# The USA: Geoblocking in a Privileged Market

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STAT BOX:

36%: Percentage of American homes that subscribe to Netflix.[[1]](#footnote-1)

20,000: Number of VPN communications the NSA aimed to survey per hour in 2011, according to the Edward Snowden documents.[[2]](#footnote-2)

$39.95: Cost for a yearly subscription to popular VPN service Private Internet Access, in US$.[[3]](#footnote-3)

22.6%: Percentage of North American Pirate Bay users who use a VPN service, according to a 2013 survey.[[4]](#footnote-4)

PULL QUOTE

‘every now and then we feel the burn in the States, too.’ – *Lifehacker* blogger Adam Pash, in 2010.

The hashtag #NBCFail, which popped up regularly on social media in the summer of 2012, represented yet another chapter in the long story of American audiences’ irritation at the often shallow, shoddy character of their national broadcast networks. This time, the target of viewers’ ire was NBC’s coverage of that year’s Summer Olympics in London. Frustrated with tape-delayed events and the network’s US-centric commentary, United States viewers naturally sought out the BBC’s telecast as an alternative. Savvy viewers who did their research may have stumbled upon the BBC’s iPlayer platform. The iPlayer was livestreaming the BBC’s coverage of the Olympics, and thus promised live, superior coverage and an escape from NBC’s jingoistic slant. Upon navigating to that platform, however, Americans found this message: ‘BBC iPlayer TV programmes are available to play in the UK only’.

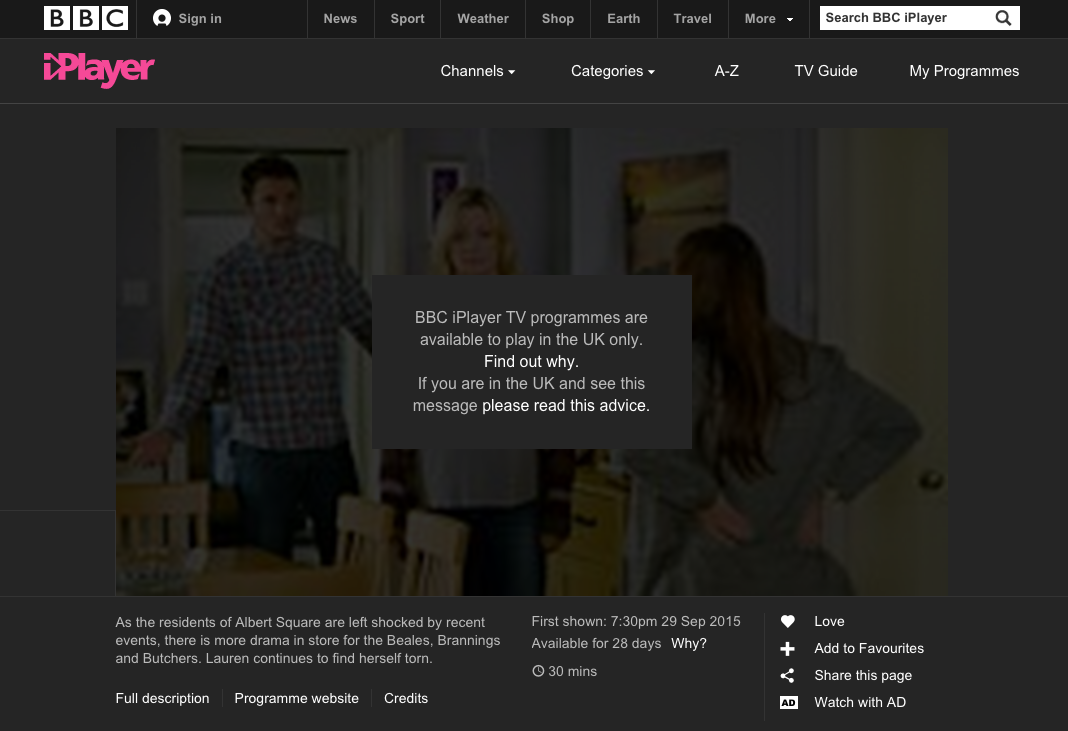


Fig 1: An example of geoblocked content on BBC iPlayer

In these moments, US residents confronted an experience of transnational viewing with which many around the world were already familiar. Viewers living in other countries understand geoblocking as a form of power emanating from major media conglomerates, many of which are rooted in Hollywood-based (yet globalized) cultural industries. As many of this book’s other chapters make clear, geoblocking is just a part of the everyday viewing experience for people around the globe – albeit an often-frustrating one. Many of these experiences involve attempts at accessing American programming through platforms like Hulu or the American version of Netflix. But given that many of the platforms usually targeted in global complaints about geoblocking are, in fact, available in the US, what does geoblocking look like from *within* the United States? And how and why do people circumvent it?

