



**RIAA Submission to Comment Request for the
2023 Review of Notorious Markets for Counterfeiting and Piracy**

Docket No. USTR-2023-0009

October 6, 2023

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 2023 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.”¹ 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 and supports 2.47 million jobs in the United States.² 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.³

The music industry is also a leader in driving digital commerce. Paid subscriptions to digital

¹ 88 Fed. Reg. 58056 (August 24, 2023).

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

³ 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>.

music services grew to a record high average of nearly 96 million in the first half of 2023.⁴ 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 digital environment.

However, in inflation-adjusted dollars, the 2022 U.S. sound recording revenues only reached two-thirds of the peak U.S. sound recording revenues that were reached in 1999.⁵ 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 2023 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 that competes unfairly with legitimate e-commerce and distribution services that copyright holders and online platforms use to deliver licensed content.”⁶ As noted in that report, such infringement “causes significant financial losses for rights holders and legitimate businesses” and “undermines U.S. competitive advantages in innovation and creativity, to the detriment of American businesses and workers.”⁷

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 2023 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. Some of these services also infringe on our sound recording artists’ rights of publicity.

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 rights holders of the music, and (ii) artificially distorting the market value of the music, thereby reducing the compensation to the creators and rights holders owners from licensed services.

1. Stream-ripping Sites

We are currently tracking over 400 active stream-ripping sites. The RIAA has a program to

⁴ RIAA Mid-Year 2023 Revenue Report, available at <https://www.riaa.com/wp-content/uploads/2023/09/RIAA-Mid-Year-2023-Revenue-Report.pdf>. Also, physical music formats reached the highest level since the first half of 2013. Id.

⁵ Source: RIAA.

⁶ 2023 Special 301 Report, Apr. 2023, p. 20, available at <https://ustr.gov/sites/default/files/2023-04/2023%20Special%20301%20Report.pdf>.

⁷ Id. at p. 9.

report 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. However, ripper site operators have responded to this effort by creating new domain names to operate through that allows them to reappear at the top of search results.

Two of the most popular YouTube ripping sites over the past few years, *Ytmp3.cc* and *Mp3juices.cc*, have recently stopped working but they have been replaced by multiple similarly named new sites. None of the new sites individually achieves the popularity of the old domains, but collectively they garner similar traffic levels. With *Ytmp3.cc* down, we now face an endless array of *ytmp3*-branded sites using various top-level domains. We have seen *Ytmp3.bet*, *.blue*, *.biz*, *.cafe*, *.ch*, *.com*, *.digital*, *.eu*, *.group*, *.ink*, *.lc*, *.mobi*, *.mom*, *.net*, and *.nu* just to name a few. The sites come and go constantly, making tracking them difficult. Whether any or all of these sites are operated by the original operator of *Ytmp3.cc* or are simply copycats trading on the brand name is anyone's guess, because they all operate with the registrant "Redacted for Privacy" or are hidden behind an offshore proxy service. These sites also frequently employ reverse proxy servers to mask the identity of the ISP hosting their site. We have observed the same proliferation of *Mp3juices* branded sites.

Some of the other major ripper sites have continued to operate and damage the music industry.

Ssyoutube

Domain: ssyoutube.com

Registrant: "Redacted for Privacy"

Registrar: Tucows, Inc.

Hosting Provider: OVH SAS, France

Traffic: Global SimilarWeb ranking of 96, with over 3.7 billion visits globally in the past 12 months

Revenue: Advertising

Ssyoutube is now the single most popular YouTube ripping site in the U.S. and globally, and it appears to be operated by or in conjunction with the operator of another popular ripper as it lists *Savefrom.net*. *Ssyoutube* emerged shortly after *Savefrom* discontinued service to the United States. It is fully operational in the U.S. 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. In May 2023, TorrentFreak referred to the site as a "monster" as a result of the volume of visits to the site and estimated that the site would receive 4 billion visits in 2023.⁸ Over the last 12 months, the site on average had over 310 million visits per month globally.

