UNITED STATES COPYRIGHT OFFICE

SECTION 512 STUDY

9:00 a.m.

Tuesday, May 3, 2016

Thurgood Marshall United States Courthouse
40 Centre Street
New York, New York

U.S. COPYRIGHT OFFICE:

CINDY ABRAMSON
JACQUELINE C. CHARLESWORTH
KARYN TEMPLE CLAGGETT
RACHEL FERTIG
BRAD GREENBERG
KIMBERLEY ISBELL
PARTICIPANTS:

ALLAN ADLER, Association of American Publishers

SANDRA AISTARS, Arts & Entertainment Advocacy Clinic at George Mason University School of

JONATHAN BAND, Library Copyright Alliance and Amazon

MATTHEW BARBLAN, Center for the Protection of Intellectual Property

GREGORY BARNES, Digital Media Association

JUNE BESEK, Kernochan Center for Law, Media and the Arts

ANDREW BRIDGES, Fenwick & West LLP

WILLIAM BUCKLEY, FarePlay, Inc.

STEPHEN CARLISLE, Nova Southeastern University

SOFIA CASTILLO, Association of American Publishers

ALISA COLEMAN, ABKCO Music & Records

ANDREW DEUTSCH, DLA Piper

TROY DOW, Disney

TODD DUPLER, The Recording Academy

SARAH FEINGOLD, Etsy, Inc.

KATHY GARMEZY, Directors Guild of America

JOHN GARRY, Pearson Education

MELVIN GIBBS, Content Creators Coalition

DAVID GREEN, NBC Universal

TERRY HART, Copyright Alliance

MICHAEL HOUSLEY, Viacom
PARTICIPANTS

SARAH HOWES, Copyright Alliance
WAYNE JOSEL, American Society of Composers, Authors and Publishers
BRUCE JOSEPH, Wiley Rein LLP (for Verizon)
DAVID KAPLAN, Warner Bros. Entertainment
THOMAS KENNEDY, American Society of Media Photographers
DAVID KORZENIK, Miller Korzenik Sommers Rayman LLP
JOSHUA LAMEL, Re:Create
DINA LAPOLT, LaPolt Law, PC
MICHAEL MICHAUD, Channel Awesome, Inc.
CHRISTOPHER MOHR, Software and Information Industry Association
EUGENE MOPSIK, American Photographic Artists
MICKEY OSTERREICHER, National Press Photographers Association
JENNIFER PARISER, Motion Picture Association of America
MICHAEL PETRICONE, Consumer Technology Association
JANICE PILCH, Rutgers University Libraries
CASEY RAE, Future of Music Coalition
MARY RASENBERGER, Authors Guild
STEVEN ROSENTHAL, McGraw-Hill Education
KEVIN RUPY, USTelecom
PARTICIPANTS

1. MARIA SCHNEIDER, Musician
2. BRIANNA SCHOFIELD, UC-Berkeley School of Law
3. MATTHEW SCHRURS, Computer & Communications Industry Association
4. LISA SHAFTEL, Graphic Artists Guild
5. VICTORIA SHECKLER, Recording Industry Association of America
6. KERRY SHEEHAN, Public Knowledge
7. LUI SIMPSON, Association of American Publishers
8. HOWIE SINGER, Warner Music Group
9. REBECCA TUSHNET, Organization for Transformative Works
10. DARIUS VAN ARMAN, American Association of Independent Music
11. LISA WILLMER, Getty Images
12. NANCY WOLFF, Digital Media Licensing Association
<table>
<thead>
<tr>
<th>TOPIC</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction/ Opening Remarks</td>
<td>6</td>
</tr>
<tr>
<td>SESSION 5:</td>
<td></td>
</tr>
<tr>
<td>Technological Strategies and Solutions</td>
<td>8</td>
</tr>
<tr>
<td>SESSION 6:</td>
<td></td>
</tr>
<tr>
<td>Voluntary Measures and Industry Agreements</td>
<td>89</td>
</tr>
<tr>
<td>SESSION 7:</td>
<td></td>
</tr>
<tr>
<td>Future of Section 512</td>
<td>163</td>
</tr>
<tr>
<td>SESSION 8:</td>
<td></td>
</tr>
<tr>
<td>Wrap-Up/ Open Mic</td>
<td>244</td>
</tr>
</tbody>
</table>
PROCEDINGS

MS. CHARLESWORTH: Good morning, everyone, and I see a lot of familiar faces. My name is Jacqueline Charlesworth. I'm the General Counsel and the Associate Register at the U.S. Copyright Office.

Welcome back to the section 512 roundtables where we're discussing notice-and-takedown -- the process under section 512 of Title 17, often referred to the DMCA takedown process.

To my left, I have a colleague, Brad Greenberg, who is Counsel in the Office of Policy and International Affairs at the office. And to my immediate left, Karyn Temple Claggett, who runs that office. On my right is Kim Isbell who is -- I'm sorry, Senior Counsel in PIA. I'm surrounded by PIA people here. And down at the end, Rachel Fertig who is a Ringer Fellow at the Office. So we're happy to have you today to continue our discussion.

Just before I get into this particular session, I wanted to point out we have sign-up sheets on the podium in the middle of the room.

For people who wish to comment at the end of the day, we're going to have what we call an open mic. We particularly are interested in anyone
who's been observing who hasn't had a chance to participate in the roundtables. You'll see two lists there. One is for observers; one is for participants. But at the very end of the day, we will be allowing people to make brief remarks for the record on anything they care to address that they feel wasn't fully addressed in the hearing.

So by all means, sign up if that's something you're interested in doing.

This particular panel, Panel 5 or Session 5, concerns technological strategies and solutions. A lot of this material was sort of touched upon yesterday, but we really didn't get into a lot of detail regarding, you know, what technologies are available or potentially available to help both users of this process and those who are responding to notices. And where are we in the evolution of that technology and how does it relate to the incentives provided under the law.

We will be hopefully taking a little bit of a closer look at those issues and are particularly interested in hearing from people who actually have worked with these systems and some of the details of how they work and the costs and so forth.

As we did yesterday, we'll be calling on
people. If you'd like to speak, tip your card up, and we will hopefully get around to you -- we'll try to.

We have a timekeeper down there. We're trying to limit the remarks to two minutes apiece so that we can get everyone in, usually for a couple remarks or a couple comments for the record.

We do have a court reporter, who's taking down your words today, so we will be making a public transcript available on our website eventually.

It's important that we try not to speak over one another.

And let's see, I'm going to - I have already introduced us. I'm going to start off this session by allowing you to introduce yourselves and if you could briefly in your -- very briefly in your introduction, explain what your relationship is to the technologies we'll be talking about. Are you someone who uses them? Have you helped develop them? Are you overseeing them? And also, tell us what your affiliation is if you're representing an organization today.

Session 5: Technological Strategies and Solutions

So without further ado, I think I'm back to -- I'm going to start on the right and work left since
we have a tendency to go in the other direction. So I think that we're going to begin with you, Ms. Castillo. Can you just introduce yourself for the records and just very briefly explain why you're on this panel relating to technology.

MS. CASTILLO: Okay. I'm Sofia Castillo. I'm a staff attorney at the Association of American Publishers, and many of our members use technologies to address piracy on a regular basis.

MR. BAND: I'm Jonathan Band representing the Library Copyright Alliance and our concern with various technologies is the possibility of over-notification, over take-down and negative implications on fair use and other exceptions.

MR. HOUSLEY: I'm Michael Housley. I'm counsel content protection at Viacom. Part of my responsibilities are overseeing our content protection vendors, many technology vendors, as well as our use of YouTube's Content ID, and we're constantly meeting with a bunch of different vendors in the marketplace.

MS. HOWES: So my name is Sarah Howes. I'm the director of legal affairs at the Copyright Alliance. I'm not going to pretend I know anything about technology. I'm a theater artist, so -- but I'm here today to talk on behalf of artists who
also don't know a lot about technology for various reasons.

MR. KAPLAN: I'm David Kaplan from Warner Brothers. I'm the head of the content protection group at the studio, and we regularly use technology, fingerprinting, scanning technologies in our enforcement efforts.

MR. PETRICONE: Hi, I'm Michael Petricone with the Consumer Technology Association. We represent 2200 of America's most innovative companies, most of whom are small businesses, and many of whom rely on the protections of the safe harbors as a key part of their business model.

MR. MOPSIK: Eugene Mopsik, former commercial photographer representing the interests of American Photographic Artists here whose members routinely use various technological means to discover the unauthorized use of their images.

I'm also a founding board member of the PLUS Coalition, which is a consortium created to help identify rights information and connect rightsholders with the marketplace.

MR. RAE: My name's Casey Rae. I'm the CEO of Future of Music Coalition. We're a research, education and advocacy organization for musicians based in
Washington, D.C. primarily interested in this from the artists' side, want to know more about the accessibility and affordability of detection technologies for the people that we're representing in these conversations. Also looking at the intersection of data, data integrity, database environment with those identification technologies.

MR. ROSENTHAL: Hi, I'm Steven Rosenthal from McGraw-Hill Education. I oversee McGraw-Hill's anti-piracy and counterfeiting program, and I regularly engage vendors that use technologies to help identify and combat piracy. And I also engage the use of vendors to explore technologies to further our content protection needs.

MS. SCHNEIDER: I'm Maria Schneider. Is this on? Is that on?

MS. CHARLESWORTH: I think it's on, yes.

MS. SCHNEIDER: Okay. I'm Maria Schneider, and I'm a musician, and I'm here speaking from the perspective of somebody that sees lots of technology all around me that I feel is being used to monetize infringed content and to make things easier -- easy for uploaders that somehow I don't have access to from the perspective of trying to take things down and keep them down.
MS. SCHOFIELD: Hi, I'm Brianna Schofield. I am with UC Berkeley School of Law. I am here in part because as part of a recent research study, looked into the use of technology by both notice senders and online service providers.

MR. SCHRUERS: My name's Matt Schruers. I'm with the Computer and Communications Industry Association. CCIA members include both producers and licensed distributors of content, principally online, as well as intermediaries that provide tools and platforms for end users to communicate and distribute content online.

MS. SHAFTEL: Lisa Shaftel, National Advocacy Chair of the Graphic Artists Guild. I'm an illustrator and a graphic artist, and I also educate graphic designers and illustrators about business practices, copyright licensing, and how to add identifiers to their work and use the technology to identify their work and to find infringing uses.

MS. SHECKLER: Thank you. Vicky Sheckler with Recording Industry Association of America. I regularly work with our anti-piracy and tech departments on day-to-day new piracy matters.

MR. SINGER: Howie Singer. I'm the chief technologist for the Strategy Group at Warner Music,
1 and I'm involved in dealing with the evaluation of
2 technologies that can both support and threaten Warner
3 Music's various businesses.

        MS. WILLMER: Hi, I'm Lisa Willmer with Getty
4 Images. Getty represents over 200,000 photographers,
5 and I'm hoping to talk today about the availability of
6 image recognition software and what mechanisms we
7 don't have in the DMCA to bring some leverage to
8 online service providers to actually use that
9 technology.

        MS. WOLFF: I'm Nancy Wolff. I'm here today
10 on behalf of the Trade Association of Image Licensers,
11 Digital Media Licensing Association, and I'm also
12 counsel to the PLUS Coalition, and I'm here today to
13 similarly discuss technology used for purposes of
14 licensing and also image recognition technology that's
15 available and what can be done to make it more useful
16 in terms of keeping infringing content offline and
17 encourage licensing.

        MR. DEUTSCH: I'm Andy Deutsch on behalf of
18 the Internet Commerce Coalition, which is a large
19 group of internet service providers that both transmit
20 and host content and who obviously are very interested
21 in technological changes and its application to
22 section 512 as well as to cooperative efforts with
copyright holders to develop best practices for
notices and other 512 procedures.

MS. CHARLESWORTH: Okay, well, good morning.

So I'm going to start with a fairly broad question.
For those of you who weren't here yesterday, we heard
a lot about the challenges of this system on both
sides, both in terms of sending notices, identifying
works, and then the volume of notices that are
received, some of which are, you know, not properly
prepared. So my general question here, having digested
some of what we heard yesterday, is technology a big
part of the answer here? Can it be a big part of the
answer in terms of solving some of the problems that
we heard about yesterday from both those copyright
owners who wish to identify and takedown works and
users who are responding to notices? To what degree
can we look to technology as a solution?

All right, good, I have responses. This is
good. Okay. I think since basically everyone put their
placard up with that nice, broad question, I'm going
to start again on this side of the room. Ms. Castillo

MS. CASTILLO: Well, I -- for AAP, the answer
is definitely yes, technology is a big part of the
answer to many of the problems we've been discussing.
And that is partly because there seems to be very
strong opposition to legislative solutions, and voluntary practices -- voluntary agreements and best practices, which will be the subject of future panels, are -- have their limitations. They don't necessarily include everybody.

And so many of the problems of infringement are driven by technology, so technology-based solutions are definitely the way to go. We have seen that filtering mechanisms, fingerprinting, and watermarking are available, are possible, and even if they are not perfect, they are a great way to start. And they actually would provide more effectiveness rather than more efficiency to the DMCA notice-and-takedown.

One of the examples we have seen that is positive is Scribd's Book ID fingerprinting system. And that is something that is an algorithm that basically incorporates things like word count, word frequency into -- it combines all that into an algorithm that creates a fingerprint.

And then whenever matching content is uploaded, then the filter basically prevents it from either being uploaded or actually removes it from the site. And the site actually provides the possibility of challenging content Book ID made removals. And so
something like that is a good example of places where we can start building up technology and tweaking filters so that they eventually become more accurate and there are less false-positives.

Also the other good thing about technology-based solutions is that one of the criticisms we heard yesterday is that some -- in some situations, notice and stay-down system would conflict with 512(m), and the prohibition of imposing monitoring obligation on ISPs but to the extent that filtering technologies are based on information that comes from DMCA notices or information that is already provided by copyright owners, then it wouldn't conflict with prohibition on] the affirmative duty to monitor because this would be information that ISPs already have.

MS. CHARLESWORTH: And can I ask you for Scribd, do you know what motivated them to adopt that technology?

MS. CASTILLO: I don't know the history of Book ID, but I do know that they get their information from two different sources. One is references provided by copyright owners or authors, and the other one is information from DMCA notices. So my guess is, you know, this would be a way actually to reduce their
intake of notices because once you have a filter, then the reuploading problem should decrease. And then it's actually better for the service provider to not have to process so many notices.

MS. CHARLESWORTH: Okay. Thank you.

Mr. Band.

MR. BAND: So technology obviously is part of the solution. The internet is vast. Rightsholders obviously have no option but to use technology to find infringing material. Of course, one of the technologies they can use is Google because that's an easy way to find where infringing websites are and then go after those websites.

The -- at the same time, there's a danger, as I indicated before, of using these technological measures to -- that you get false-positives and we also know there's new research about the problems that come from all of these automated notices. On the service provider side, given the huge volume of notices, it's understandable that they want to use automated take-down, but again there's the problem that they're taking too much stuff down. Certainly for the -- they need to respond expeditiously to a notice, and it's inefficient for them to verify that everything -- all the items of the -- of notice
necessarily meet the statutory criteria, but it's understandable that they will try to respond to it. Filtering obviously is part of the solution, but it needs to be a voluntary part of the solution, whether it's done on a contractual basis between rightsholders and service providers or the service provider uses it on its own, but most importantly where technology comes into play is developing new business models, new ways for content to be distributed so that this whole discussion becomes irrelevant. I mean, that's what we really want is to move to a day where no one case about 512 because there are new alternatives out there.

MS. CHARLESWORTH: So you -- going back to sort of the earlier part of your statement, I think you acknowledged that given the volume on both sides that technology, I think you said, has to play a role perhaps in the system. And you're concerned about over notices, inaccurate notices, or over -- you know, mistakes in notices and also mistakes perhaps in the takedown end. But what -- on a practical level, thinking of this in the real world, how do you address it, and what is your proposal to address that? In other words, given that it seems that technological tools are necessary to this process, how do you
1 address the issue of over-noticing, if you want to
call it that, and over takedown? I mean, is there --
a way that might actually work or be scalable?

MR. BAND: Unfortunately, I don't think
that's possible. I mean, I think it's -- you know, we
live in an imperfect world. I mean, the statute says
that you need to -- that the rightsholder needs to
have a good-faith belief that the content is
infringing. Computers cannot have a good-faith belief,
right? It's software.

MS. CHARLESWORTH: No, but the people --

MR. BAND: But I -- so I think we all need to
suspend our belief to some extent. You know, this is
an imperfect world. This is an imperfect solution. I'm
not sure that there's anything from a policy
perspective or a legislative perspective that we can
do, necessarily, to make it better other than to come
up with, again, better technology that filters things
or, you know, that is more discriminating, more
nuanced, and then again, as I said, sort of better
business solutions that will make all this irrelevant.

MS. CHARLESWORTH: So you're suggesting that
technology may evolve to help address -- could be
fine-tuned and further developed maybe to deal with
the more marginal cases but that, if I heard you
correctly, a certain level of error is sort of inevitable when you're using technological processes?

MR. BAND: I think a certain level of error is inevitable, and I think we all need to sort of recognize that that's going to happen, that there's going -- there needs to be some flexibility and under -- and we need to acknowledge that instead of denying it.

MS. CHARLESWORTH: Okay.

MS. TEMPLE CLAGGETT: Yeah, and I actually had a quick follow-up on just that point right then in terms of whether technology would ever be able, I guess, to develop to the extent that it would itself be able to assist in terms of assessing fair use. So do you think that that is actually possible, that you would be able to use technology to comply with a court saying that you -- that a content owner has to consider fair use before they actually send the notice?

For example, if it's a technology that only would capture full-length films or full-length sound recordings and maybe have some other kind of factor that's also included. Do you think that that is something that would be able to allow you to still use a completely automated service but have that
subjective, good-faith belief that it's not authorized?

MR. BAND: So June brought this up yesterday talking about the Lenz case and then the amended opinion and what is the significance of the court removing that discussion and you know, whether -- what was the thinking and you know, who am I to speculate on why the Ninth Circuit removed that and what is the significance of its removal?

I think at the very least, technologies can be developed to include some kind of algorithm that would consider some of these factors. Whether that would necessarily in a given case be sufficient, I don't know, but I think you're not going to have a lot of cases like the Lenz case.

So you know, again, and that might be one of those situations where we say, you know, it's -- you know, the rightsholders should build that kind of fair use equivalent screening into their system, and it might result in some errors, and it could be that once in a while, they will be found to -- you know, in the event that they're -- that a take-down is challenged as it was in the Lenz case, it could be that once in a while, they might have to litigate that. And it could be that once in a while, they might
1 have to pay some damages. But that's, you know, part
2 of the cost of doing business in this environment.

3 MS. TEMPLE CLAGGETT: Thanks.
4 MS. CHARLESWORTH: Thank you, Mr. Band.
5 Mr. Housley.
6 MR. HOUSLEY: So I think there are
7 technologies available today that when deployed
8 correctly can be used very well to find especially
9 full-length pieces of content, unedited pieces of
10 content. All of these new technologies need to be
11 assessed and deployed carefully. At Viacom, we give a
12 wide berth to fair use. Our fans are our priority, and
13 the focus of our content protection program is always
14 going to be going after the most damaging content,
15 which is the full-length content. So in that sense,
16 the existing technology has helped us to manage that
17 process.

18 I also think that we'd be selling ourselves
19 short and selling the technology sector short if we
20 didn't think that we could come up with something
21 better than fingerprinting.

22 I think that if you look at what's being
23 done in artificial intelligence and machine learning,
24 the sky's the limit. I think those technologies are
25 well-suited to and are already being used to identify
content for other non-competition uses.

And it may be that the original intent of the DMCA of having creators and OSPs working together on these issues has been distorted a bit so that the original incentive to continue to fine-tune and evolve these things technologies is no longer there.

MS. CHARLESWORTH: I have a follow-up. It sounds like -- are you familiar with the technologies available in the marketplace, then? Is that part of your role? So we've heard a lot about like yesterday, we heard about Content ID, and we just heard about Scribd sites that have sort of custom filtering technologies, but are there third-party vendors who offer filtering as an outside vendor to websites who might be using technology, or does it -- is it all only in a custom environment at this point?

MR. HOUSLEY: There are third parties that will license their fingerprinting technology to websites if they -- if websites wanted to filter.

MS. CHARLESWORTH: And do you know whether there are any websites that have adopted -- setting aside YouTube and Content ID and it sounds like Scribd, but whether websites are starting to adopt anything that looks like stay-down technology through
the use of either custom software or third-party vendors?

MR. HOUSLEY: Of those that are publicly talking about it, I know that there are a number of sites that use Audible Magic. I think in the news recently, Facebook came out that they're -- they've started to develop their own Content ID-like system. There are a couple of other vendors that come to mind. One is the name Vobile, V-O-B-I-L-E. Some websites use them in the same way to filter.

MS. CHARLESWORTH: Okay, if we -- go down the row. If anyone has sort of specific knowledge about -- I saw some nodding heads -- about the availability of sort of third-party filtering technology and fingerprinting services of interest.

MS. TEMPLE CLAGGETT: I had a follow-up -- quick follow-up question to that, as well. In terms of the third-party vendors, how does that work exactly in terms of getting the information that is needed to create the hashes or the fingerprinting? Do they work with rightsholders to get that information? How does that relationship work? Do you have a relationship with those third-party vendors as well?

MR. HOUSLEY: Yeah, so on the creator's side, we either -- either they provide their tools so that
we can create fingerprints and push into their database, or I believe you can provide your content to them to generate the fingerprints themselves. But creators can get their fingerprints into those databases, and then those companies can contract with the sites to deploy however the sites want to deploy.

MS. TEMPLE CLAGGETT: Thank you.


MS. HOWES: Hi. Well, I think that we're in an exciting time right now when it comes to technologies, and I think that individual creators are very excited by what they can do online and the opportunities to be able to control their work more. And it's also an exciting time because we are seeing technologies being developed on OSPs that are helping individual creators, which really falls to the legislative intent of what this Act was trying to do was to bring corroboration.

And something that I will say is that as artists, we are very collaborative people. I'm a theater artist, and you know, Hamlet wasn't made by one man. It was made by a team of people who came together to come up with solutions. And technologies are able -- right now, we're -- artists are able to now develop really successful platforms to sell and
distribute their work.

However, when it comes to piracy of their work being put on other platforms that they don't wish to have on, there needs to be more access.

And we did a survey of our individual creators. A lot of these people are still using Google Image searches, reverse image searches, Google Alerts, and they find it to be insanely ineffective at finding their works on other websites, and then on top of that, to go through the process of actually identifying every single individual contribution of their work that's found on a website. As a creator, being able to control your content is not only part of your artistic integrity; it's also part of your ability to make a living and a life.

And so the Copyright Alliance is very supportive of technologies and for companies to come together to cooperate and to have collaboration in this process to solve it for the individual creator who is really -- feels very much left alone in this area.

MS. CHARLESWORTH: Can I ask, are -- you suggested a lot of individual creators are still using Google Search and Google Image, which are very manually-based tools. Is there anything in the
marketplace that individual creators can turn to that
enhances their ability to search for content that's
affordable to them? I mean, are you familiar with any
tools that are out there for individual artists?

MS. HOWES: I would like to say yes. I do not
know. Again, I mean, there might be more.

I know that there are some services that I'm
sure Eugene could talk to you for photographers that
are more affordable But there's a lot of individual
creators out there that don't have -- haven't been
ahead of the game as photographers have, and they're
kind of still new to this and trying to figure out
those technologies. But I will say that there are
platforms that are created by artists who are trying
to figure out more collaborative ways to involve the
creator in the take-down process, which is similar to
Content ID, right, which I think is the most
successful part of Content ID is that you're asking
the creator what would they like to do with the
infringement.

MS. CHARLESWORTH: Okay. Thank you.

Mr. Kaplan.

MR. KAPLAN: So obviously technology is part
of the solution. It already is in terms of locating
content, rescinding, filtering. I'd just like to start
by saying there really are no silver bullets here. So it's not like you're going to be able to have one technology, even a combination of technologies, that are going to fully solve your problem. But that shouldn't be a reason that we should, you know, discount the use of technology in helping to address the problem.

I think one thing we can definitely count on is that the technology's going to evolve over time such that it's increasingly accurate, and it's also probably increasingly less expensive over time. So things that may not have seemed reasonable, you know, five years ago now seem like they're routine.

I would say that it's not so much about software developing -- the right -- what was the comment? Having a good-faith belief. As I think I said yesterday, almost in every instance that the use of technology is missed with, you know, human review or human setting up the use of the technology in the first place. So it's not that, you know, you're going to have knowledge (sic) and suddenly all these errors are going to happen and you're going to -- it's going to run amuck. I mean, I actually think that it's the reverse, that in situations that I'd seen when you're doing notice-sending or scanning of scale, often times
humans results in -- you know, human review results in the errors. But the technologies themselves can help you identify and reduce the error rate, I would say. And in terms of technology giving you the opportunity to facilitate, you know, fair use kinds reviews, you know, definitely. It's evolved to the point where you have matches that can be identified even on, you know, by duration, whether it's an audio match, whether it's a video match, the length of the match relative to the overall length of the work. These are, you know, things that YouTube, for example, developed in with its Content ID.

When we first started talking to YouTube, you know, seven years ago about Content ID, we did an analysis using their technology as a test. And we said well, this works, to its limited extent, not as well as some other technologies that were out there at the time, but the problem was you don't have a rule set associated with the content such that it's either a leave it up or take it down. And we can't use your technology at this point because you are essentially over-blocking a lot of things that we would choose to leave up that you're only giving us the option of taking down.

So it was about a nine-month process where
they began to develop the tools and the rule sets
around matches to been able to, you know, make us feel
comfortable that we were giving fair use enough of a
berth on the platform.

MS. CHARLESWORTH: So just to make sure I
understood, so there's a human -- it sounds like
there's a human component sort of in terms of setting
the parameters for the software in terms of what's
flagged or what's potentially flagged for potential
takedown. Is that correct? Can you talk a little bit
more about that? And also, it sounds like you, if I
understood you correctly, maybe have a human review
process at the other end where you're perhaps
reviewing things that have been flagged. And can you
talk about how all that integrates and relates to the
technological tools?

MR. KAPLAN: Sure, I mean, there's actually a
lot of different examples. So it depends on kind of
what specific piece of online piracy we're talking
about addressing. Some of them I can just go through a
couple of different examples.

MS. CHARLESWORTH: Yeah, if you could give us
a sense, a flavor of how it sort of works behind the
curtain.

MR. KAPLAN: Sure. So for purposes of
scanning, for example, when you're finding content, as I think I said yesterday, there's a universe of pirate sites out there. It's not the entire internet. So essentially, you're using, you know, human review to decide where to be scanning in the first place. And there's often a human review in terms of how you're identifying the content itself, by word matches or word excludes, and it makes sure that you're not, you know, pulling in things that you shouldn't be pulling in with your matches.

In the context of like Google notice sending, for example, what the vendor that we use does is they essentially run searches, automated searches, pulling up, you know, a list of results, and then it's a human review looking at each one to see whether or not you think it meets the standard of standing it in for purposes of linking to a pirate piece of content.