Geoblocking in the United States is generally invisible – until it isn’t. In other words, whereas viewers around the world have grown used to (which is not to say complacent about) geoblocking as a banal occurrence, it’s something that many Americans likely only have a faint awareness of, to the extent that they even know it exists. American viewers that do encounter geoblocking are likely to fall within two overlapping audiences: diasporic groups and viewers who consciously seek out media from across borders (for example, cinephiles or fans of British television). This makes it a somewhat difficult phenomenon to grasp onto in the country. Geoblocking circumvention certainly doesn’t have the same currency as it does in, say, Australia or the European Union. Put simply, most Americans have likely never experienced geoblocking or, at the very least, do not run into it regularly. Their relative wealth of access makes geoblocking – and its circumvention – less of a nationwide *cause célèbre* and more of a ‘niche’ or intermittent experience.

## Geoblocking and Market Hierarchies

Many platforms that distribute American content use geoblocking, because the US cultural industries have been particularly militant with regard to preserving and controlling the distribution paths of intellectual properties. They do so following a business strategy that industry executive and author Jeff Ulin refers to as, naturally enough, ‘Ulin's Rule’, wherein the distribution value of media content is maximized through the exploitation of four factors: ‘time, repeat consumption (platforms), exclusivity, and differential pricing’.[[5]](#footnote-5) These factors are controlled through the development and maintenance of distinct spatial and temporal distribution windows that geoblocking helps maintain. So, for instance, a film’s US theatrical run would represent one window, and subsequent availability of that film on Netflix in Germany a few months later would represent another. In retaining distribution windows and ordering them along geographic borders (whether local, national, regional, continental, etc.), certain territories become more valuable or ‘useful’ to American media firms as markets, and release dates, prices, and different versions of texts and platforms are set accordingly. At the risk of generalizing what are in fact rather complex decisions about global distribution markets, this strategy enables powerful American media industries to ‘rank’ (even implicitly) the importance and value of particular markets relative to each other. In the age of DVD, this ranking was made apparent through the numerical region code system, with North America designated as Region 1. These rankings are still present in the practice of geoblocking even if they are less overt.

As this might indicate, if geoblocking can be explained functionally and practically by pointing to long-established industry practices, its cultural impacts are, for many viewers, more damaging and insulting in their valuing of certain territories over others. For instance, one *Wired* wiki article on how to access Pandora via VPN refers to geoblocking as a system of ‘*xenophobic* restrictions [that] are the result of U.S. and international copyright laws and restrictions.’[[6]](#footnote-6) Although it’s not entirely accurate to suggest that geoblocking exists purely because of copyright law (rather, it comes about through a combination of copyright restrictions, the media industries’ international distribution and licensing agreements, and platforms not having been introduced to particular territories), the fact that some see it as a xenophobic and discriminatory practice spurred on by predominantly American corporate interests reflects the entanglements between geoblocking, American industrial power, and cultural difference. So, in addition to its more practical functions of shaping the distribution of media content, geoblocking reminds people who live in particular territories of their place within a global hierarchy of media access. If geoblocking is about access, and access is connected to power, then we can begin to think about the cultural and political consequences of geoblocking and, in turn, the reasons it makes people so angry. In addition, inquiring about what platforms are unavailable where (or, if they are technically available, how their costs and content libraries differ from the same platforms in other countries) raises questions about *why* the world is marked by differential access to new media.

If the US and its corporate interests are usually considered major forces shaping the geoblocking of platforms and content around the world, this makes geoblocking a tricky and curious phenomenon to investigate *within* the nation’s borders. Many major entertainment platforms that remain geoblocked in territories around the world – Netflix, Amazon Instant Video, Hulu, iTunes, HBO Go – were created by US-based corporate entities to serve the American market first and foremost. Hulu in particular can essentially be considered a national broadcasting platform. Although its library has since grown to incorporate film, cable and “international” TV programs, trailers, and news, it was created by two of the major American commercial television networks (NBC and Fox) as a nationally bound exhibitor of broadcast programming. So, while geoblocking is not a part of the national conversation as much as it is in other countries, this doesn’t mean that it is nonexistent in the US.

