



U.S. COPYRIGHT OFFICE  
**Section 512 Study**

Thurgood Marshall United States Courthouse  
New York, New York

Monday, May 2, 2016

9:00 – 10:30 AM

**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.

Sandra Aistars

Richard Burgess

Alisa Coleman

Patrick Flaherty

Kathy Garmezy

Melvin Gibbs

Lisa Hammer

George Johnson

David Kaplan

Natalie Madaj

Michael Michaud

Eugene Mopsik

Janice Pilch

Mary Rasenberger

Deborah Robinson

Steven Rosenthal

Maria Schneider

Samantha Schonfeld

Ellen Schrantz

Lisa Shaftel

Victoria Sheckler

Kate Viar

Arts and Entertainment Advocacy Clinic,  
George Mason University School of Law

American Association of Independent Music

ABKCO Music & Records, Inc.

Verizon

Directors Guild of America

Content Creators Coalition

Independent Film Director

Geo Music Group

Warner Brothers Entertainment Inc.

National Music Publishers’ Association

Channel Awesome, Inc.

American Photographic Artists

Rutgers University Libraries

Authors Guild

Viacom

McGraw-Hill Education

Musician

Amplify Education Holding

Internet Association

Graphic Artists Guild

Recording Industry Association of America

Amazon

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10:30 – 10:45 AM    BREAK

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10:45 AM – 12:15 PM

**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.

Perry Bashkoff  
Rhonda Blakey  
Andrew Bridges  
Kate Dean  
Damon DiMarco  
Adrienne Fields  
Elizabeth  
Townsend Gard  
Michael Housley  
Hillary Johnson  
Marcie Kaufman  
Thomas Kennedy  
Mickey Osterreicher  
Marc Ostrow  
Jennifer Pariser  
Rebecca Prince  
Jay Rosenthal  
Kevin Rupy  
Brianna Schofield  
Kerry Sheehan  
Rebecca Tushnet  
Michael Weinberg  
Charlyn Zlotnik

WEA Digital & Revenue Development  
BMG Rights Management  
Fenwick & West LLP  
U.S. Internet Service Provider Association  
Author  
Artists Rights Society  
  
Tulane University Law School  
Viacom  
Author  
Ithaka/Artstor  
American Society of Media Photographers  
National Press Photographers Association  
Law Offices of Marc D. Ostrow  
Motion Picture Association of America  
Becky Boop  
ESL Music/ESL Music Publishing  
USTelecom  
University of California-Berkeley School of Law  
Public Knowledge  
Organization for Transformative Works  
Shapeways  
Photographer

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12:15 – 1:30 PM LUNCH (ON YOUR OWN)

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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.

Allan Adler  
Todd Anten  
Jonathan Band  
June Besek  
  
Sarah Deutsch  
Joseph DiMona  
Troy Dow  
Jim Halpert  
Terry Hart  
David Jacoby  
George Johnson  
Bruce Joseph

Association of American Publishers  
Quinn Emanuel Urquhart & Sullivan LLP  
Library Copyright Alliance  
Kernochan Center for Law, Media and the Arts,  
Columbia Law School  
Mayer Brown  
Broadcast Music, Inc.  
Disney  
DLA Piper  
Copyright Alliance  
Sony Music Entertainment  
Geo Music Group  
Wiley Rein LLP

Marcie Kaufman  
Christopher Mohr  
Marc Ostrow  
Michael Petricone  
Rebecca Prince  
Mary Rasenberger  
Samantha Schonfeld  
Kerry Sheehan

Ithaka/Artstor  
Software and Information Industry Association  
Law Offices of Marc D. Ostrow  
Consumer Technology Association  
Becky Boop  
Authors Guild  
Amplify Education Holding  
Public Knowledge

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3:00 – 3:15 PM    BREAK

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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.

