THE Authors Guild

October 11, 2021

Daniel Lee,
Assistant U.S. Trade Representative
for Innovation and Intellectual Property (Acting),
Office of the United States Trade Representative

**Re: Docket Number USTR–2021–0013 - 2021 Review of Notorious Markets for
Counterfeiting and Piracy**

Dear Mr. Lee:

The Authors Guild is grateful for the opportunity to submit these comments in response to the Office of the United States Trade Representative's request in connection with its 2021 Review of Notorious Markets for Counterfeiting and Piracy (Notorious Markets List). We are nominating two notorious online marketplaces that we would like to see included in the upcoming Notorious Markets List.

The Authors Guild is a national non-profit association of more than 11,500 professional writers, many of whom struggle daily to combat the unauthorized online distribution of their works. Founded in 1912, the Guild counts historians, biographers, academicians, journalists and other writers of nonfiction and fiction as members. The Guild works to promote the rights and professional interests of authors in various areas, including copyright, freedom of expression, and taxation. Their work covers important issues in history, biography, science, politics, medicine, business and other areas; they are frequent contributors to the most influential and well-respected publications in every field. As an organization whose members rely on copyright for their professional activities and livelihoods, the Guild has a fundamental interest in protecting American writers from rampant online piracy.

Digital book piracy is a major threat facing authors' livelihoods today. Authors' incomes from books—already at historical lows due to changes in the publishing marketplace over the last decade as a result of the rise of Amazon and other tech giants—are squelched even more by the countless purveyors of pirated ebooks that operate across the internet with impunity through websites that are easily accessible via Google, social media accounts, and other channels. According to the 2018 Authors Guild Income Survey—the largest survey of writing-related earnings by American authors ever conducted—mean writing incomes for full-time professional authors stood at $20,300 per year, a 42% reduction in real dollars from a decade prior.[i]

It is no coincidence that the precipitous decline in authors' incomes is taking place against the backdrop of astronomical growth in digital book piracy. Every year the publishing industry loses hundreds of millions dollars to illegal ebook downloads.[ii] Whenever a publisher loses a potential book sale to piracy, the book's author loses royalty income. The impact of piracy is even greater on self-published authors who bear the costs of book production, editing, distribution, marketing, and promotion all on their own. Illegal book downloads pose a serious and devastating risk to their investments, which could be in the thousands of dollars.

Today, accessing pirate ebook sites is easier than ever. With a few clicks, anyone on the internet can download an illegal copy of virtually any copyrighted book. Rogue sites devoted to illegal copies of ebooks, many of which earn money from advertising, are accessible through Google and other search engines and even show up in general search results for book-related queries. In response to a certain number takedown notices—usually, it appears, in the thousands or tens of thousands—Google will demote such sites in general search results, but it does not take the links down or disable access, allowing anyone who knows the name of the site to access it by typing it in the search bar.

The Authors Guild respectfully requests that USTR consider for inclusion in the 2021 Notorious Markets List two of the largest and most visited trade ebook pirate repositories in the US and the world: the Library Genesis Project (Libgen) and Z-Library. Libgen has been named in the USTR's Review of Notorious Markets every year since 2016.[iii] The 2017, 2018, 2019, and 2020 USTR Notorious Market lists included Libgen in connection with Sci-Hub, a notorious repository of pirated scientific and journal articles that shares Libgen domains to distribute pirated content.[iv] We respectfully urge you to continue its inclusion in the 2021 list since Libgen remains one of the most popular destinations for pirated ebooks in the world. In past USTR reviews, Z-Library has been mentioned in passing as one of Libgen's mirrors. While both sites appear to share collections, we believe that Z-library and Libgen are distinct entities. Z-library has emerged as a vastly popular, high-volume source of illegal ebook downloads in recent years, and as such, deserves individual notice apart from any interdependency between it and Libgen.

Serving a staggering volume of books, magazines, articles, and comics, Libgen and Z-Library exemplify the untrammeled growth of pirate ebook operations. Libgen evaded a $15,000,000 default judgment and permanent injunction resulting from Elsevier's 2015 civil lawsuit, where it was a co-defendant along with Sci-Hub and Sci-Hub's founder Alexandra Elbakyan. In addition, authors and publishers routinely send takedown notices to search engines, web-hosts, and domain services providers targeting both Libgen and Z-Library domains;[v] yet, despite these notices, domains for both Libgen and Z-Library continue to rank among the 10,000 most popular locations on the entire global internet as illustrated by the Alexa rankings cited below.

