



**RIAA Submission to Comment Request for the  
2022 Review of Notorious Markets for Counterfeiting and Piracy**

Docket No. USTR-2022-0010

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Submitted via regulations.gov

The Recording Industry Association of America (RIAA) welcomes the opportunity to provide this submission in response to your request for comments identifying online and physical markets to be included in the 2022 Review of Notorious Markets for Counterfeiting and Piracy.

## **INTRODUCTION**

The RIAA is the trade organization that supports and promotes the creative and commercial vitality of music labels in the United States, the most vibrant recorded music community in the world. Our membership – which includes several hundred companies, ranging from small-to-medium-sized enterprises to global businesses – creates, manufactures, and/or distributes sound recordings representing the majority of all legitimate recorded music consumption in the United States. In support of its mission, the RIAA works to protect the intellectual property and First Amendment rights of artists and music labels; conducts consumer, industry, and technical research; and monitors and reviews state and federal laws, regulations, and policies.

The RIAA appreciates that the “United States encourages owners and operators of markets reportedly involved in piracy of counterfeiting to adopt business models that rely on the licensed distribution of legitimate content and products to work with rights holders and enforcement officials to address infringement.”<sup>1</sup> The U.S. recorded music industry is highly reliant on the protection of intellectual property in order to drive innovation, creativity, and growth within this sector, and to enforce against those that unfairly and illegally steal our members’ music for their own pecuniary interests.

The music industry contributes significantly to the U.S. economy and to U.S. trade exports. Overall, the music industry contributes \$170 billion to the nation’s economy, supports 2.47 million jobs and accounts for over 236,000 businesses in the United States.<sup>2</sup> For every dollar of direct revenue within the U.S. music industry, an additional 50 cents is created in an adjacent industry to the U.S. economy.<sup>3</sup>

The music industry is also a leader in driving digital commerce. Digital sources of music revenue accounted for nearly 90% of the total music market by value, while physical products

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<sup>1</sup> 87 Fed. Reg. 52609 (August 26, 2022).

<sup>2</sup> Source: <https://50statesofmusic.com/?USImpact>.

<sup>3</sup> Source: The U.S. Music Industries: Jobs & Benefits, the 2020 Report, prepared by Economists, Inc. for the Recording Industry Association of America (December, 2020), available at <https://www.riaa.com/wp-content/uploads/2021/02/The-U.S.-Music-Industries-Jobs-Benefits-2020-Report.pdf>.

amounted to about 10%.<sup>4</sup> Paid subscriptions to digital music services grew to a record high of 90 million.<sup>5</sup> And the record labels continue to work tirelessly to develop additional sources and streams of revenue, including ad-supported options on short form video and social media platforms, music in fitness apps, and next generation innovations in the Web3 environment.

However, in inflation-adjusted dollars, our industry's revenues in 2021 remain 37% below our peak U.S. revenues from 1999.<sup>6</sup> This period of time coincides with the rise of broadband and the digital piracy generally, as well as the later rise of the sale and importation of foreign-made, counterfeit physical music products through e-commerce platforms. As noted in the 2022 Special 301 Report, while the "increased availability of broadband Internet connections around the world, combined with increasing accessible and sophisticated mobile technology, has been a boon to the U.S economy and trade," these "technological developments have also made the Internet an expressly efficient vehicle for disseminating pirated content, thus competing unfairly with the legitimate e-commerce and distribution services that copyright holders and online platforms use to deliver licensed content."<sup>7</sup> In short, as noted in the 2022 Special 301 report, copyright infringement continues to cause significant harm to the U.S. music industry and to the broader creative sector, including the professionals that work in them.<sup>8</sup>

In this submission, we first address online markets engaged in or facilitating copyright piracy, followed by physical markets engaged in or facilitating copyright piracy.

## **ONLINE MARKETS ENGAGED IN OR FACILITATING COPYRIGHT PIRACY**

The following is a non-exhaustive list of online markets that engage in or facilitate substantial copyright piracy that infringes on U.S. intellectual property. We request these markets be considered for inclusion in the 2022 Notorious Markets List. These markets engage in the unlicensed reproduction, creation of derivative works, streaming, and/or distribution/downloading or other unauthorized dissemination of sound recordings that significantly damage the rights of U.S. companies, and/or also engage in circumvention activities that violate 17 USC § 1201.

These services harm U.S. artists, songwriters, record labels, and music publishing companies by (i) disseminating music, or derivative works thereof, without authorization and without providing any compensation to the creators and owners of the music, and (ii) artificially distorting the market value of the music, thereby reducing the compensation to the creators and owners from licensed services.