In terms of filtering technology, you have humans setting up, you know, how -- what kind of content you're going to be looking for in the first place, how -- what's the duration of the match that you're going to require in order for an action to be taken. Sometimes, the action is, and it is often the case in a lot of situations that we deal with, that action is route for human review. So you decide that,
you know, content didn't fall in -- the match didn't
fall in -- within certain parameters, and so you're
going to have a human take a look at it, and that can
be based on, you know, the length of the match,
whether it's an audio match or a video match, whether
it's both. You also have the ability, of course, to do
a -- rule sets around territorial restrictions. So --
and I know we told YouTube before, we don't own the
content everywhere in the world necessarily, so you
have to have a system that's flexible enough for us to
be able to differentiate.

MS. CHARLESWORTH: And are the humans who're
looking at the stuff that's been flagged, are they in
any way trained in fair use principles, or what kind
of instruction, if you can -- to the extent you can
share, are they given that?

MR. KAPLAN: Yes, so in our case, yes.
The work that we do that is less than, let's
say, full feature, full episodic, right. That is often
times done by vendors who are assisting us. But work
that's done kind of in the space where it's something
less than that is handled in house.

MS. CHARLESWORTH: Oh, okay. Thank you.

MS. TEMPLE CLAGGETT: I had one quick follow-
up. I'm sure we'll hear from Ms. Schofield a little
bit later, but I wanted to know if you had the
opportunity to review her study, which seemed to
cautions a little bit against the increasing use of
automated technology, identified a number of issues in
term of potential misidentification. Do you share
that -- those concerns in terms of the risk of
improper notice from increasing use of technology and
automated systems? And do you think that there are
ways to reduce any of the concerns that were raised in
that study?

MR. KAPLAN: Well, I think there's always the
potential, right, for increased errors, depending on
how the technology is used. But I would argue that a
lot of the times, what's happened there is that the
human element of how that technology is going to be
deployed has -- that's where the breakdown was. So I
definitely think that technology can be used to reduce
errors. Like I said before, in situations that we've
had, when you get to the root of it, often times it's
been the human element in the mix that has resulted in
the error.

MS. TEMPLE CLAGGETT: Thank you.

MS. CHARLESWORTH: Thank you. Mr. Petricone.

MR. PETRICONE: Sure. Technology is a very
exciting and promising part of the solution.
You mentioned YouTube's Content ID, which, as Mr. Kaplan mentioned, was developed in close cooperation with the record labels. Content ID is very significant in two ways. First, it alleviates the burden on rightsholder by automating rights management. Ninety-nine point five percent of music claims on YouTube are now made with Content ID, which YouTube handles with ninety-nine point seven percent accuracy.

Second, it's created an entirely new revenue stream for the music industry by allowing rightsholders, if they wish, to leave fan videos up and earn revenue from them. Just this month, a fan made a funny video of a Ben Affleck interview with the soundtrack of Simon and Garfunkle's The Sound of Silence, which then went viral. And that propelled the song into the top ten sales chart 50 years after it was released. There were 20-somethings in my office who were asking me, I really like this. Who's Simon and Garfunkle? Like all -- true story -- all because of that video.

And today, because of Content ID, fan-uploaded content accounts for roughly 50 percent of music industry's revenue from YouTube. So it is not a one size fits all solution. It costs YouTube tens of
1 millions of dollars and takes hundred of lawyers,
2 which is obviously out of reach for a small start-up.
3 But it is an excellent example of the new technologies
4 and as Mr. Kaplan mentioned, there are more to come
5 and the price will fall.

6 MS. CHARLESWORTH: So on you -- on Content
7 ID, I think we heard yesterday that not everyone is
8 able to -- not every artist is able to take advantage
9 of that. Do you -- I mean, you're not speaking on
10 behalf of YouTube specifically, are you? So do you
11 know anything about what the rules are in terms of who
12 gets to sign up for Content ID, or is that something I
13 should be asking someone else?
14 MR. PETRICONE: We can certainly get back to
15 you with specifics.
16 MS. CHARLESWORTH: Okay. Mr. Mopsik.
17 MR. MOPSIK: Specifically related to
18 technologies involving motion picture, I know company
19 called Excipio is one of the companies that does a
20 fingerprinting product that also extends, I believe,
21 to the identification of unlicensed useful articles.
22 Beyond that, there are a number of service providers
23 in the image space who will primarily use their own
24 fingerprinting algorithm to identify the occurrence of
25 images which then had the -- the list has to be
evaluated by the rightsholder to determine what's an actual license and what's not.

The missing link in the image space on technology is the ability to identify what is a -- identify through machine action what is an actual licensed use and not, and that's something that the PLUS Coalition has been working on for a number of years, and it's predicated, though, on the ability to establish a persistent machine actionable identifier. And without, I guess, greater penalties or some penalty for the removal of identifiers or meta data from images, that link will never happen. You'll never be able to -- the way PLUS works is you have an identifier with the image and then all of the information about the licensing history and other metadata related to that image is held in a database that can be updated on a dynamic basis so that as the image moves through the image space and is used, the licensing information can be updated.

So if you had -- if you're able to make that link and you identify an image, then again, through machine action, you could determine whether or not something was an actual authorized use. And then one other quick thing and related to fair use, photographers are not particularly knowledgeable
regarding fair use, and images are rarely used in
snippets. They're used in their entirety, and that use
can have significant impact on the value of that image
over time.

MS. CHARLESWORTH: So Mr. Mopsik, I -- that's
a very helpful overview. I'm wondering if individual
photographers have access to a service that would, for
example -- is that -- maybe that was implicit in what
you were saying. Is it affordable?

MR. MOPSIK: Yes.

MS. CHARLESWORTH: How much would that cost
to sign up for a service like that?

MR. MOPSIK: Frequently, I mean, there are --
the fees are not significant. The service takes
potentially 50 percent or more of any recovery. But
they will -- once you've identified an image as an
infringement, they will -- many of these services have
a legal services component, and they will then peruse
the infringer.

MS. CHARLESWORTH: Will they serve it --
I'm sorry. Will they serve a takedown
notice?

MR. MOPSIK: I think they will put a take-
down notice in place. And if there's no -- again,
frequently when -- in the image space, the problem
with take-down procedure is you're chasing phantoms. And so people will -- if they'll say okay, we'll take the image down. They may've been using it for six months, or a year, or two years, or whatever, until you locate the infringement.

And again, frequently there's a lot of attitude involved when you try to explain to them that there should be some compensation for that use they've already made.

MS. CHARLESWORTH: Okay. Thank you.

Mr. Rae.

MR. RAE: Yes, so I'm going to be talking about primarily playable media, but I do think that some of the things that Eugene said are relevant to the music space, as well. When I look at the history of this, you know, and I always go back to the statute, and I think that primarily if we're talking about identification technologies, it would be within 512(i). And in the earlier parts of these, you know, various debates and even litigation, I think you know, indeed, it wasn't practical on the service side to expect that, you know, you could implement technologies to do what we're talking about today.

But I also think that on the content side, I mean, there's always the desire to achieve new legal
precedent, favorable precedent, and perhaps damages. We're in a different place now.

When I look at 512(i), I see that we have - it encourages community standards. It's specifically sets conditions of eligibility for safe harbors where services have to accommodate tools that copyright owners would use to identify and you know, potentially prevent infringement.

But the method of actually deploying that is a collaborative effort. I think we actually have to get our processes kind of dialed into that. I'd like to see vendors. I'd like to see smaller rightsholders, in particular. I'd like to see, you know, services, obviously, maybe in a sort of body that can provide recommendations, not just one time but on a going forward basis because we're opening up into new technological environments; virtual reality, augmented reality. There's going to be a user-generated or a user-uploaded aspect of all of that.

The fair use issue is interesting. I mean, my preference personally would be let's focus on the entirety of the work. If you can algorithmically set your tools to, you know, only be looking at the entirety of a work, then we can have the fair use conversation, and debate, and potential litigation if
necessary. But we can probably solve many of our problems through a process of kind of what we're doing here but maybe a little bit more focused on the actual practical implementation.

MS. CHARLESWORTH: Mr. Rae, did you -- I don't know -- happen to participate in the Department of Commerce process --

MR. RAE: I did, yes.

MS. CHARLESWORTH: -- on the multi-stakeholder process. And from that, I mean, are you -- where do you think things stand?

We heard a lot of, perhaps in the written comments, as well, but also here yesterday heard, I'd say, a lot of pessimism about the ability of the various actors to get together and come up with standard technical measures. And I'm -- you sound a little more optimistic, so I'm wondering --

MR. RAE: I am. I actually am. First of all, I share those opinions about the USPTO process. It was a little bit too much of a cattle call. It wasn't particularly designed to elicit, I think, useful information, and there were just simply too many cooks in that kitchen and you know, which just leads to a lot of showboating.

I've also seen processes like, you know, the
ones that have been sort of brokered by IPEC, for example, having a completely different result, much more targeted, much more focused on the community of actors who actually are seeking relief and can serve as market leaders towards a solution. Copyright Alert System is also another example of folks who can come together who are representative of those stakeholders in a multilateral sense. They're all together -- and they have to talk to each other.

MS. CHARLESWORTH: Okay. Thank you very much.

MR. ROSENTHAL: Hi. There's a lot of talk about the burdens of developing technologies. I'd like to state that a lot of the same technologies that are used to identify infringement like hash values and check sums, are -- can be used to filter in the same way that we use to locate the materials. They can be used to filter the materials by size and prevent the whack-a-mole problem. I mean, so it's not that a lot of new technologies need to be developed. A lot of these long-standing technologies that are in place can be used in these ways.

Also, the -- I noticed there's been an intentional avoidance of to use technologies, for example, by ISPs extensively to avoid claims of
willful blindness in terms of their not logging IP addresses so that when we send a DMCA notice, it's effectively rendered impotent. There are -- you know, there're a lot of frustrations that we come across when we're trying to enforce our rights. And you know, we look at these technologies that we're using, and we say why can't you use the same ones. You know, we use a lot of technology to identify infringements, whether it's the IP address, whether it's the hash value, the filters, and it -- you don't have to reinvent the wheel.

You asked about technologies specific -- you know, technologies that are out there. Prior to McGraw-Hill, I worked for a technology vendor that specialized in anti-piracy for live streaming companies. And we developed live streaming filters that fingerprint and filter live streaming television programs and pay-per-view events in real time. Some of these technologies were adopted by websites; other streaming sites, like Justin.tv, created their own technology to do this. So it's not an impossibility. It's just leading to the willingness.

MS. CHARLESWORTH: Thank you, Mr. Rosenthal.

MS. TEMPLE CLAGGETT: I have a quick follow-up to that. You kind of intimated that there was
somewhat of an unwillingness on the part of I guess maybe some ISPs to voluntarily use this technology. Do you think that there is a disincentive in the 512 regime that results in that, or what do you think is causing any of the, I guess, perceived unwillingness to adopt what you believe are reasonable technological solutions?

MR. ROSENTHAL: In terms of logging of IP addresses, certainly the recent Cox BMG case would, you know, because for somebody to say well, I'm just going to not log any IP addresses. This way, I can't be accused of willful blindness. In terms of the online service providers that are not using these technologies to affirmatively filter the known pirated materials, well, many of these sites are run primarily by the hosting and distribution of content that is known to be infringing. And if we, you know, cleaned up their site, they'd lose the majority of their content and their appeal.

MS. TEMPLE CLAGGETT: Thanks.

MS. CHARLESWORTH: Ms. Schneider.

MS. SCHNEIDER: First of all, you know, I think that obviously, you know, in automation, there's going to be some error, but I am of the thought, too, a machine can learn and, you know, a translation
wasn't that great on the internet, either, a year ago or two years ago, but it's -- it learned so fast. And so I think we have to accept that there's going to be some errors.

Certainly if you compare it to the billions of, you know, errors in people uploading [illegal] things that Google is facing, you know, every day or every year or whatever it is, it doesn't compare.

The other thing I'd like to say is that I think that technology should be used in conjunction with education because if there's all this automation but there's not educational steps along with it. So for instance, Content ID. You know, I said yesterday I'm not accepted in the Content ID. Okay. So you know, I don't think that's right. I think that should be changed. I think, you know, if you're a safe harbor, these things should be available to everybody.

But beside the point from that is the fact that Content ID is now being used for people to upload a lot of content. And they think that they're doing something good. I interviewed kids at different universities, and they're like "Yeah, but they're attaching ads to it, so I feel like I'm doing something good." The problem is that they're also catching in the net my music, my music which is not
being monetized, which is hurting me, and they don't really realize that.

And nothing is coming up from Content ID saying, "Hey, this isn't in our Content ID. Do you own this work? This is a full track. If you do not own this work, this is infringement. It does not fall under fair use."

So you know, I think that whatever we do in the world of technology should have the component of education along with it. I mean, everybody's complaining about, you know, erroneous take-downs, erroneous, you know, counter-notices and things. I mean, education is where it's at to fix those things.

MS. CHARLESWORTH: And I know you've mentioned this a couple times, but do you know specifically why you can't avail yourself of Content ID? Is there --

MS. SCHNEIDER: No, I got an automated response that said -- you know, I don't want to quote it exactly, but I got the impression I'm not big enough. You know, I mean, I want to use it to -- it's kind of obvious, but they don't say exactly why. They don't say why. It's their own terms that they're kind of allowed to keep secret.

And then if you want to have some kind of an
1 account, they'll send somebody to talk to you, but
2 then you've got the Zoe Keating case where she said
3 when she talked to this person, she was basically
4 bullied into giving her whole catalog for Content ID
5 or else she was out. You know, it was all or nothing.
6 So you know, I don't think that companies
7 that are a safe harbor should be allowed to use these
8 tools for their own gain. You know, okay, use it for
9 your own gain, but use it equally for the person that
10 doesn't want their music on their site.
11 MS. CHARLESWORTH: Okay. Thank you, Ms.
12 Schneider.
13 MS. TEMPLE CLAGGETT: And one quick follow-
14 up. I think yesterday, it was mentioned that there
15 are, on the notice side, the pop-ups that appear
16 sometimes, for example, if somebody's about to do a
17 notice in there, and it's an image, and the question
18 is did you take the picture and, if not, a somewhat
19 caution that you might not be the copyright holder. On
20 the upload side, for your work, for example, what
21 types of pop-ups or notices are used when you upload?
22 Do they caution that it might be a copyrighted work,
23 do you own the work?
24 MS. SCHNEIDER: This is the biggest
25 educational thing, and I wish -- you know, hopefully
this falls under technology. To me, the thing that could solve everything is if there were requirements, standardized requirements and questions on the upload side because right now on YouTube and most of these sites, they don't ask you anything, nothing. On the download side, you get asked a ton. You know, and you get served with all sorts of warnings about attorneys' fees. You have to sign [under] penalty of perjury. I mean, how about on the upload side? You know, okay, do you own this music? Will you sign, under penalty of perjury, that you got permission to upload this? By the way, you could possibly have to pay attorney's fees. You know, if you have all these different things, it's educational. You know, and then real -- and then have real information about fair use. What is not fair use? What is fair use? And if you're not sure, here's where you can go.

And what I would love to see is that the Copyright Office would set the standard and it would be required that the companies would have an educational video, not the copyright basic Muppet video that YouTube has but your copyright video, your fair use video, your questions on the upload, and your
standardized language on the take-down, because that's the other thing.

Okay, so now it's more automated. It's more technological. I used to have to scan in a signed perjury statement to everybody. You know, I saved them all online. Okay, now it's standardized, and now that it's standardized, you got to go through the 46 steps of -- Google decided everybody has to drink the purple Kool-Aid of their terms and conditions, and the same thing on YouTube.

I mean, to me, if you're in a safe harbor, especially if your safe harbor is the entire ocean, you should have to -- that should be a privilege, not a right. You should have to, you know, adhere to standardized rules that I would love if you guys would be able to set.

MS. TEMPLE CLAGGETT: Thank you.

MS. CHARLESWORTH: Miss, is it Schonfield or Schofield?

MS. SCHOFIELD: All right, so in our research, we definitely spoke to and heard rightsholders' frustration with dealing with the proliferation of infringing content online. And when, you know, I absolutely think that automated tools are one way of dealing with this, automated tools used by
rightsholders to detect infringement and send notices. We do identify a number of best practices that could be used to refine those systems to help to minimize the numbers of mistakes that were made that we saw in our quantitative study. And we also definitely heard from rightsholders who are already employing those types of best practices. We've heard from a couple of people on the panel today, Mr. Housley and Mr. Kaplan, about how their companies are working with their systems and implementing human cross-checks on the notices that are being sent. They might be flagged or we heard from people who are, you know, doing an initial human check of the sites that were being targeted by these notices.

We think that these are all good things that could be helpful to minimize mistakes on the notice sending side.

When we're talking about technological strategies on the OSP sides, again, you can see some OSPs that are voluntarily implementing these systems. We see very good reasons for these systems to remain voluntary, not least of which because a large part of the ecosystem doesn't have the amount of infringing content on their platforms that would necessitate
implementing these sorts of filters that are costly for all service providers to implement.

MS. CHARLESWORTH: What about -- I mean, I heard your last point where you have smaller providers and maybe providers that don't have a lot of infringement. But for providers that are using filtering, say, to place ads or for their own economic purposes, do you think that tool should be available to rightsholders if it's already being used by the site for its own purposes?

Ms. SCHOFIELD: Sorry, could you elaborate a little bit more? I'm not sure I understand.

MS. CHARLESWORTH: We have sophisticated, larger websites use filtering technology or fingerprinting technology sometimes for their own purposes, like to identify content to place ads on it and so forth. So if it's already in use and it's been adopted by a website, should it be made available -- I mean, I guess an example would be Ms. Schneider here. Should she be able to use Content ID if it's already used by the website for its own purposes and it's actually -- in the case of Content ID is obviously available to other rightsholders.

MS. SCHOFIELD: Yeah, I can't comment on specific case about the Content ID nor other types of
tools that are being used for ad placement or other
things, whether they would also be appropriate for --

MS. CHARLESWORTH: You did a study on this
and, as a matter of principle, if a website is using
filtering or fingerprinting technology for its own
economic purposes because it thinks it's -- that
technology is beneficial, should it also be deployed
to help deal with infringement?

MS. SCHOFIELD: If the tool has been
developed to deal with infringement, then it seems
reasonable that it should be available to everybody.
One of the things that we do recommend is development
of tools that are available to smaller senders like
Ms. Schneider. One of our recommendations is that
there's exploration into the possibility that these
automated systems that are available to larger
rightsholders to search for infringement also
available to smaller senders with the caveat that
they're also subject to the same best practices and
implementation responsibilities

MS. CHARLESWORTH: Thank you.

MS. TEMPLE CLAGGETT: I had a quick follow-up
question to that. I think I want to try to see if I
can drill down in terms of the main point or the main
conclusion of your study because initially there's
been a lot of focus on the numbers and people
mentioning that 30 percent of your sample size said
that there were improper notices in there and then the
collection that these automated systems really do
result in a lot of mistakes or misidentifications.

But what you just said just now seemed to
support the use of automated systems.

So I just wanted to get a sense of: were you
cautions against the increased use of automated
systems, or do you think that they play a very
important role and should continue to play that role
but that there are -- you just think that there are
things that could be done to improve them? What is
kind of the main point?

MS. SCHOFIELD: Yeah, I think automated
detection and notice sending, so the use of automation
on the sender's side I think is an important part of
managing infringements online, though I do think that
the systems need to be refined in ways that are not
out of reach.

MS. TEMPLE CLAGGETT: Okay. Thanks.

MS. CHARLESWORTH: Thank you. Mr. Schruers,
you're up.

MR. SCHRUERS: So I'd like to bookmark the
previous question about compelled access to DMCA
processes, DMCA-Plus processes since that just came up, and I also want to sort of first answer the original question on the application of technology. As I was listening to the comments of the panelists before I was even reminded that the internet sector is occasionally criticized for technological solutionism where we hear, you know, you may be smart people, but don't assume your technology can solve everybody's problems.

When it comes to the DMCA I hear, you're smart people. Your solutions -- your technologies can be the solutions to everybody's problems. And I appreciate that enthusiasm, but I've also learned to moderate expectations, and I think it's reasonable to acknowledge what the challenges are in technology here.

First is DMCA-Plus is expensive. We've heard a lot of discussions about that. Secondly, for reasons we've already heard today, DMCA-Plus doesn't make everyone happy. And in addition to that, there's -- we have to acknowledge that DMCA-

Plus is a tool of limited applicability. For all practical purposes, it's only meaningfully going to apply in cases of 512(b) and 512(c). And so half our DMCA actors are really not at - in the scope of
the conversation when we're talking about DMCA-Plus because 512(a) broadband access providers generally aren't taking custody into content. And unless they're going to do something like a great firewall-style in-transit content suppression, they're not going to be able to do filtering, nor do I think we want them to.

And similarly, 512(d) information tools aren't taking custody into content and therefore don't have a library to filter against. And that, of course, all assumes that we have a reference set of content to filter against, which has been populated by the authorized rightsholders along with the contextual rule set that says what to do when you find it. So populating that database and populating the metadata attached to that database is a serious challenge.

Let me finish by just saying, you know, it became clear in the USPTO multi-stakeholder process that on both sides of the system, there are the sending and receiving side. There are large rightsholders and large ISPs, and small S&E rightsholders ISPs. And at least from my perspective looking at the small ISPs, there is a real challenge to scaling up automation, and it's actually hard-coded into DMCA. You know, there are -- there is all kinds of contact information on the Copyright Office website
that ISPs are required to provide. And they have to be
able to take notices by fax and by email. So
automating that is a serious challenge.

If we're going to say ah, well, you only can
submit DMCA take-downs through this web form, there's
probably some ease to -- it would be easier to
automate that, but I don't see that happening any time
soon. As long as you're going to have people
submitting notices through multiple modes, that poses
a serious challenge to automation of the ingest
process.

MS. CHARLESWORTH: One question -- I think
this is just a very general question -- is might there
not be different solutions for larger and smaller
websites?

Couldn't you imagine a regime where a small
website that has few notices of infringement could
handle it manually but where a large, sophisticated
website with millions of instances of infringement
might have a different protocol?

MR. SCHRUERS: Yeah, I think indeed, that's
what we see happening today. And that means that
you're always going to have some smaller ISPs doing
manual take-downs, which are, in many cases, you know,
things, like defamation, and trademark, and you know, other unrelated issues. Large ISPs, large service providers are also doing that. That's obviously a smaller percent of their system because they have systems where the architecture assumes sophisticated, larger users are going to form the bulk of their takedowns.

I think that whole conversation points to the fact that you have to moderate your expectations about what standard measures can be when you have such heterogeneous population on both sides of the sending and receiving equation.

MS. CHARLESWORTH: Right. But you might set different standards for different classes of providers.

MR. SCHRUERS: Well, if you think the classes A through D have aged well, then yeah, I guess we could try and set different standards on both sides there. I mean, when the PTO process attempted to do that, it took a very long time.

Obviously, I notice some are not, you know, enthusiastic about the output. My sense was that was a difficult -- a long process that produced an effective product out of it, but the challenges there became evident, that you've got this heterogeneity on both
sides of the equation. And so it's difficult to tailor reasonably. I mean, I point to the eight (inaudible) A through D because I think similarly, it's not clear that in 1998, you could tailor the different classes to the kinds of actors that evolved over time.

MS. CHARLESWORTH: Thank you.

MR. SCHRUERS: Quick follow-up?

MS. TEMPLE CLAGGETT: I had one, too.

Do you think that there's anything that can be done, I suppose, I don't know, maybe absent or with legislation that would encourage the voluntary use of these types of technologies by ISPs? Again, some people say that there's a disincentive in some sense by the way that the balance is being struck for ISPs to use certain types of technologies and not others.

But do you think that there's anything that can be done to encourage the voluntary use of these types of technologies?

MR. SCHRUERS: I -- not to be glib, but the short answer to the question is if it's legislation, it's not voluntary. But I think we have seen a lot of voluntary processes emerging over time that are tailored to the constituents at the table. Large actors can implement different systems and for different constituents, large send -- large notice
senders can take advantage of more automated systems.

Let me just take a second to answer -- to go back to the question about access to DMCA-

Plus systems. You know, in that case, if you're going to give somebody privileged back-end access to a platform and say you have the rights to either take all this content down or lay claim to revenues that are coming in from advertisers. I think you're going to want to have the users of that system do sort of reasonable things like agree to indemnify me if you misclaim revenues or if you represent you own something that you don't or if you take down a lot of other people's content.

And so those tools might only be made to stakeholders who have a sort of a demonstrated course of legitimate use of the tools. And if that isn't there, then you fall back on the standard DMCA tool set.

MS. TEMPLE CLAGGETT: And just to clarify what you're saying, in terms of legislation, not mandating the actual use of the voluntary measure or rather use of the technology but for example, I don't know, having a reduction in your exposure to statutory damages if you employ some type of system. So not something that actually mandates that you must have
this technology but some, I don't know, encouragement somewhere else in the system or the regime that says if you do this, you get some benefit out of it legally by having it, but you're not required to actually have it. So that was kind of what I was saying whether there was any legislation that would be able to encourage the use without mandating the use.

MR. SCHRUERS: When I talk to ISPs, one of the biggest complaints that I hear is how much time is spent on responding to messy hand-written or typed notices that pile on a bunch of different issues and disentangling those, you know, particularly for small ISPs. I don't -- you know, I already think there's a lot of incentive to reduce that burden and that's one of the reasons why ISPs are constantly looking for new ways to deploy new tools and participating in processes like the PTOs, you know, year-plus long process.

MR. GREENBERG: So as your comment notes, industry efforts and voluntary measures have not led to standard technical measures. At the same time, a lot of the ISPs' comments were concerned with locking in place, through regulation or through statute, any technology now -- let's say Content ID could scale -- by statute or regulation, locking that in place.
1 Neither of those are going to work.
2 What is the solution to encourage the use
3 technological measures by the ISPs?

4 MR. SCHRUERS: As I said, I think the cost of
5 responding to notices, particularly when there's
6 always going to be some component of them that has to
7 be coded manually by the recipients and not the -- at
8 the DMCA at email address or the fax machine. That is
9 a very compelling motivation right there. I think
10 obviously the -- allowing technology to evolve over
11 time because there is an interest in deploying and
12 attempting to find ways to find revenue streams for
13 this content, that is the marketplace impetus.
14 And I think we should acknowledge that the
15 broader marketplace impetus is there isn't going to be
16 that much content showing up in unlicensed venues if
17 it is available in licensed venues, and that goes back
18 to my comment yesterday about, you know, sort of
19 aggressive windowing and other licenses practices
20 inherently produces this. And so finding ways to avoid
21 that and make content move broadly available to more
22 users is another solution that we need to keep in the
23 solution set.
24 MS. CHARLESWORTH: So I -- what I hear is the
25 Copyright Office should maintain the fax number
requirement and that will incentivize Content ID programs.

MR. SCHRUERS: You know, I --

MS. CHARLESWORTH: I was actually -- it was a rhetorical thing. It's okay. You need not respond. Ms. -- are we done over here?

