



# INTERNATIONAL **COPYRIGHT INSTITUTE**



JUNE 6-10, 2016 | WASHINGTON, DC

**PROGRAM**

# **Copyright in a Global Network: Emerging Issues in Copyright and Related Rights for Developing Countries and Countries in Transition**

The International Copyright Institute (ICI) is a program designed to provide representatives from developing countries and countries in transition with a deeper understanding of copyright law in the digital age. A cross-section of government, private industry, civil society, and academic experts will educate participants about, among other things, international copyright harmonization and emerging challenges posed by new technologies. The program also provides foreign officials with the opportunity to develop lasting contacts with their counterparts in other countries so as to facilitate dialogue and share experiences.

## **Overview and Basics**

Montpelier, LM619

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8:00 am – 8:30 am

### **Per Diem Disbursement**

Please gather in the lobby of the Capitol Hill Hotel at 8 am. U.S. Copyright Office staff will meet participants to walk to the Library of Congress Madison Building, where per diem funds will be disbursed. The next opportunity to receive per diem funds will be Friday, June 10.

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8:30 am – 9:00 am

### **Breakfast Reception**

Please join us in the Montpelier Room for a breakfast reception before the day's sessions begin.

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9:00 am – 9:30 am

### **Welcome**

Speakers

**Gao Hang**

Director, Copyright Development Division,  
World Intellectual Property Organization

**Karyn Temple Claggett**

Associate Register of Copyrights and Director of Policy  
& International Affairs, U.S. Copyright Office

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9:30 am – 10:30 am

### **Overview of Program and Group Introductions**

Participants will introduce themselves to the group and identify one or two key copyright issues or topics being addressed in their respective countries.

Moderators

**Kimberley Isbell**

Senior Counsel, Policy & International Affairs,  
U.S. Copyright Office

**Aurelia J. Schultz**

Counsel, Policy & International Affairs,  
U.S. Copyright Office

10:30 am – 11:45 am

**Berne, TRIPS, and the WIPO Internet Treaties: The International Copyright Framework of Exclusive Rights and Exceptions and Limitations**

Participants will explore the standards (rights as well as exceptions and limitations) provided in the Berne Convention, the WTO TRIPS Agreement, the WIPO Copyright Treaty, and the WIPO Performances and Phonograms Treaty. Participants will also discuss different ways member states have implemented the treaties into national laws. Certain issues and challenges in implementation will be identified in order to provide a framework for discussion of those issues in later panels.

Speakers	<b>Maria Strong</b>	Deputy Director of Policy & International Affairs, U.S. Copyright Office
	<b>Aurelia J. Schultz</b>	Counsel, Policy & International Affairs, U.S. Copyright Office

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11:45 am – 1:45 pm  
Jefferson Building  
Room 119

**LUNCHEON PRESENTATION**  
**Building a Better IP Future: Emerging Issues in Copyright Law and Administration**

	<b>The Hon. Maria A. Pallante</b>	Register of Copyrights and Director, U.S. Copyright Office
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Depart together for  
Madison building at 1:30 pm

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1:45 pm – 3:15 pm

**Overview of U.S. Copyright Law and Recent Case Developments**

Panelists will gain an understanding of copyright in the United States through a general overview of key aspects of U.S. copyright law and discussion of select judicial decisions of interest to participants, including those on fair use.

Speakers	<b>Karyn Temple Claggett</b>	Associate Register of Copyrights and Director of Policy & International Affairs, U.S. Copyright Office
	<b>Regan Smith</b>	Associate General Counsel, Office of the General Counsel, U.S. Copyright Office
	<b>Anna Chauvet</b>	Assistant General Counsel, Office of the General Counsel, U.S. Copyright Office

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3:15 pm – 3:30 pm

**BREAK**

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3:30 pm – 4:30 pm

**Copyright Across Borders: The Cultural and Economic Role of Copyright and Related Rights**

Participants will deepen their knowledge of copyright’s role in the international arena, including copyright’s importance to international trade and its effect on economic growth and cultural preservation.

Speakers	<b>Steven J. Metalitz</b>	Mitchell, Silberberg & Knupp LLP, Counsel for the International Intellectual Property Alliance (IIPA)
	<b>Stevan Mitchell</b>	Director, Office of Intellectual Property Rights, International Trade Administration, U.S. Department of Commerce
Participant Perspective	<b>Sophia Clarke</b>	Manager, Copyright and Related Rights, Jamaica Intellectual Property Office, Kingston, Jamaica
Moderator	<b>Donald Stevens</b>	Barbara A. Ringer Fellow, U.S. Copyright Office

## **International Treaties**

Montpelier, LM619

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8:45 am

### **Meet in Lobby of Madison Building**

Participants are requested to meet in the lobby of the Madison Building, past the security screening, at 8:45 am. The group will travel together to the Jefferson Building through the Library's underground tunnels. Those who are not in the lobby by 8:45 am will miss being in the group photo.