1. **The Library Genesis Project (Libgen)**

On the endless and ever-growing list of notorious pirate networks, the Library Genesis Project (Libgen)—a 33 terabyte repository of pirated ebooks, articles, comics, and other copyrighted works—inarguably ranks at the top. Over the years, the site has become a household name, and is popular among college students who share links to its mirrors on social media as a means for acquiring free books. Through its many domains and mirrors, described below, it is estimated that Libgen serves 2.4 million non-fiction books, 80 million science magazine articles, 2.2 million fiction books, 0.4 million magazine issues, and 2 million comics strips.[vi] With the

exception of Sci-Hub founder Alexandra Elbakyan, who is believed to be domiciled in Russia and may be involved in Libgen's operations, the identities and locations of Libgen's principals is unknown.[vii]

Libgen's domains can be easily accessed through Google searches for "Libgen" even if the internet user does not know the exact URL. According to Alexa reports, most users find the sites by simply searching for "libgen" in search engines. (A Google search for "libgen" conduced on October 10, 2021 had these as the top three results: libgen.is; reddit.com/r/libgen; and libgen.li). What's more, dedicated guides,[viii] subreddits like r/libgen, and other online communities post updated lists of active Libgen URLs, ensuring that consumers of pirated ebooks can always find the new locations if others are taken down. Despite a permanent injunction in the Elsevier lawsuit, which caused the libgen.org, sci-hub.org, bookfi.org, e-libgen.org and other Sci-Hub/Libgen domains to shut down, the operators simply moved to other mirror sites, including libgen.is, libgen.rs, and libgen.li.

      i.   Domains Used

Libgen operates through a number of mirror domains. It freely disseminates the source code, library architecture, and its pirated repositories to allow anyone to set up a mirror library,[ix] making it difficult to determine which of the many domains serving its collections at any given time are directly under control of the Libgen operators as opposed to being independently run but affiliated.[x]

Below is a list of some of the most commonly accessed, currently active and past Libgen domains.

Active: gen.lib.rus.ec; libgen.gs; libgen.li; libgen.rs; libgen.is; libgen.st; libgen.lc; libgen.pw; libgen.fun; libgen.me

Past: libgen.io; libgen.nl; libgen.org

Domain Registration Information: Below is a summary of "whois" records[xi] for some of Libgen's most popular domains:

libgen.rs*
Registrar: NINET Company (Serbia)
Registrant: 1337 Services LLC, P.O. Box 590, Charlestown, Saint Kitts and Nevis

libgen.is*
Registrar: ISNIC (Iceland)
Registrant: 1337 Services LLC, P.O. Box 590, Charlestown, Saint Kitts and Nevis

libgen.li
Registrar: Sarek (Finland)
Registrant: Undisclosed

libgen.fun

Registrar: Namecheap (USA)
Registrant: Undisclosed

libgen.me
Registrar: TLD Registrar Solutions (UK)
Registrant: Undisclosed

libgen.pw
Registrar: TLD Registrar Solutions (UK)
Registrant: Undisclosed

     ii.   Traffic and Volume

Libgen's domains are not only the most high-traffic locations for pirate ebook acquisitions, they rank among the most high-traffic locations overall on the global internet. On October 8, 2021, the domain libgen.rs **ranked #2758** (among the over-1.8 billion websites that are estimated to be active currently) in Alexa's global internet engagement over a 90-day period. Other commonly used domains libgen.is and libgen.li ranked at #4515 and #8951 respectively. This rank is calculated using a combination of average daily visitors to this site and pageviews on this site over the past 3 months (for reference, Google.com ranks #1 in Alexa rankings as the most visited site in the world). Further, traffic from the U.S. comprised the largest percentage of the total visitors for libgen.is, libgen.rs, and libgen.li,[xii] with Google.com as the top conduit despite the volume of takedown notices it gets about Libgen from rights holders. According to the Lumen database, libgen.io, one of Libgen's now defunct high-traffic domains, has clocked over 10,000 takedown notices, and a current active high-traffic domain libgen.is has received over 5,000 notices.[xiii]

     iii.   Revenue Sources

The Libgen project and affiliated domains primarily earn revenue by collecting donations (commonly in cryptocurrency), though some of its domains may also earn revenue from advertising.[xiv]

2. Z-Library

Z-Library (also known as B-ok.cc) is a notorious pirate site that uses—and possibly contributes to—the Libgen repository. Even though Libgen and Z-Library are two different pirate sites, they appear to maintain a close degree of interdependency: Libgen domains link out to Z-Library as one of the options for downloading illegal ebooks, and in a recent interview Alexandra Elbakyan, founder and operator of Sci-Hub, who maintains close ties to Libgen, referred to Z-Library as a "mirror" of LibGen.[xv]