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<sup>4</sup> Source: RIAA. See <https://www.riaa.com/wp-content/uploads/2022/09/Mid-Year-2022-RIAA-Music-Revenue-Report-1.pdf>.

<sup>5</sup> Id.

<sup>6</sup> Source: RIAA. See <https://www.riaa.com/reports/2021-year-end-music-industry-revenue-report-riaa/>.

<sup>7</sup> 2022 Special 301 Report, April, 2020, p. 20, available at <https://ustr.gov/sites/default/files/IssueAreas/IP/2022%20Special%20301%20Report.pdf>.

<sup>8</sup> See, e.g., AFLCIO, Department for Professional Employees. "Intellectual Property Theft: A Threat to Working People and the Economy 2021 Fact Sheet", October 25, 2021 ("Digital theft has a direct negative impact on creative industries and the professionals who work in them, with a cost of at least 290,000 jobs and \$29 billion in lost revenue in the film and television industry alone."), available at <https://www.dpeaflcio.org/factsheets/intellectual-property-theft-a-threat-to-working-people-and-the-economy>.

## **1. Stream-ripping Sites**

We are currently tracking over 300 active stream-ripping sites. The RIAA has an active program reporting stream-ripping sites to search engines. Notices designate URLs on the sites that offer the infringing downloads. Search engines will eventually demote these sites in search based on these notices. Ripper site operators have responded to this effort by creating new domain names to operate through in order to reappear at the top of search results. Here is how the operator of *mp3juices* explained what they are doing:

“Many people are asking what happened to MP3juices.cc ... When everything was developing for good [sic], MP3juices.cc suddenly disappeared. Why is this? Because MP3juices.cc is subject to strict DMCA reports, many users cannot find MP3juices.cc on search engines. However, our website has always been available, and we still insist on providing better services for you. At the same time, we also recommend that you bookmark MP3juices, which are more convenient to use.

Recently we have been trying to change MP3juices.cc to MP3juice.zone website to avoid DMCA, so you don't have to wonder about the URL change, we are always there.”<sup>9</sup>

The most popular and, hence, the most damaging stream-ripping sites are:

### **Ytmp3**

*Domain:* ytmp3.cc

*Registrant:* “Redacted for Privacy”

*Registrar:* Sarek, Finland

*Hosting Provider:* Tcloudnet (Singapore)

*Traffic:* Global Similarweb ranking of 1229, with over 633 million visits in the past 12 months

*Revenue Source:* unknown

*Ytmp3*'s user-facing front-end site was previously hosted in Russia but in the last year move to Tcloudnet in Singapore. The site describes its service as providing a converter where the user can easily convert YouTube videos to “high-quality mp3 music for free.” To obtain a copy the user can either paste a YouTube video URL into the converter bar or search for a video to convert using artist or song names and chooses a format (audio only or full video file) and clicks the convert button. When the “conversion” is completed, the user can download the file by clicking on the download button. It appears that the service does not actually convert each URL on demand, but rather retains copies of files previously converted to maintain a more efficient and reliable service.

### **Mp3juices**

*Domain:* mp3juices.cc (also mp3juice.zone)

*Registrant:* “Redacted for Privacy”

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<sup>9</sup> See <https://mp3juices.cc>.

*Registrar:* Sarek, Finland  
*Hosting Provider:* Tcloudnet (Singapore)  
*Traffic:* Global Similarweb ranking of 14,119 with 318 million visits in the past 12 months  
*Revenue Source:* unknown

*Mp3juices* is a sister site to *ytmp3.cc* as both sites have historically been hosted on the same ISPs, and the homepage of each site promotes the use of the other.

Like *ytmp3*, it appears that the service does not actually convert each URL on demand, but rather retains copies of files previously converted on backend servers.

### **Flvto & 2Conv**

*Domain:* flvto.biz and 2conv.com  
*Registrant:* Currently “Redacted for Privacy” but previous proxy service identified registrant for both sites as Tofig Kurbanov, Russian Federation  
*Registrar:* Realtime Register (B.V.)  
*Hosting Provider:* Both sites now hosted on Upcloud, Ltd. (Finland)  
*Traffic:* Flvto.biz has a global Similarweb ranking of 9,455 and 2conv.com has a global Similarweb ranking of 14,890; collectively, the two sites have over 100 million visits in last 12 months  
*Revenue Source:* Advertising and questionable software downloads

*Flvto.biz* and *2Conv* are operated by the same individual in Russia and serve downloads of converted YouTube videos to users as digital audio files. All the user needs to do is to copy and paste a YouTube link into a conversion bar and click on a “convert to” button. These sites are dedicated to the mass-scale piracy of our members’ copyrighted sound recordings. Following some of our enforcement activity, the sites appear to have changed their operations for the time being when accessed from an IP address associated with the United States, but nonetheless continue to engage in unauthorized distribution of our members’ music. We also have reason to believe that the operator may be involved in other stream-ripping sites as well.

