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November 28, 2011

VIA ONLINE ONLY (<http://www.copyright.gov/docs/onlinesp/>)

Copyright Office
Library of Congress

**Re: Request for Public Comment on Designation of Agent
To Receive Notification of Claimed Infringement**

Verizon Communications Inc. and its subsidiaries (collectively “Verizon”) appreciates the opportunity to provide comments to the Copyright Office’s proposals to update its interim regulations governing the designation by online service providers of agents to receive notifications of claimed copyright infringement as provided for in the Copyright Act. By way of background, Verizon is among the world’s leading Internet Services Providers.¹ Overall, Verizon supports the Copyright Office’s proposed changes to the designation of agent to receive notices of alleged copyright infringement under the Digital Millennium Copyright Act (“DMCA”). We submit the following comments for consideration:

The requirement to validate the information relating to the Designated Agent at least every two years should be accomplished at no additional cost to the service provider. Such validation process could be accomplished by sending an email requesting a response from the service provider, similar in nature to the process used by a Certificate Authority when a digital certificate is ordered.

We strongly support the proposal for a single, joint designation of agent to receive DMCA notices of alleged copyright infringement, as this creates great efficiencies, especially for larger service providers. For example, Verizon is the owner of numerous companies that provide Internet services in the United States, all of which use the same Designated Agent, however, not all of these companies have the same street address. There does not appear to be any good reason to limit registration to affiliates sharing the same street address. We request that the Copyright Office correct this unwarranted restriction.

¹ Verizon Wireless owns and operates the nation’s largest wireless network, which offers wireless Internet services, serving more than 107.7 million voice and data customers. Verizon’s wireline operations include Verizon Business, which delivers innovative business solutions to customers over a global IP footprint covering over 2,700 cities in over 150 countries across six continents, serving 98% of the Fortune 500, and Verizon Telecom, which brings customers the benefits of converged communications and entertainment products and services over the nation’s most advanced FiOS branded fiber-optic network.

We recommend that the Copyright Office, in conjunction with this process, take specific steps to address the ongoing abuses of the DMCA “notice and takedown” process. While Verizon receives valid “notice and takedown” requests from copyright owners and responds promptly with the “take down” and counter-notification processes, we have unfortunately also experienced increasing misuses of the Designated Agent information located on the Copyright Office’s website. The misuses fall into a variety of categories, including cases of (i) P2P and other file sharing activities where the material alleged to be infringed does not reside on a service provider’s system or network, yet ISPs are often sent automated “takedown” notices by the thousands; (ii) allegations of trademark infringement, where the DMCA “notice and takedown” provision does not apply; (iii) material that is protected by the “fair use” defense of the Copyright Act; and (iv) abusive litigation tactics made in the alarming growth of “copyright troll” lawsuits. The latter involve legal motions often brought by those representing the “adult” entertainment industry who are using improper discovery tactics in federal and state courts to obtain the personal information (name, address and “Mac” number) of hundreds of ISP subscribers per case. In most instances, the litigation never proceeds as the intent is to extract multiple payments from thousands of defendants, many of whom are likely to settle due to the expense of defending the litigation and the embarrassing nature of the content alleged to be infringed.

In order to address these increasing abuses, we recommend that the Copyright Office present users of the Designated Agent database with a prominent warning and information notice. The notice would inform users about the proper uses to which the Designated Agent database applies and warn them against improper uses of the database. Users should be reminded that before sending any DMCA notice, one must have a good faith belief that the notice pertains to content (or information location tools) located on a service provider’s system or network, for which the service provider can perform a “takedown.” Users should also be reminded that there are potential penalties under 17 U.S.C. § 512(f) for material misrepresentations of copyright infringement. Improper use of Designated Agent information to send invalid DMCA notices slows the “notice and takedown” process for all, making it more difficult for a service provider to respond to the legitimate notices it receives from copyright owners.

We thank you once again for this opportunity to provide input into this important proposal.