Allan Adler  
Sandra Aistars  
  
Matthew Barblan  
Rhonda Blakey  
Sarah Deutsch  
Joseph DiMona  
Troy Dow  
Sarah Feingold  
Adrienne Fields  
Patrick Flaherty  
David Korzenik  
Natalie Madaj  
Michael Petricone  
Maria Schneider  
Ellen Schrantz  
Matthew Schruers  
  
Rebecca Tushnet  
Jeff Walker  
Michael Weinberg  
Lisa Willmer

Association of American Publishers  
Arts and Entertainment Advocacy Clinic,  
George Mason University School of Law  
Center for the Protection of Intellectual Property  
BMG Rights Management  
Mayer Brown  
Broadcast Music, Inc.  
Disney  
Etsy, Inc.  
Artists Rights Society  
Verizon  
Miller Korzenik Sommers Rayman LLP  
National Music Publishers' Association  
Consumer Technology Association  
Musician  
Internet Association  
Computer & Communications Industry  
Association  
Organization for Transformative Works  
Sony Music Entertainment  
Shapeways  
Getty Images

Tuesday, May 3, 2016

9:00 – 10:30 AM

**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.

Jonathan Band  
Sofia Castillo  
Elizabeth  
Townsend Gard  
Jim Halpert  
Michael Housley  
Sarah Howes  
David Kaplan  
Eugene Mopsik  
Michael Petricone  
Casey Rae  
Steven Rosenthal  
Mara Schneider  
Brianna Schofield  
Matthew Schruers

Lisa Shaftel  
Victoria Sheckler  
Howie Singer  
Kate Viar  
Lisa Willmer  
Nancy Wolff

Library Copyright Alliance  
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Viacom  
Copyright Alliance  
Warner Brothers Entertainment Inc.  
American Photographic Artists  
Consumer Technology Association  
Future of Music Coalition  
McGraw-Hill Education  
Musician  
University of California-Berkeley School of Law  
Computer & Communications Industry  
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Recording Industry Association of America  
Warner Music Group  
Amazon  
Getty Images  
Digital Media Licensing Association

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10:30 – 10:45 AM      BREAK

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10:45 AM – 12:15 PM

**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.

Jonathan Band  
Kate Dean  
Troy Dow  
John Garry  
Melvin Gibbs  
Terry Hart  
Wayne Josel  
  
Thomas Kennedy  
Lee Knife  
Jennifer Pariser  
Michael Petricone  
Janice Pilch  
Casey Rae  
Mary Rasenberger  
Maria Schneider  
Victoria Sheckler  
Kerry Sheehan  
Lui Simpson  
Rebecca Tushnet  
Nancy Wolff

Library Copyright Alliance  
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Disney  
Pearson Education  
Content Creators Coalition  
Copyright Alliance  
American Society of Composers, Authors and Publishers  
American Society of Media Photographers  
Digital Media Association  
Motion Picture Association of America  
Consumer Technology Association  
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1:30 – 3:00 PM

**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.

Matthew Barblan  
June Besek  
  
William Buckley  
Stephen Carlisle  
Alisa Coleman  
Sarah Feingold  
Kathy Garmezy  
John Garry  
Jim Halpert  
Bruce Joseph  
Thomas Kennedy  
David Korzenik  
Dina LaPolt

Center for the Protection of Intellectual Property  
Kernochan Center for Law, Media and the Arts,  
Columbia Law School  
FarePlay, Inc.  
Nova Southeastern University  
ABKCO Music & Records  
Etsy, Inc.  
Directors Guild of America  
Pearson Education  
DLA Piper  
Wiley Rein LLP  
American Society of Media Photographers  
Miller Korzenik Sommers Rayman LLP  
LaPolt Law, PC

Michael Michaud  
Christopher Mohr  
Mickey Osterreicher  
Janice Pilch  
Kevin Rupy  
Darius Van Arman  
Kate Viar

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Software and Information Industry Association  
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USTelecom  
American Association of Independent Music  
Amazon

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3:15 – 4:45 PM

### 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.