U.S. record companies filed a lawsuit against these sites in 2018 in the United States District Court for the Eastern District of Virginia, alleging copyright infringement on a massive scale. The court granted the Russian defendant’s motion to dismiss for lack of personal jurisdiction, despite substantial facts that support jurisdiction over the defendant in the United States. The decision was overturned on appeal to the United States Court of Appeals for the Fourth Circuit last year and remanded back to the district court. On October 1, 2021, a district court judge in the United States District Court for the Eastern District of Virginia ordered that default judgment be entered in favor of the U.S. record companies. The court subsequently granted Plaintiffs’ motion for injunctive relief and for approximately \$83 million in damages. Following those rulings, the defendant filed a notice of appeal, but the appeal process is not yet underway.

### **Y2mate**

*Domain:* y2mate.com (and related sites yt1s.com, yt5s.com, y2meta.com, , and 9convert.com)

*Registrant:* Global Domain Privacy Services, Panama; registrant believed to be Ken Nguyen, Hanoi, Vietnam  
*Registrar:* URL Solutions, Inc. (Panama)  
*Hosting Provider:* Served through Cloudflare (US)  
*Traffic:* Global Similarweb ranking of 286, with nearly 1.5 billion visits in the past 12 months  
*Revenue Source:* Advertising

*Y2mate* offers a search capability to locate YouTube videos or allows the user to cut and paste a YouTube URL into the search bar. Users are enabled to download either an audio-only mp3 or the entire audio-visual work as an mp4 file. The site also appears connected with the several other stream-ripping sites. *Y2mate*'s traffic has begun to drop globally due to site-blocking orders and voluntarily limiting access to the US, but the operator has responded by simply creating new domains, which continues to generate traffic in the US and elsewhere.

### **Savefrom**

*Domain:* savefrom.net (and related site savef.net)  
*Registrant:* "Redacted for Privacy"  
*Registrar:* Tucows, Inc.  
*Hosting Provider:* OVH SAS (FR)  
*Traffic:* Global Similarweb ranking of 467 with nearly 1.4 billion visits globally in the past 12 months  
*Revenue Source:* Advertising

*Savefrom.net* operates with a slightly different but equally damaging model. Rather than downloading content to their servers and then offering mp3s or full videos for download, *Savefrom* simply circumvents the YouTube content protection measures and serves up the unprotected content directly to users from the YouTube servers where the user can either save the video or save the audio to their devices. In April 2020, *Savefrom* announced that, due to "strenuous attacks by certain US copyright holders," it was terminating its services in the United States. *Savefrom*, however, has continued to function in many jurisdictions outside the U.S. and continues to generate in excess of 100 million visits a month to its site globally. Moreover, while asserting it no longer provides service to the United States, the operator appears to have simply created new websites, ssyoutube.com and savef.net that are fully functional in the U.S.

### **Ssyoutube**

*Domain:* ssyoutube.com  
*Registrant:* "Redacted for Privacy"  
*Registrar:* Tucows, Inc.  
*Hosting Provider:* Served through Cloudflare, underlying ISP unknown  
*Traffic:* Global Similarweb ranking of 272, with over a 526 million visits globally in the past 12 months  
*Revenue:* Advertising

*Ssyoutube* appears to be the latest iteration of *Savefrom.net* described above. It is fully operational in the US and is an example of how easily and quickly new damaging sites can

emerge. In August 2021 the site was attracting just under 9 million visits globally. By August 2022, *ssyoutube* generated 143 million visits.

## **2. Music Download Sites**

This class of sites directly or indirectly offers unauthorized on-demand streaming and/or downloading of our members' music, including their most popular and valuable content. Commonly, these sites also provide unauthorized downloading of pre-release music, i.e., tracks and albums that have not yet been commercially released to the public. As noted above, such infringing activity clearly harms U.S. artists, songwriters, record labels, and music publishers by disseminating their works without authorization and severely diminishing the commercial value of those works.

