

August 19, 2020

Dear Representatives Bass, Castro, Chu, Davids, and Haaland:

We represent leading film festivals, companies, and professional, educational and advocacy organizations committed to showcasing diverse voices and fostering opportunities for creators of color. We urge you and your colleagues to support the narrow, bipartisan effort underway to update federal law to treat streaming piracy the same as all other forms of piracy.

This proposal emerged from a lengthy, open, and transparent process convened by the Senate Judiciary Committee with broad participation across the creative and technology communities. A model process to develop legislation that has produced a narrow two-page bill covering only major commercial piracy operations – going at the heart of the problem and no further.

When broader proposals on this subject have been considered in the past, justice and civil rights advocates have asked whether they would unwittingly expose ordinary internet users, students, or individual “YouTubers” to new risks. This proposal fully eliminates any such risks. The statutory text carefully limits prosecution to commercial operators offering pirate services to the public with no other lawful purpose. And the official legislative history any future court would look to for guidance clearly states this limitation: “Lawful internet and streaming services, licensees, other mainstream businesses, and users engaged in ordinary activities do not risk prosecution.”

Like you, we have long been concerned about overcriminalization and the rapidly expanding federal law enforcement apparatus. Even before the lessons learned during this summer of protest and the overbearing, discriminatory federal response, we would never support legislation that substantially increased federal law enforcement’s reach into our communities.

This bill does no such thing. It makes no new conduct illegal and does not intrude into state or local prerogatives at all – since copyright enforcement has always been a federal matter. It simply harmonizes existing enforcement provisions to treat commercial streaming piracy service operators the same as commercial piracy service operators using older forms of technology, like filesharing and cyberlockers.

As the world has gone digital, streaming has been a lifeline for creators, especially for multicultural and independent creators. The power to reach a global audience online transforms projects that once would have been dismissed as “niche” or “ethnic” into viable, sustainable opportunities.

But this progress has also exposed a loophole in the law – one that is particularly harmful to diverse creators and audiences.

The costs of this “streaming loophole” are severe. Streaming now makes up [80% of all US piracy](#) and diverts more than a billion dollars a year into the pockets of streaming piracy service operators – money that should be going to legitimate creators, especially those working in underserved communities. Overall, streaming piracy costs the American economy more than [\\$29 billion a year](#) – a figure that is likely spiking as [digital piracy rises during the pandemic](#), with a 31% increase in visits to digital piracy sites in March and a 43% increase in April.

We know you understand the importance of protecting copyright in the digital age. Copyright ensures your creative work is yours. That you own it. That you can make a living off it. Please continue to fight for it here and support Congressional efforts to close the streaming loophole and treat all forms of commercial piracy the same.

Sincerely,





cc: Chairman Lindsey Graham, Committee on the Judiciary, U.S. Senate
Ranking Member Dianne Feinstein, Committee on the Judiciary, U.S. Senate

Chairman Jerrold Nadler, Committee on the Judiciary, U.S. House of Representatives
Ranking Member Doug Collins, Committee on the Judiciary, U.S. House of Representatives

Chairman Thom Tillis, Senate Judiciary Subcommittee on Intellectual Property
Ranking Member Christopher Coons, Senate Judiciary Subcommittee on Intellectual Property

Chairman Henry C. "Hank" Johnson, House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet
Ranking Member Martha Roby, House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet