Statement of

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“Copyright Law in Foreign Jurisdictions:

How are other countries handling digital piracy?”

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Chairman Tillis, Ranking Member Coons, Members of the Subcommittee, my name is Matt Schruers, and I am President of the Computer & Communications Industry Association, a trade association of Internet, communications, and technology firms. CCIA was founded in 1972 to promote open markets, open systems, and open networks in the computer and telecommunications industry. Today, the Association continues to evangelize these principles across these increasingly diverse and important sectors of the global economy.

Thank you for the opportunity to discuss international differences in approaches to copyright enforcement. My statement begins with a survey of the existing international copyright framework. It then explores why anti-piracy strategies must be aimed at addressing both supply and demand. Finally, it discusses the prevailing international framework of notice-and-action, as compared to recent controversial developments in Europe.

I. U.S. Accomplishments in Harmonizing International Copyright Law

Despite international differences in copyright enforcement, much has been done to promote U.S. intellectual property norms around the world, in many cases harmonizing international law with the U.S. approach. This approach has long been characterized by robust rights and enforcement, coupled with meaningful exceptions to ensure copyright laws do not impede economically and socially important activity. Following the U.S. implementation of the Berne Convention in 1988, the United States led the development of the World Trade Organization TRIPS Agreement and the 1996 WIPO Copyright Treaties, among other international agreements. In addition, more than a dozen trading partners have entered into free trade agreements with the United States containing strong provisions to prevent piracy, including numerous aspects of the U.S. Digital Millennium Copyright Act (DMCA).[1]

On a variety of fronts, U.S. free trade agreements have served to reduce unfairness and level the playing field for U.S. exports abroad, and the intellectual property chapters of our free trade

[1] *See, e.g.*, United States-Chile Free Trade Agreement, art. 17.11(23), June 6, 2003, 42 I.L.M. 1026; United States-Dominican Republic-Central America Free Trade Agreement, art. 15.11(27), May 28, 2004, 43 I.L.M. 514; United States-Australia Free Trade Agreement, art. 17.11(29), May 18, 2004, 43 I.L.M. 1248; United States-Morocco Free Trade Agreement, art. 15.11(28), June 15, 2004, 44 I.L.M. 544; United States-Bahrain Free Trade Agreement, art. 14.10(29), Sept. 14, 2004, 44 I.L.M. 544; United States-Peru Trade Promotion Agreement, art. 16.11(29), Apr. 12, 2006, http://www.ustr.gov/trade-agreements/free-trade-agreements/peru-tpa/final-text; United States-Colombia Trade Promotion Agreement, art. 16.11(29), Nov. 22, 2006, http://www.ustr.gov/trade-agreements/free-trade-agreements/colombia-fta/finaltext; United States-Singapore Free Trade Agreement, art. 16.9(22), May 6, 2003, 42 I.L.M. 1026; United States-Panama Trade Promotion Agreement, art. 15.11(27), June 28, 2007, http://www.ustr.gov/trade-agreements/free-trade-agreements/panama-tpa/finaltext; United States-Korea Free Trade Agreement, art. 18.10(30), June 30, 2007, 46 I.L.M. 642; United States-Oman Free Trade Agreement, art. 15.10(29), Jan. 1, 2009, https://ustr.gov/trade-agreements/free-trade-agreements/oman-fta /final-text; United States-Mexico-Canada Free Trade Agreement, art. 20.88, Dec. 10, 2019, https://ustr.gov/ trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between.

agreements are no exception. This is in large part because Congress has directed the U.S. Trade Representative to "ensur[e] that the provisions of any trade agreement governing intellectual property rights entered into by the United States reflect a standard of protection similar to that found in United States law."[2] This mandate includes securing intellectual property protections "in a manner that facilitates legitimate digital trade."[3]

Unfortunately, as discussed further in Part III.B, protectionism against U.S. digital exports finds a home in so-called "platform" regulations, such as we see in the controversial 2019 European Union Directive on Copyright and Related Rights in the Digital Single Market (hereinafter "DSM Directive").[4]

II. Addressing Both Demand and Supply

In any discussion of preventing piracy, it is critical to consider consumers' lawful alternatives to infringement. Prevention isn't simply a matter of bringing infringement actions against pirates. It also requires legal and market conditions to facilitate the lawful digital delivery of content, which erases motivations to pirate in the first place. No amount of enforcement will increase creative sector revenues unless consumer demand is also met. In short, policies must reduce supply of pirated works, and also decrease *demand* for those works with alternatives. Only a well-functioning legal marketplace will achieve the latter, and no nation has made greater strides in this direction than the United States. Though more can still be done, both content providers and service providers deserve credit for moving past the pre-iTunes era, when little digital content was lawfully available online.