### **Newalbumreleases**

*Domain:* newalbumreleases.net

*Registrant:* Uses privacy/proxy service Super Privacy. The last identified registrant was Sergey Kobilin, Svetogorsk, (Russia)

*Registrar:* Dynadot, LLC

*Hosting Provider:* Served through Cloudflare (US), underlying ISP believed to be WIBO (Czech Republic)

*Traffic:* Global Similarweb ranking of 31,647, with nearly 27 million visits in the past 12 months

*Revenue Sources:* Unknown

*Newalbumreleases* makes available a substantial library of newly released popular music content, as well as albums not yet commercially released. The site features the most recently uploaded albums on the homepage using album artwork. In addition, it organizes earlier posts by genre under menu tabs for Rock, Pop, Metal, etc. The homepage also offers a search capability for content by artist or title. The site hosts its content on cyberlockers and provides users with links to services like *Rapidgator.net* and *Turbobit.net* from which the files are available for download. All the files appear to have been uploaded to the cyberlocker sites by *Newalbumreleases*, as the download files usually include "newalbumreleases" in the file name. As the uploaders of the files, *Newalbumreleases* are direct infringers. Takedown notices sent by rights holders to this site are ineffective.

### **Intmusic**

*Domain:* intmusic.net

*Registrant:* Whois Privacy Corp

*Registrar:* TLD Registrar Solutions, Ltd.

*Hosting Provider:* Served through Cloudflare, (U.S.), underlying ISP believed to be Private Internet Hosting, LTD (Russia)

*Traffic:* Global Similarweb ranking of 61,282, with 14 million visits in the past 12 months

*Revenue Sources:* Advertising

*Intmusic* makes available large amounts of newly released popular music content, as well as music that has not yet been commercially released. The site features a fully searchable index

with each post categorized by genre and provides numerous download links to cyberlockers such as *Rapidgator*. *Intmusic* is non-compliant to takedown notices.

### **AK47Full**

*Domain:* ak47full.com

*Registrant:* Privacy Protect, LLC

*Registrar:* Shinjiru Technology

*Hosting Provider:* Served through Cloudflare, (U.S.), underlying ISP believed to be FNK, LLC (Russia)

*Traffic:* Global Similarweb ranking 42,941 with 17 million visits in the past 12 months

*Revenue Sources:* Advertising

*Ak47full* provides users with multiple options for downloading unauthorized audio recordings, including pre-release content. On the homepage, a search bar is provided as well as a dropdown “Music” tab with various options including “New Releases,” “New Releases USA,” “Album,” etc. There is also a section on the homepage for “Most Seen” and “New Albums.” Once selected, the content downloads directly from the site itself to the user’s computer at the click of the download button. The site also provides users with the option to further distribute the content via social media. The site does not respond to takedown notices.

### **Songswave.com (formerly Music-Bazaar.com)**

*Domain:* songswave.com (formerly music-bazaar.com. Songswave.tel is a mobile version of songswave.com)

*Registrant:* Whois Privacy Corp, Bahamas

*Registrar:* Internet Domain Service BS Corp

*Hosting Provider:* Hosterkz-Network, Kazakhstan

*Traffic:* Global Similarweb ranking of 380,145, with over 724,000 visits in the past 12 months

*Revenue Sources:* Sale of singles and full albums

*Songswave.com* engages in the unlicensed sale of music tracks online. Any type of user can use the site to browse content; however, in order to purchase and download music, the user is required to register and create an account. Albums and tracks are available to purchase at significantly lower prices than their normal retail value (approx. EUR 0.10 for a track, EUR 1 to EUR 4 for an album). The cost varies depending on the file size of the song. The site offers a loyalty program with users who spend more than EUR 5 in one day receiving a 20% discount the next day. The site offers a significant number of tracks and albums including a wide range of international music repertoire with a particular focus on Italian, Greek and Turkish artists but the site also sets out ‘Shazam USA Charts’ and ‘Shazam UK Charts.’

### **3. BitTorrent Indexing Sites**

BitTorrent indexing sites provide a searchable index of links to content which can be downloaded by users running the appropriate client software. Indexing services can generate revenue from advertising and/or user donations. The financial model, structure, and approach varies from site to site.

The following popular sites are the most egregious, based on: (i) the extent of the infringement, i.e., the number of users visiting the site to infringe copyright; (ii) the amount of unlicensed content on the site; and (iii) the site's failure to take steps to address the massive piracy problem across its network. Moreover, these BitTorrent index sites demonstrate they are dedicated to infringement by the way they organize and display the files they index. Files are typically organized into categories of movie, music, software, and games with file names clearly and unmistakably describing content in a way that the operators know they are distributing torrents for copyright-protected content.

Increasingly, BitTorrent sites are registering multiple domains to mitigate the problem of their sites going offline if one of their domains is seized or blocked, and to work around search engine demotion algorithms. A simple change in the country code or other top-level domain allows the site to reappear in top search results.