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9:00 am – 10:45 am

### **Group Photo & Jefferson Building Tour**

The tour will begin with a professional group photo, a copy of which participants will receive at the closing ceremony. Participants will then enjoy the historic Jefferson Building of the Library of Congress on an exclusive guided tour.

Depart together for  
Madison building at 10:30 am

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10:45 am – 11:30 am

### **Meet the New Treaties: Beijing Treaty on Audiovisual Performances**

Participants will learn about practical aspects of the Beijing Treaty on Audiovisual Performances (2012), as well as some of the real world effects of the treaty for audiovisual creators.

Speaker	<b>Duncan Crabtree-Ireland</b>	Chief Operating Officer and General Counsel, SAG-AFTRA
Participant Perspective	<b>Hu Shuang</b>	Section Chief, International Affairs Division, Copyright Department, National Copyright Administration of China (NCAC), Beijing, China
Moderator	<b>Aurelia J. Schultz</b>	Counsel, Policy & International Affairs, U.S. Copyright Office

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11:30 am – 12:30 pm

**Meet the New Treaties: Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled**

Participants will learn about practical aspects of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (2013).

Speakers	<b>Allan Adler</b>	General Counsel & Vice President for Government Affairs, Association of American Publishers (AAP)
	<b>Scott LaBarre</b>	President, National Association of Blind Lawyers; Member, Board of Directors, WIPO Accessible Books Consortium
	<b>Marc Maurer</b>	Immediate Past President and Director of Legal Policy, National Federation of the Blind
Moderator	<b>Michelle Choe</b>	Barbara A. Ringer Fellow, U.S. Copyright Office

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12:30 pm – 2:00 pm

**LUNCH**

Participants will have time to get lunch on their own. A list of local food options will be provided. Please return by 1:45 pm in order to pass through security and be seated in the Montpelier Room before the 2 pm session begins.

2:00 pm – 3:15 pm

### **The Future of Accessibility: New Technologies to Bring Books to Life**

Participants will view demonstrations of accessible formats and other technologies to facilitate access for the blind and reading impaired, with a focus on how these technologies may be adapted and updated for cross-border application in light of the Marrakesh Treaty.

Speakers	<b>Karen Keninger</b>	Director, National Library Service for the Blind and Physically Handicapped, Library of Congress
	<b>Andrew Friedman</b>	President and Chief Executive Officer, Learning Ally
	<b>Shidan Habibi</b>	User Experience Manager, ALEKS Corporation
Moderator	<b>Brad A. Greenberg</b>	Counsel, Policy & International Affairs, U.S. Copyright Office

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3:15 pm – 3:30 pm

**BREAK**

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3:30 pm – 5:00 pm

### **Using Copyrighted Works: The Role of Limitations and Exceptions**

Participants will gain an understanding of how users engage with copyright law in the digital age, the role of limitations and exceptions, and how civic society and non-profit organizations (including non-governmental organizations) advocate for broader access to works and educate users about best practices and the law.

Speakers	<b>Professor Michael W. Carroll</b>	Professor of Law and Director, Program on Information Justice and Intellectual Property, AU Washington College of Law
	<b>Caleb Donaldson</b>	Copyright Counsel, Google
	<b>Keith Kupferschmid</b>	Chief Executive Officer, Copyright Alliance
	<b>James Love</b>	Director, Knowledge Ecology International
Moderator	<b>Kimberley Isbell</b>	Senior Counsel, Policy & International Affairs, U.S. Copyright Office



## Challenges in the Digital Age

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9:00 am – 10:15 am

### Copyright in the Digital Era, Part 1: New Distribution Models for Traditional Content

Participants will gain a deeper knowledge of how new technologies are shaping business models and uses of copyrighted works, with a focus on the consumer shift from bundled goods to *a la carte* services, and on content owners' movement from distributing physical copies to licensing digital uses.

Speakers	<b>Susan B. Chertkof</b>	Senior Vice President, Business and Legal Affairs, Recording Industry Association of America (RIAA)
	<b>Joanna McIntosh</b>	Executive Vice President for Global Policy and External Affairs, Motion Picture Association of America (MPAA)
	<b>Matthew Schruers</b>	Vice President, Law & Policy, Computer & Communications Industry Association (CCIA)
Moderator	<b>Kevin Amer</b>	Senior Counsel, Policy & International Affairs, U.S. Copyright Office

10:15 am – 10:30 am

**BREAK**

10:30 am – 11:30 am

### Copyright in the Digital Era, Part 2: Born Digital Content — The New Frontier

Participants will explore how born-digital content, such as software, videogames, apps, etc., is distributed, licensed, and marketed, and how copyright law can facilitate the development of these industries. Speakers will discuss how certain aspects of copyright law in the digital age (such as legal status of temporary copies, digital first sale issues, and licensing vs. ownership) may affect these industries in more fundamental ways than traditional content.