Evidence suggests that easily accessible digital content can have a far greater impact on piracy rates than enforcement. A wealth of research shows that innovation by existing services and the availability of new digital services have played a critical role in reducing piracy.[5] Rightsholder industry data reaffirms this conclusion.[6] The paradigmatic example is the appearance of iTunes and digital stores from Google, Amazon, and others. Creative sector revenues from digital

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[2] P.L. 114-26, Sec. 102 (b)(5)(II).

[3] *Id*.

[4] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (hereinafter "DSM Directive").

[5] João Quintais & Joost Poort, *The Decline of Online Piracy: How Markets – Not Enforcement – Drive Down Copyright Infringement*, 34 Am. U. Int'l L. Rev. 807-76 (2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3437239 (decline in piracy "is linked primarily to increasing availability of affordable legal content rather than enforcement measures. Where content is available at affordable prices, in a convenient manner, and in sufficient diversity to address demand, consumers are willing to pay for it.").

[6] Ernesto, *Music Piracy Drops Dramatically, IFPI Shows*, TorrentFreak (Sept. 24, 2019), https://torrentfreak.com/music-piracy-drops-dramatically-ifpi-shows-190924/ (comparing IFPI reports from 2018 to 2019 to find declining numbers of piracy, stream-ripping). *See also infra* notes 7-9.

soared when erstwhile pirates turned to lawful alternatives. More recently, surveys in multiple nations have found unlawful downloading decreasing, while expenditures on legal content increased concurrently with widespread availability of digital content delivery services.[7] At the same time, U.S. creative sectors are reporting double-digit growth, year after year.[8] This growth phenomenon can be observed across the economy.[9]

By contrast, international experiments with "graduated response" — better known as "three strikes" — in which Internet users' broadband access would be suspended after three warnings of suspected piracy, generally proved unsuccessful.[10] For example, the French graduated response implementation had no meaningful impact on piracy rates in France despite great costs, whereas a decline in piracy rates correlated fairly clearly with the introduction of successful new authorized services in the French market, improving the French music industry's general fortune.[11] Similarly, music file sharing declined in Sweden following the founding of Spotify, and a similar reduction in file sharing of films and television occurred when Netflix entered the Swedish market.[12] In short, a comprehensive piracy strategy demands more than consistently

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[7] Joost Poort *et al.*, *Global Online Piracy Study* (IViR (Institute for Information Law) July 2018), https://www.uva.nl/binaries/content/assets/uva/en/news-and-events/global-online-piracy-study---ivir--ecorys-july-2018.pdf. *See also Piratage de contenus audiovisuels en France, Un manque à gagner a minima de 1,18 milliard d'euros* (EY June 2018), https://www.ey.com/fr/fr/newsroom/news-releases/communique-de-presse-ey-piratage-de-contenus-audiovisuels-en-france (piracy numbers declined by 8% from 2016 to 2017, as users streamed less infringing content, and were more willing to pay for content); LaLiga, *Piracy down another 6%* (Apr. 6, 2018), https://www.laliga.com/en-GB/news/piracy-down-another-6; Australian Government, Dep't of Infrastructure, Transp., Regional Dev. & Comms., *2018 online copyright research released* (Aug. 7, 2018), https://www.communications.gov.au/departmental-news/new-online-copyright-research-released-2018 (Australian government survey finding an overall drop in the number of people who accessed unauthorized content in 2018); European Union Intellectual Property Office, *Online Copyright Infringement in the European Union: Music, Films and TV (2017-2018), Trends and Drivers* (Nov. 2019), https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/quantification-of-ipr-infringement/online-copyright-infringement-in-eu/online_copyright_infringement_in_eu_en.pdf ("Between 2017 and 2018, overall access to pirated content declined by 15% in Europe. The decline was most pronounced in music, at 32%, followed by film (19%) and TV (8%).").