### **ThePirateBay**

*Domain:* thepiratebay.org (formerly thepiratebay.se, thepiratebay.vg)

*Registrant:* Data protected – historical information suggests it is Fredrik Neij, Stockholm, Sweden

*Registrar:* easyDNS Technologies Inc.

*Hosting Provider:* Served through Cloudflare, (U.S.), underlying ISP believed to be Shijiru Technology (Malaysia)

*Traffic:* Global Similarweb ranking of 1,983, with nearly 350 million visits in the past 12 months; these traffic figures do not capture the myriad of mirror sites that are constantly being generated to get around blocking orders against the site from numerous countries around the world

*Revenue Sources:* Advertising, pay-per-install of potential malware

*Thepiratebay* remains a popular global BitTorrent index site. This continues to be the case even though courts in a multitude of countries around the world (including Austria, Belgium, Denmark, Finland, Iceland, Ireland, Italy, Portugal, Spain, and the UK) have issued orders blocking access to the site in their jurisdictions. The world's most popular and newly released films and vast catalogues of music can be downloaded via the site, including pre-release content. The site makes no pretense of legitimacy, fails to respond to any takedown notices, and has previously ridiculed those who have sent them such notices.

There are a number of other very popular BitTorrent index sites that operate in essentially the same fashion as *thepiratebay*, making a broad range of copyrighted content downloadable using the BitTorrent P2P protocol. The worst of these sites include:

### **1337x**

*Domain:* 1337x.to and mirrored at 1337x.is, 1337x.se, 1337x.st, x1337x.ws, x1337x.eu, and x1337x.se)

*Registrant:* None provided for .to TLD

*Registrar:* Not available



*Hosting Provider:* Served through Cloudflare, (U.S.), underlying ISP believed to be the bulletproof ISP PRQ (Sweden).

*Traffic:* Global Similarweb ranking of 518, with over 813 million visits in the past 12 months. As with *thepiratebay*, these traffic figures do not include all the various mirror sites created to get around blocking orders.

*Revenue Sources:* Advertising, pay-per-install of potential malware

## **Rarbg**

*Domain:* rarbg.to

*Registrant:* None provided for .to TLD

*Registrar:* Not available

*Hosting Provider:* NetsAap/S A and A Stroi Proekt EOOD, Bosnia and Herzegovina

*Traffic:* Global Similarweb ranking of 784, with 572 million visits in the past 12 months *Revenue Sources:* Advertising, pay-per-install of potential malware

## **4. Cyberlockers**

A “cyberlocker” is a type of website/service which enables users to upload, store, and distribute digital files on a dedicated storage infrastructure on the Internet that is controlled, managed, and maintained by the website’s operator. Although there appears to be some similarity between cyberlockers and legitimate cloud storage services (as they both allow users to upload files to servers for storage and sharing), their business models are strikingly different. The business model for legitimate storage services is principally based around personal file storage and limited ability to share access to the files. Cyberlockers are all about maximizing and monetizing traffic to their service. Nothing draws traffic like popular copyrighted content that can be downloaded for free. Thus, their business model is, at its heart, the distribution of unlicensed content.

Cyberlockers typically earn revenue from one or more of the following means: advertising such as banner and “pop-up” ads, which usually appear on the pages where the files to be downloaded are accessed; and sale of “premium accounts,” which offer users benefits such as greatly increased download speeds, no-wait downloads, and simultaneous downloads – all features of particular interest to users who want to download large files such as films and albums. Some cyberlockers provide financial rewards to uploaders whose content draws large volumes of traffic to the site (which translates to advertising dollars) or when a downloader purchases a premium account after accessing an uploader’s content. Conversely, cyberlocker sites often have a policy of deleting content uploaded by non-paying users that is not regularly downloaded by others – in other words, content which is not drawing traffic to the site. Finally, these services provide little if any accountability for infringing uploaders. Files can often be uploaded without even opening an account, or free accounts can be opened with nothing more than an email address. Thus, there is no ability to police uploaders or effectively remove repeat infringers from their system. The fact of the matter is that, for many of these services, there would be no economic viability in the absence of traffic generated through piracy.

To a limited extent, rights holders can attempt to tackle these infringements by sending

takedown notices to the site operators. However, this often entails monitoring thousands of third-party link resources – e.g., blogs, forum sites, and search engines – to locate the information that is needed to notify the locker of infringements occurring on their own services. These services are in a much better position to identify infringing content being uploaded to or distributed from their own servers if they really had an interest in conducting their business legally. There are efficient and reasonable technological solutions available that would assist in this.

