



**RIAA Submission to Comment Request for the
2024 Review of Notorious Markets for Counterfeiting and Piracy**

Docket No. USTR-2024-0013

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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 2024 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 or counterfeiting to adopt business models that rely on the licensed distribution of legitimate content and products and to work with right 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.

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 89 Fed. Reg. 66754 (August 16, 2024).

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 99 million in the first half of 2024.⁴ And the record labels continue to work tirelessly to develop additional innovations and sources of revenue, including use of responsibly trained AI technology to expand artist creativity, reach, and user engagement.

However, in inflation-adjusted dollars, the 2023 U.S. sound recording revenues only reached two-thirds of the peak U.S. sound recording revenues from 1999.⁵ This period of time coincides with the rise of broadband and 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 increasingly accessible and sophisticated mobile technology, has led to the development of legitimate digital platforms for distribution of copyrighted content,” these “technological developments have also made the Internet an extremely 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 Thus, despite the myriad ways people can engage with music legitimately, IFPI reports that 29% of people (and 43% of those aged 16-24) use copyright infringement as a way to listen to or obtain music, and that stream ripping continues to be the most prevalent form of online music copyright infringement.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 2024 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 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 from licensed services.

1. Stream Ripping Sites

Stream ripping services enable users to make permanent copies of recordings from online

⁴ RIAA *Mid-Year 2024 Revenue Report*, available at <https://www.riaa.com/wp-content/uploads/2024/08/RIAA-Mid-Year-2024-Revenue-Report.pdf>. In addition, vinyl shipments accelerated faster than any other major music format at 17%.

⁵ Source: RIAA.

⁶ *2024 Special 301 Report*, Apr. 2023, p. 21, available at <https://ustr.gov/sites/default/files/2024%20Special%20301%20Report.pdf>.

⁷ *IFPI Engaging with Music 2023*, Dec. 11, 2023, p. 22, available at https://www.ifpi.org/wp-content/uploads/2023/12/IFPI-Engaging-With-Music-2023_full-report.pdf.

streaming services, most commonly YouTube. They circumvent the technical protection measures applied to protect the copyright content and enable users to download (“rip”) it to their own devices.

Typically, a stream ripping service works by allowing a user to copy the URL of the content hosted on an online platform and paste the URL into a search box which appears on the homepage of the stream ripping service, which then provides the user with a media file (in mp3 or mp4 format, for example) once they have clicked the download button.

The music industry has a program to report stream ripping sites to Google search. Notices designate URLs on the sites that offer the infringing downloads. Google 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 allow them to reappear at the top of search results.

Y2mate

Domain: y2mate.com (and related site yt1s.com)

Registrant: “Redacted for Privacy;” registrant believed to be Vietnam-based

Registrar: OVH SAS (France)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is OVH SAS (France)

Traffic: Global Similarweb ranking of 705, with nearly 836 million 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 able to download either an audio-only mp3 or the entire audiovisual 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 hundreds of millions of visits in the last 12 months, making it extremely popular globally. Previously, the site had voluntarily limited access from the U.S., UK, Germany, and France, but these restrictions have been lifted.

Savefrom

Domain: savefrom.net

Registrant: “Redacted for Privacy;” registrant believe to be based in Russia

Registrar: Tucows, Inc. (Canada)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is OVH SAS (France)

Traffic: Global Similarweb ranking of 308, with nearly 1.6 billion visits globally in the past 12 months

Revenue Source: Advertising

Savefrom operates with a slightly different but equally damaging model from other rippers listed here. Rather than downloading content to its own servers and then offering mp3s or full videos for download, *Savefrom* simply circumvents the YouTube content protection

measures and provides 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. 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.

Ytmp3.nu

Domain: ytmp3.nu

Registrant: No Registrant information provided

Registrar: Sarek Oy (Finland)

Hosting Provider: Servers.ru (Russia)

Traffic: Global Similarweb ranking of 28,850, with 345million 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. 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 is 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.cool

Registrant: “Redacted for Privacy”

Registrar: Pananames (Panama)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is IP Volume, Inc. (Seychelles)

Traffic: Global Similarweb ranking of 6,886, with over 208 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, global traffic has increased dramatically since June 2023.