MS. TEMPLE CLAGGETT: Yeah.


MS. SHAFTEL: Excuse me. I'd like to add to some of the comments that -- excuse me -- that Gene Mopsik made. Any effects (sic) section 512 should make it a violation for a host or an ISP to strip metadata final joint upload. The PLUS licensing system for images is useless if the metadata is stripped. Most of the infringing use is a licensing failure. Pinterest, Google, Facebook should negotiate with ISPs to create voluntary licensing because they are facilitating infringing secondary use. Users are not compensating creators for secondary use of images, and I'm not suggesting compulsory licensing here but collective licensing for secondary use. The PLUS licensing system can help facilitate this.

Adobe could create creator identifiers for software users. The same creator identifier or ID number the Copyright Office could also use as part of
1 their registration if the creators establish an
2 account with the Copyright Office.
3 And the ISPs could use this creator ID to
4 facilitate electronic payment transactions of
5 voluntary licenses for use on Google and social media
6 to pay visual creators. The technology is possible,
7 and visual creators are more likely to use this if
8 they know they're going to derive income. That's going
9 to get the compliance.
10 We would need to define what commercial use
11 is -- excuse me -- in the context of licensing as
12 opposed to fair use. Getty has -- excuse me.
13 Getty has some guidelines in their embed
14 feature, and our definition would have to be approved,
15 of course, by the museums and the libraries because
16 they are the users that we are mostly concerned about
17 allowing them -- the fair use that they need for
18 images. And if users pay for commercial use, they will
19 have safe harbor from the DMC take-down.
20 MS. CHARLESWORTH: Okay. Thank you, Ms.
21 Shaftel. Ms. Sheckler.
22 MS. SHECKLER: First, to answer your original
23 question, technologies do exist today that are
24 commercially reasonable and reasonably priced to
25 address several of the problem that we've talked about
today. For example, in Audible Magic's filing, they mention that their solution is available at -- it cost about $1000 a month for certain implementations.

The key in thinking about these type of filtering solution is the thoughtful implementation of those filtering solutions, which is not just how you set the parameters in the technology but also what procedures, what straight-up rules are put on top of those. That applied to Audible Magic. That also applies in our view to Content ID. Content ID is a helpful tool. It is not a silver bullet, and there are a variety of problems with Content ID that could be addressed, in our view.

Second, in terms of the false-positive issue, again, thoughtful implementation would address that. We would also suggest that the take-down project study is an inappropriate guideline for thinking about what is the right statistic of fair use. We'd encourage you to look at some of the other data that's out there.

Some of the problems that we see with the take-down project are first, by its own admission, it only applies to search delisting notices. Second, by its own admission, it is for a snapshot of data from 2013. Third, by its own admission, it is a targeted,
randomized sample.

I'm not sure exactly -- or a customized, randomized sample -- I'm not sure what that means.

MS. CHARLESWORTH: Okay. You mentioned thoughtful implementation -- a couple of times -- to address issues of faulty notices or fair use. Can you elaborate on that?

Like, what kinds of measures should copyright owners be taking to thoughtfully implement automated processes as a general matter?

MS. SHECKLER: Are you thinking in terms of filtering or in terms of automated take-down requests?

MS. CHARLESWORTH: Well, to me, they're interrelated because really it's the -- it's identifying infringements is really the broad category. But you can address either.

MS. SHECKLER: Oh. From our perspective, when we send notices to scale, we are looking for full-length copies of the work. So we set up our systems to look for full-length copies of the works. We do similar things the way Mr. Kaplan and Mr. Housley said in terms of doing a manual review of the site first, making sure the site is fit for scaled notices. We use a variety of tools in our automation to ensure that we don't
catch things that we think are inappropriate for full-scale notices; red flags, for example. We're not going to search for a .pdf for music, you know, things of that nature.

And then there's also the questions of if you're using a solution like Audible Magic, what are the right parameters in terms of how much you want to catch, what -- how do you decide what is (inaudible) full-length work or what's infringement? What's not infringement?

MS. CHARLESWORTH: Okay. Thank you.

MR. SINGER: Thanks. I'd like to amplify this thought that it's not always about technology but the business processes that go along with it. And I'd like to use an example of something that got discussed yesterday with stacked URLs being prevalent and take-down never working. This is not a bug in the current process. This is a feature of the sites that have designed themselves to be robust to individualized take-down notices that always have to specify an individual URL. Sites get a valuable piece of content -- a prereleased song from one of our artists. They put it on a location and never publish the URL for that actual location. They create a thousand
references to that location and publish them a hundred
da day. Each day, we issue take-downs. The next day,
the next hundred references to that file goes up.

So content is never removed. So a system
that is designed to notice-and-takedown for individual
URLs actually can never be effective when the site is
working actively to defeat the system. This was
evidence that were presented in the Groove Shark case.
The judge described it as a Pez dispenser for valuable
content, and we see this all over. So we have to
recognize that the technologies and the business
processes have to address this.

It sort of gets to the point that we were
talking about earlier. Are there different standards
for different parties? That could be based on size; it
could also be based on how responsibly these sites
deal with this. If a company like Warner Music or
Viacom issues good notices at a good percentage,
perhaps they should be treated differently than those
who abuse the system and send bad notices. So whether
it's the receiving site or the sending site, we ought
to look at who our good actors versus bad actors, and
it shouldn't be the case that for a site like 4share,
the vast majority of our notices are repeat notices
for the exact same content we issued again, and again,
and again, and have to keep playing this whack-a-mole game. We can distinguish -- I verified my account on Twitter.

We ought to be able to do it for take-downs.

Thank you.

MS. CHARLESWORTH: Thank you. So on the technological Pez dispensers, I think, is the way the court described them, but the stacked URLs, how prevalent is that? I mean, that's sort of a very open question, I realize, but I mean, how commonly do you run across those sites in your experience?

MR. SINGER: The only reason we know that is because of the information that we gathered in the court case. We have found it to be true in other cases where URLs, on Day 2, look a lot like the URL on Day 1, so it's unlikely a user upload was the source of the same song on the second day. It just makes sense if you're a site that is trying to evade the take-down notices that you would engineer your service to be robust to those notices. So I think it's incumbent upon the Copyright Office to recognize that.

MS. CHARLESWORTH: And is there -- did I understand you correctly that there is not currently a technological solution that addresses that, because
the ultimate URL is not published, or can you just
elaborate on that? I'm trying to --

MR. SINGER: Well, if there were a system
that for people who treat this responsibility, there's
notice and stay-down and you had a hash value for that
file that said that, you know, this particular Ed
Sheeran song on this site by the hundredth notice,
it's pretty clear they're not licensed to offer it.
There should not be a next day where that file is
available again.

MS. CHARLESWORTH: So if there's no stay-
down system, do you think there's an effective way to
address that situation in the current environment?

MR. SINGER: Not for those who are trying to
undermine the effectiveness of the process.


MS. WILLMER: I wanted to start by saying
that as much as we've heard about the value of Content
ID, there is not Content ID for images, and that's
not because the technology doesn't exist; because
Google has chosen not to implement it.

So it's clear that leaving it to voluntary
action is not enough. Congress mandated, as part of
the DMCA, use of standard technical measures.

And that was key to striking the balance
between ensuring that content would not proliferate on sites.

And unfortunately, the definition of standard technical measures is too narrow. To my knowledge, there's no technology that meets that definition and therefore, it's virtually meaningless. The focus should not be on how the technology was developed but what it does and whether it's available on reasonable commercial terms. So as I mentioned, there is image recognition software that would allow companies to check content upon upload to see if it's registered or protected by copyright.

To Ms. Schneider's point earlier, platforms take a lot of interest in educating users about the perils of filing take-down notices, what happens under penalty of perjury.

Are you sure you want to send the take-down notice? Are you really sure? Under penalty of perjury, even if it means providing your personal information and a copy of that to the Chilling Effects website. Imagine if they had the same interest in educating users on copyright in general and the rights of copyright owners. What that could look like is messaging that says, when you try to upload an image, this image is protected by copyright. Please confirm
that you have a license to use this image or a good-faith belief that the use if fair under copyright law, and then they could go on to provide education about what fair use is.

That's the world that would strike the better balance. What we're left with now is content that's uploaded with very little friction only to then put all the burden on copyright owners to identify the content and submit take-down notices. To my last point on that identification piece, there are some platforms that block crawlers and make it difficult to identify infringing content. And I'd submit that those platforms should not be entitled to immunity.

MS. CHARLESWORTH: Thank you. Ms. Willmer, do you know if there've been any discussions on behalf of, say, the photographers' community with Google about -- and --

MS. WILLMER: Yes, there have.

MS. CHARLESWORTH: Is there anything you can share about the state of those discussions or outcome?

MS. WILLMER: Only that it's been a very frustrating process and what's clear to me is that the photography industry doesn't have the clout and the leverage in order to get Google to provide even what they've provided to other industries.
MS. CHARLESWORTH: Okay.

MS. TEMPLE CLAGGETT: And do you -- I guess maybe you just answered the question I'm going to ask, but in terms of on the educational side like with the kind of pop-ups or information, this -- it might be obvious -- but what do you think is the cause that you have again to go through these series of steps when you're filing a takedown notice -- in terms of do you own the work, do you have a good-faith belief -- but not having anything in terms of on the uploading side of the image?

MS. WILLMER: In my view, it's pretty clear where the commercial interests lie, and I think having the content on the site is to the benefit of the site because they're able to draw users and thus attain advertising revenue or however else they choose to monetize it. So it's clear to me that the incentives are there for the content to be on the sites, not the right incentives for the content to stay off of the site if it's not licensed.

MS. TEMPLE CLAGGETT: And then just one final question. You mentioned that I guess in the 18 years that we've -- since we've had the DMCA, to your knowledge, there have been no technologies that have met this standard of standard technical measures? Is
that just with respect to images -- or across the board, no such technologies have met in 18 years that particular standard?

MS. WILMER: Perhaps somebody else here is aware of any, but I'm aware of none across any industries.

MS. CHARLESWORTH: Just a quick follow-up on your follow-up. I mean, I did see some references that metadata -- like, that there were some commenters who view the use of metadata as a standard technical measure. Have you heard that?

Or do you have an opinion on that?

MS. WILMER: I don't think that it meets the definition under section 512. I mean, certainly we would say that metadata is a key identifier as far as copyright ownership. And again, part of the problem that was mentioned earlier is that that metadata is often stripped when content is uploaded, especially to large platforms because they take the position that it increases the size of the file, and so in order to have uploads move more quickly and take up less storage space, it's convenient for them to strip the metadata out.

MS. CHARLESWORTH: And to your knowledge, has there been any litigation over that issue, the
stripping of metadata or legal claims made about that?

MS. WILLMER: Certainly we've raised some issues about it, but there's no litigation to my knowledge.

MS. TEMPLE CLAGGETT: And just really quickly, I guess since we asked this question but you weren't able to kind of conclusively answer it for everyone, is anyone aware of a standard technical measure that actually meets the section 512 definition out there in the 18 years since we've adopted the DMCA.

MS. SHECKLER: I think there's one case, the CafePress case where the court did dismiss whether metadata was a standard technical measure or not. I think that case got settled.

MS. TEMPLE CLAGGETT: So essentially no, then.

MS. SHECKLER: Well, they didn't say it wasn't.


MS. WOLFF: Well, being at the end of the alphabet, there's been a lot of talk already from others in the image space. The Digital Media Licensing Association is, of course, about encouraging image licensing. I mean, no one wants to go online and see
websites full of text. Unfortunately, many websites have been developed particularly with 512 in mind to encourage the uploading and use of images but not necessarily the licensing.

And to go back to a question you asked of Ms. Willmer, as counsel to the -- was formally called PACA, I remember having very early discussions with Google about their then-Google image search, which was at least thumbnails. And we talked about, you know, wouldn't it be helpful if there was something that said images, you know, may be subject to copyright or something. And they carefully listened for an hour, and the end result was well, we like the user experience the way it is now. So it -- you know, everything is about the user experience and not enough about encouraging a healthy licensing environment.

There is a lot of image recognition technology developed for that space, but that's just the beginning of the equation because the amount of images that are online and the amount that are infringing -- the way you have to send a notice, time and time again per image, and many of the sites require you to fill out spaces for each one that it's really very, very inefficient and very burdensome. So
1 I think if you were, you know, looking and grading the
2 DMCA over time, that I think it's really -- hasn't
3 aged well for the users -- for the content owners, and
4 it really has become very burdensome and imbalanced.
5 And there really is no incentive because there are so
6 many individual image creators to, you know, enter
7 into discussions with the larger OSPs such as the
8 recording industry can do, and the motion picture
9 industry, and others. And so I think there does need
10 to be incentives.

11 MS. CHARLESWORTH: Okay. Thank you.
12 Last but not least, Mr. Deutsch, out of
13 alphabetical order, too.
14
15 MR. DEUTSCH: Yes, well, I'm pinch hitting
16 for Jim Halpert, so I understand.
17
18 Obviously as the last speaker, you've heard
19 all your good ideas said at least by one, if not more,
20 of the speakers. But I do want to present the
21 perspective of ISPs on this, which is that they're not
22 adverse to technology. They are very much in favor of
23 discussions between ISPs and copyright owners to
24 provide for best practices, some of which has already
25 been done. But that the problem with any sort of
26 mandated technical measures that don't start from a
27 negotiated process is the enormous variety of ISPs
that are out there.

Obviously we've heard people talk about dealing with Google, but there are thousands and thousands of designated agents, parties who may want to claim the benefit of the safe harbor, and many of them are simply not in a position either because of technological sophistication, resources, or both, to implement some of the fancier and perhaps more promising technologies that have been discussed.

It remain -- I would say from the perspective of the service providers, they believe that the bargain that was struck in 1998 where copyright owners identify content that they believe is infringing -- infringing and the ISPs then had to take it down remains the appropriate model and that other means of trying to do this, in particular filtering, is not really workable, is not possible in most cases, for ISPs to know, for example, whether a use is a licensed use or not. Bits don't say I'm licensed very frequently.

Very frequently, data that's passing through it atomized and you can't even tell what it belongs to.

And of course, there is -- we heard from some of the speakers today, at least large content
users often encourage fans to post copyrighted materials, and it's impossible without invading privacy contrary to the -- that dictates and 512 and for ISPs to say this is a use that the studios or the music producers tolerate. So I think the underline is nobody is averse to the application of technology. There clearly is no magic bullet at this point. But everything has to be done, I think, in cooperation between stakeholders as the DMCA itself was.

MS. CHARLESWORTH: So on the one hand, I hear you saying people should work cooperatively. On the other hand, I hear you saying filtering can't work. But filtering -- I mean, YouTube uses a version of filtering. Then we have other sites we're hearing about where it's just they're clearly basically all unlicensed content. So the suggestion is if a content -- or a copyright owner's sending a notice to a site which is completely unlicensed for a full-length use, that by definition, there's -- you know, it's known that it's not licensed.

MR. DEUTSCH: Yeah.

MS. CHARLESWORTH: And so in that sort of -- let's talk about that case. Site with no license, full-length uses, maybe, I don't know, stacked URLs or not. Why is filtering an impossibility in that
MR. DEUTSCH: I don't think that's really the job of 512. That's the job of direct copyright action by copyright owners against the website. We have Hotfile, Grooveshark, Napster, Globster, Aimster, Ska (ph) Alert. Whenever the copyright holders have really believed they're in -- facing a rogue site, which is essentially what you're describing, the effective way to deal with it is not by undoing the DMCA processes that work for 98 or 99 percent of the sites, but a direct copyright action where if, in fact, they're doing exactly what you're saying, they don't have any claim to it of safe harbor and the courts have repeatedly said they don't.

MS. CHARLESWORTH: But the DMCA did envision that the service providers and copyright owners would get together in a collaborative way. And we've heard that that hasn't happened as much as some would like. But what you're saying is we should have litigation?

MR. DEUTSCH: No, I'm saying that there's a -- Grooveshark was in

MS. CHARLESWORTH:

-- years of litigation.

Litigation's very expensive for both sides.
Is there no path forward in any of this area where you could imagine through a collaborative process that you would have at least some access to filtering technology to solve some of these problems.

MR. DEUTSCH: I think it's going to be difficult to do. Consistent with the other values that 512 has embodied, including user privacy and avoiding undue burden on ISPs. I can't say it's impossible. I don't think anybody has spoken yet to a technology that is effective for this purpose or that would scale from the largest ISPs down to I think talking -- continuing to the smallest. talk about it and continuing to let technology develop is the right path.

And where -- Okay.

MS. CHARLESWORTH:

MS. TEMPLE CLAGGETT: One quick follow-up question

MR. DEUTSCH: Sure.

MS. TEMPLE CLAGGETT: Do you believe that there is -- kind of the same question I asked Mr. Schruers -- anything that could be done short of mandating by law the adoption of certain technology, something that could be done either legislatively that doesn't mandate it but encourages this dialog or
communication among ISPs that would be able to implement some of this? So some type of benefit that could be done either legislatively or some type of measure that would encourage the dialog that you at least think might be helpful in some sense?

MR. DEUTSCH: Well, if by benefit you mean someone is going to be shielded from penalties that already exist in the law, I think that's just a way of phrasing the fact that people who don't cooperate will be punished in some manner. I don't think that a legislatively mandated solution in this very complex economy -- excuse me, ecology is the correct path forward.

MS. CHARLESWORTH: Okay. I see four placards up where I'm going to let each of you who has -- three now. Oh, you cheated, Mr. Mopsik, but we'll count you as number four. So each of you can have a 30-second response, and then we're going to close down this panel so we can hopefully keep closer to our schedule today.

We'll go this way again. Mr. Mopsik.

MR. MOPSIK: Thank you. I just wanted to add, in regard to the metadata issue that the IPTC has a great study. If you search for something called the IPTC Metadata Study, you come back with a fabulous
chart that actually tells you which metadata is maintained and what's stripped upon upload to most of the popular social media sites, and it's a very useful tool for that.

And that's the only thing I wanted -- and I think the other thing, the image source -- I mean, Image Rights is one of the companies that does that service providing for photographers, Image Rights.

MS. CHARLESWORTH: Thank you very much.

Ms. Schneider.

MS. SCHNEIDER: In 2008, the HEOA was passed, and it was for universities perceiving that, you know, these university students were the ones that were, you know, responsible for so much infringement. And so universities had to start employing different things, and I think NYU -- you asked people who use Audible Magic. I believe NYU is using Audible Magic. They have to do educational steps and every year report their steps. And from what I hear at people at universities, it's working relatively well. It is not placing an inordinate, you know, burden.

And one more thing, to Mr. Singer, I want to say about -- because you mentioned a rating system. I'm a big fan of this idea of a rating system for people who do take-downs because it creates -- we have
ratings. Amazon, you know, Amazon, people that -- companies that are represented here. Rating creates accountability, and it encourages education. And what we're talking about and everybody is complaining about here is largely a purposeful lack of education.

So I think the best step we can do is use the technology and steps for education.

MS. CHARLESWORTH: Thank you very much.

Mr. Schruers.

MR. SCHRUERS: Just two quick comments.

Yeah, yesterday and today on several occasions, a pragmatic example of something that is ostensibly infringing is full-length, but if I recall correctly, it was this very court in Bloomberg versus Swatch that found a full-length use of content was in fact fair use. So I'm not sure that's our best example, and I don't think we should allow that to be our example.

MS. CHARLESWORTH: Well, then what example would we use?

MR. SCHRUERS: Well, something that's actually not been found to be fair use by a federal court of appeals. I --

MS. CHARLESWORTH: Well, but for an automated process, I mean, if you're trying to serve notices and
1 draw a line somewhere, that's about as far as the line
2 can be drawn, right?

3 MR. SCHRUERS: Which raises the question of
4 how to go about drawing that line. Yeah, I think that
5 illustrates the problem of placing, you know, taking a
6 sort of solutionist view of technology. It can provide
7 value, but it is not a panacea and I think we have to
8 --

9 MS. CHARLESWORTH: So is your view that every
10 single full-length use that's identified in the
11 millions of notices that -- or every use, if it's
12 full-length, needs to be reviewed by a human person? I
13 mean, how is that a plausible solution?

14 MR. SCHRUERS: It's not a solution; it's just
15 an observation that when we have a court of appeals
16 saying that a full-length use is not infringing, that
17 we can't assume that a full-length use is infringing.

18 MS. CHARLESWORTH: Well, in one instance,
19 it's obviously -- that's -- it's a theoretical and in
20 that case an actual possibility. But when you're
21 trying to solve a sea of infringement, I mean, how can
22 that -- I just don't understand. We're looking for
23 solutions here, and I guess what I'm hearing you say
24 is even if copyright owners say, okay, we're only
25 going to look for full-length uses that we know are
on unlicensed sites, that that is not a reasonable way
to interpret the takedown process. Is that your
position?

Mr. SCHRUERS: No, my position is that when
we're talking about what's infringing, we can't
necessarily assume that that which is a full-length
use is inherently an infringing use of the work.

MS. CHARLESWORTH: But they have to assume it
to run an automated process.

MR. SCHRUERS: Well, I --

MS. CHARLESWORTH:

We've heard that from others, that there may
be a remote possibility of an error but if you're
going to automate things, that's just inherent in a
process like that.

MR. SCHRUERS: Which I think comes to my
broader complaint or observation, rather, that
there are built-in limitations to what we can
reasonably automate. And that is why we see
automation used to different degrees for DMCA
compliance and the DMCA-Plus systems that we're
talking about, which was the other just short point
that I wanted to make, which is just because we
haven't seen standardized DMCA-Plus systems arriving
across the entire diverse ecosystem of the internet
doesn't mean that we should assume that there hasn't been rightsholder intermediary cooperation. There's been extensive cooperation.

I mean, not only did we just complete the lengthy PTO process, but we see a lot of these DMCA-Plus systems evolving different spaces, but they're tailored to the particular ecosystem and platforms upon which they're being implemented.

MS. TEMPLE CLAGGETT: Well, just a quick follow-up question on that point. Do you see -- I mean, it has been difficult, as has been acknowledged, to develop the standard technical measures that have basically qualified under the DMCA in the last 18 years. Do you see any path forward to actually have that robust collaboration that would develop those type of STMs that would satisfy the standards of section 512?

MR. SCHRUERS: I think the question is sort of predicated on the mistaken premise that STMs are the only path forward.

MS. TEMPLE CLAGGETT: No, I think it's one path because clearly, the DMCA said that this is something that should be a possibility because it encourages that. And so I'd like to avoid that particular provision just becoming a nullity. Is there
something that could be done to actually make that
vision a reality is really my question.

MR. SCHRUERS: I think we are on the path
forward, and we're just seeing different types of
technical measures evolving in different parts of the
ecosystem based on the needs of the platforms. And
just because the DMCA may've misassessed the
probability of homogeneity across the ecosystem going
forward and assuming everything would be standardized
doesn't mean that we should discount the variety and
very robust development that we're seeing in different
spaces for particular DMCA-Plus systems that are
optimized for the platforms upon which they're
implemented.

MS. TEMPLE CLAGGETT: Thanks.

MS. CHARLESWORTH: Ms. Sheckler.

MS. SHECKLER: Thank you. I think you've
heard from Mr. Deutsch and Mr. Schruers's comments
that we have no will. There's most definitely a way.
We've heard a lot about different technologies that
exist today that are reasonably priced, that are
available, that work to identify content that could be
used at the service provider end to stop full-length
infringing works from being distributed through those
services, and that that would significantly reduce the
burdens both on sending copyright notices and on
counter-notices and abuses from that perspective.
Don't seem like we have the will. I think that's where
you hear the questions about the differences on those.

With respect to the PTO process that's been
mentioned quite a bit, I was heavily involved in that
process. And while it had some helpful outcomes, it
did not address efficacy, which is what we were hoping
that it would achieve and what we tried to discuss. We
got the, oh, it's -- you can't implement one-size-
fits-all. The DMCA standard technical measures doesn't
say it's one-size-fits-all. It doesn't say that there
can't be flexibility. It does say people need to come
together in a multi-stakeholder process to come up
with those. And they're not coming to the table.

MS. TEMPLE CLAGGETT: Is there anything that
could be done to encourage them to -- I mean, I guess
I'll ask the same question I asked the others. Is
there anything that could be done to encourage them to
come to the table to either develop these STMs or
otherwise voluntarily employ some of this technology
that we discussed today?

MS. SHECKLER: You know, I'll tell you the
same thing we told you yesterday. We stand ready to
work with you, with Congress, and with the service
providers to make that happen.

MS. TEMPLE CLAGGETT: Thanks.

MS. CHARLESWORTH: Should we let Ms. Willmer in? Okay, this is it.

MS. WILLMER: I just wanted to answer that last question. I think the best leverage that Congress would have to get the parties to the table is to condition immunity on coming to the table and actually being willing to implement available technologies to achieve what Congress really wanted to achieve, which is to keep the copyrighted works off of the platforms in the beginning so that we're not left with having to address it after they're already up with the take-down measures.

MS. CHARLESWORTH: Okay. Well, this concludes Session 5. Thank you very much for your participation. When do we want people back, Karyn?

MS. TEMPLE CLAGGETT: Let's just give them a quick

MS. CHARLESWORTH: We'll give you --

MR. GREENBERG: 11:00?

MS. CHARLESWORTH: Yeah, so please come back at 11:00 for Session 6, which is voluntary measures.

(Break taken from 10:46 a.m. to 11:00 a.m.)
Session 6: Voluntary Measures and Industry Agreements

MS. ISBELL: Welcome to Session 6 on voluntary measures. As -- I want to echo something that Jacqueline said on the last panel.

Part of the point of this exercise is to try to look for solutions and ways that we can fulfill the purposes of the DMCA, protecting the innovative technology sector, but also protecting the rights of content creators and their ability to make a living from their creations.

And in looking through the various comments that were submitted in advance of this particular roundtable, it seems like voluntary measures might potentially be a bright spot. And I'd like to focus on that to begin with.

Certainly, there were some discussions about voluntary measures that fall short. A few people even said that they are completely useless.

But there seems to be some hope at least among certain commenters that there were voluntary measures that could begin to address some of the concerns that we've been hearing about for the past two days.

And so I want to start with sort of the upside and talk about what voluntary measures are
working and are helpful and then get into sort of the negative opposite Tale of Two Cities side and talk about what doesn't work.

So for my first question for the panelists, I would like you to identify if there are any voluntary measures that you are aware of that are helpful. And if so, what are the characteristics, or elements, of those voluntary measures that could perhaps be replicated for other voluntary measures to try to begin to address some of these concerns?

So it -- once again, if you'd like to speak, turn your placard up. Two minutes for initial comments; one minute for responses.

I will go ahead and start over here with Mr. Band.

MR. BAND: It's Jonathan Band for the Library Copyright Alliance --

MS. ISBELL: Oh, I'm sorry. Let's go ahead and go around the room since we haven't done that and introduce yourselves for the court reporter. And then we'll cut back to you. So start with --

MR. BAND: Okay.

MS. ISBELL: -- your introduction.

MR. BAND: I'm still Jonathan Band from the Library Copyright Alliance.
MR. BARNES: Greg Barnes, Digital Media Association.