Y2mate

Domain: y2mate.com (and related sites yt1s.com, 9convert.com, and tomp3.cc)

Registrant: Global Domain Privacy Services Inc, Panama; registrant believed to be Vietnam-based

Registrar: Pananames (Panama)

Hosting Provider: OVH SAS, France

⁸ Maxwell, Andy, "One YouTube-Ripping Site Will Get 4 Billion Visits in 2023; Time to Blame", Torrent Freak, May 13, 2023, available at <https://torrentfreak.com/one-youtube-ripping-site-will-get-4-billion-visits-in-2023-230513/>.

Traffic: Global SimilarWeb ranking of 296, 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. Users can also insert “pp” after the word “youtube” in the YouTube URL in order to download mp3 and mp4 files. The site also appears connected with several other stream-ripping sites. While *Y2mate*’s traffic has been declining globally due to the many site-blocking orders, the site has still received over 1.4 billion visits in the last 12 months, making it the second most visited ripper site globally. Previously the site had voluntarily limited access from the U.S., UK, Germany, and France, but these restrictions have now been lifted.

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 466, with nearly 1.3 billion visits globally in the past 12 months

Revenue Source: Advertising and subscription plans

The third most trafficked ripper site globally is *Savefrom.net*. *Savefrom* 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. The site offers users various paid subscription plans including a Monthly Plan (USD 4.99), six Monthly Plan (USD19.99) or a One-time Purchase (USD 39.99).

In April 2020, *Savefrom* announced that, due to “strenuous attacks by certain US copyright holders,” it was terminating its services in the United States. The site has since blocked access from the UK and Spain. *Savefrom*, however, has continued to function in many jurisdictions outside the U.S. and continues to generate in excess of 100 million visits per month to its site globally. Moreover, while asserting it no longer provides service to the U.S., the operator appears to have simply created the new websites *Ssyoutube.com* and *Savef.net* that are fully functional in the U.S.

Ytmp3.nu

Domain: ytmp3.nu

Registrant: No Registrant information provided

Registrar: Sarek

Hosting Provider: Moskva – United Network, LLC

Traffic: Global SimilarWeb ranking of 1,263, with 31.1 million visits globally in the past 12 months

Revenue Source: Advertising

Ytmp3.nu is another example of how quickly new sites can emerge and surge in popularity. From September 2022 to January 2023, *Ytmp3.nu* traffic went from zero to 42 million visits per month. Since January 2023, the site has continued to average in excess of 40 million monthly visits. To obtain an audio mp3 file from a YouTube video, the user simply pastes a YouTube video URL into the converter bar and clicks on the “Convert” button. The mp3 file is then immediately made available for download. While the site functions similarly to the old *Ytmp3.cc* site that no longer operational, there is no way of knowing whether the operator simply moved to a new domain, or whether a third-party actor has seized on the *ytmp3* brand to assist it in generating traffic to a new service.

Tubidy

Domain: tubidy.watch (tubidy.mobi, tubidy.com, tubidy.buzz, tubidy.ws⁹)

Registrant: “Redacted for Privacy”

Registrar: Pananames, Panama

Hosting Provider: IP Volume, Inc, Seychelles

Traffic: Global SimilarWeb ranking of 853, with over 67 million visits globally in the past 12 months

Revenue: Advertising

The site describes itself as “an online platform that allows you to download MP3 and MP4 music and videos for free.” *Tubidy* differs from the other stream-ripping sites in that they have Top Videos, Top Searches, and Recently Viewed sections. The site also very regularly hops domains, presumably as a way to circumvent enforcement actions taken against the site. Although the site has blocked access from the UK, traffic has increased dramatically since June 2023.