## Major Geoblocked Platforms in the United States

The most infamous geoblocked platform in the United States – at least until 2011 – was the Swedish streaming music platform Spotify. Spotify was initially only available in Europe, and during its early years American listeners, critics, and industry figures alike made a lot of noise about the cornucopia of free (or at least cheap) music that remained just out of their grasp. While American consumers are less familiar with the experience of video geoblocking, given the industrial might of Hollywood, a few common scenarios can nonetheless be identified and are described below.

### VOD Platforms Developed in or for Another Territory

A commonly repeated axiom holds that the development of VOD platforms has lead to – or at least sustains – an increasingly fragmented media environment. Even a quick look at the vast array of global streaming and OTT services geoblocked outside of their home countries (BBC’s iPlayer, Hulu Japan, France’s TF1 on-demand platform, to name just a few) bears this out.[[7]](#footnote-7) Whereas, in the age of DVD, the region-code system ensured that viewers had to contend with one relatively centralized system of regional lockout, the issue becomes more complex for viewers contending with a VOD environment marked by many different options, contingent availability, and constantly shifting libraries. While seeking out geographically available platforms can be frustrating for viewers, sometimes when a VOD platform is geoblocked in the United States, it doesn’t matter much to American users both because the US offers a comparable service and because geoblocked platforms naturally will not expend promotional energy in a territory where it doesn’t exist. For example, LoveFilm, a Netflix-like British VOD service that was incorporated into Amazon Prime Instant Video UK in early 2014, was never particularly missed or lamented in the US. Ask American users if they wish they had access to LoveFilm, and the only ones likely to have heard of it will be British expats or tourists. Put simply, with Netflix, Hulu, and Amazon Prime Instant Video (US) taking up so much space in the market, American viewers needn’t bother with LoveFilm. Unlike, say, Spotify, which before its entry into the US market offered something quite literally unavailable (free, unlimited a la carte streaming of a seemingly comprehensive popular music library), LoveFilm was just another VOD service meant for a specific market of UK-based viewers. Save the frustrations of British ex-pats, tourists, or business travelers from the UK looking to access their home platform, geoblocking in this instance shores up a more banal kind of market segmentation.

### Local, National, and Regional Television Platforms

As TV networks and channels around the world develop online platforms or distribute their content to VOD services, they face the problem of maintaining spatial control over distribution routes. The putatively global nature of the internet theoretically makes broadcasting’s long-held and difficult-to-regulate ‘omnidirectionality’ (to quote media historian Thomas Streeter) even more pronounced.[[8]](#footnote-8) However, the ability to trace the geo-location of internet-connected devices through IP address filtering actually makes it quite easy for TV networks to control the distribution of television programming through official, commercial or public-service streaming platforms.

Given a healthy contingent of Brit TV fans (and #NBCFail advocates) in the US, the BBC’s aforementioned iPlayer is routinely one of the most sought-after geoblocked VOD platforms. An on-demand platform available via the web and some mobile devices, the iPlayer offers BBC television and radio programs for streaming or download primarily to users based in the United Kingdom. Those who pay the UK’s television license fee (an annual £145.50 fee for all television-owning households that funds the BBC), have access to both the platform’s livestreamed and on-demand programming. So, the iPlayer is unavailable to those who don’t or can’t pay this fee (such as viewers living in the US). And while this particular geoblocking arrangement reflects the public nature of the BBC, private-sector platforms in the UK like Sky Go are also geoblocked to preserve territorial exclusivity of international distribution deals and to minimize bandwidth costs incurred by out-of-market audiences.

Beyond the US/UK axis, many public and private national or regional television platforms are unavailable in the US for similar reasons (i.e., Americans don’t pay taxes and license fees to use the service and/or broadcasters are beholden to territory-based distribution and licensing agreements). France’s TF1, Canada’s CBC, Qatar’s Al-Jazeera (more on them in a bit), Australia’s ABC, and many others have developed streaming video services that are geoblocked in the US. This can be a problem for diasporic viewers in particular – including students, tourists and foreign workers in the United States – who might not care as much about accessing HBO Go but may want to access media from their home countries via one of these geoblocked platforms. At the same time, some media industries that envision their audience as fundamentally transnational (e.g., Nollywood, Bollywood, various East Asian and Latin American media companies) distribute their content to VOD platforms that are *not* geoblocked in the US. These include platforms that specialize in various kinds of “international” or non-US content (e.g., the Nollywood streaming service iRokoTV and the Korean TV portal DramaFever) as well as major US-based platforms like Netflix and Hulu. The latter have overtly targeted Latino and Mexican-American diasporic audiences in particular, with Hulu carrying a number of telenovelas through its partnership with American Spanish-language media company Univision. So, while VOD and OTT platforms from throughout Latin America, like Televisa’s Veo app, remain geoblocked within the US, these programs may be available through other avenues. Indeed, part of the reason these services are geoblocked in the US is because American cable and streaming companies own the local rights to programs that would otherwise be available through those apps. So, the availability of particular content and platforms can be complicated for diasporic viewers in the US, and it’s often contingent on how highly the American media industries value that audience.