MR. DOW: Troy Dow with the Walt Disney Company.

MR. GARRY: John Garry, Pearson Education.

MR. GIBBS: Melvin Gibbs, Content Creators Coalition.

MR. HART: Terry Hart. I'm with the Copyright Alliance.

MR. PETRICONE: Michael Petricone with the Consumer Technology Association.

MR. JOSEL: Wayne Josel from ASCAP.

MR. RAE: Casey Rae, Future of Music Coalition.

MR. KENNEDY: Tom Kennedy, American Society of Media Photographers.

MS. SCHNEIDER: Maria Schneider, musician representing the women's side of the room.

UNIDENTIFIED SPEAKER: Wow. That --

(Laughter)

UNIDENTIFIED SPEAKER: We've got to get a picture of this.

MS. ISBELL: Yeah.

(Crosstalk)

MS. PARISER: Jenny Pariser, MPAA.
MS. PILCH: Janice Pilch, Rutgers University Libraries.

MS. RASENBERGER: Mary Rasenberger, Authors Guild.

MS. SHECKLER: Vicky Sheckler, RIAA.

MS. SHEEHAN: Kerry Sheehan, Public Knowledge.


MS. TUSHNET: Rebecca Tushnet, the Organization for Transformative Works.


MS. ISBELL: Okay. Now, Mr. Band, you can talk.

MR. BAND: So I'll actually -- even though I'm here for the Library Copyright Alliance, I'll talk briefly about voluntary measures taken by another one of my clients by a payment processor. And so the payment processors have had voluntary measures in place for a long time. A lot of them did it independently. Then Victoria Espinel -- she was the Intellectual Property Enforcement Coordinator -- asked them to sort of get together, come up with best practices, which in essence sort of
1 codified what they were already doing. And it came up
2 with some standardization, and they -- a lot of them
3 worked cooperatively with the International
4 AntiCounterfeiting Coalition.
5 My understanding is, overall, this is
6 working very well. And I would say the most
7 significant feature about why it's working well is it
8 was developed by the payment processors. I mean, they,
9 to some extent, were developing these systems on their
10 own. And then they came together with the best
11 practices, which would be more, you know, to degree --
12 industrywide. But the key was they did it on their
13 own. And they were that -- that way, it was responsive
14 to -- it worked. It was responsive to what they
15 needed. But they were also able to reach a degree of
16 consensus because they were within their industry
17 instead of trying to work across industries.
18 MS. ISBELL: And just to follow up on that,
19 how important was the involvement of IACC?
20 Do you think that government's involvement
21 in sort of shepherding these voluntary agreements is
22 necessary? Or could it come up out of the industry
23 associations without government involvement?
24 MR. BAND: I think, in truth, the payment
25 processors were all doing this already.
Now, it is a very highly concentrated industry. There's only four or five payment processors. So there is also competitive pressure. If one person is doing it, then other people are interested in doing it and so forth. But you know, it was certainly helpful to have IACC's involvement. But a lot of it was because they were already doing it. So it was a helpful final step, but this was already in process.

MS. ISBELL: Okay. Mr. Dow?

MR. DOW: Thank you.

I share the perspective that I think you indicated that the voluntary measures are a bright spot and a potential solution. And in fact, I think the DMCA is very clearly intended to promote voluntary cooperations and to address these problems, not merely to the operation of statute, but through cooperative efforts.

And so there's a whole number of these that we could talk about and the comments that we thought that the Motion Picture Association delve into them. I won't go over them all, but I did want to take just a minute to talk about one that we were particularly involved with, which is the principles for user-
generated content. And that is one where I think that
that has worked to set standards and best practices in
the field of user-generated content.

And your question was what do these things
share. What are the principles and the basic
fundamentals that help those things to be successes?
And I think what we found there is what allowed us to
get to success in the user-generated content
principles was that we had a collaborative discussion.
This was not a unilateral discussion. This was a
multilateral discussion between content creators as
well as platform providers.

We started that discussion by putting aside
difficult legal questions, perspectives on what the
law required of different parties and simply said can
we agree on a simple goal. Can we agree on the goal
that if we could write the script we would favor an
outcome in which we had a user-generated content
environment that both promoted legitimate creation and
distribution of user-generated content, but also
prevent it -- infringement in that environment? And
once we got to the point where we shared that goal
together, we were able to then sort of tackle some of
the more difficult problems that what are the
mechanisms that we can use to work together to get
And at the end of the day, we did just come up with a set of principles that included implementation of technological solutions that included an understanding of the way copyright owners would operate in this environment and their role, included an understanding of the way that platform providers would work and included an agreement that this was not just a one-time set of principles that would be published and then we would be done. But this would be an ongoing relationship to try and help update those things and make sure that they would remain effective over time.

MS. ISBELL: And what were the circumstances that encouraged the players to get together and come up with those principles?

MR. DOW: Yeah, that's a great question. And I really think that the circumstances that led to that was the underlying sort of framework of the DMCA, you know, an environment in which everyone -- everyone wasn't quite sure what the law was going to say about this. Litigation was a route that had started. Legislation was a potential route that everyone sort of felt like -- no one was quite sure what the outcome was, and there was a prospect of
liability. There was a prospect of losing a lawsuit on both sides. And at the end of the day, that -- a lot of people had come together and said, look, if we could write our own script, we could create the world in which we live here. Then that would be a better outcome.

So I think that the legal framework to encourage people to work together, to have some backstop as to, you know, an outcome that might be less favorable was important.

MS. TEMPLE CLAGGETT: And just a follow-up in terms of the current state that we're in right now, do you think that the legal framework remains sufficient to continue to encourage the development of voluntary agreements?

Or is there something that could be done to -- for the future, encourage more of these types of agreements?

MR. DOW: I think that's also a very good question. I think a lot of the issues discussed in yesterday's panels have a lot to do with the answer to that question. To the extent the courts construe the statute in narrow ways that sort of shift the balance away from one of shared responsibility to one of sort of all of the burden being shifted to rightsholders,
that does push away from an environment in which you
could have these constructive relationships.

I think that the balance that was struck in
the DMCA of trying to encourage protection for good
actors while withholding it from bad actors is one
that encourages people to work together to come to an
agreement on how that looks.

MS. ISBELL: Okay. Mr. Petricone?

MR. PETRICONE: Sure. One voluntary approach
which has proven to be the most effective way to fight
piracy is to offer legitimate services with the right
combination of price, convenience and inventory --
basically, to make it simple and easy for users to do
the right thing.

Today, users have a growing selection of
excellent services from Spotify, Netflix, Pandora,
iTunes and many more. And as expected, piracy is
dropping. Just this week, the British Photographic
Industry, the head, Jeff Taylor, said that, quote,
"Overall usage of infringing sites has fallen by 42
percent since 2013."

In January, the UK's government Office of
Communications report said a similar thing.

They said, "Over the next three years,
online copyright infringement is predicted to fall for
all content types apart from e-books."

A Spotify study showed a major drop in piracy in the Netherlands and Norway that came as soon as Spotify entered those markets.

The NPD Group, which is an analyst often used by the RIAA, reported in 2011 that piracy rates were falling drastically. The same in 2012 -- they marked 2005 as the high-water mark for piracy.

The Carnegie Mellon study showed that piracy of ABC shows, thankfully, dropped dramatically after ABC joined Hulu.

So as we've heard today, the piracy problem still exists and requires our collective focus and collective attention. But the overall trends are favorable as users increasingly turn to legitimate services. So that's a -- that is a bright spot.

MS. ISBELL: Okay. So one follow-up to that -- we've heard this refrain several times over the past couple days, and yet the content owners are still telling us that piracy is a problem.

So I see sort of three possibilities there. One is, well, that means there aren't enough legitimate services. One means -- one option is legitimate services aren't the answer.

And another option is, well, you're just
going to have to live with some base level of piracy, and we're never going to eradicate it.

Which one of those is your view? Or do you have a different view?

MR. PETRICONE: No. I think that, as hard as we try, completely eradicating piracy online is practically impossible, right? So there is always going to be some base level. And the key is to reduce that as far as you can. But I think you do it with voluntary measures like we have done today, and I think you do it by presenting users with a wide, wide variety of legitimate and appropriately priced services.

And again, there are all kinds of views, but there are also numbers. And the numbers appear to show that both in terms of the amount of content being generated, as we discussed yesterday, and the amount of piracy online, which is going down, things are moving in the right direction.

MS. TEMPLE CLAGGETT: And just to follow up on that in terms of the current status today, in terms of the accessibility of legitimate content, in your view, do you think that on the content side that content owners are focusing their approach on developing legitimate content to take advantage of the
uses of the Internet today? Or do you think that
that's still something -- I mean, certainly, in 1998,
the legitimate content wasn't being distributed online
as much as people would have liked. But do you think
that there is now a trend where creators are kind of
martialing the use of the Internet to be able to
provide legitimate content?

MR. PETRICONE: Yes. I think, going back to
1998, there was a period of transition, right, which
is expected whenever you see a new technology appear.
But I think what you see now are the content
industries increasingly embracing the Internet as a
platform to monetize and promote and access new
consumer groups. And that's -- I think that will
increase, and that's a -- that is a positive thing.

MS. TEMPLE CLAGGETT: Thank you.

MS. ISBELL: Okay. Mr. Rae?

MR. RAE: So I mentioned this in the previous
panel, but I think it bears repeating.
When we're looking at collaborative
processes, volunteer -- voluntary sort of agreements
and best practices, 512(i) actually creates the
conditions for this to happen. It falls short, in my
view, of a mandate, but it does encourage as a point
of eligibility, I might add, for the Safe Harbors.
MS. TEMPLE CLAGGETT: Why hasn't it been effective?

MR. RAE: Well, you know, I don't think it actually was tried. If we go back in our time machine, what we'll see is, you know, clearly, when there is a new use environment and we haven't really figured out how this law works in practical terms, an expectation is that the rightsholders are going to pursue their rights as they previously have in other environments. And coming out of, you know, a new precedent from Grokster, for example, it may have been that record labels, in particular, were interested in achieving a legal precedent that would be favorable to their interests, or what they saw as favorable at that time. Conversely, on the other side, you have perhaps a legitimate, you know, difficulty in the deployment of identification technology because it just -- we just weren't there yet as a marketplace. You know, again, these conditions changed.

I would like to go back to what Troy said I think is very important -- the ongoing relationship. I can name three instances. Obviously, two of them have already been brought up, or one of them -- the credit card payment best practices. There was the ad exchange best
practices. There was the separate Copyright Alert System. Now, they all came out of different kind of situations, I guess. But I believe that the government does have a role, at least, to create the environment where that can happen.

Now, personally, I don't think you need to actually legislate anything here because, you know, going back to 512(i), we see that if it's voluntary and that data and information is actually being presented from the rightsholders to the services, it doesn't run afoul with 512(m).

So we're good.

But what we really need to know is what the availability, accessibility and affordability is of the technology. We need to know -- we need to take this down to a level that is comprehensible to small and medium enterprise in the content and developer community. And we need, actually, hopefully, a body that can -- I think Troy mentioned this, too -- not just one and done, that can continue to evaluate and make recommendations based on the development of technology.

MS. ISBELL: Ms. Schneider?

MS. SCHNEIDER: Once again, I just --

Mr. Petricone's positive report about
streaming, I have to balance that with a reality check. A young musician I know named Spree Wilson, he has 45 million plays on Spotify. He has never gotten a check for more than $60. Now, some people will say, oh, it's the record companies taking it. Multiply that times 10, 100, even 1,000. 45 million plays, streams, should be bringing this guy an amazing apartment, a boat. I don't care how he spends it, you know. So it is not working.

And to Mr. Troy's solutions, I mean, okay, Disney found a way to come to the table. But for individual musicians like myself, there are no solutions. The ones that seem promising like Content ID I've said now five times, it's not available to me.

MS. ISBELL: And I want to discuss that a little bit more in the next question. So if you can participate in the next question as well.

Ms. Pariser?

MS. PARISER: So I completely endorse, you know, Troy's optimism that voluntary solutions are a partial solution to the problem. But I guess I emphasize partial. All of the voluntary solutions that we have engaged in are partially effective in dealing with the piracy problem. But all of them are
flawed in that they only deal -- they only have some players involved in them, and they can only be somewhat effective in their approach to piracy. The more successful one, as you've heard, are the ones where the players have an incentive to come to the table where, to put it more bluntly, they face liability if they don't. So the copyright alert system is a system in which the ISPs enjoy immunity if they corroborate with us in effecting a piracy solution, whereas other solutions we look at -- for example, the domain name registrars and registries -- have been a lot more difficult to work with because they do not face liability. So that is -- that's where the tension lies.

MS. ISBELL: So just to follow up on that, we've heard, especially yesterday, that the trend in the courts is to sort of interpret 512 more and more narrowly and provide much broader, safer harbors --

MS. PARISER: Right.

MS. ISBELL: -- for ISPs. And so have you seen an effect on the prevalence or the frequency of voluntary initiatives as a result of those changes in the courts? Or is it at the same level that it was previously?
MS. PARISER: Yeah. I mean, it's hard to say there's a one-to-one correlation. But for sure, when great cases come out, there's a lot more enthusiasm among service providers and others in the ecosystem to participate in voluntary initiatives. Hopefully, the recently decided Cox decision will have a positive impact on the outcome of the Copyright Alert System, whereas -- the cases are somewhat older now -- but the cases that found limited liability for payment processors was, you know, pulled in the other direction.

Now, they have their own reasons. A lot of this has to do with entities having their own reasons to do things -- the ad networks, for example. Part of the reason we get cooperation from ad networks is they don't want their clients associated with do -- these sites that have, you know, all kinds of garbage going on on them and are associated with piracy and spam and stuff like that.

So but yeah, any time a court decision comes out and finds that as an operator has no liability, that's a bad day for voluntary initiatives.

MS. TEMPLE CLAGGETT: So under the Copyright Alert System, the participants in that program, the service providers, you said, enjoy immunity. Can you
elaborate on that?

MS. PARISER: We won't sue them if they participate in the program.

MS. TEMPLE CLAGGETT: Okay. And I take it then that Cox was not in that program from what -- the other remark you made?

MS. PARISER: Correct.

MS. ISBELL: And two quick follow-ups on that. One, it's a follow-up on what some -- what -- something that Karyn actually asked a little bit earlier. Is there a role -- or what role do you see in terms of government encouraging these type of voluntary initiatives and, also, whether you have any response to what Mr., I think, Petricone said in terms of the -- that the focus should be on content owners providing more legitimate content?

MS. PARISER: Okay. So to that in reverse order, the content industry has done more and more and more to make content available. In the motion picture industry, windows are closing.

In the recording industry, enormous amounts of content is available on all kinds of sites, whatever type of music you want and whatever kind of way you want to get it, whether you want to pay a subscription fee or, you know, streaming, or whatever.
It's -- and the amount of content that's available legally and at an affordable price is enormous. And yet piracy is huge because, no matter how cheaply you make something, people want to get it for nothing. That's just the fact. And therefore, we need to deal with piracy in ways other than, or in addition to, licensing.

In terms of what the government can do, obviously, there's -- we need to bring the government up a little bit because what we would want the courts to do is somewhat different from what we might look to the Copyright Office to do.

But specifically the Copyright Office, one idea is that the Copyright Office could designate specific things as standard technical measures. That doesn't happen now currently. And part of our problem getting sites to adopt STMs is that there's no regime to designate something as an STM. And the definition of STM requires the -- inter-industry cooperation. So it's obviously the sound of one hand clapping as we stand here and say, oh, Audible Magic's agreed. It's a great solution. But if, you know, the rest of the industry doesn't cooperate with that, it goes nowhere. So the Copyright Office could hold a multi-stakeholder proceeding to try to drill down on
some of those issues.

MS. CHARLESWORTH: Can I -- parsing the definition of standard technical measure --

MS. PARISER: Yeah.

MS. CHARLESWORTH: -- a little bit.

What do you think is meant by the use of the term open -- open, fair and voluntary multi-industry standards process? What is meant by open?

MS. PARISER: I think it means something not like YouTube's Content ID, something that is available to the public perhaps at a price. But that can be availed -- is that a word -- by anybody.

MS. CHARLESWORTH: So in other words, it's -- in your view, that means it's a licensable technology?

Is that --

MS. PARISER: Yeah.

MS. CHARLESWORTH: -- what you're saying?

MS. PARISER: Yeah, you don't -- you can't get bumped out because you're too small or too big or not the right kind of -- obviously, you have to have the right kind of content in order to work with that specific technology. But it can't be something where you would otherwise fit that you can't use them. Defer to Troy on legislative history here.

MS. CHARLESWORTH: Yeah, I'd be interested in
1 other people's views on sort of parsing the definition
2 a little bit more closely in terms of STMs.
3  
4 MS. PARISER: Yeah.
5  
6 MS. ISBELL: Ms. Rasenberger?
7  
8 MS. RASENBERGER: Thank you.
9  
10 Voluntary measures are good in theory if
11 they work. And the Authors Guild would support
12 voluntary measures if they actually apply to
13 individuals and to authors. The problem with the
14 voluntary measures that we've seen to date is that
15 they do not work for individual creators. And along
16 the lines of what Maria was saying, there's just -- as
17 an individual, you really have no opportunity to take
18 advantage of them.
19  
20 And part of the problem is that creators,
21 individual creators, have been left out of the
22 development of all voluntary measures to date -- best
23 practices and industry agreements.
24  
25 Authors don't have the ability to negotiate
26 with service providers. They don't have the ability to
27 negotiate filtering solutions.
28  
29 So authors have been left with notice-and-
30 takedown and all individual creators. And as we saw
31 yesterday, the shortcomings of notice-and-takedown are
32 felt acutely by authors.
Contrary to what somebody over here said, there is actually growing book piracy. The complaint that we receive have gone up 600 percent in the last five years. And there's also no affordable service for authors to use.

Let me just give a few examples of authors' experience with some of the voluntary programs. Google's Content Verification Program is not available to individuals. You have to become a trusted notice sender, which is impossible for an individual. The Copyright Alert System -- we haven't seen that it works. Six strikes seems to be too far, too much. Voluntary efforts of advertisers -- we're not seeing any luck there either.

Our authors -- a lot of them have Google Alert set up, and they get at least 12 -- you know, a dozen alerts a day about piracy. They go to those sites, click on them. And there will come up an ad for a site that they just visited earlier that day. Payment processors -- as an individual, if you try to complain to payment processors, somehow your notice will get lost, never heard of. It's -- again, the payment processors would prefer to deal with trusted notice senders as opposed to individuals.
So I just want to conclude by saying that we would greatly support voluntary measures if somehow the individuals, creators, could be brought to the table, could be part of the negotiating, and the measures would apply to them.

And I won't take up more time now, but I do want to talk about the development of standard technical measures because the technology exists.

And if authors were part of -- and I should say all creators -- part of that negotiation of them, I think there could be potential for some great relief there.

MS. CHARLESWORTH: Just a quick question. We heard a little bit about the Scribd technology --

MS. RASENBERGER: Mm-hmm.

MS. CHARLESWORTH: -- earlier. Do you have any comments on that and the accessibility of that to authors?

MS. RASENBERGER: Well, I think the technology works. It's good. But no, it is not readily available to authors.

MS. CHARLESWORTH: And --

MS. RASENBERGER: So we'd like the -- to see the industry adopt the -- adopt something like BookID on a wide basis, including the service providers and,
you know, in a way that authors could readily avail
themselves of it. And as we heard yesterday, most
creators simply do not have the resources to spend on
additional technology or even for the -- to hire
services to assist them.

MS. CHARLESWORTH: And can you just explain a
little bit more about why it's not available, why
individual authors can't take advantage of BookID?

MS. RASENBERGER: Well, they would have to be
part of a service, which they're not. So I'm not
exactly sure what you're getting at. It's just they
don't have the technology, the resources.

MS. TEMPLE CLAGGETT: Are you saying, for
example, the fingerprints or whatever technology
that's used to create the actual fingerprint or
watermark, whatever, that actually would filter is not
something that individual authors have participated
in? For example, services don't typically go out to
individual authors and ask for their information so
that those would be able to be included in any type of
filtering program?

MS. RASENBERGER: Well, that's correct.
And then you have a difficult time trying to
get the service provider to actually filter for your
content because you're an individual and they don't --
you know, they'll take down in response to a notice, but they will not work out arrangements with you for filtering in advance.

MS. TEMPLE CLAGGETT: Thanks.

MS. ISBELL: Ms. Sheckler?

MS. SHECKLER: Thank you.

To echo Troy and Jenny's points, voluntary initiatives can be helpful in deterring piracy when everybody has to get in the game to make those voluntary initiatives work.

In terms of voluntary initiatives that exist today, we have seen varying degrees of success with them, whether it's the Copyright Alert System, whether it's UGC principles, ad network practices, the payment processors. They all have some type of impact at one point or another. We are starting to see some emergence, some voluntary initiatives and the new gTLD space.

We hope that continues. But any voluntary initiatives have to be within a backdrop of the legal framework that promotes those initiatives.

And our legal framework, as it's been interpreted today, I'm not sure gets us there.

To Mr. Petricone's point about BPI and what we're seeing in the production of piracy in the UK, we
have to remember there's a different legal regime in
the UK, and it's been used in a very different manner
than here. And that has been significant reason for
the reduction of piracy in addition to, you know, the
fact that our music has been licensed to over 400
services worldwide.

MS. TEMPLE CLAGGETT: So just to follow up on
that and just because -- wearing my international hat
for a second, which we will maybe get to in the last
panel, but in terms of the difference, in terms of
just the reduction of piracy oversees just like in the
UK, are you talking about some of the more recent UK
initiatives in terms of restricting your access to
pirated Web sites that you think are the result or
have caused, I guess, the reduction in piracy? Is that
what you're suggesting?

MS. SHECKLER: Yeah, there are some academic
studies out there, I believe. I think they may have
been cited in our report -- if not, I'll get them to
you -- that suggest that those court orders have
significant impact on the reduction of piracy in that
country.

MS. TEMPLE CLAGGETT: Thank you.

MS. ISBELL: And I just want to go back to
your point that some voluntary initiatives have been
more successful than others. Are there particular characteristics that you've seen that are shared by the successful initiatives that maybe aren't shared by the less successful ones? Or what accounts for the difference in success?

MS. SHECKLER: I think it's building trust having skin in the game, having a regular line of communication are the main points.

MS. ISBELL: Okay. Ms. Simpson?

MS. SIMPSON: Good morning. Or is it good afternoon?

I think -- I just want to reiterate some of the points that have already been made. For the voluntary initiatives that have been successful, frankly, they're successful for a limited number of participants, those participants that have, one, been part of the process of creating those measures and, two, could actually afford to become a part of those measures. As some of the smaller rightsholders and creators have already said, many of these measures are, frankly, too expensive. They're with -- or they're not within the reach of a smaller rightsholder to participate in those programs.

And two, on the question of government involvement, we definitely think that there should be
some push from government to make these measures far more effective and, certainly, to push the parties to become engaged in the process.

As many have already said, they become successful because there interest in engagement. Where there's a lack of process, frankly, one of the parties is simply uninterested in coming to the table to discuss any kind of framework.

And so if there is a government process that pushes parties together, that keeps them together in that room to come to a conclusion as to what might work, I think that is definitely needed in an environment like this.

And to, again, Mr. Petricone's point, it seems again to be the onus of the rightsholder to solve a problem that they didn't create. And so we've tried many attempts -- or actually, there are many attempts and many services out there that already provide legal materials. And yet as many have already also said, piracy still remains rampant.

MS. ISBELL: Okay. Ms. Tushnet?

MS. TUSHNET: So I think voluntary measures can work for some people. I am interested in the statement that we just heard that everyone has to get in the game. I want to ask. You know, who does that
mean? A big Web site doesn't mean big infringement.

2 The distinction we're making between big and small is actually much more complicated than that.

3 We receive 100,000,000 visits a week, and we get fewer notices than there are people from the Copyright Office up there per year. You know, Wikipedia has orders of magnitude bigger than us and reports similar numbers, and most of those notices are flawed.

4 So you know, who is the everyone needs to come to the table? And the reason I ask that is we've heard a lot about sites that ignore DMCA notices or, you know, structure themselves like a pen -- a Pez dispenser, overseas sites. Making those sites double plus illegal because they didn't come to the table is not costless. It's going to hurt the rest of us trying to do the right thing.

5 And in that regard, I would say we do have experience with a government mandate to use filtering technology. Sabam versus Scarlet in Belgium -- the injunction was ultimately overturned because Audible Magic didn't do the thing it promised to do. And I think that's a cautionary tale for government pushing on this.

6 Thank you.
MS. ISBELL: Okay. I think that's Ms. Wolff.

I can't see. You're --

MS. WOLFF: Yes.

MS. ISBELL: Okay.

MS. WOLFF: All right. As a follow-up to what others had said, in the visual space, there is very inexpensive technology. And there's multiple parties who have done reverse image technology -- the thumbnails. I mean, you can go to tineye.com and, for free, do a reverse image search.

So the problem isn't the technology, as, I think, in this area there hasn't been any voluntary measures because the incentives that maybe Troy's seen in -- with motions pictures doesn't exist. There's no risk of massive litigation because when you look at image licensing, they're relatively small licensees. And litigation is just not an affordable option. I mean, and comparing it to the recording industry, there is multiple opportunities and multiple options within the Digital Licensing Association (sic) members to legitimately license images at any type of cost.

It's just that it's very easy to infringe. There definitely needs to be incentives, maybe a copyright small claims court will help.

But right now, there isn't any, I would say,
in this area voluntary measures that are there because there's no reason to get anyone to talk to this industry.

MS. ISBELL: Mr. Barnes?

MR. BARNES: Yeah. Yeah, I want to make, I guess, two topline point. One, I share the optimism that's been articulated up until now.

I think the ability to do voluntary measures, industry agreements allows different stakeholders to come to the table to talk about very specific problems. And it avoids this kind of one-size-fits-all approach that I think will doom us as we try to make progress.

Another point -- the question's been asked about the government's role. I think the government does play an important role in bringing people to the table as a objective facilitator.

But I think it's really important that the government doesn't put its thumb on the scale in terms of trying to achieve a certain outcome.

Then I guess I want to just push back.

One of the things that I've heard discussed already focuses on licensing. And I definitely think Michael Petricone's point about the ability to have licensed content out there and reduced piracy, I
think, it's hard to deny that. I mean, there's so many
different studies that have demonstrated that the more
that you make licensed content available, the more you
reduce online piracy. It's hard to dispute that.

And the notion that all of those problems
have been solved it's just false. I mean, anyone who
knows about how musical compositions are licensed for
purposes of public performance through PROs knows that
that system is in disarray. Anyone knows -- who knows
about mechanical license under Section 115 knows that
that system has been broken for decades, and the
Copyright Office itself has produced reports
indicating that that system is broken. The SEC has
looked at how online video services, how their ability
to stream video content has been hindered based upon
the relationship between studios and MVPDs. So there
are a lot of -- there's a lot of work we do in
licensing.

But I think the good thing about this is the
industry agreements allow us to sit down and talk
about some of those things so that we just don't
approach this as supply is our problem, but we can
also talk about it in terms of demand and reducing
demand for infringement.

