshold for criminal liability for copyright infringement – the threshold is now five times higher than it was prior to the amendment. This law has made initiation of a criminal investigation, which remains impossible for U.S. rights holders, even more difficult.
- The Ministry of Justice has published a bill proposing softer thresholds of liability for copyright infringement crimes. The Ministry is expected to decriminalize a quarter of such crimes as a result.
- In July 2024, a law amending Part IV of the Civil Code was adopted. The bill established a procedure for the use of orphan works, including the creation of a database for orphan works and the appointment of a CMO to manage rights for such works. The amendments limit the possible uses of the orphan works as follows: reproduction and distribution of the copies, making them available to the public, and creation of derivative works. The remuneration rates are subject to determination by the government and such rates were published in the Spring of 2025. If the potential licensee is unable to identify the copyright holder, the licensee would have the right to apply to the CMO authorized by the Ministry of Culture with a statement of intent to use the corresponding copyrighted work. The Ministry of Culture would determine the necessary and sufficient measures to be taken by a potential licensee to identify the rights holder before applying to the CMO. The authorized CMO must place an announcement about the rights holder's search on its official website. If the rights holder is not identified within 30 days, the CMO will record information about the copyrighted work in the database, including the measures taken to find the rights holder, after which the CMO will have the right to grant the right to use the work on the terms of a non-exclusive license. The CMO will deposit the remuneration in a dedicated account until the rights holder submits a payment request. Although the amendments contain a provision securing the rights holder's right to terminate the license agreement concluded by the CMO and recover damages if the CMO fails to take proper measures to identify the rights holder, the procedure for determination of fees and the measures to identify the rights holders create unnecessary state involvement in rights management, raising concerns that rights holders' copyright rights will be undermined. It is important that the Government of Russia and its Ministry of Culture introduce adequate due diligence obligations to establish that a work or sound recording is orphan. Given the geopolitical situation, record companies that are no longer present in the Russian market are concerned that due diligence requirements may be scoped to make it easy for their catalogues to be considered orphan, allowing them to be misrepresented by local CMOs.
- Additional problematic developments which have yet to be formally introduced include:
    a. Plans to introduce forms of compulsory licensing in relation to copyright and related rights (with or without remuneration);
    b. Mechanisms to extend the terms of license agreements automatically and without authorization of the licensor when they are from territories that have applied sanctions against Russia;
    c. Significant limits to the availability of damages for copyright infringements, and suspensions of certain intellectual property rights which, if adopted in relation to copyright and related rights, would result in a significant step backwards, a worrying precedent for IP protection and a clear breach of international treaties.

- **Continue to resist efforts to implement state-sanctioned IP theft, which is having serious, long-term implications for Russia's economy and creative ecosystem.**

In mid-April 2022, Russia began drafting legislation that, if enacted, would drastically undermine exclusive rights. This unprecedented bill would allow a Russian licensee of a copyrighted work to apply to the court for a compulsory license to exploit a copyrighted work if a partner from an "unfriendly state" (including the United States) partially or completely unilaterally repudiated the license agreement on grounds not related to the violation of such a contract by the licensee. As U.S. industries have suspended operations in Russia in the wake of Russia's invasion of Ukraine, such a bill, in effect, would legalize piracy of copyrighted materials owned by U.S. rights holders, in clear violation of Russia's WTO obligations—essentially amounting to state-sanctioned IP theft. On August 19, 2022, the first version of the draft was submitted to the State Duma. However, after the pushback from a local industry association, the sponsor of the bill stated the bill would be withdrawn and an alternative version would be drafted. A new draft law with similar provisions was submitted to the State Duma in July 2024, with a preliminary hearing date set for December 2024.That bill was rejected after the first reading in June 2025.

- **Reject proposed legislation that would allow esports event organizers to profit from copyright-protected video game content without authorization from rights holders.**

Russian lawmakers recently proposed legislation that would allow esports tournament organizers to profit from video game content without obtaining licensing agreements directly from video game publishers. The bill contemplates the creation of a public-law company (PLC), which would replace the role of rights holders to manage licensing fees associated with the use of games in esports tournaments, interfering with the exclusive right of publishers to maintain brand integrity and to exercise rights to their protected works.

- **Convert the MOU between ISPs and rights holders into law with broader applicability and sanctions for non-compliance and enforce the addendum to the MOU.**

Although the civil law reforms had improved enforcement by the courts before the invasion, absent these court orders, most ISPs and website operators still did not comply with takedown notices; instead, they merely forward notices to users without taking down infringing material. Often, as a delaying tactic, the Russian websites insisted on proof of copyright ownership before even considering compliance with takedown requests. The advertising agencies and payment processors that financially support infringing sites continue to resist cooperation with the copyright industries.