Speakers	<b>Stanley Pierre-Louis</b>	Senior Vice President and General Counsel, Entertainment Software Association (ESA)
	<b>Christian Troncoso</b>	Director, Policy, BSA   The Software Alliance
	<b>Professor Rebecca Tushnet</b>	Georgetown University Law Center
Moderator	<b>Kimberley Isbell</b>	Senior Counsel, Policy & International Affairs, U.S. Copyright Office

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11:30 am – 1:15 pm  
Jefferson Building  
Room 119

**LUNCHEON PRESENTATION  
Copyright and Congress**

**U.S. Representative Judy Chu**

27th Congressional District, California;  
Co-Chair of the Congressional Creative Rights Caucus  
Member of the House Judiciary Committee

Depart together for  
Madison building at 1:00 pm

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1:15 pm – 2:30 pm

**Copyright Registration Systems of the 21st Century**

Participants will discuss operational issues affecting a modern copyright office, exploring questions such as: What issues are faced by copyright registration systems in the 21st century? How do copyright offices implement a modern registration system? What are the benefits of registration systems?

Speakers

**Erik Bertin**

Deputy Director for Registration Policy and Practice,  
U.S. Copyright Office

**John Ashley**

Division Chief, Visual Arts, Office of Registration Policy  
and Practice, U.S. Copyright Office

Participant Perspective

**Osondu B. Collins Nweke**

Assistant Director, Nigerian Copyright Commission,  
Abuja, Nigeria

Moderator

**Katie Alvarez**

Counsel, Policy & International Affairs,  
U.S. Copyright Office

2:30 pm – 3:30 pm

**IP Policy in Focus: The Role of the Courts in Shaping Copyright Law**

Participants will learn about the important role courts play in maintaining and enforcing a robust, balanced, and accessible copyright law, as well as monitoring related issues in infringement and contract cases. Participants will also learn about new and innovative models to specifically address IP issues, such as specialized courts.

Speakers	<b>The Hon. Kathleen O’Malley</b>	Judge, United States Court of Appeals for the Federal Circuit
	<b>The Hon. Suzanne Barnett</b>	Chief Copyright Judge, Copyright Royalty Board

Participant Perspective	<b>Morara Johana George Nyakweba</b>	Deputy Chief Legal Counsel, Kenya Copyright Board (KECOBO), Nairobi, Kenya
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Moderator	<b>Rachel Fertig</b>	Barbara A. Ringer Fellow, U.S. Copyright Office
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3:30 pm – 3:45 pm

**BREAK**

3:45 pm – 4:45 pm

**IP Policy in Focus: Executive Branch Initiatives and Developments in Copyright and Trade**

Participants will hear from senior staff in the executive branch of the U.S. government about recent executive initiatives on copyright and trade, including the Trans-Pacific Partnership, proposals to update the U.S. statutory damages framework, and the development of an administration-wide IP strategic plan.

Speakers	<b>Probir Mehta</b>	Assistant U.S. Trade Representative for Innovation and Intellectual Property, Office of the U.S. Trade Representative
	<b>Shira Perlmutter</b>	Chief Policy Officer, U.S. Patent and Trademark Office

	<b>Philippa Scarlett</b>	Deputy Intellectual Property Enforcement Coordinator, Executive Office of the President (IPEC)
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Moderator	<b>Karyn Temple Claggett</b>	Associate Register of Copyrights and Director of Policy & International Affairs, U.S. Copyright Office
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## **Fostering an Effective Copyright System in the Digital Age**

Montpelier, LM619 (MORNING)

Pickford Theater (AFTERNOON)

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9:00 am – 10:00 am

### **WIPO Overview and Capacity Building**

Participants will gain an understanding of WIPO, including its capacity-building services and other information relevant to the participants. WIPO representatives will also discuss the various capacity building opportunities WIPO offers to member states.

Speakers	<b>Michele Woods</b>	Director, Copyright Law Division, Culture and Creative Industries Sector, World Intellectual Property Organization
	<b>Gao Hang</b>	Director, Copyright Development Division, World Intellectual Property Organization

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10:00 am – 11:00 am

### **Protecting Copyrighted Works through Enhanced Collaboration and Voluntary Efforts**

Participants will learn about the role of both content owners and intermediaries in protecting copyrighted works in the digital environment, including a discussion of recent voluntary initiatives in the United States such as the Copyright Alert System.

