



October 7, 2016

Mr. Probir Mehta
Assistant U.S. Trade Representative for Innovation and Intellectual Property
Office of the United States Trade Representative
600 17th Street, NW
Washington, DC 20508

In re: Docket No. USTR-2016-2013

Dear Mr. Mehta:

Attached please find RIAA's submission in response to your request for comments identifying Internet and physical markets based outside the United States that should be included in the 2016 Notorious Markets List (List).

In this submission, we have identified some of the major actors that have inhibited the growth of legitimate online music markets to the detriment of American creators, businesses and the American economy as a whole. RIAA's members license their music globally, and there is a vast array of platforms operating around the world, with new services added constantly. The potential for the Internet and other communications technologies to drive economic growth, prosperity and cultural production in the music industry is greatly undermined by distortions in the marketplace that flow from what is essentially illegal trafficking in stolen goods – our sound recordings.

We have also identified physical markets that are flooding eCommerce platforms with high quality counterfeit CDs which unwitting buyers are purchasing at full retail price. These counterfeits result in a one-for-one displacement of legitimate sales.

Sincerely yours,

Bradley A. Buckles
Executive Vice President, Anti-Piracy
Recording Industry Association of America (RIAA)
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2016 SPECIAL 301 OUT-OF-CYCLE REVIEW OF NOTORIOUS MARKETS

ONLINE MARKETPLACES

The following is a list of online markets based outside the United States that engage in the unlicensed sale, streaming and/or distribution/downloading of sound recordings; that significantly damage the rights of U.S. companies; and that we request to be included in the 2016 Notorious Markets List.

These services harm U.S. artists, record labels, and music publishing companies by (i) disseminating music 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.

Many of the services in this year's submission unfortunately have been included in the past. However, this year several major services have been removed. Russia's vKontakte has now reached licensing agreements with major record companies and has thus been removed from our list. Several other sites have been removed because they are no longer in operation. KickassTorrents (kat.cr) was the most popular bittorrent index site in the world until it was taken down by a U.S. law enforcement action, and the principal operator was arrested and indicted. In the wake of this action, Torrentz.eu, the second most popular bittorrent site behind kat.cr, shut down voluntarily.

Other sites have been removed because, as of this writing, the sites seem to have gone down as well. The challenge we face is that these sites can reappear as quickly as they disappeared. In some cases, they reemerge with the same domain name, from the same hosting ISP, and with the same functionality. In other instances, however, they can return with slightly altered domain names, with new hosting ISPs, and with new registrant information. The dynamic nature of the Internet presents unique challenges in comprehensively identifying notorious markets. Mp3skull presents a good example. After the RIAA sued the site and obtained a favorable judgement, the site seems to have finally disappeared. However, a new mp3 search-and-download service, emp3world, was revealed to have the same registrant information as some of the old mp3skull sites.

It is exceedingly difficult to track, enforce against, and accurately associate various notorious websites because of one or more of the following practices we increasingly observe:

- **Domain Hopping** – When sites are demoted in search engine search results, the sites often engage in domain hopping to a new top-level domain to reappear at the top of search results and/or get around certain court-ordered blocks;
- **Utilize Reverse Proxy Services** – To hide the actual hosting ISP, pirate sites frequently employ reverse proxy services like Cloudflare to obfuscate their IP address, creating obstacles to enforcement against such sites;
- **Privacy Protected Domain Name Registration** – Operators of pirate sites typically hide their identity behind privacy/proxy services or appear to submit false or incomplete registrant information, further creating obstacles to enforcement against these sites.

There are thousands of websites on the Internet that are dedicated to piracy. This list of notorious markets is therefore by no means comprehensive. We focus instead on those sites and services that have created the most damage to the U.S. recording industry either globally or in specific country markets. We monitor traffic to the sites using Alexa rankings and SimilarWeb, a web traffic analytics company that measures website visits. The ranking and traffic data used in this submission is based on the most current data available from these two sources.

