Public Roundtable on the Right of Making Available

MONDAY, MAY 5, 2014

Hosted by the U.S. Copyright Office
Rayburn House Office Building, Room 2226, Washington, DC 20515

INTRODUCTION
Opening Remarks by the U.S. Copyright Office
9:00 AM

SESSION 1
Existing Exclusive Rights under Title 17 (Part One)
9:10 AM – 10:45 AM

This session will explore how the exclusive rights in Title 17 cover the making available and communication to the public rights in the context of digital on-demand transmissions such as peer-to-peer networks, streaming services, and music downloads, as well as more broadly in the digital environment. This session will also address evidentiary issues in infringement actions.

John C. Beiter
SESAC, Inc.

Andrew P. Bridges
Attorney

George M. Borkowski
Senior Vice President, Litigation and Legal Affairs, Recording Industry Association of America

Eugene DeAnna
Library of Congress

Professor Jane Ginsburg
Columbia University School of Law

Terry Hart
Director of Legal Policy, Copyright Alliance

Professor Glynn Lunney
Tulane University School of Law

Professor Peter Menell
University of California – Berkeley School of Law

Sam Mosenkis
Vice President, Legal Affairs, American Society of Composers, Authors and Publishers

Matthew Schruers
Vice President of Law & Policy, Computer & Communications Industry Association

Nancy Wolff
PACA: Digital Media Licensing Association

10:45 AM – 11:00 AM

Break
SESSION 2

Existing Exclusive Rights under Title 17 (Part Two)

Like Session 1, this session will explore how the exclusive rights in Title 17 cover the making available and communication to the public rights in the context of digital on-demand transmissions such as peer-to-peer networks, streaming services, and music downloads, as well as more broadly in the digital environment. This session will also address evidentiary issues in infringement actions.

Jonathan Band  Counsel, Library Copyright Alliance
Joseph J. DiMona  Vice President, Legal Affairs, Broadcast Music, Inc.
Jim Halpert  Internet Commerce Coalition
Lawrence Husick  Delaware County IP Roundtable
Lee Knife  Executive Director, Digital Media Association
Keith Kupferschmid  General Counsel and Senior Vice President, Intellectual Property, Software & Information Industry Association
Patrice A. Lyons  General Counsel, Corporation for National Research Initiatives
Laura Moy  Staff Attorney, Public Knowledge
Jay Rosenthal  General Counsel, National Music Publishers’ Association
Ben Sheffner  Vice President, Legal Affairs, Motion Picture Association of America, Inc.
Steven Tepp  Global Intellectual Property Center, U.S. Chamber of Commerce

12:30 PM – 1:45 PM  Lunch Break
SESSION 3  
Benefits of Clarification/Possible Changes to U.S. Law

1:45 PM – 3:15 PM

This session will explore the feasibility and necessity of amending U.S. law to strengthen or clarify U.S. law in this area.

Allan Adler  
General Counsel, Association of American Publishers

Sandra Aistars  
Chief Executive Officer, Copyright Alliance

Jonathan Band  
Counsel, Library Copyright Alliance

Gregory A. Barnes  
General Counsel, Digital Media Association

John C. Beiter  
SESAC, Inc.

Andrew P. Bridges  
Attorney

Mitch Glazier  
Senior Executive Vice President, Recording Industry Association of America

Keith Kupferschmid  
General Counsel and Senior Vice President, Intellectual Property, Software & Information Industry Association

Patrice A. Lyons  
General Counsel, Corporation for National Research Initiatives

Professor Peter Menell  
University of California – Berkeley School of Law

Laura Moy  
Staff Attorney, Public Knowledge

Nancy Wolff  
PACA: Digital Media Licensing Association
SESSION 4  
3:15 PM – 4:15 PM  

**Foreign Implementation and Interpretation of the WIPO Internet Treaties**

This session will explore how foreign laws have interpreted and implemented the relevant provisions of the WIPO Internet Treaties.

Sofia Castillo  
Legal Fellow, Copyright Alliance

Joseph J. DiMona  
Vice President, Legal Affairs, Broadcast Music, Inc.

Christian Genetski  
Senior Vice President & General Counsel, Entertainment Software Association

Professor Jane Ginsburg  
Columbia University School of Law

Professor Glynn Lunney  
Tulane University School of Law

Jay Rosenthal  
General Counsel, National Music Publishers’ Association

Matthew Schruers  
Vice President of Law & Policy, Computer & Communications Industry Association

Steven Tepp  
Global Intellectual Property Center, U.S. Chamber of Commerce

Session 5  
4:15 PM – 5:00 PM  

**Audience Participation**

This session will allow the audience to add final comments and views on the issues discussed during the day. Audience members will be able to sign-up throughout the day. Statements will be limited to 2 minutes in order to accommodate a maximum number of participants. Session participants will also be able to sign-up after the public audience members, time permitting.