



U.S. COPYRIGHT OFFICE Section 512 Study

James R. Browning Courthouse
San Francisco, California

Thursday, May 12, 2016

9:00 – 10:30 AM

SESSION 1

Notice-and-Takedown Process—Identification
of Infringing Material and Notice Submission

10:30 – 10:45 AM

BREAK

10:45 AM – 12:15 PM

SESSION 2

Notice-and-Takedown Process—Service Provider
Response and Counter-Notifications

12:15 – 1:30 PM

LUNCH ON YOUR OWN

1:30 – 3:00 PM

SESSION 3

Applicable Legal Standards

3:00 – 3:15 PM

BREAK

3:15 – 4:45 PM

SESSION 4

Scope and Impact of Safe Harbors

Friday, May 13, 2016

9:00 – 10:30 AM

SESSION 5

Technological Strategies and Solutions

10:30 – 10:45 AM

BREAK

10:45 AM – 12:15 PM

SESSION 6

Voluntary Measures and Industry Agreements

12:15 – 1:30 PM

LUNCH ON YOUR OWN

1:30 – 3:00 PM

SESSION 7

Future of Section 512

3:00 – 3:15 PM

BREAK

3:15 – 4:45 PM

WRAP-UP/OPEN MIC



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SESSION 1

Notice-and-Takedown Process— Identification of Infringing Material and Notice Submission

Overall effectiveness of process, including issues relating to timing and linked content; volume of notices; burdens on large- and small-scale creators and copyright owners; considerations and strategies in sending notices, including automated notices versus human review; fair use considerations; moral rights issues; “whack-a-mole” issue; relevant empirical data; and other pertinent issues.

Jordan Berliant
George Borkowski
Rebecca Cusey

Ron Gard
Dave Green
Alex Feerst
Wayne Kramer
Keith Kupferschmid
Jeff Lyon
Brian McNelis
Corynne McSherry
Braxton Perkins
Jay Rosenthal
Charles Roslof
T.J. Stiles
Jennifer Urban
Ruth Vitale
Devon Weston
Stephen Worth
Betsy Viola Zedek

Revelation Management Group
Recording Industry Association of America
Arts and Entertainment Advocacy Clinic at
George Mason University School of Law
Tulane University Law School
Microsoft
Medium
Movie Prose
Copyright Alliance
Fight for the Future
Lakeshore Records
Electronic Frontier Foundation
NBC Universal
ESL Music/ ESL Music Publishing
Wikimedia Foundation
Author
University of California-Berkeley School of Law
Creative Future
Digimarc
Amazon
Disney

10:30 – 10:45 AM BREAK

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SESSION 2

Notice-and-Takedown Process— Service Provider Response and Counter-Notifications

Handling of and response to notices, including timing and notices from high-volume senders; sending and handling of counter-notifications; volume of notices and counter-notifications; costs and burdens on large- and small-scale service providers; role of automation, including filtering technologies; noncompliant notices and misuse of notice process; rejection of notices; impact of takedowns on users and public; protections for fair use; relevant empirical data; and other pertinent issues.

Lila Bailey
Eric Cady
Dan Coleman
Carl Crowell
Deron Delgado
East Bay Ray
Steven Ellerd
Evan Engstrom
Cathy Gellis
Joseph Gratz
Daphne Keller

Peter Midgley
Gabriel Miller
Chris Riley
Ellen Seidler
Ira Siegel
Jonathan Taplin
Elizabeth Valentina
Fred von Lohmann
Devon Weston

Internet Archive
Independent Film & Television Alliance
Modern Works Music Publishing
Crowell Law
American Association of Independent Music
Dead Kennedys (Musician)
Graduate Student
Engine
Digital Age Defense
Durie Tangri LLP
Stanford Law School Center for Internet
and Society
Brigham Young University
Paramount Pictures Corporation
Mozilla
Fast Girl Films
Copyright Enforcement Group Inc.
USC Annenberg Innovation Lab
Fox Entertainment Group
Google
Digimarc

12:15 – 1:30 PM LUNCH (ON YOUR OWN)

1:30 – 3:00 PM

SESSION 3

Applicable Legal Standards

Actual and “red flag” knowledge requirements; financial benefit/right to control test; willful blindness; repeat infringers; good-faith requirements; misrepresentation; fair use; use of representative lists; availability of injunctive relief; use of subpoenas; role of “standard technical measures”; and other pertinent issues.