Z-Library has reached a level of notoriety that rivals, if not exceeds, that of Libgen. The hashtag #zlibrary on popular social media platform TikTok has 4 million views,[xvi] in reference to the countless videos posted by college and high school students and others across the world promoting it as the go-to place for free ebooks. Users of both Libgen and Z-library have noted

that the latter offers an easier user interface and additional features, notably a full-text search function, which may be one of the reasons for the site's popularity. As with Libgen, Z-Library's name recognition and notoriety are a significant factor driving traffic to the sites. Accessing active domains is as easy as typing "Z-library" in a search engine.

So far there have not been any significant enforcement actions against Z-Library of which we are aware. In March 2021, Chinese domain services providers suspended several Z-library's domains in response to complaints from Harvard Business Publishing, however, the domains were reinstated after Z-Library removed the publications identified in the complaints.[xvii] According to the Lumen Database, the domain 1lib.us, currently one of Z-Library's principal domains, has amassed more than 10,000 DMCA notices since 2020, as has the domain z-lib.org.[xviii]

i. Domains Used

Below are Z-Library's most commonly accessed, currently active and past domains.

Active: z-lib.org; 1lib.us; singlelogin.me; singlelogin.org; booksc.org; 3lib.net; b-ok.africa; book4u.org (redirects to 1lib.us)

Past: b-ok.cc; z-library.org

Domain Registration Information

Z-library serves pirated ebooks through a network of domains that appear to be registered with companies around the world. Registrant information, such as names and locations, for many Z-library domains are protected by "whois" privacy guards; however, in a few cases shell companies based in Saint Kitts and Nevis and Hong Kong are listed as the registrants.[xix]

1lib.us
Registrar: Tucows Domains Inc. (Canada/US)
Registrant: Aorigele Aorigele, Great Library of Earth, Unit 67, 6/F, 131-132 Connaught Road West, Solo Workshops, Hong Kong, 453300, Phone: +7.9500212459, feedback.bookos@gmail.com

z-lib.org
Registrar: Tucows Domains Inc. (Canada/US)
Registrant: Undisclosed

singlelogin.me*
Registrar: Sarek (Finland)
Registrant: 1337 Services LLC, Charlestown, Saint Kitts and Nevis
(note that the registrant information for this domain matches the registration domain for the libgen.is domain)

singlelogin.org
Registrar: Todaynic (China)
Registrant: booza, Russia

booksc.org
Registrar: Internet Domain Service BS Corp (Bahamas)
Registrant: Undisclosed

3lib.net
Registrar: Tucows Domains Inc. (Canada/US)
Registrant: Undisclosed

    ii.   Traffic and Volume

On October 8 2021, Z-library's z-lib.org domain ranked #5301 in Alexa's global engagement rankings, 1lib.us ranked #8182, and booksc.org ranked #16,326. Traffic from the U.S. comprised the largest percentage of the total visitors for 1lib.us (99.6%), z-lib.org, and libgen.li,[xx] with Google.com as the top conduit. Through its many domains, Z-library professes to serve over 8 million books and over 84 million articles.[xxi]

    iii.   Revenue Sources

Z-library also relies primarily on donations for its revenue needs, however, unlike Libgen, it also appears to offer a paid premium service (for a recurring donation) with expanded features such as "send-to-Kindle" and text conversion.[xxii] Z-Library also runs successful fundraising campaigns to raise money for operation costs.[xxiii]

3. Impact on Authors

The quotes below are from just a few of the authors who regularly send us reports about pirated copies of their books on LibGen and Z-Library, describing the very real personal and financial impact of Libgen and Z-Library's mass piracy on authors.

"On the very morning that it was published, a copy of the book was posted for free on Library Genesis. Many of my students that day congratulated me on publication and informed me, as if proudly, that they had already downloaded it, as they do most of their books, from Library Genesis. The site now has at least 90 versions of all of my books, in multiple languages, available for free on its site."
    -   Author wishes to remain anonymous

"If you search for my name on Libgen, you get 1,377 results distributed over 56 pages. That is 1,377 pirate copies of virtually all of my books in multiple languages and file formats."
    -   Douglas Preston, Authors Guild President

"Z-Library is killing us. A book we release in the morning is up on Z-library by lunchtime. All my books are up there. Furthermore, all the books I've published in my new imprint are up there. So I have a dozen authors in despair. This isn't the only site that hurts us, but it's the site that keeps showing up in Tiktok videos."
    -   Sarina Bowen, NYT-bestselling author

4. Final Remarks

Given the staggering scope of their collections, which often include publishers' entire back and front lists, as well as countless self-published ebooks, Libgen and Z-Library's impact on professional authors is incalculable and truly devastating. We hope that you will find the information provided in our comments helpful, and that the Office of the U.S. Trade Representative will use its resources to elicit cooperation from countries from which these pirate ebook platforms are operated or served. Thank you for your continued concern for the well-being of hard working American writers and other creators.