1. Stream-Ripping Sites

A major development in the music copyright infringement world has been the emergence of sites that engage in the unauthorized reproduction and distribution of the popular copyrighted music that appears on YouTube and other licensed music streaming services. These illegal sites violate YouTube's terms of use, and circumvent the technological measures that YouTube and other licensed services employ to prevent copying and distribution of music streamed through their service. These stream-ripping sites allow free downloads of these music files copied from streaming services and monetize their infringing activity through advertising. The distribution of permanent downloads of files from streaming services deprives the record companies and artists of streaming revenue by eliminating the need for users to return to YouTube and other licensed services every time they listen to the music. At the same time, these services damage pay-for-download sites like iTunes, Google Play and Amazon by offering the tracks for free. The overall popularity of these sites and the staggering volume of traffic they attract is evidence of the enormous damage being inflicted on the U.S. record industry.

The most popular of these stream-ripping sites are:

Youtube-mp3

Domain: youtube-mp3.org
Registrant: PMD Technologie UG, Brelingen, Germany
Registrar: Mesh Digital Limited
Hosting Provider: Obfuscated by Cloudflare, U.S. Traffic: Global Alexa Ranking of 361, with over 4.8 billion visits in the past year
Revenue Source: Advertising

Mp3juices

Domain: mp3juices.cc
Registrant: Privacy, Inc. Toronto, Canada
Registrar: TUCOWS DOMAINS INC.
Hosting Provider: OVH, France
Traffic: Global Alexa Ranking of 6909, with over 476 million visits in the past year
Revenue Source: Advertising

Convert2mp3

Domain: convert2mp3.net
Registrant: Marius Seipp, Linden, Germany
Registrar: INTERNETWORX LTD. & CO. KG
Hosting Provider: Obfuscated by Cloudflare, U.S.
Traffic: Global Alexa Ranking of 1034, with over 720 million visits in the past year
Revenue Source: Advertising

Aiomp3

Domain: aiomp3.com
Registrant: MyPrivacy.net Ltd, Toronto, Canada
Registrar: EASYDNS TECHNOLOGIES, INC

Hosting Provider: Obfuscated by Cloudflare, U.S.
Traffic: Global Alexa Ranking of 1212, less than a year old, this rapidly growing site has attracted over 187 million visits in the past six months
Revenue Source: Advertising

Clipconverter

Domain: clipconverter.cc
Registrant: PrivacyProtect.org, Nobby Beach, Australia
Registrar: OVH, France
Hosting Provider: OVH, France
Traffic: Global Alexa Ranking of 471, with over 846 million visits in the past year
Revenue Source: Advertising

Savefrom

Domain: savefrom.net
Registrant: Domains By Proxy, LLC
Registrar: GODADDY.COM, LLC
Hosting Provider: Hosting Services Inc., London, England
Traffic: Global Alexa Ranking of 227, with over 1.5 billion visits in the past year
Revenue Source: Advertising

Youtube2mp3

Domain: youtube2mp3.cc
Registrant: Privacy Inc., Toronto, Canada
Registrar: TUCOWS DOMAINS INC.
Hosting Provider: OVH, France
Traffic: Global Alexa Ranking of 5857, with over 225 million visits in the past year
Revenue Source: Advertising

Onlinevideoconverter

Domain: onlinevideoconverter.com
Registrant: WhoisGuard, Panama
Registrar: Enom, Inc.
Hosting Provider: Netrouting, Netherlands
Traffic: Global Alexa Ranking – 1096, with over 457 million visits in the past year
Revenue Source: Advertising

2. Search-and-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. Several of these sites go further, providing unauthorized downloading of pre-release music, i.e., albums slated for commercial release that have not yet been commercially available to the public. As noted above, such infringing activity clearly harms U.S. artists, songwriters, record labels and music publishers by disseminating their work without authorization and severely diminishing the commercial value of those works.

Emp3world.ch

Domain: emp3world.ch (formerly emp3world.one; emp3world.com)
Registrant: AZAROV HOLDINGS LTD, Igor Azarov, Moscow, Russia
Registrars: Gandi SAS

Hosting Provider: Obfuscated by Cloudflare, U.S.