Ian Ballon
George Borkowski
Andrew Bridges
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Paul Doda
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Cathy Gellis
Devlin Hartline
Corynne McSherry
Peter Midgley
Tom Murphy
Ryan Noormohamed
Sean O'Connor

Stanford Law School Center for E-Commerce
Recording Industry Association of America
Fenwick & West LLP
Modern Works Music Publishing
Crowell Law
Elsevier
Engine
Medium
Digital Age Defense
Center for the Protection of Intellectual Property
Electronic Frontier Foundation
Brigham Young University
Content Creators Coalition
Tulane University Law School
University of Washington (Seattle)

Jeffrey Sedlik
Ellen Schrantz
Ben Sheffner
Brian Willen
Stephen Worth

PLUS Coalition
Internet Association
Motion Picture Association of America
Wilson Sonsini Goodrich
Amazon

3:00 – 3:15 PM BREAK

3:15 – 4:45 PM

SESSION 4

Scope and Impact of Safe Harbors

Scope of entities and activities covered by safe harbors; incentives (and disincentives) for creators, copyright owners, online providers, investors, and users; impact on licensing activities; effectiveness of remedies, including ability to proceed in federal court in case of disputed notice or misrepresentation; economic impact on creators, copyright owners, service providers and copyrighted works; relevant empirical data; and other pertinent issues.

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Daphne Keller

Joshua Lamel
Steve Marks
Michael Masnick
Donald Passman
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Brian Willen

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Graduate Student
Microsoft
Center for the Protection of Intellectual Property
Stanford Law School Center for Internet and Society
Re:Create
Recording Industry Association of America
Copia Institute
Gang Tyre Ramer & Brown, Inc.
PLUS Coalition
Internet Association
USC Annenberg Innovation Lab
Fox Entertainment Group
Wilson Sonsini Goodrich

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SESSION 5

**Technological Strategies
and Solutions**

Infringement monitoring tools and services; automated sending of notices, including notice parameters; automated processing of notices; role of human review; identification of works through fingerprinting, hash identifiers, and other technologies; filtering, including “staydown” capabilities; fair use considerations; identification and tracking of repeat infringers; and other pertinent issues.

Scott Andrews
Ron Gard
Joseph Gratz
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Copyright Alliance
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University of California-Berkeley School of Law
Google
Disney

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SESSION 6

Voluntary Measures and Industry Agreements

Voluntary alternatives to and modifications of statutory notice-and-takedown process; best practices; collaborative efforts of content owners, service providers and others to address online infringement, including availability of programs to smaller service providers and creators; cooperation in identifying infringers; graduated response programs to address infringement; efforts to delist or downgrade infringing materials within online search results; participation of third-party providers, such as advertisers and payment processors, in voluntary arrangements; overall effectiveness of voluntary arrangements; educational outreach; government role in encouraging private solutions; and other pertinent issues.

Scott Andrews
Alex Feerst
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Keith Kupferschmid
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Michael Masnick
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Michael Michaud
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Sean O'Connor
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SESSION 7

Future of Section 512

General trends, including notice volume and other relevant empirical data; scalability and future viability of section 512 notice-and-takedown system; relevant technological developments; impact of international models and norms; overall balance (or imbalance) of system with respect to copyright owners, service providers, and consumers; whether system is fulfilling Congress' intended objectives; suggested improvements, including "notice-and-staydown" and enhanced protections against misuse of takedown process; interests of users and the general public; and other pertinent issues.

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Michael Michaud
Michael Nash
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T.J. Stiles
Bob Tourtellotte
Fred von Lohmann
Stephen Worth

Wikimedia Foundation
Motion Picture Association of America
Author
FilmMcQueen LLC
Google
Amazon

3:00 – 3:15 PM BREAK

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Wrap-Up/Open Mic

Panelists from previous sessions and observers may sign up at the roundtable to comment on topics discussed during earlier panels or raise and discuss other pertinent issues.