



BRAD BUCKLES
EXECUTIVE VICE PRESIDENT, ANTI-PIRACY

July 30, 2015

Eric Klinker
Chief Executive Officer
BitTorrent, Inc.
303 Second St, Suite S600
San Francisco, CA 94107

Dear Mr. Klinker,

This year marks the 10th anniversary of BitTorrent, Inc.'s development of a distributed hash table (DHT) approach to file distribution, and yet, as we have previously discussed with your company, we remain very concerned about the overwhelming use of BitTorrent, Inc. developed clients to infringe our members' content. Consider, for example, the following:

- The software client applications developed, marketed, and distributed by BitTorrent, Inc. facilitated approximately 75% of the over 1.6 million torrent based infringements of our members' works in the United States upon which a notice was sent in 2014.
- Based on a random sample of 500 torrents containing audio content that was selected from data obtained from BitTorrent, Inc.'s DHT, 82.4% were found to be commercially available and therefore highly likely to be protected by copyright.
- 99 of the top 100 most popular music torrents in the Music category on one of the most popular torrent portals, KickassTorrents, were found to be infringing.

BitTorrent, Inc.'s most popular clients, uTorrent and BitTorrent, are used by millions of people and the number of infringements of our members' content far exceeds the number of notices we have sent to date. Matt Mason, the Chief Content Officer at BitTorrent has stated that "The piracy happens outside the BitTorrent ecosystem". But, as the above data clearly shows, this argument is disingenuous when BitTorrent, Inc. itself is the source of the software that is used so overwhelmingly for infringement.

Mr. Mason has also said: "If you're using Bit Torrent for piracy, then you're doing it wrong." We urge BitTorrent, Inc. to live up to those words and to take meaningful steps to deter this widespread infringement occurring using its own products and services.

We also note that there has been recent press about harmful software and viruses associated with BitTorrent, Inc. and its products. It is well known that piracy and malware/viruses often go hand in hand. Providing adequate safeguards to address these issues is vital to regain consumer trust.

Attached is a subset of the list of verified hashes of files of our members' works that have and are likely continuing to be infringed via BitTorrent, Inc.'s products and services. We are willing to establish a process to share the hashes with BitTorrent, Inc. on a regular basis so that BitTorrent, Inc. can use the information to deter further infringement of those files via its goods and services. We also know of several companies that offer services to help identify infringing torrent sites and files that may be useful in helping BitTorrent, Inc. deter piracy through BitTorrent, Inc.'s products and services.

To quote Mr. Mason yet again, "We don't endorse piracy." If that is indeed your business philosophy, then we believe it is only right and proper for BitTorrent, Inc. to take steps to reduce their facilitation of infringement. We look forward to hearing from you on next steps.

Sincerely,



Brad Buckles
Executive Vice President, Anti-Piracy

Attachment