[8] Moozicore, *2019 RIAA U.S. Music Industry Revenue Report* (Feb. 27, 2020), https://medium.com/@moozicore/2019-riaa-u-s-music-industry-revenue-report-e386b66ca1c2 (citing *Year-End 2019 RIAA Music Revenues Report*) ("Revenues from recorded music in the United States grew 13% in 2019 from $9.8 billion to $11.1 billion at estimated retail value. This is the fourth year in a row of double digit growth, reflecting continued increases primarily from paid subscription services, which reached more than 60 million subscriptions in the United States."); Motion Picture Ass'n of Am., *2018 THEME Report*, https://www.motionpictures.org/wp-content/uploads/2019/03/MPAA-THEME-Report-2018.pdf ("The combined home and theatrical entertainment market was $96.8B . . . up 25% from 5 years ago").

[9] Michael Masnick & Leigh Beadon, *The Sky Is Rising* (Copia Inst. & CCIA, Apr. 2019), https://skyisrising.com/TheSkyIsRising2019.pdf ("All of the actual data showed tremendous, and often unprecedented, growth in both earnings and creative output").

[10] Michael Ho, Joyce Hung, & Michael Masnick, *The Carrot or the Stick? Innovation vs. Anti-Piracy Enforcement* (Copia Inst., Oct. 2015), https://copia.is/library/the-carrot-or-the-stick/.

[11] *Id.* at 3.

[12] *Id.* at 10-11. *See also* Will Page, *Adventures in the Netherlands*, Spotify (July 17, 2013), http://press.spotify.com/uk/2013/07/17/adventures-in-netherlands; Sophie Curtis, *Spotify and Netflix Curb Music*

telling infringers "no"; it also requires market dynamics where rightsholders can say "yes."

III. Comparative Approaches to Online IP Enforcement

While the remainder of my testimony focuses on online enforcement, it is important to recognize that a considerable component of infringement occurs offline, and that extrajudicial online remedies like notice-and-takedown in the United States are complemented by robust civil and criminal remedies that exceed international standards,[13] as well as taxpayer-funded customs enforcement and processes such as the U.S. Trade Representative's annual Special 301 and Notorious Markets investigations. Online enforcement mechanisms are just one component of this broader tapestry.

A. Notice-and-Action/Notice-and-Takedown

Sometimes referred to as notice-and-takedown or notice-and-action, the DMCA is the current international norm for online copyright enforcement. Numerous other countries have adopted this model or variants of it, such as the Canadian notice model.[14] At the same time, many digital services that are not U.S.-based nevertheless comply with the DMCA, including the Copyright Office's agent designation formalities. For this reason, it is useful to consider DMCA as an international baseline.

In enacting the DMCA, Congress sought to provide rightsholders a means of removing allegedly infringing content without resorting to judicial processes. The DMCA thus forges a delicate compromise where lawful services that respond expeditiously to allegations of infringement and meet various other compliance requirements receive the benefit of liability limitations. This compromise ensures that rightsholders receive rapid, extrajudicial action on claims of infringement in exchange for the responsibility to provide the crucial information that only rightsholders possess: who possesses rights to do what, where, and when.

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and Film Piracy, THE TELEGRAPH (July 18, 2013), http://www.telegraph.co.uk/technology/news/10187400/Spotify-and-Netflix-curb-music-and-film-piracy.html.

[13] *See generally* 17 U.S.C. ch. 5 (providing injunctive relief, actual damages and defendants' profits, statutory damages irrespective of harm, attorney's fees, impoundment and destruction of defendants' property).

[14] A description and observations on the Canadian model can be found in Report of the Standing Comm. on Indus., Sci. & Tech., Canadian House of Commons, *Statutory Review of the Copyright Act* at 90-91, https://www.ourcommons.ca/Content/Committee/421/INDU/Reports/RP10537003/indurp16/indurp16-e.pdf. While some jurisdictions' constitutional constraints limit the extent to which extrajudicial remedies can be implemented, the presence of a common baseline of notice-and-action has proven critical in allowing U.S. digital services to export to markets abroad. *See, e.g.*, Chile's Notice-and-Takedown System for Copyright Protection: An Alternative Approach (Aug. 2012), at 7-8 (describing process of court-ordered notice-and-takedown), https://cdt.org/wp-content/uploads/pdfs/Chile-notice-takedown.pdf.

