

**Before the
Federal Communications Commission
Washington, D.C. 20554**

**In the Matter of Safeguarding and Securing
the Open Internet**

WC Docket No. 23–320

COMMENTS OF THE MOTION PICTURE ASSOCIATION, INC.

The Motion Picture Association, Inc. (“MPA”) respectfully submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Notice of Proposed Rulemaking* (“NPRM” or “Open Internet NPRM”) in the above-captioned matter.¹ The MPA is a not-for-profit trade association founded in 1922. The MPA serves as the voice and advocate of the film and television industry, advancing the business and art of storytelling, protecting the creative and artistic freedoms of storytellers, and supporting the creative ecosystem that brings entertainment and inspiration to audiences worldwide. The MPA’s member companies are Netflix Studios, LLC, Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Universal City Studios LLC, Walt Disney Studios Motion Pictures, and Warner Bros. Entertainment Inc. These companies and their affiliates are the leading producers and distributors of filmed entertainment, which consumers enjoy via subscription and ad-supported services, by viewing discs or downloaded copies from online retailers, and by visiting theaters.

The MPA appreciates the opportunity to comment on the Commission’s Open Internet NPRM. MPA takes no position on whether the Commission should adopt its proposed net neutrality rules, but we applaud the Commission’s effort to safeguard anti-piracy activities under its proposed rules. Specifically, MPA commends the Commission’s inclusion of the following language in proposed section 8.2(f) affirming the ability of broadband providers to continue to address the scourge of online piracy:

Nothing in this part prohibits reasonable efforts by a provider of broadband internet access service to address copyright infringement or other unlawful activity.²

As the Commission correctly recognizes,³ this proposed rule would align with the FCC’s *2015 Open Internet Order*,⁴ which underscored that the Commission’s open internet rules “are

¹ Federal Communications Commission, *In the Matter of Safeguarding and Securing the Open Internet*, WC Docket No. 23-320, Notice of Proposed Rulemaking, 88 Fed. Reg. 76048 (Nov. 3, 2023).

² *Id.* at ¶ 195; *see also Id.*, Appendix A, Proposed Rules, Part 8 Amended, §8.2(f).

³ NPRM at ¶ 195.

⁴ Federal Communications Commission, *In the Matter of Protecting and Promoting the Open Internet*, WC Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5733 (2015) (“*2015 Open Internet Order*”). We note that this language was also adopted in the Commission’s *2010 Open Internet Order*. *See* Federal Communications Commission, *Preserving the Open Internet; Broadband Industry Practices*, GN Docket No. 09-191, WC Docket No. 07-52, Report and Order, 25 FCC Rcd 17905, 17964-65 (2010) (“*2010 Open Internet Order*”) (“We emphasize that open Internet rules do not alter copyright laws and are not intended to prohibit or discourage voluntary practices undertaken to address or mitigate the occurrence of copyright infringement.”).

not intended to prohibit or discourage voluntary practices undertaken to address or mitigate the occurrence of copyright infringement.”⁵

The protection of anti-piracy efforts is vital to the health of the national economy and helps preserve the MPA’s ability to combat infringement of its members’ intellectual property. Copyright infringement—and particularly online piracy—is a pervasive national and global issue that costs companies and economies billions of dollars in lost revenue and jobs, and it diminishes the value of creative works. For example, recent data indicates that in the United States, there are more than two million monthly visitors to the ten most popular streaming piracy sites.⁶ Annually, there are over one billion illegal downloads of content produced by the MPA’s members and other content creators, including pirated wide-release movies, primetime television, and video-on-demand shows.⁷ Overall, these egregious acts are estimated to cost the U.S. economy over \$29 billion a year in lost revenue.⁸

MPA’s members work closely with internet service providers (“ISPs”) and other key stakeholders in the internet ecosystem, both here in the U.S. and around the globe, to fight online piracy. This work is protected under federal law. As the MPA has previously stated to the Commission: “[C]opyright owners and content providers have a right under the Copyright and Communications Acts to combat theft of their content, and the law encourages internet intermediaries to collaborate with content creators to do so.”⁹ The Commission’s proposed rule confirming that the adoption of its open internet standards would not inhibit ISPs’ ability to address copyright infringement is thus consistent with existing federal law and provides affirmative support for the continuation of the MPA’s robust anti-piracy efforts. Therefore, if the NPRM is adopted by the Commission, MPA requests that this proposed rule be retained.

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Respectfully submitted,

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⁵ *2015 Open Internet Order*, 30 FCC Rcd at 5733, ¶ 304.

⁶ Alliance for Creativity, 2021 Movie & TV Piracy Trends Worldwide, https://www.alliance4creativity.com/wp-content/uploads/2022/11/ACE-Piracy-infographic-2021_final.pdf.

⁷ *Id.*

⁸ *Id.* (citing NERA Economic Consulting and the U.S. Chamber Global Innovation and Policy Center, *Impacts of Digital Video Piracy on the U.S. Economy* (June 2019), <https://www.theglobalipcenter.com/wp-content/uploads/2019/06/Digital-Video-Piracy.pdf>).

⁹ Federal Communications Commission, *In the Matter of Restoring Internet Freedom*, WC Docket No. 17-108, Reply Comments of the Motion Picture Association of America (Aug. 30, 2017), pp. 3-4 (citing 17 U.S.C. §§ 106 and 512), <https://www.motionpictures.org/wp-content/uploads/2018/03/170830-MPAA-Net-Neutrality-Reply-final.pdf>.