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# POSITION PAPER

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## Online Copyright Infringement

The widespread theft of copyrighted works online—sometimes called piracy—is a persistent and evolving problem affecting virtually all types of works and copyright owners in the digital age, and undermines the rights of creators and the value of copyright. Millions of individual creators and small and large businesses throughout the United States rely on copyright law to protect their creative efforts and investments in the creation and distribution of new copyrighted works. It is essential that the copyright industries be able to recoup their investments in creative works to fund the next wave of investment, create and distribute quality content for the public to enjoy, and support the livelihoods of the millions of individuals these industries employ in the United States. Piracy poses a threat to those investments by unjustly enriching bad actors who make no investment and take no risk, at the expense of the creators.

To properly address the harms caused by online infringement, effective laws and measures must be adopted and enforced not only to address existing acts of infringement but to deter future acts as well. It is critical that copyright laws are enforceable and tools to combat infringement are accessible and adaptive to the ways new technologies are or may be used to facilitate or engage in infringing activity.

We support the following approach to online infringement:

- There must be meaningful access to civil remedies for all rightsholders. Individual creators and small businesses must have access to a viable and affordable alternatives to expensive and burdensome federal court litigation. The Copyright Alliance applauds the establishment of the Copyright Claims Board as an alternative forum to federal court for combatting infringement, and supports continued efforts to ensure that the system functions appropriately to address the needs of individual creators and small businesses.
- Federal law should protect the market from harmful commercial scale online infringement and require platforms and other service providers to implement technical and other measures that protect against and deter infringement from taking place on their services.



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- Criminal penalties must reflect the realities of how piracy is occurring. The presence of meaningful criminal penalties plays a significant role in deterring willful and egregious infringement. The Copyright Alliance applauds the implementation of the Protect Lawful Streaming Act, and as necessary, supports continued updates to the law to harmonize and strengthen copyright enforcement.
- The development and implementation of effective standard technical measures for the protection and identification of copyrighted works online are critical components to combatting infringement in the digital age and realizing Congress' intent in enacting section 512(i) of the Copyright Act.
- Apps that make it easy to stream and download infringing content at the push of a button pose a growing threat. Digital storefronts must engage in reasonable, enhanced screening of apps and app developers before permitting those apps to become available on their platform, and marketplaces and digital storefronts must take an active role in preventing the infringing behavior and activities of those to whom they provide a platform.
- To keep pace with the rapid growth and changing landscape of online infringement, strong and effective laws must be augmented by the use of voluntary cross-industry collaborative efforts that reduce and equitably apportion the burden of reducing infringement, remove profit from infringement, and educate users about legal alternatives and the harms of online infringement.