The only alternative has been the voluntary MOU, signed in November 2018 between the largest Russian ISPs and certain local rights holders regarding delisting of infringing sites from search engines at rights holders' request. Subject to amendments adopted in April 2025, the MOU's term will automatically be extended each year for the subsequent year unless any of the parties to the MOU reject the extension before March 1 of the current year. In August 2023, the parties to the MOU agreed to extend it to music and literary works and simplified the approval procedure for new members, eliminating the requirement to apply via a non-commercial organization for certain rights holders. The candidates for membership must still obtain approval from most of the existing members; however, they can now apply directly if they own a catalog of at least 100 works.

In June 2021, legislation was proposed in the Duma to convert the ISP-rights holder MOU into legislation. The Duma was to consider the bill in February 2022 but still has not taken any action. The legislation should provide sanctions for non-compliance with takedown notices and should be applicable to all platforms and search engines and all copyrighted works. An addendum to the MOU, MOU 2.0, was signed in December 2021, but is subject to the adoption of the legislation and has not been enforced. MOU 2.0 provides for several new measures to stop search engines from providing easy access to infringing services. New measures include removal of repeat offender sites from

search results, removal of sites displaying over one hundred links to infringing content from search results, and measures to defeat "domain gluing."[8]

- **Implement regulations on the operation of CMOs that confirm that rights holders have the legal and practical ability to determine how to exercise their rights.**

The long-standing problem concerning the collective management of music rights in Russia needs to be addressed properly. After years of missed deadlines, Russia adopted new legislation in 2017 (in force, May 2018) that did not address key relevant issues and created even more problems. The new collective management system denies transparency to rights holders and good governance consistent with international norms, as well as best practices for CMOs as required by Russia's WTO accession obligations. The 2017 law amended the Civil Code and the Administrative Code to revise the make up and activities of CMOs. One obvious failure of the 2017 law regarding transparency is that it does not allow rights holders to see how much money their CMO collects or distributes to their members. Moreover, in terms of a lack of good governance, the law does not allow rights holders to control their CMOs.

The so-called "fiscal control improvements" in the new law, including regular audit reports, will not improve accountability because the audit obligations are for reports only to the government for taxation purposes, not to rights holders. The new law creates "supervisory boards" for each of the various authors' CMOs (the Russian Authors Society, the Russian Union of Right Holders, and the All-Russian Intellectual Property Organization) consisting of members of each CMO but also including government representatives and "user" group representatives. This structure does not allow rights holders to be involved in the selection and management of the organizations that purport to manage their rights. Proper management would allow for a supervisory board of rights holders to oversee the internal management of the CMO and would include international rights holders with local representatives on the board. Instead, partial control of CMOs by the Government of Russia deprives rights holders of their ability to control the licensing and collection of monies for their works and recordings and is resulting in less, not more, money flowing to authors and producers and certainly less money than should be collected for a market the size of Russia.

To develop properly functioning music broadcasting and public performance payment systems via collective management, the Government of Russia should re-visit the 2017 law to ensure that rights holders are able to control and manage their own CMOs or can effectively opt out of collective management. This change would result in fair representation characterized by direct representation of rights holders on the board in a manner that is proportionate to relevant market share and reflects commercial realities, with no conflicts of interest in the governance structures. Many models for proper governance of CMOs exist, including WIPO best practices, international rights holder group best practices, as well as U.S. and European Union (EU) existing practices. Instead, the existing regulations and state accreditations have institutionalized a system that is neither transparent, nor well governed with accountability for authors, record labels, and performers, who have no other option except for the state CMOs.

- **Amend the Administrative Code and Criminal Code to prevent theatrical camcording.**

In August 2021, the Government of Russia adopted a Decree establishing the rules for film exhibition in theatres that cover the rights and obligations of both exhibitors and viewers. The Decree replaced the older document from 1994 and extended the exhibitors' rights to remove from the screening room viewers who disregard the exhibition rules, including those who attempt to record the film illicitly. While the Decree provides an explicit framework to address viewers who illicitly attempt to record a film in the theater, it does not resolve the issue of lack of liability for camcording.