1. Benefits of the DMCA

Economic research shows that a broad range of online services across the economy utilize the DMCA, which has a corresponding impact on encouraging venture capitalist investment and innovation.[15] Although the DMCA is frequently associated with prominent digital services, an extraordinary number of businesses rely upon it every day: over 11,000 dot-coms alone have complied with the Copyright Office's DMCA agent designation formalities.[16] (In addition to expeditiously responding to notices of claimed infringement and complying with the Copyright Office formalities, DMCA Section 512 compliance also includes maintaining and implementing a procedure for terminating repeat infringers, among other requirements.)

The DMCA makes possible additional private sector cooperation, constructed on top of the DMCA's baseline. Providing rightsholders additional tools and services for content protection and monetization is sometimes referred to as "DMCA-Plus" because these systems exceed the requirements that businesses must meet to qualify for statutory protection under the DMCA. These voluntary, additional layers of protection provide rightsholders opportunities not just to remove infringing content, but also to track and monetize their works online,[17] and rightsholder representatives have acknowledged that the continued innovation in this space has had a noticeable effect on piracy.[18] In addition to DMCA-Plus systems, online services, rightsholders, and user representatives have also collaborated to develop a statement of practices for participants in the takedown process.[19]

Notably, the rogue sites that account for the vast majority of online piracy today do not bother with DMCA compliance programs. Alterations to the framework that lawful services use to provide platforms for millions of creators will not change the behavior of these rogue sites, who disregard the DMCA entirely. Imposing additional liabilities on legitimate businesses therefore overlooks the primary actors in the online piracy ecosystem, which tend to be offshore piracy

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[15] Matthew Le Merle *et al*., *The Impact of Internet Regulation on Early Stage Investment* (Fifth Era 2014), http://www.fifthera.com/s/Fifth-Era-report-lr.pdf; Josh Lerner, *The Impact of Copyright Policy Changes on Venture Capital Investment in Cloud Computing Companies* (Analysis Group 2011), http://www.analysisgroup.com/uploadedfiles/content/insights/publishing/lerner_fall2011_copyright_policy_vc_investments.pdf.

[16] *See* U.S. Copyright Office DMCA Designated Agent Directory, https://dmca.copyright.gov/osp/. Prior to recent re-registration requirements imposed by new Copyright Office regulations, CCIA calculated that online services had made as many as 90,000 filings in response to the agent designation requirement. *See* CCIA Comments, In re Section 512 Study: Notice and Request for Public Comment, U.S. Copyright Office, Docket No. RM 2015-7, at 5 (Mar. 2016).

[17] Jennifer Urban, Joe Karaganis & Brianna Schofield, *Notice and Takedown in Everyday Practice*, University of California Berkeley Public Law Research Paper No. 2755628 (Mar. 2017), https://ssrn.com/abstract=2755628.

[18] U.S. Copyright Office, Section 512 Study Roundtable, Hearing Transcript, Apr. 8, 2019, at 356.

[19] Department of Commerce DMCA Multistakeholder Forum, DMCA Notice-and-Takedown Processes: List of Good, Bad, and Situational Practices, https://www.uspto.gov/sites/default/files/documents/DMCA_Good_Bad_and_Situational_Practices_Document-FINAL.pdf.

operations providing access to digital content that in some cases has been exfiltrated directly from creative companies.

2. Challenges of the DMCA

Due in part to interpretations of Section 512(f), challenges exist regarding misuse of Section 512's takedown process.[20] Sending fraudulent takedowns is relatively costless, and due to recent court decisions carries little risk of penalty. Because digital services face severe, direct costs should they lose liability limitations by not complying with a takedown request, many services naturally default to removing content when complaints meet statutory requirements. While the majority of rightsholders make good faith use of the DMCA, there are numerous well-documented cases of misuse of the DMCA's extraordinary remedy of disappearing content.

Political speech is a frequent target of takedown misuse, a fact that becomes apparent each election season. On Super Tuesday, multiple Democratic candidates were prevented from live streaming their own speeches online due to dubious copyright claims,[21] and Republican candidates have similarly been subjected to questionable copyright claims.[22] These instances tend to produce ire directed at the digital service involved, rather than the wrongful claimant, despite the fact that DMCA-compliant intermediaries currently have no discretion to disregard dubious claims, even those which appear to be brought in bad faith. Congress could address this misuse by restoring force to 17 U.S.C. § 512(f)'s remedy for takedown misrepresentations, or it could provide intermediaries greater leeway to disregard claims which appear to be made in bad faith.

