

Date:

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Dear [Victoria Espinel](#),
United States Intellectual Property Enforcement Coordinator,

The Copyright Alliance and A2IM (the U.S. independent music label trade organization) have informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights as a creator.

As an independent record label with over 30 quality recording artists protecting and securing the rights of our performers is paramount to our success. For example, our artist Seasons After is currently #19 on the Active Rock Chart with their single "Cry Little Sister," and I would like to share with you a basic Profit and Loss analysis associated with this artist:

Seasons After - Expenses

Recording & Development	\$25,000
Promotion & Marketing	\$50,000
<u>Tour Support & Merchandise</u>	<u>\$25,000</u>
Total	\$100,000

Seasons After - Sales

Digital & Physical Sales	\$50,000
<u>Merchandise & Touring</u>	<u>\$10,000</u>
Total	\$60,000

Illegal Download – Loss

Cry Little Sister	35,134 Downloads (source http://www.alivedownload.com/dl/seasons+after+cry+little+sister+rapidshare)
Cry Little Sister	34,773 Downloads within the last 10 days from just 10 of the 4,366 torrent sites listed here (source http://www.torrenthound.com/search/3/seasons+after+cry+little+sister)
Total	-\$300,000 (conservative) estimate of illegal download loss in revenue.

This is in no way a complete list of all of the illegal bit torrent sites that allow users to illegally download my artist's creative work.

Here is Seasons After's P&L currently:

Expenses	\$100,000
<u>Sales</u>	<u>\$60,000</u>
Loss	(-\$40,000)

But for, illegal downloading, here is where Seasons After ought to be conservatively speaking:

Expenses	\$100,000
Sales	\$360,000
Profit	\$260,000

This is a general overview and not empirical, however, we have tried to err on the side of being conservative with these figures. This brings up the first of one of

my major concerns:

We need a system in place that accurately identifies and accounts for all illegal download activity. If the scope and depth of the issue of illegal downloading is unknown, then how can a system or policy be put into place that addresses it?

Secondly, if websites like Big Champagne and others claim to have statics and even charts on the top illegally downloaded songs then the logical place to start is with those companies that report to know the scope and depth of the issue.

Earlier this year, research firm Big Champagne put out global statistics. It put the total number of illegal downloaders at 55 million, with the US accounting for 47% of this activity. Source (<http://www.worldtvp.com/blog/heroes-lost-top-illegal-download-charts/>)

It would seem to me that if the United States accounts for 47% of illegal download activity then it ought to have the obligation to increase its protection of the rights of its copyright holders. In the case of Seasons After, a huge injustice is being perpetrated to the tune of over a quarter million dollars.

In closing, what is the purpose of a United States copyright if it fails to protect the very creative work it was designed and signed into law to protect?

Respectfully submitted,

Mark A. Evans

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