To adequately address the camcording problem requires changes in the Russian legal framework, as well as dedicating sufficient resources and government willpower to engage in effective enforcement. Owing to the complex burden of proof procedure that the Administrative Code requires for copyright infringements, law enforcement is

[8] Domain gluing" is a process used by operators of infringing services allowing them to return to the same search ranking from which they were removed by "gluing" pages together.

reluctant to investigate camcording incidents. Separate provisions addressing illegal recording in theaters and tailored to that specific form of infringement, could enhance enforcement. The Government of Russia should amend the Administrative Code to add liability for camcording to the general liability provisions on copyright infringements (Article 7.12) and to provide criminal law penalties as well. In 2020, the Government of Russia prepared changes to a new Administrative Code to address camcording, but the timing for revising the Code remains unclear. The new rules, if adopted, would explicitly prohibit video or audio recordings of films in theaters and would allow theater owners to act to stop any such recordings, including removing the offending party from a theater. The proposed new law would also add administrative sanctions for camcording. While this is a step in the right direction, unfortunately, no proposals exist to amend the Criminal Code or to add any criminal sanctions for camcording pursuant to Russia's WTO and bilateral obligations. In addition to these needed legal reforms, IIPA recommends that the Government of Russia properly resource enforcement actions and undertake more effective enforcement against illegal camcording of motion pictures.

- **Amend the Civil Code, Part IV, to incentivize ISPs to cooperate with rights holders to effectively address online piracy.**

IIPA and its members continue to note one ISP-related major overarching concern in the Civil Code: the absence of clear liability rules for online websites and services that induce or encourage infringement, as well as the applicability of safe harbors for such services. The law does not define ISPs and the various services they provide, nor does it link liability and safe harbors in a manner that will incentivize cooperation with rights holders to effectively address Internet piracy. Lastly, Russia's law does not define secondary liability. The law should be clarified regarding the liability of online infringing websites and services, including that safe harbors should apply to only passive and neutral intermediaries that do not contribute to infringing activities. Further, it is critical that Russia amend its legal regime to allow for civil injunctive relief that is quick and effective and applicable to all works.

- **Amend the Civil Code and Criminal Code to provide adequate protection for technological protection measures (TPMs).**

Article 1299 of the Civil Code prohibits the commercial distribution (i.e., trafficking) in circumvention devices and services that circumvent TPMs. The law should be amended to expand liability to the commercial trafficking in all variety of circumvention devices (including software) and services. In addition, commercial trafficking in circumvention devices, including by importation, should be criminalized. IIPA also recommends amending Article 1252(5) of the Civil Code, which currently includes remedies for the seizure and destruction of materials and equipment used in infringements, by deleting the exception for the sale of materials by the state for "income" and by making corresponding changes in the respective procedural codes.

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

The State Duma has recently commenced discussions on the preparation of a bill that would regulate AI in Russia. As Russia looks to possibly regulate AI, IIPA strongly encourages the Government of Russia 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."[9] 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

[9] 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.

property."[10] 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."[11] 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."[12].

MARKET ACCESS

- **Remove market access restrictions negatively impacting the U.S. creative industries, including the value-added tax (VAT), foreign ownership restrictions, customs duties, a local presence requirement and a proposal that would limit the share of foreign participation in music platforms.**

While U.S. industries have largely suspended operations in Russia since the invasion, significant market access barriers remain, including a discriminatory VAT; foreign ownership restrictions in broadcasters, mass media entities, and over-the-top (OTT) services; and an advertising ban on pay-TV. In 2022, in response to invasion-related sanctions imposed on Russia, the Russian government adopted several restrictive measures targeting foreign investors from unfriendly jurisdictions. The measures include an obligation for the foreign shareholders of the Russian joint-stock and limited liability companies to obtain governmental approval for any deals involving their shares.

In addition to these barriers, the video game industry also faces significant market access issues in Russia. For example, Russia imposes customs duties on the royalty value of some imported audiovisual materials, including some video games, rather than solely on the value of the physical carrier medium, contrary to standard international practice. Another barrier affecting the video game industry is a law, adopted by the State Duma on June 17, 2021, mandating foreign Information Technology (IT) companies with a daily audience over 500 thousand users to open a branch, a representative office, or an authorized legal entity in Russia.

At the beginning of 2025 State Duma deputy Andrey Lugonov tabled a proposal that would limit the share of foreign participation in music platforms. The initiative is unclear but would likely aim to further restrict market access to foreign stakeholders and collection of royalties by foreign right holders. IIPA urges the resistance of proposals of the sort.

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

[11] 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.

[12] Id.