The following are some of the most problematic cyberlocker sites plaguing the U.S. music industry:

### **Zippyshare**

*Domain:* [zippyshare.com](http://zippyshare.com)

*Registrant:* Uses privacy/protection service Contact Privacy Inc. (Canada)

*Registrar:* Tucows Domains Inc. (Canada)

*Hosting Provider:* OVH SAS (France)

*Traffic:* Global Similarweb ranking of 997, with 670 million visits in the past 12 months

*Revenue:* Advertising, pay-per-install of third-party applications

*Zippyshare* is operated by an individual in Poland and is one of the most popular cyberlockers globally. It is notably used for downloads of infringing music, including pre-release music, over other forms of content. Like other cyberlockers, it generates shareable URLs to content uploaded to its servers by users and, when those URLs are accessed, it makes those files available to download or stream via an embedded music player. Its revenue is derived primarily from advertising (notably it does not offer reward schemes or premium accounts). While the site responds to takedown notices, it permits the anonymous upload of content to the site, so there is no way to screen out those who abuse the service or simply repeatedly re-upload content that was previously removed. The Google Transparency Report reveals (as of October 2022) that Google has received notices to delist over 14.5 million Zippyshare URLs from its search results. Proceedings alleging that the site is directly liable for copyright infringement have been brought before the High Court of England and Wales, which are part way through. Litigation against the site in Germany has been successful. The site is geo-blocked in a number of countries.

### **Dbree**

*Domain:* Dbree.org

*Registrant:* “Redacted for Privacy”

*Registrar:* Internet.BS Corp., Bahamas

*Hosting Provider:* DDos-Guard, Ltd (Russia)

*Traffic:* Global Similarweb ranking of 26,699, with nearly 25 million visits in the past 12 months

*Revenue Sources:* Advertising

*Dbree* is relatively new on the cyberlocker scene and while the total traffic to the site is not as large as some of the other cyberlockers, it is almost entirely music focused. In the past 12 months we have reported over 1 million infringing URLs. The site has a convenient search bar that allows users to directly search for music uploaded to the site where most other cyberlocker sites have discontinued the ability to directly search the contents of their site.

Instead, *dbree* makes no attempt to hide what they are making available and provides easy tools to find the music. Moreover, the site completely ignores DMCA notices we send.

### **Rapidgator**

*Domain:* rapidgator.net (and rg.to, which redirects to rapidgator.net)

*Registrant:* Whois Privacy Corp., Nassau, Bahamas

*Registrar:* Internet.BS Corp., Bahamas

*Hosting Provider:* Ddos Protection, Ltd (Russia)

*Traffic:* Global Similarweb ranking of 1,670 with 396 million visits in the past 12 months

*Revenue Sources:* Advertising, pay-per-install of potential malware, pop-up ads and redirects to third-party sites, and premium accounts

This cyberlocker launched in October 2011 and has from the outset been a major source of the distribution of infringing music content. *Rapidgator* is also a major source of pre-release content, i.e., content leaked on the Internet without authorization prior to its public release date. The site offers a rewards program that shares revenue with uploaders whose material draws large volumes of traffic, thus encouraging the upload of popular copyrighted content (particularly pre-release) and undercutting any pretense that it is operating a simple cloud-based personal storage service. The Google Transparency Report reveals (as of September 2021) that Google has received delisting requests relating to almost 40 million *Rapidgator* URLs.

Despite the volume of infringements detected and removed from *Rapidgator*, the same content re-appears and there is no effective action being taken to prevent infringement by the service. Although it provides rights holders with a takedown account, this does nothing to prevent (i) content from being disseminated (via links generated by the site) in the window *before* rights holders can intervene to take it down; (ii) content which is re-uploaded after removal; and (iii) content which appears in multiple locations within the site, rendering such a takedown account not a sufficiently effective solution. Users complain on social media about being ignored when trying to cancel premium accounts and *Rapidgator's* failure to deliver on premium services.

In 2018 and 2019, on applications brought by the game and music industries, the German courts issued preliminary decisions finding the site liable for copyright infringement, and in 2019 the Russian court ordered ISPs to block access to *Rapidgator*. The corporate structure of *Rapidgator* uses a sophisticated network of offshore companies and specialized corporate vehicles to obscure the underlying beneficiaries. It is believed to be operated from Russia.