Speakers	<b>Jim Kohlenberger</b>	Executive Director, Center for Copyright Information
	<b>Troy Dow</b>	Vice President and Counsel, Government Relations and IP Legal Policy and Strategy, The Walt Disney Company
	<b>Jennifer Pariser</b>	Vice President and Executive Director of Academic Outreach, Motion Picture Association of America (MPAA)
	<b>Ellen Schrantz</b>	Director of Government Affairs and Counsel, Internet Association
Moderator	<b>Brad A. Greenberg</b>	Counsel, Policy & International Affairs, U.S. Copyright Office

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11:00 am – 12:15 pm

**Tour of Law Library**

Participants will tour the Library of Congress’s Law Library and enjoy presentations by regional experts on unique finds from the Library of Congress’s collections.

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12:15 pm – 1:45 pm

**LUNCH**

Participants will have time to get lunch on their own. Please return by 1:30 pm in order to pass through security and be seated before the 1:45 pm session begins. Also, please note that the afternoon sessions will be held in the Pickford Theater on the 3rd Floor, Bronze Corridor (main elevators).

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1:45 pm – 2:45 pm

**Intergovernmental Coordination: Across Agencies and Beyond Borders**

Participants will explore ways in which different agencies can coordinate to build an effective enforcement strategy, including opportunities for foreign governments to work together.

Speakers	<b>Bruce Foucart</b>	Director, U.S. National Intellectual Property Rights Coordination Center (IPR Center)
	<b>Christopher Merriam</b>	Deputy Chief, Computer Crime and Intellectual Property Section (CCIPS), U.S. Department of Justice (DOJ)
	<b>Nathan Loehr</b>	Intelligence Analyst, Criminal Investigative Division, Federal Bureau of Investigation (FBI)
Moderator	<b>Andrew Moore</b>	Barbara A. Ringer Fellow, U.S. Copyright Office

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2:45 pm – 3:45 pm

### Recent Global Initiatives in Copyright Enforcement

Participants will learn about recent initiatives outside the United States, as well as the ways in which international agencies can coordinate to build an effective global enforcement strategy.

Speaker	<b>Ros Lynch</b>	Copyright and IP Enforcement Director, United Kingdom Intellectual Property Office (UKIPO)
Participant Perspectives	<b>Kajit Sukhum</b>	Director, Copyright Office, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi, Thailand
	<b>Gustavo Schötz</b>	National Director, National Directorate of Copyright, Ministry of Justice and Human Rights, Buenos Aires, Argentina
Moderator	<b>Karyn Temple Claggett</b>	Associate Register of Copyrights and Director of Policy & International Affairs, U.S. Copyright Office

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3:45 pm – 4:00 pm

**BREAK**

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4:00 pm – 5:00 pm

### IP Policy in Focus: Creating a Balanced Framework — The Legislative Branch and the Rule of Law

Participants will hear from senior staff in the legislative branch of government on ways in which laws can be kept updated to address copyright issues in the digital age.

Speakers	<b>Jason Everett</b>	Chief Democratic Counsel, House Subcommittee on Courts, Intellectual Property, and the Internet
	<b>Joe Keeley</b>	Chief Counsel, House Subcommittee on Courts, Intellectual Property, and the Internet
	<b>Garrett Levin</b>	Senior Counsel, Senate Judiciary Committee
	<b>Matt Sandgren</b>	Senior Counsel, Senate Judiciary Committee
Moderator	<b>Emily Lanza</b>	Counsel, Policy & International Affairs, U.S. Copyright Office

**FRIDAY, JUNE 10, 2016**

## **Advancing Copyright in the International Community**

Montpelier, LM619

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8:30 am – 9:00 am

### **Per Diem Disbursement**

Please check-in at the Montpelier Room to be directed to the Travel Office for the final per diem disbursements. This will be the last opportunity to collect per diems.

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9:00 am – 9:30 am

### **Breakfast Reception**

Please join us in the Montpelier Room for a breakfast reception before the day's sessions begin.

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9:30 am – 11:30 am

### **WIPO Technical Training on Treaty Implementation**

Speaker

**Michele Woods**

Director, Copyright Law Division, Culture and Creative Industries Sector, World Intellectual Property Organization

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11:30 am – 11:45 am

### **BREAK**

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11:45 am – 1:00 pm

### **Country Remarks and Discussion**

Participants will share their experiences from the copyright regimes in their home country, and also share what they have learned during the week.

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1:00 pm – 1:30 pm

### **Closing Ceremony**

Participants will receive certificates of attendance and hear final remarks from the organizers.