Traffic: Alexa Ranking 207,086, with growing usage with 271,000 visits in September 2016

Revenue Sources: Advertising

This year we are replacing *mp3skull*, which has appeared over the past few years in our comments, with emp3world. Like mp3skull, emp3world is an unlicensed service that provides unlimited free downloads and on-demand streaming of the most popular copyrighted sound recordings in the world. Its sole purpose is to generate profit from the theft of music, and it makes no pretense about what it does or why it does it. Virtually any commercial recording is available for free download or streaming through the site and its most popular offerings (“Top Downloads”) virtually mirror the Billboard Top 100 list.

Emp3world appears to be the successor to mp3skull. After litigation here in the United States resulted in a judgement against the operators of mp3skull and court orders disrupting their various mp3skull domain names, the registrant of the mp3skull domains is now operating this alternative site. While the site has a slightly different appearance, it operates identically as the mp3skull sites. It is monetized using the same ad network, Adreactor, and the same advertisers that fueled mp3skull. The site earns revenue by offering free downloads of various free software packages offered by Mindspark, the same as mp3skull. It is the most highly trafficked mp3 site of its kind in the world, and the huge user base allows its operators to profit from advertisements on the site and from the distribution of adware and malware to its users. The site purports to be simply an index site for mp3s found elsewhere on the Internet, but the site operates within a close web of loosely affiliated sites that provide the content for mp3skull.

Audiocastle

Domain: audiocastle.biz (formerly audiocastle.com; audiocastle2.com; audiocastle.net, audiocastle2.net; audiocastle.co; audiocastle.me; audiocastlle.info; audiocastle.cc)

Registrant: Whois Privacy Corp., Nassau (Bahamas)

Registrar: INTERNET DOMAIN SERVICE BS CORP

Hosting Provider: Obfuscated by Cloudflare, U.S.

Traffic: Global Alexa ranking of 422,526, with over 22,000 visits to the new domain last month

Revenue Sources: Advertising

Audiocastle characterizes itself as an urban music site that is updated daily with the hottest urban music, videos, and albums. The home page also provides a telling disclaimer that states “We do not claim any of the materials that we upload and any copyright infringement complaints will be executed immediately! It is our policy to honor all take-down requests!” The operators acknowledge that they upload the content and thus are direct infringers of copyrighted works. Honoring takedown requests does not absolve them of liability. Moreover, it is clear they simply don’t “honor” takedown notices as anything that is removed is simply reuploaded to ensure the files remain available through the site. The files themselves are hosted on a notorious locker site, dofile.dk, which is a favored locker service for a long list of pirate sites.

The RIAA has sent the site almost 145,000 infringing URLs for removal but files remain available. The Google Transparency Report reveals that Google has removed just over 475,000 infringing audiocastle URLs from its search index. The jumping from domain name to domain name is likely in response to Google’s demotion of the domain in search results. Each time one of their domains is demoted from the top search results, the site is able to quickly reappear in the top search results simply by registering audiocastle with a new top-level domain.

Audiocastle appears to be one of a family of infringing websites that include viperial and im1music as discussed below.

Viperial

Domain: viperial2.com (formerly viperial.com, viperial.co; viperial.me; viperial.biz)
Registrant: Whois Privacy Corp., Nassau, Bahamas
Registrar: Internet Domain Service BS Corp
Hosting Provider: Obfuscated by Cloudflare, U.S.
Traffic: Global Alexa ranking of 81,757 with 575,000 site visits to the new domain last month
Revenue Sources: Advertising

Before viperial began using Cloudflare as a reverse proxy, it operated from the same IP address as audiocastle (above) and a newer service im1music.biz that came online in April of 2015. All three sites operate in much the same manner. Their lists of albums and tracks available for streaming and download are almost identical and they all store the files on dofile.dk – frequently linking to the exact same URLs. The music it offers includes not only recently released and popular music but also albums not yet commercially released. As in the case of audiocastle, viperial professes to honor copyright owners' requests to remove material, but these requests have no practical effect as the content is constantly reposted. The RIAA has sent nearly 235,000 URLs for removal to viperial. The domain hopping that viperial has been engaged in the past couple of years appears calculated to frustrate the demotion in search results that results from the reporting of URLs on viperial to Google.