Snaptube app and related domains

Downloads: Snaptube app – 1,454M downloads on Uptodown app store

Traffic:

Snaptube.com: Global SimilarWeb ranking of 20,602, with over 64 million visits globally in the past 12 months

Sneppea.com: Global SimilarWeb ranking of 61,888, with over 5 million visits globally in the past 12 months

Snaptubear.com: Global SimilarWeb ranking of 33,208, with 8.417 million visits globally in the past 12 months

Snaptubead.com: Global SimilarWeb ranking of 15,907, with nearly 27 million visits globally in the past 12 months

One of the most problematic stream-ripping apps is *Snaptube*. *Snaptube* is an Android application accessible through alternative app stores and affiliated websites (following removal from mainstream app stores). While *Snaptube* had previously changed its functionality slightly, the most recent version of *Snaptube* appears to have reverted to its original stream-ripping functionality. Ongoing analysis has revealed that the developers have endeavored to conceal infringing features, such as download buttons, without completely eliminating them.

Snaptube is associated with multiple website domains that actively promote the app and

⁹ Tubidy.mobi, tubidy.com, and tubidy.ws currently all automatically redirect to tubidy.watch.

facilitate APK file downloads. The current live website domains include: Snaptube.com, Sneppea.com, Snaptubear.com, Snaptube.ru, Apksdownloads.com, Snaptubeeg.com, Snaptubeiq.com, and Snaptubead.com

The developer of *Snaptube* is based in Hong Kong but its operations are also linked with China and Brazil.

2. Music Download/Streaming 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: Currently privacy protected by Super Privacy Service Ltd.; the last identified registrant was Sergey Kobilin, Svetogorsk, (Russia)

Registrar: Dynadot, LLC

Hosting Provider: Served through Cloudflare (US); underlying ISP is WIBO Baltic UAB

Traffic: Global Similarweb ranking of 32,022, with 24.28 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 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. Takedown notices sent by rights holders to this site are ineffective.

Intmusic

Domain: intmusic.net

Registrant: Currently privacy protected by Whois Privacy Corp.

Registrar: TLD Registrar Solutions, Ltd.

Hosting Provider: Served through Cloudflare (U.S.); underlying ISP is NForce Entertainment B.V.

Traffic: Global Similarweb ranking of 42,809, with 14.52 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 posts content on the homepage sorted by most recently uploaded albums and displays both album artwork and album details. The site features a fully searchable index with each post categorized by genre and provides numerous download links to cyberlockers such as Rapidgator.net. *Intmusic* does not comply with takedown notices.

AK47Full

Domain: ak47full.net

Registrant: Privacy Protect, LLC (PrivacyProtect.org)

Registrar: Shinjiru Technology Sdn Bhd

Hosting Provider: Served through Cloudflare (U.S.); underlying ISP believed to be SIA VEESP

Traffic: Global Similarweb ranking of 60,678, with 13.58 million visits in the past 12 months.

Revenue Sources: Advertising

Ak47full is a direct download site that offers users multiple options for downloading unauthorized audio recordings, including pre-release content. The homepage provides a search bar and a dropdown menu offering various choices, such as "Music," "Playlist," and "Album," among others. The homepage also includes sections for "News" and "Videos."

Once a selection is made, users can download the content directly from the site by clicking the download button. Furthermore, *Ak47full* provides users with the option to stream the content on the site before downloading. The site has recently changed its domain from *Ak47full.com* to *Ak47full.net* to avoid compliance with takedown notices.

Fakaza

Domain: fakaza.com

Registrant: Whois Privacy Protection Service, Inc.

Registrar: ENOM, INC.

Hosting Provider: Linode, LLC

Traffic: Global SimilarWeb ranking of 44,338, with 20.53 million visits in the past 12 months

Revenue Sources: Advertising

Fakaza offers users a variety of choices for downloading unauthorized audio recordings. Its homepage features a search bar and a menu bar with options such as "Music" and "Videos."

Users can download the content directly from the site; however, the site also acts as a linking site, using *pixeldrain.com* to share infringing content. Users can access and download the content via links provided on the site, which leads to the hosting service *pixeldrain.com*. This site also contains deceptive download buttons that direct the user to ad pages.