Another challenge that the DMCA has not resolved is the lack of publicly available information about the ownership and licensing status of copyrighted works. Whereas patent information has been digitally available to the public for nearly 20 years, copyright-related information is only available in piecemeal fashion. Not all registration information is digitally available to the

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[20] *Lenz v. Universal Music Corp.*, 815 F.3d 1145 (9th Cir. 2015).

[21] Matthew Keys, *CBS News prevents Bernie Sanders from streaming own speech*, The Desk (Mar. 3, 2020), https://thedesk.matthewkeys.net/2020/03/cbs-news-showtime-twitter-facebook-bernie-sanders-bloomberg/; Mike Masnick, *Bogus Automated Copyright Claims By CBS Blocked Super Tuesday Speeches By Bernie Sanders, Mike Bloomberg, and Joe Biden*, Techdirt (Mar. 4, 2020), https://www.techdirt.com/articles/20200303/21140544029/bogus-automated-copyright-claims-cbs-blocked-super-tuesday-speeches-bernie-sanders-mike-bloomberg-joe-biden.shtml.

[22] *See, e.g.*, Timothy B. Lee, *Twitter blocks Trump 2020 video over Dark Knight Rises music*, Ars Technica (Apr. 10, 2019), https://arstechnica.com/tech-policy/2019/04/twitter-blocks-trump-2020-video-over-dark-knight-rises-music/; Timothy B. Lee, *Twitter nixes Trump Nickelback meme after dubious takedown request*, Ars Technica (Oct. 3, 2019), https://arstechnica.com/tech-policy/2019/10/twitter-nixes-trump-nickelback-meme-after-dubious-takedown-request/; Timothy B. Lee, *Music publisher uses DMCA to take down Romney ad of Obama crooning*, Ars Technica (July 16, 2012), https://arstechnica.com/tech-policy/2012/07/major-label-uses-dmca-to-take-down-romney-ad-of-obama-crooning/.

public, and even that would not resolve the uncertainty over rights ownership that stems from a lack of reliable public record or transparency regarding who owns what. The Librarian of Congress deserves credit for efforts to modernize in this direction, and Congress' decisive action with the Music Modernization Act will contribute to improving the situation, but more needs to be done to facilitate a modern digital marketplace.

B. European Union

One key market for U.S. exporters recently departed from the prevailing notice-and-action framework: the European Union. Until last year, the European E-Commerce Directive had produced a system largely consistent with the prevailing global norm. In 2019, however, the EU finalized changes to its copyright law with the European Union Directive on Copyright and Related Rights in the Digital Single Market, enacted by a narrow margin in the face of considerable public protest.[23] As a Directive (as opposed to a Regulation), Member States will now have to implement the new rules into national law.[24]

The DSM Directive represents a departure from global copyright norms and will have significant consequences for online services, users, and rightsholders. Other jurisdictions, including Australia and Canada, have contemplated approaches similar to the DSM Directive, and rejected them. Unfortunately, it appears that one motivation for the DSM Directive was anti-U.S. animus. European policymakers' statements around the time of the DSM Directive's passage indicate it was motivated in part to disadvantage "big California companies" to the benefit of EU stakeholders.[25] It also will disproportionately disadvantage smaller businesses and rightsholders in the marketplace, distorting online markets toward those services capable of shouldering extreme regulatory burdens and those with significant negotiating power. Misguided foreign regulations such as the DSM Directive can also have the effect of denying those nations' own

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[23] DSM Directive, *supra* note 3.

[24] Member States have until June 2021 to do so and are currently at varying stages of implementation.