im1music

Domain: im1music.info (formerly im1music.co)
Registration: Whois Privacy Corp., Nassau, Bahamas
Registrar: Internet Domain Service BS Corp
Hosting Provider: Obfuscated by Cloudflare, U.S.
Traffic: Global Alexa ranking of 549,323 with site visits to new .info domain at over 40,000 per month
Revenue Sources: Advertising

This is a new service in the audiocastle/viperial family of infringing sites. It offers the same services and same content from the same sources as its sister sites.

Albumkings

Domain: Albumkings.com (formerly albumkings.net and albumkings.co)
Registrant: Whois Privacy Corp., Nassau, Bahamas
Registrar: TLD REGISTRAR SOLUTIONS LTD
Hosting Provider: Obfuscated by Cloudflare, U.S.
Traffic: Global Alexa ranking of 37,978 and the new .com domain is averaging nearly 900,000 monthly visits
Revenue Sources: Advertising

We believe albumkings is a Russian-operated site based on whois history that identifies an individual in Russia as the registrant. Previously, we found the site hosted in the Ukraine, but now both the identity of the actual registrant and the hosting ISP are hidden behind proxy services. The site provides unauthorized access to thousands of full albums and tens of thousands of individual tracks for free streaming and downloading. The site does not host the content; rather the operators upload content primarily to dofile.pk, a locker discussed later in these comments.

When particular files are removed from the locker services pursuant to DMCA notices, popular files are immediately re-uploaded to ensure they remain available through the albumkings website. The site ensures that every popular new release is available. The site neatly organizes albums by genre, offering access to large libraries of R&B, Rap, Country, Rock, Pop music. The site also offers a section on upcoming releases and advises users of the official release date along with a prediction of when the new album will be available on the site.

Newalbumreleases

Domain: newalbumreleases.net

Registrant: Sergey Kobilin, Svetogorsk, Russia

Registrar: DomainSite.com

Hosting Provider: WIBO, Czech Republic

Traffic: Global Alexa ranking of 8,733 with nearly 80 million visits in the last year

Revenue Sources: Advertising

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 home page using album artwork. In addition, it organizes earlier posts by genre under menu tabs for Rock, Pop, Metal, etc. The home page 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 Hitfile.net where the files are available for download. All of 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 they are direct infringers and takedown notices to the site are ineffective.

3. BitTorrent Indexing and Tracker Sites

BitTorrent services are typically referred to as indexing sites or tracker sites. Indexing sites provide a searchable index of links to content which can be downloaded from subscribers running the appropriate client software. Trackers help facilitate the download of content from the subscribers’ computers but do not have any form of graphical user interface or other user-focused interface. Indexing services can, and usually do, generate revenue from advertising and/or user donations. The particular financial model, structure and approach vary 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.

Some of these bittorrent indexing services, although not all, respond to notices from copyright owners requesting infringing material be taken down from the site. However, in practice, these takedown requests are of little use in addressing the problem of piracy, and many site operators rely on the takedown process to create an appearance of legitimacy while operating services that are designed and overwhelmingly used for the distribution of infringing materials.

One of the principal problems with the use of takedown notices for bittorrent indexing sites is that the same infringing material can easily be, and usually is, very quickly reposted to the site. As a result, copyright owners are forced into an endless “cat and mouse” game, which requires considerable resources to be devoted to chasing infringing content, only for that same infringing

content to continually reappear. Moreover, most bittorrent index sites demonstrate they are dedicated to infringement by the way they organize and display files they index. Files are typically organized into categories of movie, music, software and games with files names clearly and unmistakably describing content in a way that the operators know full well they are distributing torrents for copyright protected content.