MS. ISBELL: Mr. Garry?
MR. GARRY: Hi. I don't know if we've turned to the opposite side of the question yet by getting back to this table. But I wanted to speak briefly --

MS. ISBELL: I was hoping to put it off for a little bit, but let's go ahead.

MR. GARRY: Okay. I don't want to be the only negative voice at the table. But I did want to speak briefly about my experience in negotiating. So thinking about technology as people have discussed, particularly technology for Web sites that can screen in advance content that's being loaded up, none of the voluntary aspects of what we're talking about deal with outlaw sites at all. And outlaw site are a tremendous problem for us, and they are completely disincentivized to do any voluntary measures whatsoever.

I'll just mention that I've had, I think, two experiences having dealt with lots of Web sites out there that have lot of infringing content on them where it was indicated a willingness to me to implement technological measures that, ultimately were, from my perspective, very easy to implement and very effective. One was a Web site that came to the AAP early on and really wanted to talk about having that to be as part of their business model, and I
think arrangements were made. But the only reason they were there is because they wanted to enter into business arrangements with various people who were at the table.

The other experience I've had very recently -- thanks -- we're negotiating with a Web site that has previously been very, very, you know, troublesome for us but completely protected by the DMCA until we've had to chink it so much so -- a very large Web site making lots of money. We have lots of publishers looking at them. But we didn't even want to approach them. We found a chink in their armor, and approached them that, gee, you have all sorts of infringing content up here. We've all sent you hundreds of notices.

And they were very -- they were willing suddenly to have a conversation about technology. And the conversations have gone very well. There's a lot they can do for very little money. But it turns out they're on the edges of the cusp going from an outlaw business to a legitimate business, which reminds of the old saying, "Every great fortune is founded on a great crime."

So the only people I've had help volunteer to help me are people I've already made millions of
1 dollar from my content and now they want to go legit.
2 So they're happy to talk to me about what can we do so
3 you're not going to sue us for all our bad conduct and
4 we can have a nice relationship going forward.
5 So that all adds up to voluntary's great
6 when you can get it, but it doesn't bring any of the
7 outlaws to the table. And from my perspective, the
8 outlaws are my number one problem.
9 Thank you.
10 MS. ISBELL: Mr. Gibbs?
11 MR. GIBBS: I wanted to build a bit on what
12 Mr. Garry and Mr. Barnes said. With earlier -- the
13 phrase a period of transition back in 1998, for us as
14 musicians and music creators, that period of
15 transition has become a permanent state.
16 I think -- C3 has devoted a significant
17 amount of its resources to exploring solutions to the
18 issue of voluntary compliance. We put together a tech
19 committee, which included individuals involved and
20 responsible for building various global -- including
21 rights databases as well as individuals who are
22 involved in building projects that were credible
23 solutions that could gain traction.
24 We found that the problem I not that there
25 isn't a database. It's that there are too many. And
each one is siloed, and the different parties do not
speak to each other.

In addition, service providers have been lax
in codifying methods for accepting data.

People on both sides have yet to rise up
above the start-up mentality to address what is a
system-wide problem. And the system-wide problem has
caused a true market failure that existed in 1998 and
still exists today.

As far as what we see solutions would be,
for us, there are a few principles. We think that as
far as the data -- solving the data problem in itself,
the parties should be neutral.

There should be no malevolent and desperate.
It has to be a collaborative structure.

As -- we would prefer to see government
involved in this to facilitate this. But as a group,
we have begun to reach out to relevant and interested
parties, and we continue to do so.

MS. ISBELL: Okay. I'm going to let the
people who haven't yet spoken go. And then I'm going
to ask my next question and then take comments again.

So Mr. Kennedy?

MR. KENNEDY: Thank you.

I just would say that I'm echoing some of
the comments that you've heard from other members, particularly Ms. Simpson, Ms. Wolff, among others. My concern is basically that there are organizations that absolutely need to be talking with individual creator groups in order to facilitate solutions and yet those conversations are not happening, primarily, because I don't think the -- there are either sufficient incentives or a willingness to really engage in the conversations. And until and unless that's acknowledged and addressed, I'm not sure that voluntary measures can really totally satisfy the needs of the different creator communities.

MS. ISBELL: Okay. Ms. Sheehan?

MS. SHEEHAN: So done right, voluntary measures can account for user concerns and the public interest and making sure that they don't inhibit people's ability to speak and innovate online and don't impair competition or inhibit market entry for small entrants and impair the diversity in the market for Internet services.

In order to make sure that they do that, it's important that we stop talking about this as if it's two cities -- Internet service providers and rightsholders. It's two cities in the world full of Internet users where those cities are located.
And we need to ensure that, in order to make sure Internet users are protected and the public interest is protected, that these agreements are actually voluntary. They're voluntary measures. We need to make sure that they're not the result of market coercion, of threats of litigation, of threats of new legislation or legislative action or new government enforcement measures. And they need to result from a truly open and multi-stakeholder process that includes the voices of all affected entities and not just large online service providers and large rightsholders. But you need to make sure the public interest voices are heard in that process.

I think, historically, we haven't seen significant public interest participation in these agreements. And as a result, they've been subject to criticism for being unfair to Internet users and unfair to smaller providers. I think it's especially important that we consider these interests when we're talking about proposing Internet filtering as a standard technical measure, which I find disturbing. But I think it's pretty clear on the language that Congress included in the statute that the standard technical measures need to be developed pursuant to a broad consensus in an open, fair, voluntary and multi-
industry standards process, that a far more suitable body than the Copyright Office, for example, for determining what that standard technical measure should be would be a more traditional open standards body, something more in line with the W3C.

MS. ISBELL: Okay.

MS. TEMPLE CLAGGETT: Just a follow-up question on that. In terms of the role of the public or considering the public interest, or users, how do you feel that that could be incorporated into these conversations?

MS. SHEEHAN: I think, you know, we've -- when we've run into this in the past, there's been a real lack of transparency around the negotiations for these agreements. And there's been a lack of inclusion of groups who actively work to speak on behalf of the public interest.

MS. TEMPLE CLAGGETT: Thank you.

MS. SHEEHAN: Thank you.

MS. ISBELL: Okay. So we've already sort of previewed what was going to be my second question, which are: what are some of the problems with voluntary agreements? And obviously, we've heard one of the big ones is lack of availability or the availability for smaller content owners to come to the
table. I'm sure as soon as I open it up there are
going to be many other issues. So I'd like to hear
what are some of the concerns with existing voluntary
measures.

And the second part -- do you see a way to
fix, or at least improve, those shortcomings? And what
would that look like to have a truly successful
process?

So I will start here again.

Mr. Band?

MR. BAND: So I'm generally a big fan of
voluntary measures. I think that they are definitely
preferable to coerced measures. And there's been some
discussion in -- before about the Higher Education
Opportunity Act, and that was one such coerced measure
where higher education institutions have obligations
that no other service providers have. And those
obligations were imposed on the basis of a MPAA, I
believe, study that turned out to be completely wrong.
They -- when it was -- when they were going
around the Hill, they had a PowerPoint presentation.
They never provided anyone with any data.

But Congress, nonetheless, just sort of accepted this
PowerPoint presentation as fact that the rates of
infringement on campuses were higher than they were
elsewhere, and it turned out not to be true.

And so it's all sort of ironic that policy gets made and laws get passed on the basis of these fictitious studies when, you know, here we have -- we've had, you know, a legitimate study that really tries to understand what's going on in the notice-and-takedown system. And people are criticizing it because it's based on a sample.

But all studies are based on samples.

MS. CHARLESWORTH: Mr. Band, I had a follow-up on that. So I understand your process concern about the HEOA. But I mean, is it a bad law? That's the question.

And do you see it as, substantively, a bad thing?

What does it require -- education about copyright and a plan -- for each university?

It's actually fairly open-ended. Each university has to adopt some plan and file it to address it. So it's not particularly buttoned down in terms of the actual substance of what they're doing.

Is that a bad thing, a bad outcome?

MR. BAND: I think mandating education is a bad thing. And I think, also -- you know, because that -- the -- you know, mandating education is, you know --
1 - it's not the way we do things in this country. You
2 know, education should -- other than, I guess, you
3 know, mandating that children, you know, attend public
4 schools.
5 Even there, you could have a homeschooling option.
6 But it's also the fact that it's discriminatory, meaning that it's an obligation that's
7 put on universities that other service providers don't have. So if it was going to be applied in a
8 nondiscriminatory manner, then maybe that would be worth talking about. But it also has other
9 requirements in terms of technologies that need to be acquired and reporting requirements and all these
10 other things that -- again, that are, I think, inappropriate, especially when you single out one
11 sector at the -- to the detriment of all -- you know, without imposing it uniformly.
12 MS. TEMPLE CLAGGETT: Do you think it should
13 be -- well, I think you've already answered this
14 question. But do you think it should be imposed
15 uniformly so that you don't have those, in your view,
16 discriminatory outcomes in terms of service providers
17 if the problem that it tried to address actually is a
18 problem that does exist more widely than it's -- than
at the universities. Is it an appropriate model?

MR. BAND: Right. Well, so we're -- there's a hypothetical in hypothetical that there was a problem that then -- you know, and that, of course, gets to the other issue that's sort of underlying this, is, you know, there's no question that there's a lot of infringement out there. To what extent does that infringement translate into loss and sales? You know, no one's ever been able to demonstrate that conclusively to -- with any scientific degree, even though a lot of people are trying. Yes, infringement does lead to some lost sales. But the substitution rate is subject to enormous amounts of debate.

But again, I am not -- I'm not convinced that requiring people to watch an online video -- I mean, if you sort of said, well, every subscriber to, you know, Verizon and Comcast, or whatever, has to first watch a video -- I mean, I don't think that that's really going to change behavior.

I think, rather, what is changing behavior already is the fact -- and others have talked about this -- that, you know, the old world where you had creators, distributors, users, that -- those distinction have become meaningless, as Rebecca's
users show. I mean, every user is a creator. And I think it's exactly that environment where every user became -- now that every user is a creator, I think they have become more sensitive to the complexity of copyright and the fact that -- and what the boundaries are. That is much more -- when you're making your own videos as part of school assignments, then you understand more of what is it that you are creating and what is it that you are using for others because, again, remember, all the creators here have used a lot of other work -- people's works that went before, right? I mean, whether it was the ideas or whether they're actually -- you know, every work is a remix at some level, right? But it's only if you're actually doing that creation do you recognize that, oh, yeah, you know, and you become more sensitive to those things.

So I think sort of trying to create -- using -- working on this whole paradigm of, well, we need to educate users about, you know, the rights of others, well, no, it's educating users, really, about their own rights. And I think that that -- that's going to -

--- that's coming naturally.

MS. ISBELL: Okay. Mr. Hart?

MR. HART: Thank you.
So this isn't necessarily a concern about any specific voluntary measure, but I did want to note that it's always good to have more data about how effective these voluntary measures are, how they're working. So for example, the Center for Copyright Information released a report after the first year of the Copyright Alert System that gave a good overview of how many notices went out, how many people received second notices, third notices, et cetera. And I think that was very helpful for a lot of people.

More recently, we had the good, bad and situational practices for sending and receiving the notices that came out of the multi-stakeholder process that was facilitated by the Department of Commerce. A number of the written comments kind of indicated this was really a good solution, it's been really effective. I think there's been enough time that it'll be worth looking at how effective it has been -- how has it been -- how have these practices been implemented by different service providers, have there been any measurable effects, that kind of thing.

MS. ISBELL: Mr. Rae?

MR. RAE: Okay.

So first of all, I would be delighted if you asked me a follow-up question so I don't feel like Ben
1 Carson at a Republican presidential debate over here.
2 You don't actually have to do that. I just wanted to
tell the joke. I've been waiting for this moment.
3 Thank you very much.
4
5 First things first, inclusivity -- I mean,
you know, our organization feels that, tremendously,
it's actually the rationale for our existence to
develop artist-side expertise and complex policy in
marketplace matters to translate and to create a
pipeline for broader inclusion.
6 We're just one organization. We all need to
come together on the artist side. It's going to take
some discipline. The fact that there are artists here
in the room today is, you know, a great, you know,
step, and I think we're going to get there.
7
8 Inclusion with regard to voluntary measures
9 -- you know, we hear about, you know, the public
10 interest being represented. I do recall that Gigi Sohn
during her tenure at Public Knowledge was a primary in
11 the Center for Copyright Information and the CAS
12 process. So I mean, I think if you want to be
13 involved, then you can be involved, right?
14 And lastly, I would say, you know, we could
15 step out of the DMCA safe harbors, and we'll get
16 earlier voluntary agreements that happened that were
later codified. One in particular would have been the mechanical royalties for streaming interactive services that was, you know, kind of adopted as a CRB rule-making process. Of course, we could have an entire other panel about, you know, failures within that system. But the point is that's stood since 2000. And it certainly is inclusive of everybody that -- theoretically, that would be eligible to receive royalties from mechanical uses in that environment.

So you know, let's just assume for the sake of argument that we have some credible processes that we can refer to. And let's try to make this one extra credible, you know. It's not above the wit of humanity to get some people together so that when we open up into new use environments -- virtual reality, augmented reality, chips in my head, whatever it is -- we'll have a process for people being data partners early. We'll have a process for them to have the potential of actually coming up with novel licensing structures that work in mutually agreeable fashion.

MS. ISBELL: So I want to follow up a little bit on --

MR. RAE: You did. You followed up.

MS. ISBELL: I did. I'm going to give you a chance.
On specifically the multi-stakeholder process, we heard on an earlier panel someone basically saying that it was less than beneficial. And I think the quote was there were too many cooks in the kitchen.

MR. RAE: Yeah, I said that. Oops.

MS. ISBELL: And so my question for you is: is there a way to balance inclusion in bringing everyone to the table without getting so big that it becomes unwieldy and you can't reach consensus?

MR. RAE: So I think, you know, the best way to do that is to look at this in a targeted way, you know, identify what problems you're actually trying to solve. If we're looking at the repopulation of infringing links, then we could possibly look at user-generated content environments. That doesn't include search, although search would be responsible to, you know, those signals, for example. So I think you might actually end up solving some of those problems, you know, just by virtue of focusing on the one.

You know, in my mind, I can imagine an array of tech vendors so we can actually start to understand who these people are, what their technologies do, how accessible they are, what environments do they work, where do they not work, what's on the horizon.
Then of course, you know, from my perspective, having small artists, rightsholders and folks included in that discussion is absolutely important. And I, you know -- honestly, I'd extend that to the developer community, too, because these are the people who, theoretically, would be making useful platforms that our community could use so long as they're not built on the backs of our creative labor.

MS. ISBELL: Ms. Schneider?

MS. SCHNEIDER: I want to talk about what we don't do in this country because that's what Mr. Band's quote was. We don't allow people to make money through illegal activity largely through intimidation. That is called racketeering. It's supposed to be protected under RICO. Yet for me, that's exactly what YouTube does. That's what I experience.

With these data lords the size of YouTube, unimaginable size, YouTube and Google here represented by attorneys and lobbyists that collectively are siphoning my assets, siphoning the assets of collaborators, musicians in New York, trickling down to the fact that all the large studios in New York have closed. You can't even record a large film score in New York anymore.
Now I want to contrast that with the fact that I go all over the world. I have experienced working in the Czech Republic, sitting with old men in tears telling me how, under communism, they listened to the voice of America and listened to jazz. It gave them hope. A guy in my band was in Japan. An old man said -- he took him into his basement and showed him the Victrola that he listened to Louis Armstrong on his basement as bombs fell from America because he loved [music] that so much.

Don't we all agree this is a culture, a culture of photography, of literature, of art, of music that we want? We have to collaborate to protect that. This is not about a -- you protecting a large business that needs to make money no matter what, lobbying for this -- this is a matter of all of our future. Do we want a culture that is owned by one company, a world that is owned by one company? I do not.

You know, so I see voluntary measures that people could take if they were motivated to do that, best practices that would make a major difference in my life and every musician I know -- fingerprinting technology required by every company; standardized takedown; terms and conditions that don't have the
hanky panky of having to sign on to their terms and
conditions of the large companies; checkpoints,
educational checkpoints on upload that everybody for
photography, for music, that are put forth by people
like you that know what you're doing that understand
copyright like nobody does; videos on sites -- yes,
videos that people have to listen to so that they
don't have to watch the stupid video that YouTube puts
up called Copyright Basics.

Watch it. It's Muppets. Watch their pirate
video that they make all the users have to watch that
are Muppets. And when they get to the fair use, you
can't read it because it's jiggling around.

And then the man says, sped up, "Fair use is
(makes fast sound). Bing." Fair use -- on to the next
subject. I mean, this is ridiculous.

Yes, and a rating system -- a rating system
for everybody that does a takedown, that does a
counter-notice, a rating system that is -- that forces
people to have to have accountability when they do
takedowns and when they do counter-notices that gives
them incentive for education because they don't want
to do it wrong.

These are the things we need. Everybody
should agree to it. You know what? It's common sense.
1 There's no argument against these things.
2 It's common sense to anybody who doesn't have a hidden agenda.
3
4 MS. ISBELL: Okay. Since Ms. Pilch hasn't spoken yet, I want her to go next. And then we'll go back to Ms. Pariser.
5
6 MS. PILCH: My ideas actually pick up on what Jonathan Band said, what Maria Schneider also said.
7 And I was going to start out by saying -- talking about the issue -- the Higher Education Opportunity Act Plan, that regardless of how the idea was pushed, it is perceived to have improved the situation for peer-to-peer file-sharing in universities. What we're talking about is the 2008 amendment to the 1965 HEOA that was developed to address peer-to-peer file-sharing at universities. And it makes the Title IV financial aid federal programs contingent on university compliance to combat peer-to-peer file-sharing, with several requirements, including an annual disclosure to students about the illegal distribution of copyrighted materials and how they may be subject to criminal and civil penalties and its -- that it's necessary to describe the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
That may seem onerous. It may seem rigid.

But it appears to have had an effect. So why is that bad? How could that be bad?

I want to follow up on the idea of education because I do think it's important as a viable approach to changing behaviors for Internet use. It's been suggested a number of times over these two days, including today from Ms. Schneider. Using the university as a microcosm.

I can say that there's tremendous confusion today on the extent to which infringing behavior should be considered right or wrong, ethical or unethical, in the context of viral social media messaging -- I'll talk faster -- that is anti-publisher, anti-rightsholder, anti-musician, anti-copyright, anti-human, emotions that develop from this kind of messaging that is pushed by the very industries who benefit mostly from infringement. It translates directly into cash for them, for the entities promoting this.

Users do benefit from infringement. And those who do so, who are able to use works at the expense of creators and copyright owners have various motives.
Can I go for 30 more seconds?

They are sometimes innocent actors.

When they are innocent, it's because they don't know about copyright law or because they're confused because of the social messaging. Because there's no national standard for copyright education and it's not generally taught in schools, people never learn about it. It's not uncommon to ask an undergraduate class if they have ever heard of copyright, even of fair use, and to get no for an answer across the board. This is not in people's consciousness.

The Internet is the source of knowledge for digital natives. And often, students are under the influence of industry-driven social messaging that tells them that infringement is a good thing. There's a lot of confusion amongst young people about this. There's a kind of indoctrination going on that is contrary to basic social instincts to respect other people's rights.

This is contrary to basic social norms.

In my opinion, this is more than a legal issue. It's a real social problem, and education could contribute to the solution. Copyright education does exist at universities, but it could be stronger. For
the public, practically speaking, it doesn't exist except in the forms -- well, it exists in various forms, including the forms that Ms. Schneider has cited. It needs to exist in better forms.

And so I do hold out education as a very positive solution to this problem. I think that standard technical measures are ultimately the key because, as long as it's possible to profit from other people's labor and to create massive profit-making schemes from infringement, people will engage in this activity. But we need to try harder to eliminate the business model that is based on active, willful, invited infringement.

Thank you.

MS. TEMPLE CLAGGETT: I had a follow-up in terms of just your experience with HEOA. Are there studies or specific statistics focused on the success or just calculating the success in terms of the education piece and how it's affected user behavior in the university environment?

And also, I was interested in your point about social messaging. You just kind of generally said social messaging that is anti-copyright. I don't know what you were referring to specifically. So ...

MS. PILCH: In answer to the first question,
one of the requirements of the HEOA is to identify -- universities must do this -- to identify procedures for periodical reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials. And I know that universities do report on this. I personally have not heard of these reports, but they exist. And so that is -- they could be compiled, I suppose.

On the social media, I can say, on the basis of my personal experience, I see this reading blogs. I see it reading listservs. People take off on ideas. And you know, we've heard a lot about the bullying of people who object to their works being used, bullying of people who agree with them. That gets viral. That's the kind of thing I'm talking about, where you get a string of communication that is beating someone up for the fact that they want their work taken down or they have positive ideas about copyright. It's almost everywhere. I mean, it's -- I can't cite specific places. But when you read blogs and you read messages, you just get links to these things.

MS. TEMPLE CLAGGETT: Thank you.

MS. ISBELL: Ms. Pariser?
MS. PARISER: Your original question was what's wrong with voluntary agreements. And I think the main thing that jumps out at me is that there aren't enough of them. There aren't enough players in them. They don't go far enough. And you know, I think the continued pressure that the government can place on, as Vicky put it, having skin in the game, having some incentive to come to the table, is important.

On a completely unrelated note, on the educational piece, there's -- over the course of these two days, I think you're hearing two different streams of ideas around education. One is we need lots of it. And the -- on the other hand, whatever is out there right now sucks because it's Muppets. So this is something maybe the Copyright Office could assist in, is the creation of more engaging content around educational pieces for consumers.

And here, I do have to disagree with the idea that the fact that individuals become creators themselves is its own education. Perhaps.

Although in my experience, when you tell a middle school student that that selfie they took is actually a piece of copyrighted content and now don't you understand the plight of, you know, the content industry, they don't get it at all because they want
to give that away for nothing. So it's teaching the --

you know, it's not really conveying the message we

want to convey. And I think stronger educational

messages are absolutely essential for consumers.

MS. ISBELL: Ms. Rasenberger?

MS. RASENBERGER: Thank you. First, I want to

echo something that Mr. Garry mentioned, which is that

voluntary measures cannot be the sole solution in

large part because they don't address those who are

not interested in voluntary solutions, namely,

criminal pirate sites. And a great deal of piracy

right now occurs on criminal pirate sites that move

around the Web and are mostly situated abroad.

As far as mandating technological measures

through 512(i), which we've talked a little bit about,

it would be important for the process to be mandated.

Right now, given the way that 512 has been interpreted

by the courts and the fact that the burden is put on

right holders, there is very little incentive, as

others said, for service providers to come to the

table. So we see it that the government would have a

role in convening these kinds of standards -- creation

in a multi-standards -- multi-industry standards

process in an open, fair and voluntary manner.

And I think we should be -- if we could do
this -- and I don't know if it would be the Copyright
Office or, as was mentioned, a standards-creating
organization who have expertise in it -- I think that
there would be potential for some help with this. It --
for instance, you mentioned BookID earlier. That
works with script -- only with script. A mandated
process could force other service providers to also
adopt it.

Last, just real quick on education,
education would help with some users. For instance, we
have authors who tell us, particularly in the genre
field -- romance or mystery -- they have fans who will
very happily tell them I only read your books for free
because I can't afford them. I love you, but I just
can't afford your books. And they have no shame. I
think education would help with users like that
because they -- these free books are so readily
available they don't really see that there's a
problem.

But there also has to be some key education.
If you tell people -- if you put up a speed limit sign
for 25 miles an hour and you keep telling people the
speed limit's 25 miles an hour but everybody's going
50, people are still going to go 50. You have to pull
them over occasionally. You have to give them tickets.
And the same thing, I think, has to happen with education on using pirated works online.

MS. ISBELL: Ms. Sheckler?

MS. SHECKLER: Thank you.

I'd like to agree with Jenny's comment and Ms. Pilch's comments on some of the issues that we're seeing with the voluntary initiatives.

In terms of two points earlier raised I want to comment on, with respect to the user interests, in all the voluntary initiatives that I've been involved in, it has been first and foremost, in our minds, that user is -- wants to interact with our content. We want to teach them the right way to interact with our content. So we very much care about what that user's thinking, how they're thinking about it, what are their rights in this area.

As was mentioned previously, both Public Knowledge and CDT were invited and requested to come in and work with us on the CCI program. CDT now, as well as others, on the fair use side work with us regularly through CCI and the eye keepsake (phonetic) on an education program for K through 12.

So clearly, we are thinking about that.

And then in terms of Mr. Band's comments, I find it surprising to say it is coercion to follow the
law or petition the government for change in the law.

Thank you.

MS. ISBELL: Ms. Simpson?

MS. SIMPSON: And so again, back to the original question of what are our concerns with the existing voluntary measures. I think one is the question of participation. As already been mentioned, it has to be brought, and it has to be inclusive. And I do recall when the IACC office was in discussions about the payment processor method. It was surprising that the rightsholders invited to that discussion were rather limited.

It was not broadened. It was not inclusive. And I do take your point that, in becoming broad and inclusive, we do face the problem of it being far too inclusive. It includes everyone that may not necessarily have the expertise to come to that discussion. So it does need to be a balance between those who have the expertise, such as -- and when you're talking about technological solutions or structural solutions that do need to be addressed.

So I suppose if there is a pre-consultative method or measure before the actual discussion that as -- then allow those who have an interest to give their voice to their concerns, that might be more helpful in
making that broad and inclusive process far more effective.

But I do think that the role of government is important, and it has to be there to bring the interested parties to the table invoking those who are not interested in coming to the table to be compelled to come to that table.

MS. ISBELL: Ms. Tushnet?

MS. TUSHNET: So also back to the question, what are the problems with existing systems. Content ID, of course, has well-known problems with over-blocking fair uses and falsely claiming revenues owed to other people. And these are recited extensively in the comments and routinely reported to us by our users, including the internationally recognized artist I talked about yesterday.

I want to talk, actually, about BookID, since we've mentioned that, too. So Scribd's own Web site clearly explains its two big problems -- over-blocking. It blocks quotes from public domain materials. If someone then later on tries to upload the whole public domain book then that will be blocked because of the match with the earlier quote. Or fair use quotes of another book -- that will block the book to be uploaded by the author in the future. And then
1 the other problem is the under-blocking.
2 So Scribd admits all you need to do is scan
3 using OCR, and the results will be different enough
4 that it won't match the thing they've set up. And I've
5 talked to our tech people. They say the same thing,
6 that a change could be something invisible to the
7 naked eye, like putting a non-breakable space in
8 where a space currently is. If you want to start
9 blocking stuff that -- if you want to catch that,
10 we're now talking about plagiarism protection
11 software. Plagiarism protection software is really
12 expensive and hard to make. And we -- our volunteer
13 team certainly couldn't do it.
14 So how to fix this? There's no easy fix. I
15 think things like easy appeals from voluntary measures
16 that are non-threatening about piracy that walk people
17 through could be a problem -- could be a solution.
18 Wikipedia has fair use and public domain guidelines
19 for its use of images. That would be a good place to
20 start.
21 They're useful for people who are highly
22 motivated and willing to invest a fair amount of time
23 in learning the rules.
24 But I will say that the education stuff, in
25 general, first of all, it's something that the
proponents clearly imagine being imposed on the unwashed others, not on themselves every time they seek to upload a photo to Facebook or send a -- you know. It's also, you know, people just check the box. You know, you've accepted a zillion terms and services in the past two weeks where you just check the box. And you know, we can't look at that as a solution. It -- what is imagined to be doing the work there is really the filtering.