[25] *See* Axel Voss, *Protecting Europe's Creative Sector Against the Threat of Technology*, The Parliament Magazine (Feb. 5, 2019), https://www.theparliamentmagazine.eu/articles/opinion/protecting-europe%E2%80%99screative-sector-against-threat-technology (criticizing U.S. businesses specifically). This is also clear from statements made by MEPs following Parliament's adoption. *See, e.g.*, Pervenche Beres, June 20, 2018 ("Bravo aux membres de #JURI qui ne sont pas tombés dans le piège tendu par les #GAFA et ont voté en faveur de la culture et de la création #art13"), https://twitter.com/PervencheBeres/status/1009365360234123264; Statement of Virgine Roziere, June 20, 2018, ("Directive #droitdauteur : après plusieurs mois de débats houleux marqués par un lobbying intense des #GAFAM, la commission #JURI du #PE s'est enfin prononcée en faveur d'une réforme qui soutient les #artistes européens et la #création ! Une avancée pour mettre fin au #Valuegap !"), https://twitter.com/VRoziere/status/1009383585885892609. One European Commission statement made expressly clear that the DSM Directive was targeted at "the big California companies" before it was deleted. *See archived version at* http://web.archive.org/web/20190215114522/https://medium.com/@EuropeanCommission/the-copyright-directive-how-the-mob-was-told-to-save-the-dragon-and-slay-the-knight-b35876008f16.

domestic rightsholders opportunities to monetize content.[26]

Of particular concern is Article 17, which imposes liability on "online content-sharing service providers" for the copyrighted content on their services unless the provider takes steps to ensure the unavailability of copyrighted works on their services, absent a license for practically all copyrighted content. Article 17 also creates an EU-wide "notice-and-staydown" obligation, departing from the U.S. approach.[27] The rules set out in Article 17 appear to mandate the adoption of content-based filtering if an online service is to have any hopes of achieving compliance with the law and avoiding direct liability for third-party content. In light of the well-documented takedown misuse that has resulted from the DMCA's anemic remedies for misrepresentations, Article 17's mandate is likely to result in considerable suppression of lawful content on U.S. services operating in Europe.

Making matters worse, ambiguities within the text of the Directive risk inconsistent rules upon implementation, which will create legal uncertainty and compliance problems for services looking to serve users across the European Union. Article 17 refers often to "best efforts" that must be made by online services to discharge liability in certain circumstances, but provides insufficient guidance on the meaning of this term.[28] It is unclear whether the definition of "best efforts" accounts for existing technological constraints, and interpretations may vary across what is supposed to be a Single Market. Consistent interpretation of what constitutes "best efforts" will be critical to avoid fragmentation and provide online services sufficient direction to enforce copyright policies.[29]

The controversy over the DSM Directive is currently before Europe's high court, the Court of Justice for the European Union, on a complaint from the nation of Poland that the filtering obligations will violate freedom of expression and information.[30] Given that U.S. law and culture prizes freedom of expression, Europe's controversial approach, directed in part at excluding U.S. exports, does not provide a viable model.

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[26] While an uncareful analysis might conclude that American firms benefit when foreign states disadvantage their own domestic firms with poorly crafted regulatory measures, it should be recognized that these nations are themselves export markets for U.S. services and U.S. rightsholders, and regulatory disincentives to operate also disadvantage U.S. exports.

[27] DSM Directive, *supra* note 3 at Art. 17 (4)(c).

[28] DSM Directive, *supra* note 3 at Art. 17 (4)(a-c).

[29] As required by the Art. 17, paragraph 10 of the Directive, the European Commission is currently conducting stakeholder dialogues to discuss best practices for cooperation between online services and rightsholders regarding the requirements set out in paragraph 4 of the Directive. *See* European Commission, Stakeholder Dialogue on the Application of Article 17 of Directive on Copyright in the Digital Single Market, https://ec.europa.eu/digital-single-market/en/stakeholder-dialogue-application-article-17-directive-copyright-digital-single-market (last updated Feb. 10, 2020).

[30] *Republic of Poland v. European Parliament and Council of the European Union*, May 24, 2019, http://curia.europa.eu/juris/document/document.jsf?text=&docid=216823.

IV. Conclusion

Copyright enforcement is an important tool for ensuring that the American creative landscape remains vibrant. In the effort to see robust and effective enforcement, we should not forget that other tools serve an equally important role in promoting creativity, including those lawful services that allow millions of creators to reach worldwide audiences that would, but for modern technology, be entirely out of reach. The Digital Millennium Copyright Act has enabled these tools to exist, thereby greatly expanding opportunities for creative industry participants, ranging from individuals to the largest firms. Other nations' approaches to online enforcement, when not modeled after the DMCA, have fallen short, and provide a cautionary lesson for reforms.