Increasingly, bittorrent sites are registering multiple domains in order to mitigate the problem of their sites going offline if one of their domains is seized, 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. In addition, more sites are now employing services of Cloudflare, a content delivery network and distributed domain name server service. BitTorrent sites, like many other pirate sites, are increasing turning to Cloudflare because routing their site through Cloudflare obfuscates the IP address of the actual hosting provider, masking the location of the site. The use of Cloudflare's services can also act to frustrate site-blocking orders because multiple non-infringing sites may share a Cloudflare IP address with the infringing site.

ThePirateBay

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

Registrant: Fredrik Neij, Stockholm, Sweden

Registrar: easyDNS Technologies Inc.

Hosting Provider: Obfuscated by Cloudflare, U.S.

Traffic: Global Alexa ranking of 160 with over 1 billion visits since the new domain was launched 6 months ago

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

Following raids by Swedish police in Stockholm in early December 2014, thepiratebay, one of the most well-known and notorious bittorrent indexing sites, went offline for two months. The site came back online in late January of 2015 but has hopped through several country code domain names until is settled in at thepiratebay.org in March of this year. Since then it has continued to grow and will likely gain traffic in the wake of the shutdown of kickasstorrents and torrentz.eu. As it stands today it is now the most popular bittorrent site left standing. The world's most popular and newly released films and music can be downloaded via the site.

The site fails to respond to any takedown notices and has previously ridiculed those who have sent them such notices.

Having exhausted criminal and civil remedies in Sweden, rights holders have been forced to take action against ISPs in many countries and have so far obtained orders to have ISPs block their subscribers' access to the site through the courts in 10 nations, including: Austria, Belgium, Denmark, Finland, Iceland, Ireland, Italy, Portugal, Spain and the UK. In response, the site launched the piratebrowser, which allows users to circumvent country-specific blocking actions.

ExtraTorrent

Domain: extratorrent.cc (formerly extratorrent.com); also displays from through several mirror sites: etmirror.com, etproxy.com, extratorrentonline.com and extratorrentlive.com

Registrant: Whois Privacy Corp. Nassau, Bahamas

Registrars: Internet.BS Corp.

Hosting Provider: Obfuscated by Cloudflare, U.S.

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

ExtraTorrent is a bittorrent indexing site for music, films, television programs, software, games, books and pornography. The site states that it has over 1 million torrents and is indexing content from over 45,000 trackers. In July 2015, it was reported that Google Chrome had started blocking access to the site due to the site containing “harmful programs.” In May 2015, Facebook removed extratorrent’s profile following a complaint from copyright holders. However, the site has launched a new Facebook profile.

There are no details on the site regarding the operator or where the site is physically located. The site is using Cloudflare services. The site derives revenue from advertising placed on the site.

The site is blocked by ISPs in a number of countries, including the UK, Belgium, Italy and Denmark.

Other Popular BitTorrent Indexing Sites (and Host Countries)

Bitsnoop.com (obfuscated by Cloudflare)
Isohunt.to (obfuscated by Cloudflare)
Torrentdownloads.me (obfuscated by Cloudflare)
LimeTorrents.cc (obfuscated by Cloudflare)
Rarbg.to (Bosnia and Herzegovina)
1337x.to (obfuscated by Cloudflare)

4. Cyberlockers

A “cyberlocker,” also known as a one-click file host, typically refers to a type of website 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 on first glance there appears to be some similarity between cyberlockers and legitimate cloud storage services (as they both allow users to upload files to servers which can then be shared), their business models are strikingly different. The business model for legitimate storage services is principally based around personal file storage, whereas the business model for cyberlockers is based on the distribution of unlicensed content.

Cyberlockers that allow for public sharing of files are of particular concern for the music industry. Download links are widely disseminated, including on third-party websites such as social networks and blogs. They also appear in search engine results and there are websites dedicated to providing indexes of URLs to enable the download of files from cyberlockers. In this way, these cyberlockers are not lockers at all since they lack the essential component of being “locked,” and instead merely serve as file-sharing services, or as hubs for the distribution of infringing content.