MS. ISBELL: And Ms. Wolff?

MS. WOLFF: Okay. Well, I can't speak to voluntary measures that don't work in this area because, so far, there aren't any. So I'll try to talk about what might help reduce what is the only solution, which is really not working, which is the takedown notice for every time an image is on the site that's not authorized.

We have suggested -- the Visual Arts Association's entire group of them did do comments together. We did a survey. And to some person's point, there has been a lot of harassment when people do the notice-and-takedowns.

But in speaking of a positive aspect, we do think that if the Copyright Office would perhaps have guidance on what would qualify as standard technical
measures -- and that -- and there would be incentives for the OSPs to actually work with them -- and if they use those measures, they won't, for example, maybe be considered to have too much control in order to lose their safe harbor, that if they did cooperate, that there would be incentives to stay within the safe harbor.

So I think there are ways people can work together. But right now, there's not enough incentives in areas where there is multiple, multiple creators to work within that community.

And I think we need to look at ways to encourage that so that certain creators aren't burdened more than others.

MS. ISBELL: Okay. We're starting to eat into lunch. Mr. Josel has not spoken yet.

So I'm going to give you the full two minutes.

And then Mr. Dow and Mr. Gibbs and Ms. Sheehan can have one minute.

MR. JOSEL: Thank you.

MS. ISBELL: And then we break and go eat.

MR. JOSEL: Thank you.

And I may not need the whole two because I know I can hear stomachs rumbling.
I wanted to go back to the education piece a bit because I think that's very important. And actually, we on a daily basis spend a considerable amount of time educating our licensee base about what the law is. And it's very important, and we've learned through experience it's a lot easier to get somebody -- to have somebody recognize they -- the -- their obligations under the law to take a license before they start engaging in bad behavior than it is to correct the bad behavior once it starts.

When our representatives speak to somebody who's about to open his restaurant and explain the obligations regarding public performance rights and licenses, we have a much more receptive audience than somebody who's been playing -- you know, playing music in that restaurant for, you know, three or four years and ignoring all -- you know, all efforts to get there. So you know, I -- we can't stress that piece enough.

And I think one concern -- and I think it was sort of raised by the comment that Mr. Band had said that users are -- use -- when users become creators, they become more sensitized to rights. But while I don't have any empirical evidence to this, I -- I'm thinking that probably the opposite take place
because I think that the ease with which people can create new content now, I think, overcomes their sensitivity to others' rights. And I think what ends up happening is that user experience and user interfaces become paramount as opposed to teaching somebody what their obligations are.

And the perfect example is you've -- when was the last time anybody saw the terms of use on a service that has that representation that says anything I upload I own. And when was the last time somebody voluntarily clicked on the video that YouTube has about what copyright laws are all about? And the reason why you don't see them is it that services -- I'm not necessarily picking on YouTube here -- but services don't want to put friction in front of their users. They want to make it a frictionless experience. And so that has, I think, in some degree, overridden this concept of education in many ways. And that's of a concern.

And I think the last point to think about here is the subject that we're educating folks on here is the law. I mean, this is not an elective education class. It shouldn't be. It should be required reading and required learning.

And I -- you know, we can't -- I can't
emphasize that piece enough. And I know there are a lot of issues about the interplay between coercion and education, and those are all balancing acts. But I think all of us need to be sensitized to the important role that the education piece comes into play. And really, you know, to some degree, unfortunately, we may have lost an opportunity in a lot of areas. But I think going forward, we really need to, you know, consider its value.

Thanks.

MS. ISBELL: Okay. Mr. Dow, one minute.

MR. DOW: So as I have looked through the list of voluntary issues that we outlined in our comments -- and I looked at the ones that are working, and I looked at the ones where there's still a need for improvement that there's a distinction easily made between them. And the ones that seem to be working better are the ones in which there are collaborative efforts between rightsholders and the people implementing the voluntary initiatives.

Those who that stand in need of improvement are the ones that have made sort of unilateral statements in terms of here's what we're doing without any collaboration with rightsholders, with
an eye towards making sure that these processes are
effective at achieving their aim.

And so I think that when you talk about
what's wrong with voluntary initiatives I think that
the problem that we see is where people don't work
together and they don't work collaboratively.

They just simply don't work as well. I think
you combine that with things that have been
highlighted here about the lack of accountability, and
you run into where you see problems with voluntary
initiatives. I think, as a society, we expect
commercial actors at large to take commercially
reasonable steps where they can be effective to deal
with known harms. And to the extent that the law in
this area doesn't require that same level of
accountability, you have no real incentive for that
collaborative effort, and you end up with sort of
unilateral statements that are marginally, or
minimally, effective, certainly not as effective as
they could or ought to be.

MS. ISBELL: Mr. Gibbs, one minute.

MR. GIBBS: I think it's in the public
interest to see themselves as creators, and I think
that should be accentuated more. I think the metaphor
of circulation that things just float and users just
take from other users is not the proper metaphor. It's a building metaphor.

Creation is built on other creations, and that is why copyright exists in Constitution.

People should be educated about the fact that they do have the right to create and the creator does have the right to be protected. And I think that that needs to be balanced. There needs to be some balance, not just speaking about copyright in terms of fair use -- speaking of copyright in terms of, okay, you made this. So now that you've made it, it's worth something.

It's making money for people. And I think that that's a place where we can actually start to get some collaboration.

MS. ISBELL: Mr. Kennedy, one minute.

MR. KENNEDY: Just real briefly, to Mr. Dow's point, I think that the mechanism of voluntary cooperation works if the conversations are ongoing. And I think that's the role that I see the Copyright Office being able to play, which is that you nurture the conversations. You monitor the conversations, and you feed back to the participants and to the people that might be not directly involved but have an interest in it what's going on as these
conversations unfold so that we're actually actively working towards solutions rather than just talking past each other continuously.

MS. ISBELL: Okay. Ms. Sheehan, last word.

MS. SHEEHAN: So I just want to respond really quickly to both Mr. Rae and Ms. Sheckler.

I can't speak to Gigi's experience [on] the Copyright Alert System. That pre-dates my time at Public Knowledge. But I think, going forward, we should query whether we're providing really meaningful opportunities for public interest engagement and also whether we're providing sufficient transparency in those negotiations for general public input and response.

MS. TEMPLE CLAGGETT: Okay. I have just one quick follow-up to Ms. Sheehan.

We've heard a lot about education. And I guess the question is -- from some people, it has been, you know, what's wrong with education. Do you see any concerns from your perspective in terms of educating users about copyright law and respect for copyright law? Is that in any way burdensome or of a concern on your end?

MS. SHEEHAN: I think that -- I mean, I think if you're talking about mandating education from
Internet service providers, you need to consider the differences between different kinds of Internet service providers, the different resources the service providers have, their different user communities. Creating a one-size-fits-all solution isn't -- is never going to work for both sides. It's -- you know, like many things, it's going to be under-inclusive and over-inclusive and cause unexpected consequences.

But I also think that when we're talking about the content of those education programs, you need to ensure that they're balanced, they do represent the balance that is inherent in our copyright system and that has respect for a user's rights to reuse content in fair and legal ways.

MS. TEMPLE CLAGGETT: Thank you.

MS. ISBELL: Okay. So with that, we're going to break for lunch, come back at 1- --

MS. TEMPLE CLAGGETT: 30.

MS. ISBELL: -- 40 -- 1:30.

MS. TEMPLE CLAGGETT: Yeah, 1:30.

MS. ISBELL: 1:30. Okay. We'll see everyone --

MS. TEMPLE CLAGGETT: 1:30. You get an hour --

so 1:30.

(Break taken from [Time] to
(Crosstalk)

MS. TEMPLE CLAGGETT: I think I'm going to go ahead and start.

(Crosstalk)

MS. TEMPLE CLAGGETT: Before we get started, just a quick logistical note -- if you are interested in participating in the final session of today, basically, the open-mic session, please sign up in advance. What we'll do again is have those who have been observers and haven't had a chance to actually provide comments during our roundtable will be the first that will be selected to speak. And then any additional participants who would like to either further detail some of their comments or discuss new comments would also be able to speak.

So if you could sign the signup sheet. It's basically on that podium in the middle aisle.

If you're interested in participating, please sign up.

Each comment, at least initially, will be restricted to two minutes. And then if we have time, follow-up comments from those who have spoken will be restricted to one minute.
Session 7: Future of Section 512

So a final session, Session 7, is on the future of section 512. I tried to rack my brain to see if I could get a quote that was as good as Jacqueline's opening, and I didn't find one.

Every one -- every quote that I came up with was so depressing that I actually didn't want to provide it. And after hearing, I'm hoping that we can, have a conversation that does not just end in depressing statements as to the future of section 512.

So I'm putting that out there as basically, hopefully, a foundation to see if there are some positive things we can say about the future. But hopefully, my initial question won't start us off on a depressing and dark road, but I'll go high-level first, and then we'll drill down into some of the specifics if we have an opportunity later on in the session.

So my first question, just as a general, very, very broad one, that absent either a legislative change or some radical new way that the courts interpret section 512, if the current status quo in terms of section 512 continues, what do you see that future being in terms of section 512? Do you just see it being an ever-increasing round of DMCA notices, an
increase in volume? Are we going to be here in 20 years talking about some ISP receiving its trillionth DMCA takedown notice?

Absent some change in either, as I said, the actual provisions themselves or the interpretation of those provisions, how do you see the future of section 512 operating?

Okay, great. I'm going to start on this side. I'm going to go first and ask everyone to, as we said, as we've done before, just identify themselves and their affiliation for the court reporter. And then I'll come back around and ask you to provide your comments.

MR. BAND: So Jonathan Band. And on this panel, I'm here for Amazon.

MS. TEMPLE CLAGGETT: Thanks.

MR. BARBLAN: Matthew Barblan with the Center for the Protection of Intellectual Property at George Mason University.

MS. BESEK: June Besek, Kernochan Center for Law, Media and the Arts at Columbia Law School.

MR. BUCKLEY: William Buckley, Executive Director of FarePlay.

MR. CARLISLE: Stephen Carlisle, Nova Southeastern University where I am the copyright
officer.

MS. COLEMAN: Alisa Coleman, COO of ABKCO Music & Records, Inc.

MR. DEUTSCH: Andy Deutsch for Internet Commerce Coalition.

MS. FEINGOLD: Sarah Feingold for Etsy.

MS. GARMENZ: Kathy Garmezy for Directors Guild of America.

MR. JOSEPH: Bruce Joseph. That mic is not going on. So let me slide over here.

MS. TEMPLE CLAGGETT: Yeah. Actually, I think that one's on.

UNIDENTIFIED SPEAKER: I think it's --

MS. TEMPLE CLAGGETT: I think it works.

I can hear you.

MR. JOSEPH: You can hear me from here?

MS. TEMPLE CLAGGETT: Mm-hmm.


MR. KENNEDY: John Kennedy, American Society of Media Photographers.

MR. KORZENIK: David Korzenik, Miller Korzenik Sommers Rayman, largely representing news organizations.

MS. LAPOLT: Dina LaPolt, LaPolt Law.
MR. MICHAUD: Michael Michaud, Channel Awesome.

MR. MOHR: Chris Mohr, SIAA.

MR. OSTERREICHER: Mickey Osterreicher, General Counsel for the National Press Photographers Association.

MS. PILCH: Janice Pilch, Rutgers University Libraries.

I need to add that the comments I'm making today are my own opinions, and they're not based on the views or official positions of Rutgers University or of any library association.

MR. RUPY: Kevin Rupy with the United States Telecom Association, USTelecom.

MS. TEMPLE CLAGGETT: Great. Thanks.

And so in terms of comments to my first question, or responses to my first question, I'll start with Mr. Band.

MR. BAND: So Amazon's view is that the DMCA is a workable compromise, that section 512 balances the interests of the rightsholders and the service providers and users, that it's working as intended and no amendments are necessary. And so barring any unforeseen activities, you know, conceivably, it will continue to work as it has worked. Hopefully, we will
not be having another stakeholders roundtable of this sort in 20 years.

But we see it basically working.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Buckley? Oh, I'm sorry.

Mr. Barblan?

MR. BARBLAN: So we've got a system that is currently working really well for service providers and really horribly for the creative community. And I think if this continues, it's actually going to end up not working really well for anyone because, you know, we've seen over the last 20 years the kind of disruption that the system has had on creative industries.

And what service providers should keep in mind is that, you know, the reason why their Websites are so popular and the reason why the Internet is so popular, or at least part of the reason, is that it's a great tool for disseminating all sorts of amazing content, that that content is developed in the same creative industries that are suffering greatly right now and that have been, you know, struggling more and more over the last 20 years.

And so I think what we'll be talking about 20 years from now isn't just that the copyright system
is broken, but the creative economy that's a shadow of what it once was.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Buckley?

MR. BUCKLEY: Yes. Mr. Buckley, FarePlay. I found it very interesting that you introduced this session by saying you wondered if there would be an increasing number of takedown notices as time went on.

And I think that's really at the heart of the problem and the heart of the situation. We're basically working with a law that's clearly broken. I don't think anybody can argue the fact that this was a law that was designed to make a simplified process for Websites who made an error in terms of posting copyright material could remove that material without having a lawsuit having to ensue. And the intention, also, was on the other side for the creators in that they have a streamlined way to get content removed from infringing situations.

The problem is the law was written improperly. It does not refer to a specific piece of content. And that's why we have an incredible whack-a-mole situation which we're all very aware of. And that's really the genesis for all of these takedown
notices that you're talking about.

The reason we have more takedown notices today than ever before is twofold. The first is we have a system that doesn't work, that's totally broken. The artists were supposed to be protected under the Constitution. Their work was supposed to be protected. It has not been.

So the other piece that's happened is that now the takedown notices are automated. And that does mean there is a higher incidence of takedown notices being generated. But the very core of the problem is a broken law that fails to fulfill its purpose as it was intended by the legislators that created it.

Thank you.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Carlisle?

MR. CARLISLE: Yes. As the copyright officer of Nova Southeastern, my primary gig is fair use. That is what I'm designed to do. I'm designed to evaluate fair use not only amongst the professors, but the staff, the library which is attached to the university and everything else.

I think I can already see where if we don't change 512, where it's going -- and that is to push the expansion of the concept of fair use beyond where
When I'm examining fair use, I'm hemmed in by what the courts tell me it is right now, particularly what the Eleventh Circuit says it is right now. It's not what I want it to be or what I think personally, but what the courts guide me. And we see this push to expand it beyond where the courts are currently.

And the Supreme Court keeps reminding us that every fair use case has to be judged on an individual basis. There are no bright-line tests. There are no bright-line rules. But we see this, you know, this expansion going on.

To point out the example, we recently had the Supreme Court turn down certiorari in the Authors Guild case, leaving intact the Second Circuit's decision that a mirror-image copy was transformative use. Now, the Sixth Circuit says a mirror-image copy is not a transformative use. The Eleventh Circuit says a mirror-image copy is not a transformative use. So we have a split amongst three circuits on what precisely is a proper boundary of fair use, even when you start with the fact that there's a mirror-image copy.
And this was made apparent in the Berkeley study, which has been referenced several times in these proceedings, where 7 to 8 percent of the problem notices were because they were possible fair uses. And the three instances that were enlisted were remixes, mashups and covers. Well, unless we're going to read 115 of the copyright law, cover version needs to be licensed. And unless we're going to read 114 out of the section, a remix needs to be licensed.

And I -- before I came here, I did a Westlaw search on just the word remix and just the word matchup -- mashup, rather. And I could not find a single case where a court took on a case of fair use regarding mashups or remixes and found a finding of fair use.

So this is an area in which fair use has not been extended to by the courts. But we're going to see this push to get it even further. And the -- where it's going is we have a guy out in California who's got a million-dollar funding to make a Star Trek movie with no permission from Paramount.

MS. TEMPLE CLAGGETT: Thank you.

Ms. Coleman?

MS. COLEMAN: Hi. Good afternoon.

I just want to reiterate a lot of what
everybody's saying, that this law currently doesn't work the way it was intended to because it was written prior to the advent of YouTube and the explosion of technology. What we need is a system where we can have things taken down and stay-down and to protect the copyright owners, the songwriters and the artists and the intellectual property owners so that the value of their works are not diminished.

Thank you.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Deutsch?

MR. DEUTSCH: Imagine an alternate universe where there was no DMCA and no section 512 and the strict rules of secondary liability applied on the Internet. You would have a stunted world, as far as you're -- we're concerned today.

People live on the Internet. They communicate through the Internet. They create through the Internet. They do their business on the Internet.

The Internet service provider groups that make this possible could not exist without a section 512, and people forget that. There are certainly problems with infringement. But not all of the woes of the creative community are due to 512 or even due to the availability of infringing material on the
Internet. We have had economic problems which have affected all trades, all creative trades. It doesn't - it's not dependent on whether things are or aren't on the Internet.

It's something like blaming the schools for the entirety of society's problems.

But we do have a section 512. And what it has done is it has met its purpose. It has encourage enormous investment in the Internet.

It's provided new mechanisms for curbing infringement. It has achieved enormous amounts of our national goals. The spread of broadband is an important national goal, particularly in dis-served areas. That couldn't have happened without 512.

We have to recognize, I think, that while the law can't -- the law itself is well-crafted. The need for parties to continue to talk and make the system work better, make notice-and-takedown work better, that's important. But by no means should we be considering ripping it up and starting over again.

We're far past that point.

MS. CHARLESWORTH: Just to reiterate my colleague's question, what we're interested in is not -- I mean, I think we've all heard a lot of positions about 512. But I think the question here is -- I think
the question was, assuming we just continue down this path 20 years from now, what will we be looking at. And a particular sub-question that I have is, is the notice-and-takedown system as we currently are experiencing it scalable? I mean, when you're at a billion notices for Google, what is that saying, and what kind of resources are going into that on both sides? And is that a sustainable way to handle infringement?

So I'd be interested in -- particularly in hearing people comment on those questions.

MR. DEUTSCH: Well, it's difficult. As you have heard on many panels, the world of creators runs from individual singer-songwriters to gigantic studios and record producers. They have different needs, different problems, and it really is impossible to create a system that does everything for everyone.

The same is true on the other side of the fence. I -- there are hundred -- there are tens of thousands of designated agents of parties who -- in the Copyright Office, and they're all different. Some are --

MS. CHARLESWORTH: But the question --

MR. DEUTSCH: -- Google, and some are much smaller and much differing needs.
MS. CHARLESWORTH: Well, I mean, a related question to what I just asked, is this a sustainable model?

Even if we can't achieve perfection, is there --

MR. DEUTSCH: It --

MS. CHARLESWORTH: -- could it be better? And I --

MR. DEUTSCH: It --

MS. CHARLESWORTH: I think we can move on down the line.

MR. DEUTSCH: Thank you.

MS. TEMPLE CLAGGETT: Ms. Feingold?

MS. FEINGOLD: Thanks.

Just to put some numbers into context, my name is Sarah Feingold. I'm counsel of Etsy. I started Etsy in 2007, and I was the first attorney, and I was the 17th employee. Etsy's an online marketplace where people around the world connect both online and offline to make, sell and buy unique goods. And our mission is to reimagine commerce to build a more fulfilling and lasting world.

Without the DMCA, Etsy just plain wouldn't exist. And there are over 1.6 million sellers on our platform who are empowered to make money because of
the DMCA and because of our platform. To say that the DMCA is broken, I don't see that it's broken. I agree with my colleague from Amazon. I -- every single person here is a content creator. There's more content on the Internet because we have access to it. Our phones take pictures, and that is copyrighted content right there. And then as soon as we send a lengthy email, that's copyright-protected content. So there is just more content out there. And without the DMCA, then we wouldn't have free speech, and we wouldn't have the Internet as we know it and as we rely on it. And I think that our society would be worse off for it. And so I think that the DMCA just as it is is doing pretty well.

MS. TEMPLE CLAGGETT: So just to drill on down specifically on my question following a little bit of what Ms. Charlesworth did say, I think in your comments there was some fear, however, that you would be subject to an increasing volume of notices. I think that you've said that you right now have a manageable volume of notices. But absent some legislative change are you concerned that Etsy would suddenly have to handle the hundreds or thousands or millions of notices that other services have to handle today? And would you be able to do that?
MS. FEINGOLD: So as -- I've been at Etsy for a while. And as Etsy has scaled, so has our DMCA function. Right now, we have a form, and we try to make things very easy for people to submit notices. I have a team that reports directly to me -- dedicated people. And we see the DMCA as a floor, not a ceiling, who are always trying to do best practices, provide education.

And so we would scale as our notices scale.

MR. GREENBERG: I think part of this question, if I can just try this one more time, is not to suggest that the DMCA is now broken, but that it is a law that is 18 years old. Are stakeholders -- and I mean that on both sides, or all three, right -- users -- user groups, too -- are they satisfied that this has aged well and will continue to age well? Because what I hear in some of the comments is either that 512 is perfect and it should not be touched with at all because it's the best statute ever written, or this is a theory of the second best, where we're just in a situation where any tinkering is going to upset one party too much.

So is it perfect? Or will it at least scale well and adapt over time? Or should we be a little more forward-thinking?
MS. FEINGOLD: In my opinion, the DMCA is working right now as it is. And I would want to see how the changes looked before I could really comment on those changes.

MS. TEMPLE CLAGGETT: Thanks.

Ms. Garmezy?

MS. GARMEZY: Well, in terms of directors, and particularly independent directors who are police -- having to police their own material, I think it's fair to say if we continued -- if the DMCA and section 512 continued as it is now, they would assume there are no protections for them and find alternative ways to try to make up the revenue that they'd be losing on their productions because, already, almost to a person, everybody we've talked to -- independent directors -- who have tried to use section 512 have ended up turning away from it as completely unworkable for them and finding -- figuring out other ways they can take their films to the marketplace and try to make up the revenue that they have lost.

I would say, in terms of your questions about the future, I'm not a lawyer, but it's my sense that if something could be done with the takedown, stay-down provision, that would, I think, make a huge difference at least for creators. And I would also
venture to say that not all content on the Internet is
equal and that perhaps there should be some assessment
of professional content created by people who are
earning -- doing this to earn a living and other
content that's created. And perhaps there have to be
different -- a different view of what's applied to
full-length professional content versus other content.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Joseph?

MR. JOSEPH: Thank you.

I'd actually like to focus on a part of
section 512 that hasn't gotten a lot of attention here
today. And that's section 512(a), which is the safe
harbor for the conduit function. And that, both
retrospectively and prospectively, is working as
intended, and the balance is right.

And it will continue to be right 20 years
from now.

Despite the many calls from content owners
for change in certain provisions of section 512, based
on my preliminary review and I grant that I haven't
looked at every one of the 91,000 comments that were
filed -- there is very little, if anything, asking for
a change directed at section 512(a) from the content
owners.
section 512(a) has led to massive investment and is the only way that we will continue to see massive investment by service providers that have opened the door to huge new opportunities, both for the economy as a whole and for copyright owners, in particular.

The Internet, as others have said, has now become a medium that pervades everyday life, and it's not just because content is available over it. Commerce is conducted on it. Education is conducted on it. Enormous amounts of information are available on it. And politics is conducted over it. This would not have happened.

The broadband deployment that is a fundamental policy of the United States would not have happened without section 512(a).

If any change is necessary in section 512(a), it is time to eliminate the idea that somebody's Internet access to do -- in order to do all kinds of lawful conduct can be terminated as a condition, or must be terminated as a condition of the safe harbor.

I'll stop with that. Thank you.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Kennedy?
MR. KENNEDY: I have a couple of concerns with the 512 looking at it going forward.

I -- my members are in a position right now where I would say we're approaching market failure and failure, I think, to make some adjustments to 512 will contribute to the acceleration of that condition.

While I can see that the disruptions over the last 25 years technologically have created some of the circumstances for the photographers, I think there is also, undeniably, aspects of 512 that have contributed. I think that the imposition of a small -- or the creation of a small claims alternative to federal court would certainly be a step in the right direction in terms of -- and I realize that's a little bit outside the scope. But I think that's important to note.

I think the big problem that I see is that the DMCA as is currently constituted and is working isn't really contributing to the dialogue that I think is necessary between OSPs and the creative community, particularly around the fact that OSPs continue to reap enormous benefits economically from the acts of creation that are being shared. And I think that that has to be looked at as part of this. Thank you.

MS. TEMPLE CLAGGETT: Thank you.
Mr. Korzenik? Is that right?

MR. KORZENIK: Thank you.

Just so you know where I'm -- my experience comes from, I -- our firm is Miller Korzenik Sommers, and we represent largely news organizations. So we are not -- we are owners, but we are also users. And therefore, our interests are very much, I think, in many respects kind of balanced within the copyright system.

But your question about what we should look forward to and what we need to be careful of is -- as 512 goes forward into the future, there's an interesting parallel here with the right to be forgotten in Europe and the way that it is policed. As anxiety and worry about privacy increases, the takedown notices within the European system increase. They increase in volume.

And what happens is, is that companies like Google and other search operators are faced with thousands and thousands of takedown requests that they have to evaluate. And even though -- even if they intend to try to balance these and figure out how to do things, a lot of this, quote, "censorship" occurs outside of the view of the public. So we don't really know completely what is lost.
And those burdens increase on them, and the system can create. Now, this 512 is overall, generally, a good idea. But we need to be careful in the future that we're not setting up a system that create presumptions against speakers, creates burdens on speakers who have new forms of fair use, new forms of conversation and interaction in social media. All of those are new, many of them untested by the courts as to whether they're fair use or not, but all of which need to be protected and valued and assisted.

The final point I'll simply make is that the good thing about 512 and the good thing about American law, generally, as opposed to European, is that we favor new technologies. We're not afraid of them. And we tend to protect them as best we can rather than tax them as they do in Europe. And we should continue in the vein of Sony Betamax and in the vein of a 512 that has increasing protections against creating silent presumptions against legitimate speakers, legitimate fair use and so on. That would be good for the system if we were able to build those type of protections.

MS. TEMPLE CLAGGETT: Thank you.

Ms. LaPolt?

MS. LAPOLT: Thank you, Ms. Temple Claggett.

And to answer your question, no, it's not sustainable.
Is it just me? Or is everybody here just really miserable? So it's obviously not working. This entire system is a hot mess because you have two separate communities that desperately need each other. And it seems to me that nobody's listening to each other.

So what if we just fix things a little bit? Like, with 512, stay-down, takedown or takedown, stay-down, keep it down for more than 10 days? Well, you got -- we figure out in a small claims type of way if it's supposed to be down.

So we say -- we send a takedown, and someone we want to -- we send a takedown, and the ISP has a certain responsibility with its metadata to keep track of that file. And if someone makes a counterclaim to that file and says that it should stay up there, then we should have a certain period of days, more than 10 days, to work it out.

