



U.S. COPYRIGHT OFFICE

# Software-Enabled Consumer Products Study

James Madison Memorial Building, West Dining Room  
Washington, DC

Wednesday, May 18, 2016

9:00 – 10:00 AM

## SESSION 1

### The Proper Role of Copyright in Protecting Software-Enabled Consumer Products

This session will explore the role of copyright law as it relates to software, including whether and how software in “everyday products” can be distinguished from other types of software, the rationale and proper scope of copyright protection for embedded software, and the need for interoperability with software-embedded devices.

Jonathan Band  
John Bergmayer  
Shaun J. Bockert  
Steve Tepp

Ben Golant  
Keith Kupferschmid  
Aaron Lowe  
Chris Mohr  
Christian Troncoso  
Jonathan Zuck

Owners’ Rights Initiative  
Public Knowledge  
Blank Rome LLP  
Global Intellectual Property Center,  
U.S. Chamber of Commerce  
Entertainment Software Association  
Copyright Alliance  
Auto Care Association  
Software & Information Industry Association  
BSA | The Software Alliance  
ACT | The App Association

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10:00 – 10:15 AM    BREAK

10:15 – 11:15 AM

## SESSION 2

### Ownership and Contractual Issues

This session will explore the state of contract law vis-à-vis software embedded in everyday products, and how contracts such as end user license agreements impact investment in and the dissemination and use of everyday products, including whether any legislative action in this area is needed.

Jonathan Band  
John Bergmayer  
Shaun J. Bockert  
Eric Harbeson  
Keith Kupferschmid  
Aaron Lowe  
Chris Mohr  
Aaron Perzanowski  
Jonathan Zuck

Owners’ Rights Initiative  
Public Knowledge  
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Music Library Association  
Copyright Alliance  
Auto Care Association  
Software & Information Industry Association  
Professor of Law, Case Western Reserve  
University School of Law  
ACT | The App Association

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11:15 – 11:30 AM BREAK

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11:30 AM – 12:30 PM

**SESSION 3**

**Fair Use**

This session will explore how courts have applied the fair use doctrine to permit uses of software that ensure reverse engineering and/or interoperability of software with new products and devices.

Jonathan Band  
John Bergmayer  
Shaun J. Bockert  
Eric Harbeson  
Keith Kupferschmid  
Aaron Lowe  
Aaron Perzanowski  
  
Sara Thomas  
  
Jonathan Zuck

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Public Knowledge  
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Copyright Alliance  
Auto Care Association  
Professor of Law, Case Western Reserve University School of Law  
Director of Research & Information Services, Miles & Stockbridge PC  
ACT | The App Association

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12:30 – 1:30 PM LUNCH (ON YOUR OWN)

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1:30 – 2:30 PM

**SESSION 4**

**The First Sale Doctrine, Section 117, and Other Limitations and Exceptions**

This session will explore whether current limitations on and exceptions to copyright protection adequately address issues concerning software embedded in everyday products, or whether amendments or clarifications would be useful.

Jonathan Band  
John Bergmayer  
Shaun J. Bockert  
Eric Harbeson  
Keith Kupferschmid  
Aaron Lowe  
Chris Mohr  
Aaron Perzanowski  
  
Sara Thomas  
  
Jonathan Zuck

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2:30 – 2:45 PM

**Observer Comments**

Structured opportunity for roundtable observers to provide additional comments on panel topics.