

September 4, 2018

Dear Representatives Chu, Diaz-Balart, Lujan Grisham, and Richmond:

We represent leading film festivals and professional, educational and advocacy organizations committed to showcasing the creativity of diverse voices and fostering opportunities for creators of color. We write to highlight our own perspective on how the lack of accountability for dominant internet platforms causes serious harms and undermines trust online, as have other members of the creative community like film and television studios,¹ unions and guilds² and creative coalitions.³

The internet has revolutionized the way we communicate, conduct commerce and express ourselves and the creative industries are on the leading edge of this digital transformation. But a rising tide of illegal and harmful conduct is causing many to question today's online status quo.

As creators, we are keenly aware of the responsibility we bear for our creative decisions, which can have consequences for our communities and society, not to mention our own careers. But online, little such accountability exists, because expansive "safe harbor" laws have largely absolved internet platforms from responsibility for the content they choose to display to users. As such, there have been few consequences for the dissemination of illegal and abhorrent content online, and the problems this arrangement creates are becoming increasingly apparent.

For us, the notion that the internet would enable creators to realize our artistic visions without interference from financiers, distributors or other stakeholders – and find and engage with audiences on our own terms – was supposed to revolutionize the industry. This was supposed to be particularly true for diverse creators, who have long struggled to produce and distribute our stories.

However, that vision of the internet looks increasingly remote. Many online platforms haven't provided new creative freedoms or financial support for new productions. Worse, dominant online platforms have turned a blind-eye to the massive theft and exploitation of creative works on the internet.

While superhero movies backed by large studios have the scale, reach and anti-piracy resources to withstand online theft, movies and shows produced with different audiences in mind often do not. For instance, According to Box Office Mojo, the 2017 Best Picture winner *Moonlight* grossed \$65 million worldwide theatrically,⁴ which translates to approximately 9 million tickets

¹ <https://www.mpa.org/wp-content/uploads/2018/04/180410-MPAA-FB-hearing-Senate-letter.pdf>

² <https://deadline.com/2018/04/dga-sag-aftra-iatse-urge-congress-update-internet-copyright-law-facebook-cambridge-analytica-1202372582/>

³ <https://d31sjue3f6m1dv.cloudfront.net/wp-content/uploads/2018/06/14163309/Facebook-Senate-Letter-%E2%80%93-4.18.18-FINAL.pdf>

⁴ www.boxofficemojo.com/movies/?page=main&id=moonlight2016.htm

sold. From its release until shortly after winning the Best Picture Award, online analytics firm MUSO calculated that there were roughly 60 million piracy transactions – over 650% more than paid ticket sales. If 5% of the pirated transactions had been paid theatrical ticket sales, the film would have earned an additional \$21 million. If just 5% of the pirated transactions had been paid downloads at a conservative price of \$3.00 per download, the film would have earned an additional \$9 million.

Those kinds of numbers are life or death for an independent film.

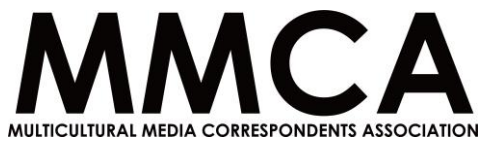
As creators and artists, we celebrate the internet as a platform for creativity, expression and innovation. But we are deeply concerned that if something isn't done to make it a safer, more equitable, more welcoming place, the promise of the internet will be lost.

As Congress considers next steps in investigating dominant internet platforms, we encourage you to explore the historical choices that have led to these alarming trends and abuses. Sending tech leaders on Congressional apology tours and *mea culpa* TV ad blitzes will not by themselves produce accountability or fix what ails the internet.

Thank you for your efforts to advance a national conversation about how we can restore the original promise of the internet. We appreciate your leadership on these vital issues.

Sincerely,





cc: Congressional Asian Pacific American Caucus
Congressional Black Caucus
Congressional Hispanic Caucus
Congressional Hispanic Conference