But while we're working it out, it should stay-down. And I'm not asking for six months. Maybe 60 days.

And by the way, why force my clients to file a lawsuit against you? Because they will [...] file a lawsuit. But why force us to file a lawsuit if we just have this period of time where we could work it out in an arbitration-type friendly, happy sort of way
to figure out if it can stay-down or not?

And then on top of it, to, like, figure out why something should be fair use before my clients make a case for your stealing my material.

It doesn't seem to me to be a very amicable type of way to try and fix this system.

So I think your -- to answer your question, no, it's not sustainable. And we need to work together to figure out what is sustainable so we can all make it better because this is a hot mess.

MS. CHARLESWORTH: I had a quick follow-up. I just want to make sure I understood what you were saying.

On the stay-down, are you suggesting that all other identical files or -- you would identify the same file that are perhaps continuing to be uploaded, and those would be kept down, too, during this period of -- I don't know -- decision-making?

MS. LAPOLT: Yes and no. I'm not saying that my community, being the music community, is really great with metadata and trying to keep track of our information. And there's a big, you know, argument that the technological society or community has as far as giving them proper information so they can, you know, have transparency.
But I'm saying if I make a claim to take something down and there is a specific file, a URL, that I am saying that is infringing material. Whether it's infringing copyright recording or the underlying musical composition embodied on that recording, that is the property in question. So that's what I'm saying. That metadata should be housed, you know. And they should keep that metadata, knowing that if someone puts it back up, they should at least notify me and say, hey, we have this metadata, and you claim this was an infringement two days ago or five months ago. We have it back up. There should be some kind of process where we can all work together to try and achieve the same result, which is co-existence for a healthy community together.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Michaud?

MR. MICHAUD: Hi. Basically, my company not only makes content on YouTube, but also has a big Website that has millions of people that come to it. And yesterday when we had the first panel, a lot of people were talking about the take-down, stay-down, how it's too hard right now with the DMCA for people to go and monitor their files and find it. But with
take-down, stay-down, you're placing the burden from
them now onto the Websites, and it's a different story
now. Now it's our burden and not theirs.

There should be a joint progress for that
where you can't harm the individual small Websites
that are doing content. And all content is equal at
the start. It's the viewers who determine what type of
content is popular and what is good. And basically,
there are artists and there are also producers who do
shows, who do movies on YouTube far bigger than stuff
in the current industry. And a lot of them start out
with fair use. They rely on fair use to get their work
out there, and then they move from there, whether it
be cover by Justin Bieber or Lindsey Stirling. And
then they do their own stuff and go from there.

It's something that isn't really defended
much in the current DMCA and something that takedown,
stay-down possibly would make even worse, at least in
my opinion, because right now there are a lot of
examples of abuse within DMCA with wrongful takedowns.
We had four takedowns last year. All four were wrong.

MS. CHARLESWORTH: Did you file counter-
notices?

MR. MICHAUD: Yes.

MS. CHARLESWORTH: And what happened?
MR. MICHAUD: Well, we had to wait the 10 full business days for them to drop it. They didn't respond. They just dropped it. So our account on YouTube lost an entire month of revenue because of one DMCA takedown.

The tools in place now work. Generally, any claim you get on YouTube or something like Dailymotion, it's tied to a 20-second clip. It could be a 40-minute video. That 20-second clip can take that video down with a global block, which is the same thing as a DMCA takedown without the legal proceedings. Or they can take the monetization from a video, or they can remove the monetization from a video. It's the standard.

20 seconds is the standard. Everything you have is 20 seconds.

MS. CHARLESWORTH: That's through -- just to be clear, that's YouTube Content ID --

MR. MICHAUD: ID, yes.

MS. CHARLESWORTH: -- you're referring to. So when I -- you're a participant in the Content ID processing community?

MR. MICHAUD: Everyone in YouTube that puts their video up and wants to monetize, they have to use Content ID. They're all part of it.
MS. CHARLESWORTH: Okay. So you're agreeing to that -- are you agreeing to those terms then when you do that? It's, like, the 20-second takedown rule?

MR. MICHAUD: Well, yes. That's not a term, though. That's what the standard is for the movies to use and the music industry. There's a 20-second clip. That is what they set. YouTube does not set terms.

MS. CHARLESWORTH: Right. But you -- okay. But it's -- that's through the Content ID system.

MR. MICHAUD: Correct.

MS. CHARLESWORTH: -- Content ID system.

MR. MICHAUD: I'm just saying the tools are in place currently just at least on YouTube to takedown content. They can do a global block. And don't even have to -- they don't even use a DMCA. They can just do a global block, and the content is blocked everywhere.

MS. CHARLESWORTH: Right. Okay.

MR. MICHAUD: And that's automatic.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Mohr?

MR. MOHR: Thank you.

A few brief remarks, some of which will be, basically, familiar. The first place I'm going to
start, I guess, is with the question you asked, which is if things stay the same, what's the future of 512. I can say -- I should make our position clear, which I don't think I did yesterday, that we are not calling at this time for amendments to the statute. But that is not to say that it is not showing a sense of strain.

And in the coming months as court cases come down, we believe that there are areas that can and should be clarified. And we identified a number of them in our comments, and I won't reiterate them now. I think the -- our hope is that we can see creator growth in those things that we view as positive development such as voluntary agreements and like Content ID and the Donuts agreement and a variety of other measures that help to keep infringing material off of the Internet.

But it could just as easily happen that things go south. And if they do and they get worse, I think, from our perspective, then at that point, we're going to have to reevaluate our position.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Osterreicher?

MR. OSTERREICHER: Thank you.

Before we even get to sustainability, after
two days, my observation is that both sides in the 512 issue are not only not talking to each other or even at each other, but more like past each other, seemingly sometimes in different languages. The haves speak of reasonable profits and the cost of doing business, while the have-nots point to unbridled corporate greed.

Providers label takedowns as free speech abridgments, while creators point to the blatant and pernicious theft of their work. One side asserts fair use should be an affirmative defense to the claim of copyright infringement, while the other believes it should be a condition precedent to filing a takedown notice.

The ISP is saying maintain the status quo, everything is working fine; while creators, big and small, say the shortcomings and the unintended consequences of section 512 need to be fixed.

These are a few but -- of the diametrically opposed views expressed during these roundtables. To continue from the theme yesterday, it is the best of times, and it is the worst of times.

While the basis for copyright law is to promote the progress of science and useful arts, if such vehicles such as section 512 cannot actually help
secure for any period of time the exclusive rights of
authors to their respective works so as to allow them
fair compensation, we may at some point see the demise
of such useful and creative works as they continue to
be misappropriated on an unprecedented scale.

Turning a blind eye to infringements and a
deaf ear to the pleas of creators has created an
imbalance in the online ecosystem. Having these
roundtable discussions are helpful, if for nothing
else, than to illustrate the disparity on these
issues. And I commend the Copyright Office for holding
them.

In the meantime, I'll leave it as incumbent
that we do better at making this and other copyright
issues a more meaningful discussion rather than a
debate where everyone loses some more than others.

MS. TEMPLE CLAGGETT: Thank you.

Ms. Pilch?

MS. PILCH: Absent legislative change, I
think the situation will continue to deteriorate.

It will continue to reduce possibilities for
highly creative and talented people to benefit from
their own talent and work. And that is not a positive
vision.

Since 1998, the Internet has become
something other than what Congress intended. It's a system that thrives on illegal commerce and that freely enables a black market in information and creative works. The Internet is fine, but the black market it creates is not.

Section 512 has enabled a system that rewards disrespect for the moral and material interests of others and works they create or in which they hold legitimate rights. The Internet, as supported by the safe harbors, in my opinion, is not open and democratic. It's a closed system that provides an unfair advantage to itself. That needs to change, or society will, in fact, be worse off.

And I think that these social issues are just as important as the existence of the Internet itself.

MS. TEMPLE CLAGGETT: Thank you.

Mr. [Roo'-pee] is it? Or [Ruh'-pee]?

MR. RUPY: [Roo'-pee].

MS. TEMPLE CLAGGETT: Rupy.

MR. RUPY: Nailed it the first time.

MS. TEMPLE CLAGGETT: Okay.

MR. RUPY: So thank you.

I just wanted to speak briefly and follow up on some of the earlier comment that were made
regarding the DMCA, the future of the DMCA and the particular comments by Mr. Deutsch and Mr. Joseph. USTelecom, as I said earlier, is of the view that the DMCA is a well-crafted statute that is fulfilling its intended goal.

And just to underscore some of the points that were raised earlier about evidence and that through the massive investment that is taking place in broadband environment, since 1996, broadband providers have invested $1.4 trillion in deploying broadband infrastructure throughout the country -- 1.4 trillion with a T. In 2014, those same broadband providers invested $78 billion to deploy broadband infrastructure.

And as Mr. Joseph noted, that investment is, in part, based on the provision of 512(a) relating to liability. But also, there is a focus from the administration, from Congress and from other federal agencies on deploying broadband infrastructure and ensuring adoption by Americans.

And as Mr. Joseph pointed out, you know, the content issues aside, just talking about the role that broadband plays for Americans, it is integral to their life. It is integral to education. It is integral to healthcare. It is what American consumer use to
communicate, learn and communicate.

So thank you.

MS. TEMPLE CLAGGETT: Thank you.

And I'm sorry. I can't see your placard.

Mr. Van Arman?

MR. VAN ARMAN: Thank you.

My name --

MS. CHARLESWORTH: Could you introduce what group you're with as well?

MR. VAN ARMAN: Say it again.

MS. CHARLESWORTH: Your name and affiliation.

MR. VAN ARMAN: Yes.

MS. CHARLESWORTH: Okay.

MR. VAN ARMAN: Yes. My name is Darius Van Arman. I am with the Association of American Independent Music. And I'm chairman and also business owner. I own a group of companies called Secretly Group, which is a group of labels based out of the Midwest of America.

And from our perspective -- and I'm speaking here on behalf of A2IM -- from our perspective, the DMCA has problems. And to answer your question -- you know, what happens if things don't change, is it sustainable, what is the future -- our members, for the most part, are very concerned about control of
their works. They want there to be a marketplace for
the fruits of their labor, for their investment. And
as we see things now with the way Safe Harbor
provisions are and with the DMCA, we're afraid that if
things aren't changed that there won't be adequate
compensation in the future to keep on inspiring
additional investment in creative works and as such.
So from our perspective, we think things
should be adjusted. We are concerned that it's not
sustainable. And it's very important that we do get
control over our works so there is a marketplace that
we can continue to innovate and create new works for
the public.

MS. TEMPLE CLAGGETT: Thank you.
Ms. Besek, did you have something?
MS. BESEK: I was -- I didn't answer at first
because I think I took issue with the basic premise of
the question, which is what happens if there is no
legislative change and 512 just continues on the way
that it is. But the fact is that that will not happen
because, regardless of whether there is legislative
change, there will be judicial change. And so 512 is
not something that's static. It will change over time.
And if the past is predictive of the future,
I think that's rather concerning because, in the last
18 years or so, I think courts have often placed a lot of emphasis on the ability of service providers to flourish and grow and perhaps less emphasis on the concerns of right holders. And you can see that in a lot of different ways -- the defining storage very broadly, defining red flag knowledge very narrowly, reading representative lists out of the statute, basically, leaving right holders with little recourse other than sending notice after notice after notice to prevent reposting of their material. And they can never really prevent it. So that means that the service providers can continue to base businesses on these infringing postings. And then, you know, the -- what happened with 512(h), that it's -- it has limited effect now with the requirement that you have to file a John Doe lawsuit. There's limited liability for service providers, even when their own contractors are the ones who impose the infringing materials and then requiring content owners to evaluate fair use before they seek takedown notice. Now, I'm not saying every single one of these decisions is bad. But I do think when you accumulate them all, it does suggest that whatever
balance people thought they were achieving at the time hasn't been achieved. And I don't think that we can assume that the trend of decisions will necessarily be better or different if we go on the way we are. So what I think, if we do continue, the only thing that we can say with confidence is that ISPs are going to continue to pay a lot of money to respond to takedown notices and to, you know, facilitate counter-notifications. And copyright owners are going to spend a lot of money to file notices. Plus, the copyright owners are going to be, essentially, losing a lot of money because their material's going to be up there. That's always going to be the default, it's going to be up there.

So I don't -- you know, I don't think we can assume things will not change.

MS. TEMPLE CLAGGETT: Thank you.

Oh, did you have a follow-up?

MS. CHARLESWORTH: Well, I was just going to -- sort of following on to that comment, how do you see -- I mean, if courts were -- 512 will continue to be interpreted. But assuming that it's been interpreted is sort of -- as narrowly as possible or close to that I think is what you're suggesting or copyright owners who are seeking to engage in
takedown.

How do courts get out of that? How would they reverse that trend? I mean, do you see that as a likely outcome or a likely possibility?

MS. BESEK: I mean, obviously, the only court that can reverse its trend pretty quickly is the Supreme Court, and I don't see that happening in the near future. I mean, it may be -- you know, over time, there can be some evolution in the lower courts. I don't see that happening quickly and probably not in my lifetime.

MS. TEMPLE CLAGGETT: All right. So one more high-level question maybe before we get into specific provisions or specific potential solutions. You know, we've heard a lot about the DMCA potentially not working. We've also heard that the DMCA is working. Just to help us further for our discussion about potential solutions, I wonder if we can decide on what the goal is and what a measure of success would be under a working DMCA.

Is it overall reduction in piracy? Is it more content being, you know, out there in the world? I think before we decide what the solution should be, if at all, if any, we have to decide what the goal itself is. So what would be a measure of
success under the DMCA or as it exists today or as it
might exist in the future is my question.

Start with Mr. Band.

MR. BAND: So I think if you look at the
objectives that were set forth in the -- in section
512 initially, I think those are the appropriate
metrics. Do you have a thriving internet? And do you
have a thriving creative environment? Do you -- in
other words, do you have, you know, a robust Internet?
And do you have robust content creation?

And you know -- and this goes back to a lot
of the facts that Michael Petricone was citing before.
And I think that that's what we have to look at. And
remember, you know, the Internet isn't -- the
Copyright Act is not about protecting particular
business models. It's about promoting the progress of
science and useful arts.

And so again, to the extent we need to look
at, again, how robust the Internet is, you know, the
number of users and the volume of traffic and all that
kind of activity that -- all the metrics for Internet
activity, new services and around the content side,
it's how much content is out there and, again,
focusing on overall content as opposed to how this
specific company that may have done well 20 years, how
MS. ISBELL: So I'd like to drill down on that a little bit. If we decide that those are the two metrics that we're going to look at, how do we measure them? Is it just sheer number? Is it comparatively, maybe U.S. compared to other countries? Is it historically? What's the benchmark that we should be measuring against?

MR. BAND: I think that there are -- it would -- you know, we would want to make sure both that we're -- that the success of the U.S. industry continues, both the -- on the Internet side and the creative side. To the extent that those aren't the same and, again, to some extent, you know, I could say the company I'm representing here it is the same. But -- so it's both U.S. success and international success.

And I think you'd have to look at a lot of statistics. I mean, there's all kinds of metrics. And certainly, it will be -- certain things are going to be a little difficult, more difficult to measure. With creative content, obviously, as Sarah Feingold was saying before, I mean, you know, all of us are creating works all the time. The number of photographs that, I think, created every day is, you know, in
excess of a billion photographs, right, because we all have digital cameras. So obviously, there's no question that the absolute number of works created has increased exponentially over the past, you know, decade.

Now, there's always a question of the quality. That's a much more difficult and complicated question. But certainly, there doesn't seem to be any sort of shortage of high-quality content available. Again, there's always new distribution models. Certainly, in the publishing world, we have open access publishing.

It's a completely different business model, but no shortage of high-quality content available that way. You have creative commons licenses.

So there's all these -- it's a very complicated world. It's evolving. It -- but it means -- so I think there's -- a lot of creativity is going to be involved in coming up with the metrics. But we have 20 years to do it, right?

So it shouldn't be a problem.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Barblan?

MR. BARBLAN: So I think the real goal is to restore balance and to have a system where people
really work together and pull their weight and combat piracy. And I think, obviously, it seems impossible to completely eradicate piracy, and that's too high of a bar to try to achieve.

But I think if we had a system where service providers were incentivized to do more than just the bare minimum, to do more than just remove files when they get a direct URL link and, basically, do nothing else to prevent piracy, I think we could at least arrive at a place where, you know, the most popular streaming Website in the world isn't a market substitute for music that you have to buy.

And I think another thing to keep in mind in this whole discussion is to think about how the atmosphere we have now versus the atmosphere we want encourages the production not just of art and content in general, but of professional-quality content that the people can make a living at as professional artists. I mean, there's a big difference between making art and making a living making art. And it's a difference that everybody should appreciate and that everybody's noticed.

I mean, if you go on YouTube and listen to somebody playing a cover song that they recorded themselves, that's -- that can be entertaining. But
it's not the same thing as a professional quality album that cost, you know, several hundred thousands of dollars to record.

And I think the goal is to have a system where creative economies that encourage the production of professional quality content and that enable people to actually make a living as artists are flourishing. And you know, it's tough to think of what things we can look at to measure that. I don't think it makes sense to just measure the amount of works that are out there.

But maybe one place to start is just to look at the overall availability of pirated content on, you know, what types of sites and how that number goes because, if we see numbers like that to continue to increase, if every new movie, every new book, every new song is basically available pretty easily to anyone that wants to get it for free, I think there's -- we're going to continue to see the kind of market disruptions that are making it really hard for people to make a living as creators.

MS. TEMPLE CLAGGETT: Thank you.

And Mr. Buckley?

MR. BUCKLEY: Thank you.

It is about money. I found Mr. Rupy's
comment fascinating in that he tried to separate the
value of broadband from content. And really, what's
the point of broadband without content?

And Mr. Band tried to say to us that, you
know, really, there was no proof that piracy in the
Internet had basically cut the revenue of the record
business 60 percent from what it was 15 years ago and
has had a similar impact on photography and literature
and things of other sort.

In the spirit of full disclosure, I will
admit that I have circulated a petition late last year
that request a stay-down provision as -- to go along
with the takedown part. And so really, we're not
asking the -- we're not asking anybody to create a new
law. We're not asking anybody to create a new
regulation. We're just asking the legislatives to take
a look at a law that is not operating the way that it
was designed to function to begin with.

To Mr. Barblan's point, we have seen a
decrease in terms of the quantity -- quality of art
that's turned out. Hollywood now makes 30 percent
fewer movies than they made a decade ago.

They make 60 percent fewer what I would call
nuance movies, which would be story-driven movies.

What Hollywood has resulted to is making
event films that demand the viewer pay a premium price
to go into a theater to see films in high definition
and 3D. That is one of the ways that the film industry
had a very successful year last year.

In my petition, we talk about an author who
filed 571 takedown notices on one site to have one
book removed, and he was never able to accomplish
that. So I do believe that, unless we seriously take a
look at balancing the compensation for artists and the
tremendous amount of wealth they've generated for the
tech sector and the Internet, we are going to lose
that rich heritage of art that we've honored for so
long.

Thank you.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Carlisle?

MR. CARLISLE: In keeping with Ms.
Pilch's lead, I'm going to take off my Nova
Southeastern University hat, put on my own hat and
reach back to my former career both as an
entertainment attorney and as a musician.

The purpose of the Copyright Act is to
promote the progress of the useful arts. And as hard
as that may to put and crunch into numbers of the
study, we should be asking ourselves is 512 promoting
the progress of the useful arts at this time. We've heard testimony about the shrinking songwriters in Nashville. Well, maybe if we're building artist communities back up again, maybe that'll happen.

But what I'm really afraid of -- and I mean this with all sincerity -- is that we are killing an entire generations of creative artists.

We're never going to hear them because they can't make a sustainable living doing what they're doing.

And as far as the quality is, I'll admit to being an old guy. But I went to my son who is 19 years old. And I said who is the game-changing musician of your generation. Who's your Jimi Hendrix? Who's your Eddie Van Halen? Who's your Prince? Who's your Kurt Cobain? And he was stumped. And the best answer he could come up with was Eminem, whose career is now 20 years old.

So that's what I really want to see. I want to see the next game-changing musician come in and light it up. And you know, God bless Prince. He was one of a kind. And I read these accounts from, you know, Google saying what a wonderful you're doing with -- you know, with YouTube. Just look at Justin Bieber.

I'm sorry.
I'll take Prince instead.

Thanks.

MR. GREENBERG: A quick question because in the last three comments you've all mentioned the death of the creative class, professional creative class. And I'm just wondering if there -- what the perspective is on sort of a more expansive understanding of the creative class in the digital age. Or if -- really, we should maintain the perspective we've had on what makes a professional artist -- an income-driven artist -- going forward is what it was in the '80s of '90s.

MR. CARLISLE: Well, the problem is, is that we have this shrinking revenue pool. When I was an entertainment attorney, there used to be an old saying that touring sold records. That's why you killed yourself three and four months on the road for a year doing these -- my client, Lynyrd Skynyrd used to call torture tours, right? You're away from your family. You're out on the road, and it's a hard way to make a living.

But you knew at the end of the line you were going to sell records. And if you sold enough records, you were going to make some money on selling those records. That business model just does not exist
anymore. Your records are now a lost leader for your concert tours.

And I can tell you from 26 years of experience as an entertainment attorney, touring is a very expensive operation to undertake. And let's also not forget that the original startups -- we hear a lot about startups -- the original startup was four guys in a van and equipment going from town to town and playing at bars. That, in fact, was The Police's first tour in America, was four guys and their equipment in a van.

And if that kind of effort and that kind of dedication doesn't pay off, again, people who can't make a living doing art will stop making art.

MS. TEMPLE CLAGGETT: Thank you.

Mr. -- I'm sorry. Ms. Coleman.

MS. COLEMAN: So I wanted to go back to what you said about goals. And the goals of the act should protect copyright owners and switch the balance that currently exists. The balance right now is not to the content creators and the artists and the songwriters. The balance right now is in the ISPs and the DSPs because we constantly have to be policing them. And it takes all of our time and all of our effort to decide who we're going to write letters to and how we're
going to go about that and then find -- figuring out who we're going to go up against. So there's an inequity in the way that you have to respond to the act right now in order to protect your interest.

I also want to make a comment about cover songs. Without cover songs, the music publishing industry would not exist. That is the basis of what music publishing is. You have a hit composition, and people love it and want to record it and make their own tribute versions to it over and over again. Whether it's on the Internet or it's in a CD, which doesn't exist, or a download, it's something that we need to protect the music publisher's right to monetize and the songwriter's right to make money from the use of these cover versions.

Thank you.

MS. TEMPLE CLAGGETT: Thank you.

Mr. Deutsch?

MR. DEUTSCH: I think -- I'm sorry. I don't -- I think we should not overlook the fact that the Internet, as it has developed and on -- will continue to develop, has created enormous opportunities for new artists. It is simply -- it is true that we are not living in the model of 1990 or 1995. But no portion of
We have evolved enormously in 20 years -- in manufacturing, in services. People who had great high-paying jobs have to look elsewhere because those jobs evolved away from our economy. And much of which -- much of the blame that I hear being placed on Internet service providers should really be directed to the evolution of the economy.

On the other side of the balance in 1990 or 1995, a young, creative artist who couldn't find a label or who couldn't find a producer didn't get heard. Today, because of the Internet, because of YouTube and many other means of distributing music or art, they are heard. Some of them become hits, viral hits. Some of them make money and earn a living that they couldn't get -- that never could have occurred in the pre-Internet era. And it's -- we think that you have to acknowledge that, even on the creative side, there are winners from the system that has evolved.

Other industries have had to roll with the punches. The creative copyright industries have had to roll with the punches. But by no means is the Internet and the availability of content the sole villain in this picture. It seems to be made out to be so by some of the speakers.

MS. CHARLESWORTH: I have a follow-up
question on that because it's sort of embedded in a lot of what we've been discussing. And sure, I take your point that there are artists that break out on the Internet without any investment or support from an intermediary -- a publisher or a record label.

But I mean, do you see our society as evolving to a place where we don't have companies or resources that invest in up and coming artists to help them start their career? Because that has been the model for a long time. And I think that's what we're hearing, whether you're talking about films or music, that there's not enough money to be made in the current ecosystem to invest in many new artists. And is that a social loss? I guess that's my question.

MR. DEUTSCH: I think it's -- I think it remains to be proved that that is so. As far as I can tell, the value of entertainment companies -- for example, the stock market capitalization remains -- they continue to be profitable. You can't necessarily compare today's record market to 1980s. But in 1950, the big bands were out of work. Evolve -- evolution in styles of music, in what consumers want to watch and want to hear has always been a feature of the American cultural landscape. And there's no reason to believe that the advent of the Internet or the ready
availability of content is going to change it. The people who want to create, who feel the urge to create and the need to create will continue to come to the floor. And we think -- my own view is many more people are now doing that because they have the means of getting their works out to others than existed where -- when the only way to do that were large intermediaries.

MS. CHARLESWORTH: So I guess your vision in the future is we probably may not need those sorts of investments.

MR. DEUTSCH: No, not at all. I think it's going to be a mixed future. As it has evolved already, there are going to continue to be large entertainment companies, large record labels, music publishers, all of whom provide the capital to facilitate the distribution of artistic works. I don't think that's going to change.

Alongside it, there's going to be new artists that come to the floor because they're able to get out to viewers. They become viral sensations. They are picked up on links. That is something new and, I think, something cumulative as opposed to subtractive in the cultural world.

MS. TEMPLE CLAGGETT: Thank you.
Ms. Feingold?

MS. FEINGOLD: I'd just like to add on some of the comments. And my colleague was just saying that a measure of success of the DMCA and this could have an impact of killing artistic communities. I see it as having the opposite impact.

Just thinking about Etsy, right now, we have 1.6 million active sellers on Etsy, who together in 2014 grossed $2.39 billion in sales. 86 percent of these sellers are women and most with home-based businesses. And because the barriers to entry have been lowered, Etsy has created new entrepreneurs who may not have brought their products to market previously. And so people are empowered because the DMCA exists, because these new barriers to entry are so much lower.

And we have found that our sellers use Etsy income to pay their bills to support families and to build businesses. And this really matters to small makers and small economies and to everyone in general. We are all creators around here. We are all making content. And when the barrier to entry is lower, then people can be discovered and found and be able to make some money off of that.

MS. TEMPLE CLAGGETT: Thank you.
Mr. Joseph.

MR. JOSEPH: Thank you.

To talk about goals, let's go back to the basics. Let's go back to the Constitution and the purpose of copyright law. The Supreme Court has made clear that copyright law exists to promote the progress of science. I'm sorry with respect to those who have said useful arts.

Actually, if you look at the parallel structure of the clause, that refers to patent law. Copyright law and the purpose of copyright law is the progress of science.

Golan versus Holder teaches us the progress of science refers broadly to the creation and spread of knowledge and learning. And Senator Hatch said the same thing in his article in the Harvard Journal of Law & Technology. The Supreme Court has emphasized that the ultimate goal of copyright law, which is what we should be thinking about, is to serve the public interest, not authors' private interests.