Respectfully submitted,

Mary E. Rasenberger
CEO
The Authors Guild

i Authors Guild Income Survey, Jan. 5 2019, https://www.authorsguild.org/industry-advocacy/authors-guild-survey-shows-drastic-42-percent-decline-in-authors-earnings-in-last-decade/

ii Imke Reimers, *Can Private Copyright Protection Be Effective? Evidence from Book Publishing* (2016), 59 J. L. & ECON. (2016): 411, 414, https://doi.org/10.1086/687521 ("While physical formats are not affected by piracy protection, closer substitutes for online piracy such as legally distributed e-books see a mean differential protection-related increase in sales of at least 14 percent."); Aa study by Nielsen and Digimarc in 2017 estimated that pirates were selling 315 million dollars of stolen ebooks a year to illegal downloads), https://www.digimarc.com/about/news-events/press-releases/2017/03/14/e-book-piracy-costs-publishers-$315-million-in-lost-sales

iii OFFICE OF THE U.S. TRADE REP., 2016 OUT-OF-CYCLE REVIEW OF NOTORIOUS MARKETS 8 (2016), *available at* https://ustr.gov/sites/default/files/2016-Out-of-Cycle-Review-Notorious-Markets.pdf; OFFICE OF THE U.S. TRADE REP., 2017 OUT-OF-CYCLE REVIEW OF NOTORIOUS MARKETS 16 (2017), *available at* https://ustr.gov/sites/default/files/files/Press/Reports/2017%20Notorious%20Markets%20List%201.11.18.pdf; OFFICE OF THE U.S. TRADE REP., 2018 OUT-OF-CYCLE REVIEW OF NOTORIOUS MARKETS 25 (2018), *available at* https://ustr.gov/sites/default/files/2018_Notorious_Markets_List.pdf; OFFICE OF THE U.S. TRADE REP., 2019 OUT-OF-CYCLE REVIEW OF NOTORIOUS MARKETS 27 (2019), *available at* https://ustr.gov/sites/default/files/2019_Review_of_Notorious_Markets_for_Counterfeiting_and_Piracy.pdf; OFFICE OF THE U.S. TRADE REP., 2020 OUT-OF-CYCLE REVIEW OF NOTORIOUS MARKETS 29 (2020), *available at* https://ustr.gov/sites/default/files/files/Press/Releases/2020%20Review%20of%20Notorious%20Markets%20for%20Counterfeiting%20and%20Piracy%20(final).pdf

iv Daniel Himmelstein et al., *Sci-Hub provides access to nearly all scholarly literature*, E-LIFE (2018), *available at* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5832410/

v Library Genesis was a named co-defendant in Elsevier's lawsuit against scientific article pirate database Sci-Hub and its founder/operator Alexandra Elbakyan. *Elsevier Inc. v. Sci-Hub, et. al*, *The Library Genesis Project d/b/a Libgen.Org, et al.,* No. 1:2015cv04282 (S.D.N.Y 2015), *available at* https://cases.justia.com/federal/district-courts/new-york/nysdce/1:2015cv04282/442951/53/0.pdf?ts=1446304631

vi https://libgen.onl/

vii *See for e.g.,* Complaint at 9, *Elsevier v. Sci-Hub.org et al.*, No. 1:2015cv04282 (S.D.N.Y 2015), *available at* https://cdn.arstechnica.net/wp-content/uploads/2016/02/sci-hub.pdf (noting that plaintiff was "unaware of the true names and capacities of the individuals named as Does 1-99 in this Complaint (together with Alexandra Elbakyan, the "Individual Defendants"), and their residence and citizenship is also unknown.")

viii See for e.g., Library Genesis Guide: Your guide to using Library Genesis, https://librarygenesis.net/ (last accessed Oct. 8, 2021)

ix SHADOW LIBRARIES: ACCESS TO KNOWLEDGE IN GLOBAL HIGHER EDUCATION 28 (Joe Karaganis, ed. 2018) ("Although ordinary users can search the catalog and retrieve the texts, LibGen's main focus is the distribution of its own library infrastructure, including its source code, catalog, and terabyte-sized collection to anyone who wants to start his or her own library. In practical terms this means that anyone can freely take a copy of LibGen and start distributing text under his or her own terms.").

