Cultural Daily

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If You're Reading This, the Internet Ain't Broke

Ruth Vitale · Wednesday, August 5th, 2015

Netflix.com is working. So is HBONow. Same with Amazon Prime, Hulu, iTunes, and dozens more of the many digital platforms that offer films and television shows for legal download or streaming.

I've been looking all day for problems – for proof that the internet is broken and that I might be denied access to *The Blacklist* or one of my other favorite TV shows or movies. Strangely, I have not found a single "404 error" on any of these sites. The internet appears to be working just fine, at least for the legit companies that pay to license the creative works they distribute.

Why am I wasting time checking the operating status of all these sites? You see, yesterday, I read this blog post by Electronic Frontier Foundation lawyer Mitch Stoltz with great concern. In it, Stoltz explains how the court-ordered takedown of a pirate site, MovieTube, could lead us down a dangerous slippery slope towards Chinese-style censorship or internet Armageddon.

I'll be damned if anyone is going to block my access to James Spader, that sexy spy boy (whose name I don't know), and whatever crazy plot twist showrunner Jon Bokenkamp throws at me next. Even my dog, Bear, knows better than to stand between me and my iPad on nights when I'm catching up on old episodes.

Stoltz breaks down for us how a handful of big meany Hollywood studios go about using the federal courts to abuse the rights of poor, defenseless pirate site operators:

> These entertainment distributors choose non-US website owners who are unlikely to garner much sympathy with the public and are unlikely to show up in a U.S. court to defend themselves. They speed up court processes by instilling a false sense of urgency, giving Internet companies and defenders of the public interest little time to weigh in. The courts, seeing little or no formal opposition, put their stamp on broad site-blocking orders written by the entertainment companies. The companies then have a legal banhammer to use against any Internet company who could possibly help force the foreign site off of the Internet—and even some that can't.

Stop the presses! They're going after unsympathetic criminals who probably won't bother to show up in court to defend themselves?! And they're doing it so quickly that "internet companies and defenders of the public interest" do not have enough time to weigh in?!

The Electronic Frontier Foundation insists that well-supported claims against a pirate website that goes so far as to boast about being outside the reach of U.S. laws constitutes internet censorship and collateral damage. Could there be a bigger red herring? Is there anyone left who still believes this crap?

Until now, the people behind MovieTube have been distributing unauthorized copies of creative content from an undisclosed offshore server – outside the reach of U.S. law. The court order being sought in this lawsuit requires other companies based in the U.S., such as advertisers, hosting providers, and domain name registries, to cease doing business with the pirate site. As it turns out, once the complaint was filed, the operators of MovieTube shut down their websites, probably because – again, in their own words – they likely knew what they were doing was illegal.

If the server was based in the U.S., we would not even be talking about this, because U.S. laws prohibit the act of running a pirate site. That means instead of checking all legitimate sites for broken links I could have taken a longer lunch break. I should have known the internet wasn't broken. After all, I saw the EFF article in my Twitter feed, and then I clicked on the link that took me – immediately – to the EFF website. The only thing broken was EFF's logic.

MovieTube was making a profit from stolen creative content by selling ads. Many people don't realize that piracy is a for-profit, black market business. Top pirate sites can bring in millions of dollars annually through advertising or subscription payments processed by credit card companies. Unlike legal distribution platforms that compensate creative professionals and help sustain a strong creative economy, none of the revenue generated by pirate sites rewards creativity and hard work.

Many of us in the creative community wonder why the Electronic Frontier Foundation goes to such great lengths over and over again to defend the actions of criminals who make it even harder to make a living doing what we love – telling stories and creating new worlds that audiences love. I have a number of friends and colleagues who work in entertainment and they are supportive of other EFF initiatives that are aimed at real harms, but they scratch their heads at its defend-piracy-at-all-costs posture.

I know that "stop censorship" and "don't break the internet" were effective talking points more than three years ago. That's the past and a reference to legislative history. I think we're all a bit wiser now. Can we finally collectively agree that piracy is not free speech? Can we celebrate that the proliferation of legal digital alternatives – achieved through the fusion of Silicon Valley technological genius and good old fashioned creative capital – has benefited audiences, artists, and tech companies alike?

If we can come to that understanding, I and many in Hollywood would applaud EFF's efforts to eliminate real censorship all over the world – but EFF's relentless attacks on efforts by creative industries to protect their work damages its credibility.

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Hey sexy spy boy: if you're reading this… Since the internet isn't broken, I just found you on IMDB. You know who you are. Look me up. My email appears to still be working, too.

As for you, Mr. Stoltz: Sorry, I'm not interested in boys who continually cry wolf.

This article originally appeared on Ruth Vitale's LinkedIn page; reposted with permission.

Photo from The Blacklist courtesy NBC.

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