### YouTube, UGC, and Independent Videos Unavailable in the US

Geoblocking in the US (and elsewhere) is not limited to individual platforms, nor is it necessarily limited to platforms that were developed as extensions of corporate brands. Often, individual videos or channels on digital distribution platforms like YouTube will be geoblocked to certain territories. This has become an issue as the platform has shifted from distributing exclusively user-generated content to partnering with major corporations and multi-channel networks (MCNs). Indeed, YouTube’s policy on geoblocking limits the practice to corporate users who have a Content ID account (i.e., those who “own exclusive rights to a substantial body of original material that is frequently uploaded by the YouTube user community”).[[9]](#footnote-9) So, individual user accounts don’t have the option to geoblock videos, but corporate media and brand accounts do. And while many of these accounts follow the standard practice of serving the United States first and foremost and blocking out other countries, others (again, like the BBC) block US viewers from their content. Other online video platforms, such as Dailymotion, allow developers to geoblock videos in particular countries (including the US) using the platform’s API.

## Moments of Circumvention: Making Geoblocking Visible

These conditions suggest that geoblocking circumvention is a more specialized practice in the US. This reflects the different standing of region-free DVD in the US relative to much of the rest of the world during the DVD era. While region-free players were common in many nations during the 1990s and 2000s, in the United States they were harder to come by, and mostly found within immigrant and cinephile communities.[[10]](#footnote-10) Although the fragmented nature of the streaming video environment and the secretive nature of circumventing geoblocking make it difficult to precisely calculate who regularly engages in the practice, one can surmise that these same audience segments would be drawn to circumvention practices for many of the same reasons that they sought out region-free DVD players.

But beyond speculating, where can we actually observe the most visible and pronounced moments of geoblocking circumvention in the US? As I alluded to, Americans more broadly tend to become aware of geoblocking during moments like the Olympics or the World Cup, when they seek out broadcasts (and announcers) perceived as superior to the US’s often poor coverage. Diasporic viewers and ex-pats looking for media from their home countries can also run into geoblocking – British-American viewers attempting to access the iPlayer or Venezuelan-Americans bumping into the geoblocked Venevisión YouTube channel, for instance. As with many of the other examples in this book, these viewers look to proxies and VPNs. Of course, most online guides instructing users on how to use VPNs address, even implicitly, a non-US audience, as these tend to be the viewers who more regularly experience the frustration of geoblocking. Even some of the exceptions to this rule acknowledge that geoblocking is not primarily a US concern. Many of these come from the blog Lifehacker, which regularly instructs its primarily US-based readership on a variety of tips and hacks meant to make life easier. The blog has posted several tutorials on how to use VPNs, with one suggesting, ‘Non-U.S. users frequently encounter the annoyance of geoblocked content when trying to access popular sites like Hulu, but every now and then we feel the burn in the States, too.’[[11]](#footnote-11) Regardless, popular VPN services like Private Internet Access, Hide My Ass, and Hola have drawn Americans to their user base who use it to access platforms like the iPlayer.

Still, VPN use in the US is as much about online security and privacy broadly as it is about circumventing geoblocks. VPN use is part of a larger culture of suspicion and caution spurred largely by whistleblower Edward Snowden’s massive leak of documents revealing the National Security Agency’s (NSA) spying program. One doesn’t need to spend too much time on tech sites and forums like Ars Technica, Boing Boing, and Reddit to find questions, suggestions, and debates surrounding the use of VPNs and other privacy and security technologies. Much of this discourse follows a familiar and distinctly American blend of libertarianism, tech-utopianism, and intense valuation of privacy, and from the perspective of American users it touches on geoblocking specifically only intermittently – a state of affairs that contrasts with many of the global case studies provided in the rest of this book. Americans concerned with online surveillance compare and contrast VPNs against other kinds of security and encryption systems (e.g., HTTPS, Tor), and indeed the security status of the VPN has come into question as of late due to the recent revelation from the Snowden docs that the NSA can decrypt VPN communications.