The cyberlocker websites listed below are directly engaged in the storage and distribution of infringing material. For many of these services, there would be no economic viability in the absence of engaging in piracy.

To a limited extent, rights holders can attempt to tackle these infringements by sending takedown notices to the locker. However, this entails monitoring of thousands of third-party link resources – blogs, forum sites and search engines – to locate the information that is needed to notify the locker of infringements occurring on their own services. There are efficient and reasonable technological solutions available that would assist in this. Some cyberlocker services, for example

Mediafire and Depositfiles, have employed such technology.

4shared

Domain: 4shared.com

Registrant: New IT Solutions Ltd. New IT Solutions Ltd., British Virgin Islands

Registrar: GODADDY.COM, LLC

Hosting Provider: WZ Communications Inc. U.S. (wholly owned subsidiary of XBT Holding S.A, Cyprus)

Traffic: Global Alexa ranking of 491, with 1.1 billion site visits in the last year

Revenue Sources: Advertising, Premium accounts

4shared remains one of the most popular cyberlocker sites in the world. It is also the source of a staggering volume of infringing files. According to the Google Transparency Report 5127 copyright owners and 1228 reporting organizations have reported 48.9 million infringing 4shared URLs to Google for removal from its search engine. 4shared has the highest number URLs reported to Google – almost double the next most reported site. The RIAA alone has submitted 1.1 million infringing URLs to Google and 4shared for removal. Because infringing links drive traffic to the site, users are allowed to store up to 15GB of files for free, with paying users given an even larger storage capacity.

4shared derives revenue from advertising placed on the site and through the offering of “premium accounts,” which provide users with more storage and faster downloads without having to wait or view advertising. Major U.S. payment providers, Visa, MasterCard and PayPal no longer service the site, but 4shared uses a combination of resellers and offshore payment processors to sell premium accounts. 4shared claims to have implemented an open source audio fingerprinting solution to prevent infringement; however, 4shared organizes files by various categories like music, video, and books and simply browsing through the music section readily offers streaming and download of popular works by major U.S. artists. Clearly their audio fingerprinting is at the very least ineffective. All of this suggests that music infringement is as important as ever to 4shared.

Uploaded

Domain: uploaded.net (ul.to and uploaded.to also redirect to the .net site)

Registrant: Daniel Hrnjak, CYANDO AG, Wollerau, Switzerland

Registrar: Enom, Inc.

Hosting Provider: Eweka Internet Services B.V., Netherlands

Traffic: Global Alexa ranking of 469, with 1.2 billion site visits in the last year

Revenue Sources: Advertising, paid premium accounts

Uploaded is an extremely popular locker site in Europe and Japan offering infringing downloads of a vast range of U.S.-owned sound recordings. Like many locker sites, its infringing activity is not limited to music. According to the Google Transparency Report, Google has been notified by 6272 copyright owners and 1264 reporting organizations of 18.8 infringing URLs – representing over 50% of all of uploaded’s URLs indexed by Google.

The site is frequently found to be hosting and distributing pre-release music, i.e., music that has not yet been commercially released. This can substantially undermine the promotion and marketing directed to the release of a sound recording, which may be fundamental to the commercial success of the product.

Zippyshare

Domain: zippyshare.com
Registrant: Privacy Inc., Toronto, Canada
Registrar: Tucows Domains Inc
Hosting Provider: OVH SAS, France
Traffic: Global Alexa ranking of 368, with 1.2 billion site visits in the last year
Revenue Sources: Advertising

Zippyshare is a very popular cyberlocker, particularly for infringing music. It allows users to upload files, share links to these files online, and also stream music via an embedded music player. The site has been operating since 2006 and in 2014 was responsible for hosting more pre-release content than any other cyberlocker. The site responds to takedown notifications, usually within 24 hours, but the same content that is taken down is regularly reuploaded to the site. With the action in the United States against the cyberlocker sharebeast.com, many uploading sites have switched to hosting their infringing files on zippyshare.