Snaptube app and related domains

Downloads: Snaptube app – 1,470M downloads on Uptodown app store

Traffic: Snaptube.com has a global Similarweb ranking of 17,068, with over 42 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 its 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 facilitate APK file downloads. Several sources online indicate that the app has been caught distributing malware, stealing user's data, and generating ad revenue in illegitimate ways. The security company Upstream conducted an investigation into the app, as user's devices were compromised and had viruses installed on them after using the app.⁸

The developer of *Snaptube* is associated with companies in Hong Kong and China.

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: "Redacted for Privacy"

Registrar: Dynadot, LLC (U.S.)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is WIBO Baltic UAB (Lithuania)

Traffic: Global Similarweb ranking of 35,373, with 18 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 unauthorized copies of copyrighted 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 other services 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.

⁸ Sally Ramal, *Popular App "Snaptube" Caught Leaking Data and Installing Malware*, SMEX, Mar. 17, 2023, <https://smex.org/popular-app-snaptube-caught-leaking-data-and-installing-malware/>

Intmusic

Domain: intmusic.net

Registrant: Currently privacy protected by Whois Privacy Corp.

Registrar: TLD Registrar Solutions, Ltd. (United Kingdom)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is Private Layer (Switzerland)

Traffic: Global Similarweb ranking of 46,200, with 15.31 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.

Waploaded

Domain: waploaded.com

Registrant: “Redacted for Privacy”

Registrar: Tucows Domains, Inc. (Canada)

Hosting Provider: RackSrvr (Vanuatu)

Traffic: Global Similarweb ranking of 15,226, with 44 million visits in the past 12 months

Revenue Sources: Advertising

Waploaded.com and related sites are a network of prolific infringing sites which are popular in the African region and are operated from Nigeria. As well as offering music as mp3 downloads, the site offers pirate movies and IPTV. Despite a wide variety of pirate content being available, the level of reported links by the music industry has been high since 2023. As of August 2024, *Waploaded.co*, *Waploaded.com.ng*, and *Waploaded.ng* are also active sites and redirect users to *Waploaded.com*. *Waploaded.com* is a linking site which directs users to download content from *Meetdownload.com*. The site is directly connected to *Waploaded.com* and content is served from the domain. Although the site is presented as being similar to a cyberlocker, users are not able to upload their own content. The site generates revenue from advertisements through third parties and encourages users to contact the operator to assist with advertisement placement.

Hiphopkit

Domain: hiphopkit.com

Registrant: “Redacted for Privacy”

Registrar: Namecheap, Inc. (U.S.)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is RackSrvr (Vanuatu)

Traffic: Global Similarweb ranking of 34,601, with 14 million visits in the past 12 months

Revenue Sources: Advertising

Hiphopkit.com is a prolific infringing site that is popular in African countries and operated from Nigeria. A network of sites that share a similar design and offer infringing content are connected to the same operator. Content made available across the *Hiphopkit* network relates to African hip hop music. Although the site largely focuses on African repertoire, international repertoire has also been made available. As of August 2024, the network comprises many sites that provide infringing content using a variety of delivery methods. *Hiphopkit* does not comply with takedown notices.

Hiphopda.com

Domain: hiphopda.com

Registrant: Withheld for Privacy

Registrar: Namecheap, Inc. (U.S.)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is SpectraIP B.V. (The Netherlands)

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

Revenue Sources: 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 to files, 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. The site does not respond to takedown notices.

Itopmusicx

Domain: itopmusicx.com

Registrant: Protected by Whois Privacy Protection Service, Inc.

Registrar: eNom, LLC (U.S.)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is Bitweb (Russia)

Traffic: Global Similarweb ranking of 491,884, with 2.1 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 indexing 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

Registrant: "Redacted for Privacy"

Registrar: easyDNS Technologies Inc. (Canada)

Hosting Provider: Served through Cloudflare (U.S.), underling hosting provider is Shinjiru Technology Sdn Bhd (Malaysia)

Traffic: Global Similarweb ranking of 2,185 with nearly 262 million visits in the past 12 months

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 many countries around the world 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 indexing 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 includes:

1337x

Domain: 1337x.to

Registrant: None provided for .to TLD

Registrar: Tonic (Tonga, administered in U.S.)

Hosting Provider: Served through Cloudflare (U.S.), underlying hosting provider is Veesp (Latvia)

Traffic: Global Similarweb ranking of 917, with nearly 470 million visits in the past 12 months

Revenue Sources: Advertising

Torrentgalaxy

Domain: torrentgalaxy.to

Registrant: None provided for .to TLD

Registrar: Tonic (Tonga, administered in U.S.)

