



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

James R. Browning Courthouse  
San Francisco, California

Thursday, May 12, 2016

9:00 – 10:30 AM

**SESSION 1**

Notice-and-Takedown Process—Identification  
of Infringing Material and Notice Submission

10:30 – 10:45 AM

**BREAK**

10:45 AM – 12:15 PM

**SESSION 2**

Notice-and-Takedown Process—Service Provider  
Response and Counter-Notifications

12:15 – 1:30 PM

**LUNCH** ON YOUR OWN

1:30 – 3:00 PM

**SESSION 3**

Applicable Legal Standards

3:00 – 3:15 PM

**BREAK**

3:15 – 4:45 PM

**SESSION 4**

Scope and Impact of Safe Harbors

Friday, May 13, 2016

9:00 – 10:30 AM

**SESSION 5**

Technological Strategies and Solutions

10:30 – 10:45 AM

**BREAK**

10:45 AM – 12:15 PM

**SESSION 6**

Voluntary Measures and Industry Agreements

12:15 – 1:30 PM

**LUNCH** ON YOUR OWN

1:30 – 3:00 PM

**SESSION 7**

Future of Section 512

3:00 – 3:15 PM

**BREAK**

3:15 – 4:45 PM

**WRAP-UP/OPEN MIC**



# U.S. COPYRIGHT OFFICE Section 512 Study

James R. Browning Courthouse  
San Francisco, California

Thursday, May 12, 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.

Jordan Berliant  
George Borkowski  
Rebecca Cusey

Ron Gard  
Dave Green  
Alex Feerst  
Wayne Kramer  
Keith Kupferschmid  
Jeff Lyon  
Brian McNelis  
Corynne McSherry  
Braxton Perkins  
Jay Rosenthal  
Charles Roslof  
T.J. Stiles  
Jennifer Urban  
Ruth Vitale  
Devon Weston  
Stephen Worth  
Betsy Viola Zedek

Revelation Management Group  
Recording Industry Association of America  
Arts and Entertainment Advocacy Clinic at  
George Mason University School of Law  
Tulane University Law School  
Microsoft  
Medium  
Movie Prose  
Copyright Alliance  
Fight for the Future  
Lakeshore Records  
Electronic Frontier Foundation  
NBC Universal  
ESL Music/ ESL Music Publishing  
Wikimedia Foundation  
Author  
University of California-Berkeley School of Law  
Creative Future  
Digimarc  
Amazon  
Disney

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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.

Lila Bailey  
Eric Cady  
Dan Coleman  
Carl Crowell  
Deron Delgado  
East Bay Ray  
Steven Ellerd  
Evan Engstrom  
Cathy Gellis  
Joseph Gratz  
Daphne Keller  
  
Peter Midgley  
Gabriel Miller  
Chris Riley  
Ellen Seidler  
Ira Siegel  
Jonathan Taplin  
Elizabeth Valentina  
Fred von Lohmann  
Devon Weston

Internet Archive  
Independent Film & Television Alliance  
Modern Works Music Publishing  
Crowell Law  
American Association of Independent Music  
Dead Kennedys (Musician)  
Graduate Student  
Engine  
Digital Age Defense  
Durie Tangri LLP  
Stanford Law School Center for Internet  
and Society  
Brigham Young University  
Paramount Pictures Corporation  
Mozilla  
Fast Girl Films  
Copyright Enforcement Group Inc.  
USC Annenberg Innovation Lab  
Fox Entertainment Group  
Google  
Digimarc

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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.

Ian Ballon  
George Borkowski  
Andrew Bridges  
Dan Coleman  
Carl Crowell  
Paul Doda  
Evan Engstrom  
Alex Feerst  
Cathy Gellis  
Devlin Hartline  
Corynne McSherry  
Peter Midgley  
Tom Murphy  
Ryan Noormohamed  
Sean O'Connor

Stanford Law School Center for E-Commerce  
Recording Industry Association of America  
Fenwick & West LLP  
Modern Works Music Publishing  
Crowell Law  
Elsevier  
Engine  
Medium  
Digital Age Defense  
Center for the Protection of Intellectual Property  
Electronic Frontier Foundation  
Brigham Young University  
Content Creators Coalition  
Tulane University Law School  
University of Washington (Seattle)

Jeffrey Sedlik  
Ellen Schrantz  
Ben Sheffner  
Brian Willen  
Stephen Worth

PLUS Coalition  
Internet Association  
Motion Picture Association of America  
Wilson Sonsini Goodrich  
Amazon

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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.

Lila Bailey  
Jordan Berliant  
Andrew Bridges  
Eric Cady  
Rebecca Cusey

Paul Doda  
East Bay Ray  
Steven Ellerd  
Dave Green  
Devlin Hartline  
Daphne Keller

Joshua Lamel  
Steve Marks  
Michael Masnick  
Donald Passman  
Jeffrey Sedlik  
Ellen Schrantz  
Jonathan Taplin  
Elizabeth Valentina  
Brian Willen

Internet Archive  
Revelation Management Group  
Fenwick & West LLP  
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Arts and Entertainment Advocacy Clinic at George Mason University School of Law  
Elsevier  
Dead Kennedys (Musician)  
Graduate Student  
Microsoft  
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Stanford Law School Center for Internet and Society  
Re:Create  
Recording Industry Association of America  
Copia Institute  
Gang Tyre Ramer & Brown, Inc.  
PLUS Coalition  
Internet Association  
USC Annenberg Innovation Lab  
Fox Entertainment Group  
Wilson Sonsini Goodrich

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**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.

Scott Andrews  
Ron Gard  
Joseph Gratz  
Daphne Keller

Keith Kupferschmid  
Jeff Lyon  
Dean Marks  
Brian McNelis  
Gabriel Miller  
Tom Murphy  
Braxton Perkins  
Chris Riley  
Tony Rodriguez  
Charles Roslof  
Jeffrey Sedlik  
Ellen Seidler  
Jonathan Taplin  
Jennifer Urban  
Fred von Lohmann  
Betsy Viola Zedek

eBay, Inc.  
Tulane University Law School  
Durie Tangri LLP  
Stanford Law School Center for Internet  
and Society  
Copyright Alliance  
Fight for the Future  
Motion Picture Association of America  
Lakeshore Records  
Paramount Pictures Corporation  
Content Creators Coalition  
NBC Universal  
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Disney

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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.

Scott Andrews  
Alex Feerst  
Dave Green  
Devlin Hartline  
Keith Kupferschmid  
Jeff Lyon  
Dean Marks  
Michael Masnick  
Brian McNelis  
Michael Michaud  
Gabriel Miller  
Tom Murphy  
Sean O'Connor  
Tony Rodriguez  
Jeffrey Sedlik  
Ira Siegel  
T.J. Stiles  
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Channel Awesome, Inc.  
Paramount Pictures Corporation  
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University of Washington (Seattle)  
Digimarc  
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Copyright Enforcement Group Inc.  
Author  
University of California-Berkeley School of Law  
Creative Future  
Google

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12:15 – 1:30 PM LUNCH (ON YOUR OWN)

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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.

Ian Ballon  
Eric Cady  
Deron Delgado  
Paul Doda  
Alex Feerst  
Cathy Gellis  
Joseph Gratz  
Joshua Lamel  
Corynne McSherry  
Michael Michaud  
Michael Nash  
Sean O'Connor  
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T.J. Stiles  
Bob Tourtellotte  
Fred von Lohmann  
Stephen Worth

Wikimedia Foundation  
Motion Picture Association of America  
Author  
FilmMcQueen LLC  
Google  
Amazon

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3:00 – 3:15 PM    BREAK

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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.