### **Turbobit**

*Domain:* turbobit.net

*Registrant:* Whois Privacy Corp., Nassau, Bahamas

*Registrar:* Internet.BS Corp., Bahamas

*Hosting Provider:* Scalaxy, BV, the Netherlands

*Traffic:* Global Similarweb ranking of 4.456, with 171 million visits in the past 12 months

*Revenue Sources:* Advertising, pay-per-install programs, paid premium accounts

*Turbobit* is one of the top cyberlocker sites for music piracy. *Turbobit* along with *Rapidgator* are two popular sites used by download sites like *newalbumreleases* to store infringing files for download. *Turbobit* derives revenue from premium accounts, advertising placed on the site, and through likely revenue-sharing arrangements with the uploaders of popular content that will attract the most traffic to the site. We believe the rewards/revenue-share arrangement is run via a separate website, *costaction.com*. *Turbobit* has been operated from the same IP address as (and is believed to be in common operation with) another cyberlocker called *hitfile*. Its operators are unknown.

### **Onlyfiles**

*Domain:* onlyfiles.io

*Registrant:* “Redacted for Privacy”

*Registrar:* Sarek (Finland)

*Hosting Provider:* Served through Cloudflare; underlying host believed to be FranTech (Canada)

*Traffic:* Global Similarweb ranking of 52,460 with 12 million visits in the past year

*Revenue Sources:* Advertising

*Onlyfiles* is a cyberlocker site that specializes in the distribution of music, particularly stolen pre-release content. The service is completely unresponsive to notices and is believed to be set up and run by members of a pre-release group operating from leak.cx (previously leakth.is).

## **5. Unauthorized Short Form Video Services**

**Likee App and likee.video:** *Likee* is a short form video app and website service that permits users to synchronize copyrighted sound recordings into their videos. The operator of the Likee service, Bigo Technology, has failed to obtain licenses from the RIAA’s members, yet *Likee* offers a curated library of a large number of clips of RIAA members’ copyrighted sound recordings that can be added to user videos.

*Domain:* likee.video

*Registrant:* Likee Pte. Ltd. (Singapore)

*Registrar:* Alibaba Cloud Computing Ltd.

*Hosting Provider:* Bigo Technology PTE Ltd. (Singapore)

*Traffic:* Global Similarweb ranking of 6,429 with 96 million visits in the past year.

Likee also claims that its app had 67 million average monthly mobile active users in the fourth quarter of 2021.

*Revenue Sources:* Advertising and virtual tips

## **6. AI Based Extractors/Mixers**

There are online services that, purportedly using artificial intelligence (AI), extract, or rather, copy, the vocals, instrumentals, or some portion of the instrumentals (a music stem) from a sound recording, and/or generate, master or remix a recording to be very similar to or almost as good as reference tracks by selected, well known sound recording artists. To the extent

these services, or their partners, are training their AI models using our members' music, that use is unauthorized and infringes our members' rights by making unauthorized copies of our members works. In any event, the files these services disseminate are either unauthorized copies or unauthorized derivative works of our members' music. Below are a few examples of these infringing services.

### **Acapella-extractor**

*Domain:* acapella-extractor.com  
*Registrant:* Contact Privacy Inc., Toronto, Canada  
*Registrar:* Google, LLC  
*Hosting Provider:* Online S.A.S. (France)  
*Traffic:* 3.2 million visits in the last 12 months  
*Revenue Sources:* donations and fees for services

This service makes a copy of the vocals acapella style from any song. The examples it provides on the website are unauthorized copies of the underlying vocal recording from sound recordings owned by our members. It also promotes the use of two related sites, remove-vocals.com if the user needs the "instrumental only" and *songmastr.com* if the user wants to master songs to references from *acapella-extractor's* catalog. Both those these services are described below.

### **Remove-Vocals**

*Domain:* remove-vocals.com  
*Registrant:* Contact Privacy Inc., Toronto, Canada  
*Registrar:* Google, LLC  
*Hosting Provider:* Online S.A.S. (France)  
*Traffic:* 2.6 million visits in the last 12 months  
*Revenue Sources:* donations and fees for services

This service makes a copy of the vocals acapella style from any song. The examples it provides on the website are unauthorized copies of the underlying instrumental recording from sound recordings owned by our members. It also refers its users to *songmastr.com* "by the maker of *acapella-extractor*", and refers users to *acapella-extractor* if the user "needs the vocals only".

### **Songmastr**

*Domain:* songmastr.com (see above related sites acapella-extractor.com and remove-vocals.com)  
*Registrant:* Contact Privacy Inc., Toronto, Canada  
*Registrar:* Google, LLC  
*Hosting Provider:* Online S.A.S. (France)  
*Traffic:* 32,000 visits in the last six months (when it launched)  
*Revenue Sources:* charges fees for services

This services purports to master your songs to "make your songs (almost) as good as" a track by a specific, well-known sound recording artist. Its selection of reference tracks includes several RIAA member songs including "Get Lucky" by Daft Punk, "Bad Guy" by Billie

Eilish and “Bodak Yellow” by Cardi B.