x https://forum.mhut.org/viewtopic.php?p=9000

xi List of "Whois" results for the various domains on October 8, 2021:
https://www.godaddy.com/whois/results.aspx?checkAvail=1&domain=libgen.is&domainName=libgen.rs;
https://www.godaddy.com/whois/results.aspx?checkAvail=1&domain=libgen.is;
https://www.godaddy.com/whois/results.aspx?checkAvail=1&domain=libgen.is&domainName=libgen.fun;
https://www.godaddy.com/whois/results.aspx?checkAvail=1&domain=libgen.me&domainName=libgen.pw;
https://www.godaddy.com/whois/results.aspx?checkAvail=1&domain=libgen.me&domainName=libgen.me (last accessed Oct. 8, 2021)

xii According to Alexa records accessed on October 8, 2021, 35.6% of libgen.li's traffic came from the U.S. as did 18.9% and 23.8% of the traffic to libgen.rs and libgen.is respectively.

xiii
https://www.lumendatabase.org/notices/search?utf8=%E2%9C%93&term=libgen.io&sort_by=date_received+asc;
https://www.lumendatabase.org/notices/search?utf8=%E2%9C%93&term=libgen.is&sort_by=date_received+asc (last accessed Oct. 8, 2021)

xiv SHADOW LIBRARIES: ACCESS TO KNOWLEDGE IN GLOBAL HIGHER EDUCATION 40 (Joe Karaganis, ed. 2018) ("Forum posts asking for donations suggest that funding for LibGen comes from their own personal resources as well as occasional donations when there is a need to buy or rent equipment or services: "[W]e've been asking and getting support for this purpose for years. [...] I asked the community for donations three or four times, for a specific purpose only and with all of the budget spoken for. And after getting the requested amount of money we shut down the donations." Mirror sites, however, do not need to be noncommercial to enjoy the support of the core LibGen community, they just have to provide free access to users.") See also Subreddit r/libgen discussion on donating to the Library Genesis Project:
https://www.reddit.com/r/libgen/comments/jg1re5/how_can_i_donate_to_libgen_project/g9o1mew/

xv Jennifer Walter, *The Founder of Sci-Hub Is Absolutely Unrepentant*, Futurism.com (Oct. 9, 2021) https://futurism.com/founder-sci-hub-unrepentant (In response to a question about projects similar to Sci-Hub, Elbakyan said that "Library Genesis has done great work for books! And it has many mirrors such as Z-Library.")

xvi Tiktok, https://www.tiktok.com/tag/zlibrary

xvii Ernesto Van der Sar, *ZLibrary Domains Were 'Temporarily' Suspended Over Copyright Infringement Claims*, TORRENTFREAK.COM (March 12, 2021), https://torrentfreak.com/zlibrary-domains-were-temporarily-suspended-over-copyright-infringement-claims-210312/

xviii https://www.lumendatabase.org/notices/search?utf8=%E2%9C%93&term=z-lib.org&sort_by=date_received+asc;
https://www.lumendatabase.org/notices/search?utf8=%E2%9C%93&term=1lib.us&sort_by=date_received+asc (last accessed Oct. 8, 2021)

xix List of "Whois" results for the various domains:
https://www.godaddy.com/whois/results.aspx?checkAvail=1&tmskey=tmskey%3D123&domain=1lib.us&domainName=singlelogin.me; https://whois.us/;
https://www.godaddy.com/whois/results.aspx?checkAvail=1&tmskey=tmskey%3D123&domain=1lib.us&domainName=z-lib.org;
https://www.godaddy.com/whois/results.aspx?checkAvail=1&tmskey=tmskey%3D123&domain=1lib.us&domainName=singlelogin.org (last accessed Oct. 8, 2021)

xx Alexa SiteInfo: 1lib.us, https://www.alexa.com/siteinfo/1lib.us

xxi Z-Library, https://z-lib.org/ (last accessed Oct. 8, 2021)

[xxii] Z-Library Guide, https://librarygenesis.pro/z-library/#!

[xxiii] Farhag Sherwani, Z-Library: A Nightmare for Authors, MEDIUM (July 8, 2019), https://medium.com/happiness-soup/bookoz-a-nightmare-for-authors-530cc988ba3e; see also Z-Library team's announcement of its fundraising drive in March 2020, https://1lib.us/blog/20 (last accessed Oct. 8, 2021)