Rapidgator

Domain: Rapidgator.net
Registrant: Whois Privacy Corp. Nassau, Bahamas
Registrars: Internet.BS Corp.
Hosting Provider: Netvillage Ltd, Russia
Traffic: Global Alexa ranking of 659, with 652 million site visits in the last year
Revenue Sources: Advertising, paid premium accounts

Rapidgator emerged as a dominant locker site for music piracy after the takedown of Megaupload by law enforcement and the voluntary shuttering of similar locker sites shortly thereafter. Rapidgator aggressively moved in to fill the vacuum. According to the Google Transparency Report, Rapidgator is second only to 4shared in the number of infringing URLs on its site reported to Google. Google has received requests to remove over 2.9 million infringing URLs – which amount to more than 50% of all the Rapidgator URLs indexed by Google. The site is frequently found hosting pre-release content.

As with 4shared and uploaded, rapidgator generates revenue both through advertising and by offering “premium accounts.” Rapidgator also offers a reward scheme allowing users to earn money on a pay-per-download or pay-per-sale basis. The site also has a referral program whereby users who introduce an affiliate to the site (i.e., someone who registers as a premium account user and signs up to an affiliate program) will earn 10% of the affiliate’s profits. Rapidgator also operates a scheme whereby the operators of third-party websites (“webmasters”) can earn a commission on the sale of rapidgator premium accounts occurring through the webmaster’s site. The rates offered by rapidgator under the webmasters scheme vary from 5% for 1 to 500 sales, 10% for 501 to 10,000 sale and 15% for over 10,001 sales. Like others on this list, they do not employ any of the reasonable technical measures used by a small number of other locker services that would prevent or limit the extent of infringement on their service.

Dopefile

Domain: Dopefile.pk (formerly dopefile.com)
Registrant: DopeFile, Owatonna, Pakistan
Registrar: Unavailable
Hosting Provider: Lir.bg Eood, Sophia, Bulgaria
Traffic: Global Alexa Ranking of 10826, with 34 million site visits since the .pk site came online 6 months ago.

Revenue Sources: Advertising

Dopefile is a locker site of preference for music files uploaded by music download sites. Dopefile has filled the void created by the law enforcement takedown of Sharebeast.com. Sharebeast was another locker site that specialized in servicing infringing music download sites. Sharebeast was popular with music download sites because the operators would simply create and distribute new URLs to infringing files when they disabled a specific URL pursuant to a DMCA notice. We suspect dopefile remains popular because they likewise assist the download sites by ensuring that working URLs to files stored on dopefile remain available for download.

Chomikuj

Domain: chomikuj.pl

Registrant: Unavailable

Hosting Provider: Obfuscated by Cloudflare

Registrar: Instra Corporation Pty Ltd

Traffic: Global Alexa Ranking of 2627, with 364 million sites visits in past year

Revenue Sources: Advertising; paid subscriptions

The site is the most popular cyberlocker in Poland with 80% of the visits to the site coming from Poland. It enables users to upload files, e.g., music, films, images, software, books to the site and then share links to the content. Users can choose to have a free account or pay for an account via subscription or paid text messages. The site offers rewards to users who upload popular content downloaded by other users. The site appears to be owned and operated by a company called FS File Solutions Limited, registered in Nicosia, Cyprus and located at 4 Georgios Seferis Street, 1076 Nicosia, Cyprus.

The site reacts to takedown notices by removing individual URLs, but it is proving to be a futile effort. The Google Transparency Report indicates that 16.2 million URLs from the site have been removed based on copyright complaints. The RIAA alone has reported 2.7 million URLs that were infringing the rights of U.S. copyright owners.

Other Notorious Cyberlockers (and Host Countries)

Turbobit.net (Netherlands)

Hitfile.net (Netherlands)

1fichier.com (France)

Bigfile.to (Netherlands)

Share-online.biz (Obfuscated by Cloudflare)

Ulozto.cz (Czech Republic)

5. *Unlicensed Pay-for-Download Sites*

There are a dozen or so websites based in Russia and the Ukraine that engage in the unlicensed sale of singles and albums at a fraction of the cost found on licensed services. The fact that they pay no royalties to copyright owners allows them to completely undercut legitimate licensed services. The sites look professional utilizing official album art and selling all of the latest releases, and popular older catalog works.