## 7. Additional Issues

### **Bulletproof ISPs**

As noted above, infringing sites are turning more towards offshore hosting ISPs that support the sites’ infringing activities. These “Bulletproof” ISPs support various types of criminality through considerable leniency in the kinds of materials they permit to be uploaded and distributed via their networks. These ISPs do not respond to notices of infringement or warning letters that the ISP is hosting and supporting known infringing sites. The most problematic bulletproof ISPs that support infringing activity relating to music are:

- **PRQ – Sweden** – PRQ is a Swedish hosting service headquartered in Stockholm created by two of the founders of *ThePirateBay*. It offers offshore hosting options and has consistently hosted criminal content.
- **FlokiNET – Romania/Iceland/Finland.** FlokiNET (<https://flokinet.is/>) is a web hosting service which allows anonymous hosting of content across its three server locations: Romania, Iceland, and Finland.
- **Frantech Solutions/BuyVM** – frantech.ca
- **DDoS Guard** – ddos-guard.net (Russia)

### **Nigerian-Operated Infringing Sites**

We have continued to see a significant growth in the number of Nigerian-operated sites that are distributing direct download links for pre-release and newly released music. These sites (e.g., thenetnaija.net, trendybeatz.com, justnaija.com, 24naijamuzic.com and bazenation.com) are a great cause for concern to the industry as they generally disregard infringement notices and refuse to disable access to content. They are particularly damaging as they prevent the growth of legitimate services in emerging markets.

## **PHYSICAL MARKETS**

In 2021 and through first half of 2022,<sup>10</sup> physical CD and vinyl album sales continued to generate considerable revenue for U.S. record companies. Prominent e-commerce platforms have become the ideal outlet for counterfeit physical products being produced in Russia and China. In some cases, Russian and Chinese sellers will sell directly on retail platforms, shipping the goods to consumers from Russia or China. In other cases, the principals behind the Chinese and Russian counterfeits sell to third-party sellers on platforms that may or may not know they are buying and reselling counterfeits.

### **Chinese and Russian Counterfeit CD and Vinyl Manufacturing and Distribution**

Counterfeit CDs and vinyl albums being manufactured and sold out of China and Russia are high quality products made to closely resemble authentic ones. These counterfeits can be

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<sup>10</sup> Source: RIAA.

readily identified by our experts even though the tell-tale signs of counterfeits are not apparent to casual observers. The outside packaging will copy pull tabs, security seals, and shrink-wrap, while the insert booklets will mirror the legitimate versions of the product, printed on high-grade commercial printing machinery. In addition to straight-up counterfeit copies of legitimate album releases, we continue to see a vast array of compilation “Best of” and “Greatest Hits” albums that were never released by the record labels. With the rise in popularity of vinyl albums generally, we are finding the unauthorized manufacture and sale of vinyl versions of albums that were only officially released digitally or in CD format. Finally, we are finding counterfeit versions of official box sets discographies as well as unauthorized pirate box sets discographies.

Test purchases, surveys, and enforcement programs have established that massive quantities of these counterfeits were finding their way into the legitimate market principally through e-commerce platforms like Amazon and eBay. Over the last year the number of counterfeits found on e-commerce platforms Etsy, Mercari, and Shopee have reached disturbing levels. Consumers are paying full price for counterfeit offerings appearing alongside legitimate offerings, resulting in one-for-one displacements of legitimate sales.

An essential element for these platforms in protecting their customers and copyright owners from these Chinese and Russian counterfeits lies first and foremost in pre-screening sellers to ensure they have legitimate sources of supply. Each of these platforms has established processes by which counterfeit offerings can be reported and removed; however, there appears to be inconsistent action against repeat infringers. For example, Shopee’s terms of service state “While Shopee prohibits selling counterfeits and infringed product listings, the platform does not actively look for infringements or fake sellers. Like on most marketplaces, the onus really falls on the customers, sellers, and brands to actively look for infringement and report it to the platform, if they want listings to be taken down. As a result, it’s necessary for brands to constantly look for any kind of intellectual property infringements and report it to Shopee directly before it can cause a severe loss of revenue and brand reputation.” In addition, titles identified as infringing because there is no legal version of the title (e.g., “greatest hits,” vinyl albums) are not being removed from platforms across the board. More can be done by e-commerce platforms to prevent counterfeit products illegally manufactured and sold from Russia and China from infiltrating the legitimate marketplace here and around the world.

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We hope you find this information useful, and we look forward to continuing to work with the U.S. government to find solutions to these problems.