The site operator is based in Nigeria and also operates the infringing websites *36ng.ng* and *36ng.com.ng*.

Hiphopda.com

Domain: Hiphopda.com

Registrant: Withheld for Privacy

Registrar: Namecheap, Inc.

Hosting Provider: Served through Cloudflare (US); underlying ISP believed to be SKB Enterprise B.V.

Traffic: Global SimilarWeb ranking of 75,615, with 8.2 million visits in the past 12 months

Revenue Sources: Currently unknown

Hiphopda.com provides users with the ability to download unauthorized audio recordings via external cyberlockers. On the homepage, the site has a search bar, which can be used to search and navigate files on the platform, as well as a table that displays all content currently available on the site. The content is accessed indirectly via external cyberlockers such as Dbree.org. In fact, it is one of the top referral sites to Dbree.org, referenced in the section on cyberlockers below. The site does not respond to takedown notices.

Bazention

Domain: Bazention.com

Registrant: Redacted for Privacy

Registrar: NameCheap, Inc (USA)

Hosting Provider: Served through Cloudflare (US); underlying ISP believed to be Contabo GmbH

Traffic: Global SimilarWeb ranking of 101,761, with 7.104 million visits in the past 12 months

Revenue Sources: Advertising

Bazention.net provides download links for unauthorized music content. Content made available on Bazention.com appears to be served from the cyberlocker Fileskeep.xyz. Users do not need to register on the site to browse content. However, users are required to register with the cyberlocker in order to share content. Both local and international music is made available on the site including international pre-release content. The site does not respond to takedown notices.

Itopmusicx

Domain: Itopmusicx.com

Registrant: Redacted for Privacy

Registrar: eNom, LLC (USA)

Hosting Provider: Served through Cloudflare (US); underlying ISP believed to be Veesp SIA

Traffic: Global SimilarWeb ranking of 135,715, with 4.987 million visits in the past 12 months

Revenue Sources: Advertising

Itopmusicx.com provides download links for unauthorized music content distributed via external URL-shortening services, designed to generate revenue for their customers. These

URLs direct users to file-sharing services where the content can be downloaded. Both local and international music is made available on the site including international pre-release content. The site does not respond to takedown notices.

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.

At the end of May 2023, the BitTorrent indexing site Rarbg.to shut down after 15 years, citing Covid 19 and the war in Ukraine as some of the reasons for its closure. A number of sites have benefited from the site's closure, including 1337x and Torrentgalaxy which are listed below.

ThePirateBay

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

Registrant: "Redacted for Privacy"

Registrar: easyDNS Technologies Inc, Canada

Hosting Provider: Served through Cloudflare (US)

Traffic: Global SimilarWeb ranking of 1,838, with nearly 299.9 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 indexing site. This continues to be the case even though courts in over 20 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. Vast catalogues of music and the world's most popular and newly released films can be downloaded via the site. 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.st, x1337x.ws, x1337x.eu, and x1337x.se)

Registrant: None provided for .to TLD

Registrar: Not available

Hosting Provider: Served through Cloudflare (US)

Traffic: Global SimilarWeb ranking of 444, with nearly 749 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

Torrentgalaxy

Domain: torrentgalaxy.to

Registrant: None provided for .to TLD

Registrar: Not available

Hosting Provider: FlokiNet, Romania

Traffic: Global SimilarWeb ranking of 1,156, with nearly 270 million visits in the past 12 months

Revenue Sources: Advertising

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:

Dbree

Domain: Dbree.org

Registrant: “Redacted for Privacy”

Registrar: Internet.BS Corp., Bahamas

Hosting Provider: DDos-Guard, Ltd (Russia)

Traffic: Global SimilarWeb ranking of 45,329, with over 17 million visits in the past 12 months

Revenue Sources: Advertising

Dbree is a popular cyberlocker within the prerelease community. It is almost entirely music-focused and is a major source for pre-release music. The music industry has reported over 1 million infringing URLs to the site for removal. The site has a convenient search bar that allows users to directly search for music uploaded to the site, plus “latest” and “popular” pages that present a list of uploaded content. These features are in contrast to most other cyberlocker sites which have discontinued the ability to directly search the contents of their site. Instead, *Dbree* makes no attempt to hide the content available to users and provides easy tools to help users find their desired content, including infringing content. Moreover, the site ignores takedown notices.