Mp3va

Domain: mp3va.com

Registration: MyPrivacy.net Ltd., Canada
Hosting Provider: Filanco LTD, Russia
Registrar: EasyDNS Technologies, Inc.
Traffic: Alexa ranking of 59,966 with 8.9 million visits over the past year
Revenue Sources: Sale of singles and full albums

Mp3va engages in the unauthorized sale of U.S.-owned sound recordings. The site has the look and feel of legal music sites like Amazon or iTunes, however it sells single tracks for an average of 15 cents and full albums for about \$1.50. Music is sold by the file size so the cost of singles and albums varies slightly. Users must set up an account and add money to the account using credit cards or payment intermediaries. Major U.S. credit card and payment processors have terminated support for the site, but offshore intermediaries can still be used.

Other Unlicensed Pay-for-Download Sites (Country of Hosting ISP)

Soundsbox.com (Obfuscated by Cloudflare, U.S.)
lomoio.com (Russia)
Soundike.com (Russia)
Payplay.fm (Russia)
Mp3million.com (Russia)
Megaboon.com (Obfuscated by Cloudflare, U.S.)
Melodishop.com (Obfuscated by Cloudflare, U.S.)
Melodysale.com (Obfuscated by Cloudflare, U.S.)
Mp3caprice.com (Ukraine)
Ivave.com (Netherland)
Mediasack.com (Obfuscated by Cloudflare, U.S.)
Goldenmp3.ru (Russia)

PHYSICAL MARKETPLACES

Physical CD sales still account for a substantial portion of U.S. record company revenues. There is, however, a distinct movement from sales at brick-and-mortar record stores to sales through prominent eCommerce platforms. These platforms have become the ideal outlet for unauthorized counterfeit physical products being manufactured and sold from China and Russia. The counterfeiting involves new front line releases, as well as popular back catalog and “greatest hits” albums. The counterfeits are sold to third-party sellers on eCommerce platforms who may or may not know they are even buying and reselling counterfeits. These counterfeits are often sold at or near full retail price. Therefore, every sale of a counterfeit disc results in a straight one-for-one displacement of a legitimate sale. Unlike the legitimate product, the sale of these counterfeits results in no compensation to rights holders or creators.

China Counterfeit CD Manufacturing and Distribution

Test purchases we have been making on Amazon and eBay have revealed a large number of counterfeit offerings that we have traced back to a CD manufacturing plant in China. We suspect that the plant in China is simply filling orders made by Chinese suppliers who in turn sell the CDs to retail sellers on eCommerce platforms. The Chinese counterfeit CDs and packaging are very high quality. The artwork, packaging and inserts are carefully copied in fine detail. The untrained eye would not even be able to identifying them as counterfeits. We have been able to identify the source plant using forensic matching of discs to known plants in China. We have also been able to

identify them as counterfeit based on very slight deviations in commercial markings on the discs themselves.

Russian Counterfeit CD Manufacturing and Distribution

Our test purchasing program on Amazon and eBay also revealed that Russian-manufactured counterfeits are also finding their way into the hands of resellers. Like the Chinese counterfeits, the Russian counterfeits carefully copy the packaging and artwork and use high grade commercial printing so that they resemble legitimate CDs in outward appearance. However, Russian-manufactured counterfeit discs make no effort to mimic the detailed commercial markings included on legitimate product. Legitimate discs include mastering codes, mold codes or barcodes printed on the reverse side of the discs themselves. The Russian counterfeits do not attempt to replicate these commercial markings and therefore can be readily identified. Russian counterfeits can also be sloppy when it comes to inside packaging, as we have seen inserts that have Russian words intermixed with English words. We have even seen some examples where the inserts were entirely in Russian.