Whether used as a way to circumvent geoblocks or as a more general anti-surveillance maneuver, VPNs have an anti-establishment edge to them. Because users often regard geoblocking as an oppressive – or at least unfair – system of discrimination, there’s a tendency in popular and academic discourse to celebrate its circumvention as a form of rebellion against anti-competitive media industries and unjust copyright regimes. Indeed, in keeping with the close correspondences between the American tech industries and libertarian ideology, users often argue that geoblocking violates the free market and oppresses personal freedoms. But looking at circumvention in the United States, and considering the privilege that Americans generally enjoy, it’s worth asking whether US-based users circumventing the geoblocked iPlayer platform, for example, should be considered resistant – particularly in an era when public media is routinely under attack. Indeed, a premise that often shapes popular debates and discussions about geoblocking is that everyone *should* have access to the same content at the same time and the same price, regardless of geographic location – a version of a broader cultural attitude that media scholar Lucas Hilderbrand has called ‘access entitlement.’[[12]](#footnote-12) Because American audiences have generally enjoyed the privilege that comes with living in a premier media market, US frustrations about geoblocked platforms reflect assumptions that Americans should be able to access online art and entertainment made available to those living in other parts of the world.

This all indicates that it’s important to consider *why* particular platforms are geoblocked and under what conditions, as well as what it means when people try to circumvent geoblocking in these different conditions. There’s a tendency to assume that because a particular platform is not available in a territory, the platform owners should be to blame. But the lack of iPlayer and Al Jazeera English in the United States in fact speaks not only to the desires of those agencies to prohibit American viewers from accessing these platforms but also to the power of the American cable companies in shaping what US viewers do and don’t have access to. Regarding the iPlayer, the BBC announced that the platform would be made available in the United States, but that was put on hold after threats from cable companies who were worried that the iPlayer would carry shows already aired by US cable network BBC America. So, the cable networks threatened to stop carrying BBC America if BBC Worldwide introduced the iPlayer to the US.[[13]](#footnote-13) Al Jazeera English is unavailable for similar reasons. At the launch of cable channel Al Jazeera America in the United States in 2013, Al Jazeera English geoblocked its livestream and its YouTube news reports in the US at the behest of the American cable and satellite companies (though it eventually dropped the geoblock on the YouTube videos).[[14]](#footnote-14) Essentially, the cable companies wanted to avoid competition from Al Jazeera English.

One consequence of this is that instead of gaining access to the ‘original’ national version of a platform, US viewers can watch a different adaptation of it. In other words, geoblocking helps sustain a ‘glocalized’ approach to international expansion wherein products are adapted to local markets. Now, this isn’t always and necessarily a bad thing. Presumably, tailoring a product to a local market could make it more appealing to consumers in that market by making it feel closer to their own cultural experience. At the same time, British ex-pats and Anglophiles in the US might want access to the national public BBC platform rather than (or in addition to) a commercial BBC America channel that’s clogged with James Bond films and *Star Trek: The Next Generation* reruns and that offers commercial-interrupted BBC programming later than its initial UK airdate.[[15]](#footnote-15)

More seriously, though, when viewers in the United States, whether part of a diasporic community or not, want to keep up with news about and from the Middle East, they have turned to Al Jazeera. Many viewers in the US perceive Al Jazeera’s coverage as superior to US cable news, and journalist Max Blumenthal captures the cultural significance of the geoblocking of Al Jazeera English in his lament that American viewers will need to use a VPN to find ‘an alternative to the mind-numbing, sensationalistic content familiar to CNN, Fox News, and MSNBC.’[[16]](#footnote-16) Here, the circumvention of geoblocking takes on a particular social value in that it enables an escape from the dreck that US news consumers regularly see. Further, for diasporic viewers living in the US, circumventing these geoblocks can help them access news or entertainment from their home territories. Either way, the circumvention of geoblocking can figure as relief from the hegemony of dominant American media.

## Conclusion

All this is to say that within a territory that has long operated as a seat of global power, geoblocking reminds viewers of their place within hierarchies of cultural power and privilege in a variety of ways. As a result, the practice of circumvention means something different in different contexts. On one hand, diasporic viewers who are unable to access particular platforms might see this as yet another experience indicating their geo-cultural displacement and their position as viewers not regularly and immediately catered to by the cultural industries. On the other hand, for US-based audiences, circumventing geoblocked platforms can represent a kind of access entitlement presuming that in a digitally connected age, one *should* be able to access everything. When this access is interrupted, as in when #NBCFail led many Americans to engage in geoblocking circumvention, they serve as reminders that the United States is not a placeless, universal entity in the global media economy and that it can be subject to many of the disconnections and disjunctures that viewers around the world experience more regularly.

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