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 1,513, with over 399 million visits in the past 12 months

Revenue Sources: Advertising, pay-per-install of potential malware, pop-unders 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 that has not yet been commercially released. 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 latest Google Transparency Report reveals that Google has received delisting requests relating to over 48 million *Rapidgator* URLs.

Despite the volume of infringements detected and removed from *Rapidgator*, the same content reappears 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 from being re-uploaded after removal; and (iii) content from appearing 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.

Traffic to this cyberlocker has increased in the past 12 months.

Turbobit

Domain: turbobit.net

Registrant: Whois Privacy Corp., Nassau, Bahamas

Registrar: Internet.BS Corp., Bahamas

Hosting Provider: IROKO Networks Corporation, Netherlands

Traffic: Global SimilarWeb ranking of 4.736, with nearly 160 million visits in the past 12 months

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

Turbobit is a cyberlocker site which has been a longstanding issue 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.net*.

Krakenfiles

Domain: krakenfiles.com

Registrant: “Redacted for Privacy”

Registrar: OVH SAS, France

Hosting Provider: Served through Cloudflare; underlying host believed to be OVH Sp.zo.o (Poland)

Traffic: Global SimilarWeb ranking of 8,823, with 71 million visits in the past year

Revenue Sources: Advertising, paid premium accounts

This cyberlocker plays a significant role in the distribution of infringing music content and is also a major source of pre-release content. The cyberlocker is incredibly popular within the pre-release community. The site is also making appearances in the AI context; for example, the cyberlocker is a source of data comprising unauthorized music which is ingested to develop AI artist vocal models and also hosts outputs comprising vocal clones which infringe the rights of member companies and/or their artists. The operator is also running an indirect and forum site which contains infringing content and provides users with links to *Krakenfiles* from where they can download their chosen music track or album. The operator is believed to be based in Europe.

Traffic to this cyberlocker has increased significantly in the past 12 months.

Ddownload

Domain: ddownload.com

Registrant: “Redacted for Privacy”

Registrar: NameCheap, Inc (USA)

Hosting Provider: DDos-Guard, LTD (Russia)

Traffic: Global SimilarWeb ranking of 11,498, with nearly 112.9 million visits in the past year

Revenue Sources: Paid premium accounts

This cyberlocker has been subject to changes recently with the site no longer complying with takedown notices and changing its hosting provider to DDos-Guard, LTD in Russia, a known bullet-proof hosting provider.

This cyberlocker offers an affiliate scheme to its users and claims to offer payouts for when user uploaded content is downloaded by other individuals via the site. The payout will vary depending on how many times the content was downloaded, the size of the file, and the location of the uploader. This cyberlocker also states that users can receive payouts if they refer other individuals to the platform.

Ddownload.com allows users to set their uploaded files to a “premium only” file, meaning that it can only be downloaded instantly for individuals who have purchased a premium account on the platform. For users with free accounts, they must wait for a set time indicated by the cyberlocker before being able to download, thus driving users to make purchases on the platform by buying a premium account.

Traffic to this cyberlocker has increased in the past 12 months.

5. AI Vocal Cloning

The year 2023 saw an eruption of unauthorized AI vocal clone services that infringe not only the rights of the artists whose voices are being cloned but also the rights of those that own the sound recordings in each underlying musical track. This has led to an explosion of unauthorized derivative works of our members' sound recordings which harm sound recording artists and copyright owners. Several of these services are located outside of the United States, including the following:

Voicify.ai

Domain: voicify.ai

Registrant: "Redacted – EU Data Subject"; we believe the registrant is a UK resident

Registrar: NameCheap, Inc.

