

Oct 17th, 2022

To: United States Trade Representative

Docket: USTR-2022-0010-0001

Subject: Rebuttal of arguments against acapella-extractor, remove-vocals and songmastr, made by the Recording Industry Association of America (USTR-2022-0010-0013)

Dear Sir or Madam,

It has been brought to my attention that the websites "[acapella-extractor.com](https://www.acapella-extractor.com)", "[remove-vocals.com](https://www.remove-vocals.com)" and "[songmastr.com](https://www.songmastr.com)" have been included in the "Submission to Comment Request for the 2022 Review of Notorious Markets for Counterfeiting and Piracy" by the Recording Industry Association of America (RIAA). I am writing on behalf of these websites to contest their inclusion in the RIAA submission.

The arguments against these websites were made under the chapter 6 heading of the RIAA submission "6. AI Based Extractors/Mixers" available here: <https://www.regulations.gov/comment/USTR-2022-0010-0013>.

As detailed below, their arguments are a mix of factually wrong information, a misunderstanding of how these AI services work, and minor allegations regarding potential trademark infringement (corrected since) which are not piracy or counterfeiting. The only argument on actual dissemination of copyrighted material on these websites concerns a total of 6 links to Youtube videos (since removed) which were used as examples to illustrate the services.

Also, please note that the RIAA has at no point in time made contact to address their concerns directly.

I) Acapella-Extractor.com and Remove-Vocals.com

I / a) Nature of the services

Both websites are two sides of the same service and function in the exact same way. I therefore address both at once.

These websites offer users the possibility to upload their own audio files and apply audio processing which will separate voice and instrumental parts. Both websites use an open source algorithm, made available by Deezer (a french equivalent of Spotify), which is fully available here: <https://github.com/deezer/spleeter>.

I / b) Addressing the three points made by RIAA

I / b / 1) Criticism was made that the examples section included links to several Youtube videos which contained "*unauthorized copies of the underlying vocal recording from sound recording owned by our members*".

-> **Both websites have since been modified to remove all links to these Youtube videos (the total of which amounted to 6 links).**

I / b / 2) In the introductory paragraph, criticism was made that these services "*are training their AI models using members' music*".

-> **As written above, this service uses a fully packaged (pre-trained) algorithm developed and made public by a major audio streaming service (Deezer). To the best of my knowledge, there is no proof that RIAA members' music was used to train the algorithm. To the best of my knowledge, making this public code usable in the form of a website does not in any way constitute copyright infringement.**

I / b / 3) In the introductory paragraph, criticism was made that "*the files these services disseminate are either unauthorized copies or unauthorized derivative works of our members' music*".

-> **Both websites return audio processed only from files submitted by the user. The terms of use of both websites clearly state that the user must have "*the right to upload, modify, access, transmit, create or otherwise make available the user submissions on the website, and that uploading the user submissions will not infringe upon any other party's rights*". As an additional comment: please note that including these websites as counterfeiting services for their potential to create derivative work, would bring all audio editing software and Software as a Service (SaaS) into the realm of counterfeiting.**

II) Songmastr.com

II / a) Nature of the service

Songmastr offers users the possibility to upload their own audio file (typically a home produced song), and apply audio processing which will improve the general quality of their audio. It does so by matching general properties (average frequency response, etc.) with a reference file (the same way any audio engineer would listen to a reference song when mixing and mastering a newly recorded song). As of writing, the reference file must also be uploaded by the user. This service uses the open source library "*matcher*" which is fully available here:

<https://github.com/sergree/matcher> .

II / b) Addressing the four points made by RIAA

II / b / 1) Criticism was made that the website uses the name of various famous artists to describe the service "eg: *Make your song sound (almost) as good as a song by Rihanna*"

-> **The website has since been modified to remove all mentions of any artist. As an additional comment: please note that this criticism seemed to address a potential trademark violation issue which does not constitute piracy or counterfeiting.**

II / b / 2) Criticism was made that the website offers to process songs so they sound similar to a genre or specific song from a catalog

-> **This option has since been removed from the website. The only remaining option is for the user to simultaneously upload the song he/she wishes to enhance as well as a reference song they would own. Please note that at no point in time were the songs from the site's catalog, or any derivative form of these songs accessible for the user to listen to or download. Additionally, the website does not claim to make the songs "similar" as this is not the service that is provided.**

II / b / 3) In the introductory paragraph, criticism was made that these services "*are training their AI models using members' music*".

-> **The open source "matcher" algorithm is not a trained algorithm. It is a predetermined set of operations, which transform the user input, using general properties of a reference song (which now also has to be uploaded by the user).**

II / b / 4) In the introductory paragraph, criticism was made that "*the files these services disseminate are either unauthorized copies or unauthorized derivative works of our members' music*".

-> **This website outputs audio processed only from files submitted by the user. The terms of use clearly state that the user must have "the right to upload, modify, access, transmit, create or otherwise make available the user submissions on the website, and that uploading the user submissions will not infringe upon any other party's rights". As an additional comment: this service is intended for home producers to make their own music sound better; I cannot see a reasonable use case for this service to be used on copyrighted material.**

III) Traffic estimations

Additionally, although irrelevant to this rebuttal, I would also like to correct traffic estimations made by the RIAA which are largely overstated:

- acapella-extractor.com : 1,346,000 sessions over the last 12 months (RIAA states 3.2 million visits)
- remove-vocals.com: 1,352,000 sessions over the last 12 months (RIAA states 2.6 million visits)
- songmastr.com: 11,249 sessions since it was created in February 2022 (RIAA states 32,000 visits)

I will add that these services are run at a financial loss, as the costs (mainly server costs) regularly exceed the donations/purchases received from users.

IV) Conclusion

I believe all the points made by the RIAA were addressed, either by being proven misleading or wrong, or by fixing issues that were minor (6 Youtube links) or unrelated to questions of piracy or counterfeiting.

The websites "acapella-extractor.com", "remove-vocals.com" and "songmastr.com" therefore have no place in the *"2022 Review of Notorious Markets for Counterfeiting and Piracy"*.

Please contact info@acapella-extractor.com for any complementary information.