Hosting Provider: Virtual Systems (Ukraine)

Traffic: Global Similarweb ranking of 1,750, with 323 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 cyberlockers affecting 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 42,184, with 11.75 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. (Bahamas)

Registrar: Internet.BS Corp. (Bahamas)

Hosting Provider: Melbicom (Lithuania)

Traffic: Global Similarweb ranking of 2,104, with over 314 million visits in the past 12 months

Revenue Sources: Advertising, pay-per-install of potential malware, pop-unders, redirects to third-party sites, 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.

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 (Bahamas)

Registrar: Internet.BS Corp. (Bahamas)

Hosting Provider: Serverion (The Netherlands)

Traffic: Global Similarweb ranking of 7,771, with over 106 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 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*. We believe *Turbobit* shares common operation with another cyberlocker, *Hitfile.net*.

Krakenfiles

Domain: krakenfiles.com

Registrant: "Redacted for Privacy"

Registrar: OVH SAS (France)

Hosting Provider: Served through Cloudflare; underlying hosting provider is OVH SAS (France)

Traffic: Global Similarweb ranking of 10,817, with 85 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. *Krakenfiles* is incredibly popular within the pre-release community. The site is also making appearances in the artificial intelligence (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 forum site which contains infringing content and provides users with links to *Krakenfiles* from where they can download their chosen music track or album.

Ddownload

Domain: ddownload.com

Registrant: “Redacted for Privacy”

Registrar: Namecheap, Inc (U.S.)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is Global Layer (The Netherlands)

Traffic: Global Similarweb ranking of 21,137, with 46 million visits in the past year

Revenue Sources: Paid premium accounts

Ddownload.com continues to be a problematic cyberlocker for the music industry and plays a key role in the music piracy ecosystem, specifically in relation to the making available of pre-release music content, i.e., music which has yet to be commercially released. As such, its activities are particularly damaging to the recording industry and its artists. While *Ddownload.com* responds to takedown requests, links to content stored and made available via this cyberlocker are frequently found on websites promoting access to infringing content. 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.

Pillowcase.su

Domain: pillowcase.su

Registrant: None provided by registrar

Registrar: R01 (Russia)

Hosting Provider: Served through Cloudflare (U.S.); underlying hosting provider is Altrosky (Seychelles/The Netherlands)

Traffic: Global Similarweb ranking of 79,881, with 5 million visits in the past year

Revenue Sources: Donations

Pillowcase.su is a popular cyberlocker which harms the music industry through distribution of pre-release content. Links to pre-release content hosted on *Pillowcase.su* are frequently found on known leak sites and forums. *Pillowase.su* emerged when the cyberlocker onlyfiles.io went offline in February 2023 and was initially presented as a mirror site of onlyfiles.io, whose operator was heavily involved with the distribution of pre-release content. *Pillowcase.su* is unresponsive to notices from copyright owners.

5. 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* (<https://prq.se/>) 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/PONYNET – 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 a "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.

Domain Name Registrars

Rights holders continue to face hurdles from registrars failing to provide accurate domain name registrant information when that information is requested for legitimate intellectual property enforcement purposes. IFPI recently reported that, in light of the misapplication of GDPR by some registrars, several registrars have refused to provide registrant information to IFPI for such purposes, including NameCheap, Tucows, and others.⁹

PHYSICAL MARKETS

In 2022 and through first half of 2023, 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 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 and/or in CD format. Finally, we are finding counterfeit versions of official box set discographies as well as unauthorized pirate box set 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 major e-commerce platforms like Amazon, eBay, Mercari, and Shopee. In particular, eBay and Shopee’s global platforms have had the largest number of counterfeit vinyl and CD listings. Among regional platforms, Vinted has had an unusually large number of counterfeit vinyl listings, suggesting it has become a destination platform for illicit vinyl sellers. 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

⁹ IFPI Submission to the EU Counterfeit and Piracy Watchlist Consultation 2024, August 15, 2024, available via https://circabc.europa.eu/ui/group/e9d50ad8-e41f-4379-839a-fdfe08f0aa96/library/dba7a3e4-8e6b-4586-b266-bdbeb89b172c?p=7&n=10&sort=modified_DESC.

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/

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