Hosting Provider: Amazon

Traffic: Global SimilarWeb ranking of 22,033, with 8.8 million visits in the past year

Revenue Sources: Subscription fees

This site markets itself as the "#1 platform for making high quality AI covers in seconds!" and includes AI vocal models of sound recording artists, including Michael Jackson, Justin Bieber, Ariana Grande, Taylor Swift, Elvis Presley, Bruno Mars, Eminem, Harry Styles, Adele, Ed Sheeran, and others, as well as political figures including Donald Trump, Joe Biden, and Barak Obama. The service stream-rips the YouTube video selected by the user, copies the acapella from the track, modifies the acapella using the AI vocal model, and then provides to the user unauthorized copies of the modified acapella stem, the underlying instrumental bed, and the modified remixed recording. This unauthorized activity infringes copyright as well as infringing the sound recording artist's rights of publicity.

6. Additional Issues

Bulletproof ISPs

As noted above, infringing sites continue turning 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 and 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. *FlokiNET* advertises quite openly: "We do not require any personal details or identification. Any valid e-mail address is enough information to be a client....We highly value your privacy and do not need any personal information or identification." As a result, many different types of websites use this company's servers.

- **Frantech Solutions/BuyVM/PONYPNET – Canada.** *Frantech* (<https://frantech.ca/>) is a hosting provider located in Canada. *BuyVM* is a division of *FranTech Solutions*. Visitors to the *Frantech* website are asked on *Frantech's* homepage to visit *BuyVM* (<https://buyvm.net/>), and there is a link on *Frantech's* homepage which automatically redirects users to *BuyVM*. *BuyVM* offers virtual server services, and its data centers are located in a number of countries including Luxembourg which they describe as "Tiny Country, Huge on Privacy." They specifically note on the website that Luxembourg was purposively selected for its "strong privacy and freedom of speech laws."
- **DDoS Guard – Russia.** *DDoS Guard* (<https://ddos-guard.net/>) is a Russian-based entity offering its users a number of services including DDoS protection and web hosting services. *DDoS Guard* is hosting a number of services included in this submission.

Other Online Intermediaries

- **Njal.la** purports to be a registrar when in reality it operates more as a domain name buyer and a privacy service provider. It is also a VPN and hosting provider. Its homepage notes "Considered the worlds [*sic*] most notorious 'Privacy as a Service' for domains, VPS' and VPNs." The service is run by 1337 LLC based in Nevis in the Caribbean and was established by Peter Sunde (one of the co-founders of ThePirateBay). Many copyright infringing services are using this service to prevent right holders from identifying the operators of pirate sites. Peter Sunde in addition is running Sarek Oy, a domain registrar service commonly associated with many copyright infringing services, including the two stream-ripping services ytmp3.cc and mp3juices.cc included in this submission.
- Some ex-U.S. online ad intermediaries appear to knowingly provide advertisements to known pirate sites. These include A-Ads (formerly AnonymousAds), based in Hong Kong, and Equativ (formerly Smart AdServer, SAS) with its headquarters in France.
- Some ex-U.S. 'alternative' app stores appear not to take down, or to only infrequently take down, infringing apps when noticed of such infringement, including Softonic, Aptoid, and others.

PHYSICAL MARKETS

In 2022 and through first half of 2023,¹⁰ physical CD and vinyl album sales continued to

¹⁰ Source: RIAA.

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 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. To address this inconsistency, each platform should publish the specific terms of their repeat infringer policy. 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.

* * *

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. If you have questions or would like to discuss, please contact George York or Victoria Sheckler at RIAA.

Respectively submitted,

/Victoria Sheckler/

Victoria Sheckler
SVP, Deputy General Counsel
Recording Industry Association of America
1000 F St., NW
2nd Floor
Washington, DC, 20004
202-775-0101