Sony teaches us that the monopoly privileges that Congress may authorize are neither unlimited, nor primarily designed to provide a special private benefit.

Rather, the limited grant is a means by
which an important public purpose may be achieved.

And Golan, again, teaches us that evidence from the founding suggests that inducing dissemination as opposed to creation was viewed as an appropriate means to promote science.

Dissemination sounds an awful lot like the Internet.

But let's step back a second. As the Copyright Office, your goal is to consider the public interest -- what is best for the public and how do you evaluate the best public policy to promote the creation and spread of knowledge and learning. I don't have more specifics for that, but I think those are the touchstones that you all need to look at as you are evaluating what you might do to the Internet, what you might do to hold the balance that section 512 set.

Thank you.

MS. TEMPLE CLAGGETT: Thank you. Mr. Kennedy.

MR. KENNEDY: I'm struck by what Mr. Joseph just said, and in the context of this. And this is what I really wanted to focus on. If you look at the underlying assumption that the goal of the copyright laws that exist is to promote scientific knowledge, that knowledge gets created on the basis of people who are able to focus, have the discipline, the
attention, and the capacity to make that their livelihood and their career.

And there's an intentionality to the act and the acuity of observation that accrues from the ability to master craft. And I think fundamentally money in the context of the way Mr. Buckley phrased it is about having the ability to focus and master craft. And ultimately it's that's mastery of craft that provides the context for the material that's given to the public, and the public interest is therefore served.

And it seems to me that if you begin to have a system that progressively reduces that capacity of artists of all types and scientists to have the ability to focus, you're diminishing what the public can ultimately get. And I don't think our society is in a position to afford that kind of diminishment.

MS. TEMPLE CLAGGETT: Thank you. Mr. Korzenik.

MR. KORZENIK: Yes. Quick comment on Mr. Joseph's observation. I agree with him very much that the emphasis on public interest is an important one. Copyright systems around the world balance the interests of three groups: authors, distributors and the readers, the audience. French
system is author driven.

Ours and common law system tend to be distributor favoring. The people who care most about the public interest in this country and lobby for the public's interest are the librarians, and they don't always succeed in getting what they want.

They often don't.

So I sympathize and agree with Mr. Joseph's point here. Second point I would just make is that while we have this -- everyone conveys the sense that this Internet is a place of incredible chaos and disruption. It is in some ways, but there's another feature of it that we all need to understand. And it's bubbling up more in Europe and Russia and China and other places of that type.

The Internet is an incredible tool for policing and social control. It's an incredible, potent tool for censorship, whether it's done privately through methods of, you know, private control and notices and takedown, et cetera, or whether it's done publicly and shut down.

Internet reveals a lot of things to us that we didn't see before. It reveals sexual use that existed all the time but that we now see and are troubled by.
Police abuse that existed before, but we now see for the first time and copyright abuse, too, that existed before in the print world that no one knew anything about but which we now know because we see it through this new window. So one thing that we need to be most mindful of is that this is a tool of incredible policing and incredible control, and its controls need to be moderated so that legitimate speech, fair use speech, new fair uses that we need to be sensitive to are not suppressed.

MS. TEMPLE CLAGGETT: Thank you. Ms. LaPolt.

MS. LAPOLT: Well, I don't understand how my client's property is public interest. They create something and own it. Mr. Joseph, I don't understand why it should be out there for everybody to use it. Maybe your house should be available for the public as well to just come and use your house, but we can take that up outside the room.

As far as your questions Ms. Charlesworth, I just want an answer as far as this social loss that's going on in the music community. There is a social loss in the music community because up until now or still now the only companies that put up any risk money really are record companies. I mean, music publishers as much as I love them and work with them
all the time, they only give you as much money as you have in the pipeline.

So if you don't have any money in the pipeline, they'll sign up your copyrights, but you won't get any type of upfront advance for that.

You know, there's other services they provide, but really record companies are the ones that put up all the money for the risk. And they're not doing that and if they do do that, they're making the artist to sign other interests in their business.

So a record company is going to invest in my artist because they think that she's a hit artist.

They don't have the money to put up $1 million to break her anymore, $2 million.

They'll do it providing I give them 25 percent of my touring, 25 percent of my publishing, 25 percent of my sponsorships and endorsements, 25 percent of this, you know, so it becomes a business that's just unsustainable. And they're not able to earn a living based upon this kind of a business model, and I think simple fixes with section 512 would enable us all to get along.

You know, we're not asking -- nobody's saying that the Internet has not been a valuable tool to the promote artists. Certainly, some independent
artists survive that way, and they can earn a living but I don't see it myself. I just think that we need to work together to try and to make it better.

MS. TEMPLE CLAGGETT: Mr. Mohr.

MR. MOHR: A couple of points. I think in measuring the success of section 512, I mean, if you read our comments you can fairly characterize them as schizophrenic, and the reason for that is because there are -- I think there have been two threads correctly identified. The first is this interest in generating new services, and I think that interest has succeeded.

And I think there's another interest.

It's an issue here that frankly, in my mind, was probably correctly referred to by Mr. Joseph but incompletely explained. And that interest goes to the purpose of -- we can start with the purpose of the cause, but it runs into the way in which our members, certainly large chunks of them, feel that the online market is shaking out.

And that is for example, Congress, true they have they have the power to pass the Copyright Act. The reason the founders stuck it in there were -- there were a couple reasons. One was to unify state law because the states couldn't provide for all of
them. The other was because of a recognition of the
benefits of an incentive for authors and publishers to
make useful things.

And this is not a direct quote, but it's a fairly close paraphrase to say that the public good coincides with the claims of individuals.

Eldred also has a footnote that goes -- that mentions the benefits of the incentives of the profit motive explicitly. It is in that area where our membership is seeing the most strain, and it is in that area where we believe -- again, we believe the courts can sort that out, but we think that a functioning 512 will begin to restore some of the incentive that has been lost through poorly considered decisions. Thank you.

MS. TEMPLE CLAGGETT: Mr. Osterreicher.

MS. OSTERREICHER: So I think the one thing we might all agree on is that images drive page views. I don't know for you -- any of you that went out for lunch, you might have seen a whole bunch of news photographers out on the front steps waiting to photograph Shelly Silver after he's sentenced today. But I was a news photographer. Most of those guys out there don't work for newspapers anymore because, A,
there used to be in New York and, B, because the staffs are smaller.

So the only way that they get to make a living -- and they don't want to earn a lot of money; they love to do it; I loved to do it -- is to go out and spend hours waiting around for this few moments of chaos when they try and get maybe a better picture than somebody else. Sure, we could have a pool and one camera there, but the only way that they actually then after getting paid probably relatively little for a day rate if somebody's assigning them or they're out there on spec, is by licensing those images.

And if there's no way to protect the licensing of those images, at the very least get them taken down when people misappropriate them, then I think, you know, in answer to your question of what things are going to look like, if we're all going to depend on user generated- content, and there's certainly a place for that but, you know, there's a saying, "Don't believe everything you read." And there's another one, "Seeing is believing."

We'd like to believe that news images are not something that are Photoshopped, that while being creative, they actually tell a truth.

And so, it's a small microcosm of people
that create images and create work, but I think it's
hopefully one that's useful to show how important it
is to be able to protect that work in order to have
people like them out there working for the public good
in reporting.

MS. TEMPLE CLAGGETT: Ms. Pilch.

MS. PILCH: I'll add to what Mickey just
said, that for those who went outside during lunch
there was something else going on, not only the
Sheldon Silver situation but there was a group of
musicians demonstrating in relation to this event.
I don't know how many people saw that, with
posters that said things like, "Takedown means stay-
down," "Congress, fix the DMCA." So many things were
going on outside today.

The goal, getting to the question, the goal
in my opinion should be that everyone flourishes but
not based on the negative factors of theft,
misappropriation, and involuntary exploitation. To my
knowledge public policy has never endorsed theft,
impropriation, involuntary exploitation,
racketeering, and trafficking in information.

The idea that some should feed the Internet
[for free] is nothing less than a new form of
oppression, really, and it's nothing this nation's
1 legal system should tolerate. This is not free speech
2 as some would say. It's not even speech or expression.
3 It's just economic abuse. The goal should be to end
4 the economic abuse, even out the economic rewards, and
5 I think that the measures of success will show up in
6 economic indicators, fewer takedown notices, fewer
7 complaints and a richer culture.

8 MS. TEMPLE CLAGGETT: Thank you. Mr. Van --
9 I'm sorry.

10 MR. VAN ARMAN: Van Arman.
11 MS. TEMPLE CLAGGETT: Van Arman. Thank you.
12 MR. VAN ARMAN: It's in the public interest
13 that creators are motivated to create new works, and
14 an imbalanced copyright system that doesn't allow for
15 there to be a marketplace for ideas, for works, the
16 public is much poorer for it. And, you know, what --
17 if we were to adjust the DMCA safe harbors in section
18 512, how do we know 20 years from now whether we made
19 the right adjustments? I think you look at whether
20 there are still digital services that are being
21 launched, that are innovative.

22 From our perspective as independent music
23 companies and creators, we do need there to be
24 innovation; we want there to be innovation. We don't
25 want to be stuck with a world where there's only
1 broadcast radio. The fruits of what's happened because
2 of the DMCA, some of them have been very good. There's
3 innovative digital services, and our works have
4 reached the public because of that, and we've earned
5 more money because of that. But we've also seen our
6 marketplace undermined.

7 And so when we look at the big picture our
8 industry has just taken a big hit, and if we look 20
9 years from now, you know, what's going to demonstrate
10 whether a tweak to law has been good for everyone or
11 not.

12 I think we need to know that there are
13 professional classes that are still viable, that there
14 are still photographers who are able to make a living
15 off of their, you know, work, that music companies and
16 music artists are continuing to create ambitious and
17 important works.

18 MS. TEMPLE CLAGGETT: Thank you, and before
19 I go to June, I just want to ask one last question
20 because I don't think we're going to actually have
21 very much time. And so my first question was what
22 would the future look like if we didn't do anything.
23 My second question was how do we measure the
24 success or success if that were to be a goal to do
25 something. And so my final question is an opportunity
for you to provide your comments on what would be an
appropriate solution to many of the issues that have
been raised both today and yesterday? How do we
develop either a tweaked law, more dialogue, more
communication that would allow us to have some of the
goals or see some of the goals that we just heard
from? So what are the particular solutions that you
see?

I think we've heard previous comments on
increased dialogue, voluntary solutions. Many people
have mentioned stay-down. We probably won't have an
opportunity to get into much detail on how other
countries are handling things overseas, but an earlier
panel noted that in some other countries there has
been seen a reduction in piracy given some of their
new laws. So what would you propose as a solution that
we might want to consider moving forward to some of
the issues that have been raised about section 512?

And I'll ask that final question and give everyone
just a few minutes to answer, but I think June you had
something that you wanted to say with respect to the
previous question. Is that right?

MS. BESEK: Well, I'm going to start by
answering your question just because there's limited
time, which is I think is the most important thing
that could ameliorate the situation would be a
takedown, stay-down type of regime.

I understand there have been objections to
that raised here, and some of the points are well
taken but, you know, in terms of concern about
people's material not getting up, I think there should
be an opportunity to object if your posting is
filtered out if you believe it's not infringing.
That's a failsafe just like it is now with notice-and-
takedown.

And I also think it's possible that there
could be different standards for different classes of
service providers at least, you know, for some period
of time, you know, if there's a startup for a limited
period of time to have a different standard.

I am pessimistic about this being done
through a purely voluntary regime partly because there
are those providers who base their business model on
having access to this content and partly because there
are many service providers who operate in good faith,
but there's simply not much in it for them to do this.

I mean all they're doing is adopting a
regime that's going to create, you know, possibly more
effort for them, although I would argue that having a
takedown, stay-down might actually help them. But in
any case, they just don't see what's in it for them. They're not consciously trying to base their business model on somebody else's content. So I would strongly wish and urge that something be done in the way of takedown, stay-down.

MS. TEMPLE CLAGGETT: Thank you, Mr. Band.

MR. BAND: So Amazon would oppose any statutory change, in particular anything like a takedown, stay-down, a notice-and-stay-down regime. A lot of things we talked about before, voluntary measures, increased cooperation between the various industry sectors, would obviously be helpful. Dialogue is always good.

And then the final point is just to echo what Andy Deutsch was saying. We do live in a time of rapid technological change and it's, you know, stressful for everyone, but -- and it does mean that everyone is going to have to reinvent themselves repeatedly.

MS. TEMPLE CLAGGETT: Thank you, Mr. Barblan.

MR. BARBLAN: So I think there's this misconception that artists and the creative community are somehow Luddites and that they don't embrace new technology, and I think the opposite is true. The creative industries have invested tons and tons of
money into all sorts of new technology, and they've 
embraced new business models. And they've really 
revolutionized the way that art can be created and 
disseminated, and I think that when you fail to 
respect their property rights, when you make it so 
easy to steal from them, you actually reduce the 
amount of revenue that they get that they can then use 
to continue that creative investment, that they can 
use to not only create new technology but to develop 
ew business models and new forms of art all together. 

And I agree with June that some sort of 
stay-down mechanism would be the best -- would be a 
really good step in the direction of making it harder 
to steal from artists. And I think once a service 
provider is on notice that a certain work isn't 
licensed for their site or whatever, they should then 
bear the responsibility of making sure that that work 
doesn't reappear. And I think that they should have a 
lot of latitude in how they decide to do that. 

If they want to do it through automatic 
filtering mechanisms or if they want to change the way 
that content is uploaded to their sites or the terms 
by which content gets uploaded. I think, you know, 
you've got these industries that are incredibly 
technologically advanced. They can tell what you're
thinking after you type in five words into a search, and I just find it hard to believe that these incredibly innovative industries won't be innovative enough to figure out a way to keep content down once - if the burden was shifted to them to keep it down after the first notice.

MS. TEMPLE CLAGGETT: Thank you. Did you have something, Jeff? No. Mr. Buckley.

MR. BUCKLEY: Without stay-down we don't have any anti-piracy law in this country. The Grooveshark case --

MS. TEMPLE CLAGGETT: I'm sorry. Could you use your mic?

MR. BUCKLEY: Oh, I'm sorry. I have such a loud voice. I thought that everybody could hear.

The Grooveshark case, which was an infringing company in Gainesville that operated for over a decade, basically at the end, they admitted in court under -- in front of a judge that basically they had used the takedown provision as a way to avoid prosecution because basically what it enabled them to do was to follow directions, remove content and repost it.

They had a server where everything was stored. They referred to it as their Pez strategy, and
what they would simply do is they would take the piece
down and put another piece, the exact same piece of
content, up over and over again. They actually were
captured and actually put out of business because they
had sent an internal email out to their employees
because there are about 5000 songs that they needed.
And that is one thing that is clearly
illegal is to have your employees do that kind of
work. So my sense is -- and the other thing that I'll
add quickly, I don't want to take any more time, there
should be penalties for people who file false take-
down claims. There has to be recourse on both sides. I
don't believe there should just be a free passage for
somebody to destroy somebody else's career or put them
out of business. I think it has to be balanced and
there have to be penalties that work on both sides of
the equation. Thank you.

MS. TEMPLE CLAGGETT: Thank you. Mr.
Carlisle.

MR. CARLISLE: Yes, again I'm going to be
speaking personally and not on behalf of Nova
Southeastern University. If section 512 worked,
YouTube wouldn't be using it as a negotiating tactic.
It's like, you know, you'll either take what we're
going to pay you, or we'll just throw you into whack-
a-mole hell. I mean it's almost like protection, you know, but it's a nice son you got there. You don't want anything bad to happen to him, you know.

So once we get takedown and stay-down, that levels the playing field, so we can't have Spotify complaints saying why should we pay you any more money. YouTube won't pay it to you. All right. And it also rather fairly starts to place the burden on some policing of the Internet on the people who are profiting from it, you know, the YouTubes of the world, the Facebooks of this world, and everybody else who's profiting from this content.

I know that there's a lot of opposition there but I think the only solution that really can work. Think if we didn't have to process a billion notices in a year what would that mean for our businesses? Less notices get sent. Less sent out notices have to be acted upon. Less bad notices get sent. Less bad notices have to be acted upon. Thank you.

MS. TEMPLE CLAGGETT: Thank you. Ms. Coleman.

MS. COLEMAN: Hi. So I would like to urge you to think about innovation as a whole with respect to the section 512 and what works and what doesn't work.
We know what doesn't work today. We don't know what won't work in five or ten years from now. We don't what the future is going to hold across the board. Nobody would've thought we would be here talking about this in this way.

So when you go back and you make your recommendations and you look at everything that everyone has said, think about takedown, stay-down. Think about small claims. Think about innovative plans, not for the long term but perhaps the short term with re-review in the future so that everybody can benefit and thrive in the marketplace and that there is a level of equal playing field and balance. Thank you.

MS. TEMPLE CLAGGETT: Thank you. Mr. Deutsch.

MR. DEUTSCH: It is very much in the interest of Internet Service Providers to cooperate with copyright owners. And it is very much the case that an Internet Service Provider whose model is infringement will ultimately be caught and punished. And in fact every case where that has been the instance and where there's been any effort to prosecute has been successful. 512 is not a shield under those circumstance, and I don't think we should take that situation as typical of the takedown system.
There's certainly room for technological
improvement. There's certainly room for meeting of the
minds and for improvement. No one is saying this is a
perfect system, no one, but changing it is to change
the balance that Congress struck in 1998 and which I
submit to you remains the proper balance. Copyright
holders who know their material are the best ones to
identify it to Internet Service Providers and the best
ones to provide the information by which it can be
taken down.

MS. TEMPLE CLAGGETT: Thank you. I just want
to follow up, and so once they have identified the
content to the provider and, assuming the provider has
a fingerprint or access to that, is there a reason
they shouldn't screen for that in the -- in other
words, the copyright owner has stepped forward and
said, "This is my content" and maybe supplied a
fingerprint or some kind of hashtag. Is it consistent
with your view to say that then the ISP has some duty
to track that and keep removing that same content?

MR. DEUTSCH: I think that there can be
methods by which the parties can agree so that there
isn't necessarily redundant noticing, but I don't
agree with the idea that it is ultimately the
responsibility of the ISPs who are processing
trillions and much larger numbers of bits and bytes per day to be the ones who are ultimately monitoring the system. That was a decision made when the DMCA was enacted, and I suggest to you would, it's still the most valid way of approaching the problem.

MS. TEMPLE CLAGGETT: Right, but once the content has been identified, affirmatively identified by the copyright owner, at that point should the ISP bear some responsibility -- assuming there's a technological capability of doing so -- of continuing to remove that same file?

MR. DEUTSCH: It's a big assumption, but if the parties can get together and agree on a method for doing this, and that is something that they should be talking about. Anything that is done voluntarily and consensually is a good idea.

MS. TEMPLE CLAGGETT: Thank you. Ms. Feingold.

MS. FEINGOLD: So I'm an ISP, and we remove content based on DMCA takedown notices. In 2014, we removed around -- we executed around 7,000 properly submitted takedown notices. They weren't just DMCA. It was for trademarks. There are all sorts of things all mushed in there. So when you're asking about, you know, what is the solution to some issues that have
been raised, I'm bringing up the word trademarks because I'm seeing a lot of trademark abuse takedown notices. And people are trying to not do counter-notices because of the trademarks, but I'm not going to get into that right now. You can read my comment.

And so we have removed, in 2014, around 176,000 listings. The question is, you know, what about notice and stay-down? And notice and stay-down would not work for a company like Etsy that's trying to empower small businesses. First, it's extraordinarily burdensome and second, you know, is the notice an abusive notice? I see so many abusive notices to squash free speech and fair use. It would be just absolutely horrible, and second, is it even the same material, and is the content still infringing where and when it is reappearing? Those are really difficult questions from a legal and technological standpoint and it's beyond the scope of DMCA.

MS. ISBELL: I just want to follow up really quick.

MS. FEINGOLD: Sure.

MS. ISBELL: You mentioned abusive notices --

MS. FEINGOLD: Yes.

MS. ISBELL: -- that are directed at free speech. Has Etsy received those notices and what --
MS. FEINGOLD: Yes.

MS. ISBELL: -- speech were they trying to --

MS. FEINGOLD: They're trying to take out their competition, or somebody is saying something about them, and they want to take it down. But if we get a DMCA takedown notice, we remove the material.

That's what DMCA says, and I've seen takedown notices. In my heart, I'm like please submit a counter-notice. And they are not submitting counter-notices.

MR. GREENBERG: This may be semantics, but we are lawyers. Are these free speech issues or unfair competition?

MS. FEINGOLD: It could be both.

MS. TEMPLE CLAGGETT: Just one other quick follow up. You mentioned that a lot of your notices are trademark notices.

MS. FEINGOLD: Yes.

MS. TEMPLE CLAGGETT: And the DMCA doesn't apply to trademark. Is the underlying content actually trademark infringement, or are you just seeing people trying to use trademark improperly?

MS. FEINGOLD: People are using trademark and copyright together and using trademark either improperly or properly, but because there's case law that says, you know, if we have specific knowledge and
we remove it, we're not going to be held liable. We remove it, but there's no counter-notice procedure for someone to argue that it should be allowed.

MS. TEMPLE CLAGGETT: Are you suggesting a trademark DMCA as a potential solution?

MS. CHARLESWORTH: We'd love to take over trademark here at the Copyright Office.

We're just itching to do that.

MS. FEINGOLD: I think that it needs to be examined, and I would welcome the exploration of something like that because I'm seeing a lot of free speech and fair use being hindered by this loophole.

MS. CHARLESWORTH: I just have a question because you are in a somewhat different kind of business from some of the others here.

MS. FEINGOLD: Aren't we great?

MS. CHARLESWORTH: Kudos to you. You're great.

MS. FEINGOLD: Thank you.

MS. CHARLESWORTH: What is your -- do you have a repeat -- I assume you do have a repeat infringer --

MS. FEINGOLD: We do --

MS. CHARLESWORTH: -- policy.
MS. FEINGOLD: Yes.

MS. CHARLESWORTH: Is that something you could share with us? I'm curious to know how it works when you're dealing with more physical goods.

MS. FEINGOLD: We have a repeat infringer policy, and we have a team that examines the issues. And it goes through human review.

It's very burdensome, and we take it really seriously. I don't feel comfortable explaining all of the nuts and bolts that go in it because people will abuse it. And what we've seen is somebody will send a takedown notice at, you know, 9 a.m., then 10 a.m., then 11 a.m. and say, "Oh, now it's repeat notices of infringement. Now you have to remove -- now you have to like terminate privileges to this person." And so I'm seeing people abuse the repeated notices of infringement section in that sort of way as well.

MS. TEMPLE CLAGGETT: And not to keep asking Etsy questions, but you know, we are very interested in Etsy.

MS. FEINGOLD: Okay.

MS. TEMPLE CLAGGETT: But is it something unique to your particular atmosphere in terms of the abusive notices?

I'm just trying to see if this is a unique
experience in terms of the fact that -- or I'll ask a question. Are you seeing notices from competitors in the sense that your -- the way that you work is that you have individual businesses in one website, who might be encouraged in some sense or incentivized to try to abuse a process that might not necessarily be what other types of websites would see?

So I just was curious as to whether that was a factor in terms of the amount of improper notices that you see.

MS. FEINGOLD: I can't speak for other I can only speak for what I'm -- at websites. Etsy, but we run the gambit. We get takedown notices from big, giant household brands, and then we have takedown notices from, you know, maybe you partnered with your best friend and now you have a falling out. And your business goes in different ways, and then your best friend sends you -- or your ex-best friend sends you takedown notices. And then you send her takedown notices. And so Etsy's in the middle, and they're using it against each other because they both thing they're right.

And so I'm seeing it all across the board.

MS. TEMPLE CLAGGETT: Thank you.
MS. FEINGOLD: You're welcome.

MS. TEMPLE CLAGGETT: Ms. Garmezy.

MS. GARMENZ: First, I just want to thank you for these two days of discussion. I think it's very important that you put this issue so openly on the table. I've already made my statement about stay-down and my belief that for the creators I represent, that would make a huge difference, some ability to examine it.

And the rest I say just for the record because I know that the Copyright Office has always operated with interests of creators in your mind. But since I've heard at this table, statements that I thought were no longer made, like, "Creators will create no matter what," often made, you know, by people who are earning a living while they make those or the implication that creators are collateral damage for changing times of which, you know, my members are more than appreciative that they're in changing times, things that currently help drive the Internet, like motion capture, were created by directors.

So there isn't an ignorance of the power of the Internet and its viability, but I do think the true nature of creating is something very unique and very special and very ephemeral, and not everybody can
do it. And I just would like to reiterate that it's important to be guided at a time of great change like this is, to be guided by remembering that about creativity.

MS. TEMPLE CLAGGETT: Thank you. I think Mr. Van Arman, is it?

MR. VAN ARMAN: If you're asking for some suggestions on what might make the law better, for small or medium-sized businesses, it's a real burden to take something to federal court when a counter-notice notification is provided to a small or medium-sized creator. So for us, a big innovation, which I think will help -- moves the right balance if there's only so much that can be adjusted in the law is a small claims process or something that is viable for small and medium-sized businesses.

Also, the 10-day window to act after a counter notification is provided also puts a great burden on small and medium-sized businesses. And finally, to whatever extent takedown notices can be standardized and open standards are adopted for that, that actually will reduce the cost for small and medium-sized businesses as well to participate in some sort of takedown regime.

MS. TEMPLE CLAGGETT: Great. Thank you.
Without seeing any other placards up, I want to thank everyone on this panel for providing your insight and thoughts. I invite everyone who has indicated an interest in speaking in the final panel to stick around and everyone else to stick around, but to be prepared to provide your final comments in two minutes.

We're going to take a brief break so it might eat in a little bit to the time for the next session, so we'll see you back here at 3:30. So we'll start again at 3:30. Thank you.

MR. GREENBERG: And please do sign up at the podium.

(Break taken from 3:13 p.m. to 3:30 p.m.)

SESSION 8: Wrap-Up/Open Mic

MR. GREENBERG: Okay. This is the last panel of the day, and unfortunately, I'm going to walk out into the crowd. We joked about our copyright talk show earlier, but a lot of questions have come up over the course of the last two days, due to the welcomed large number of participants.

A lot of the questions haven't had a lot of time to be answered. This is your forum to do that. As we discussed yesterday, there will be a chance for reply comments, but feel free to use this time now to
voice statements you wanted to make earlier but you
didn't have time to or also to raise future questions
for reply comments.

So I'm going to start us in order of the
list with those who are just observers and did not
participate in a panel. I will be holding the
participant sign-up list two rows back if you want to
come up and sign up while somebody else is at the
podium. So to start, I see David Green.

MR. GREEN: You see David Green.

MR. GREENBERG: Use the mic. Everybody should
speak into the mic and give the name and affiliation
for the court reporter.

MR. GREEN: So David, Vice President for
Public Policy and Creative Content Protection at NBC
Universal. I know you're only at about half-time
here, and you have another roundtable to go and
another round of comments to go.

But I'd like to just make my comments
towards what should the Copyright Office do and
shouldn't do at the end of that process. So my
suggestion is this. What it shouldn't do is undertake
a rewrite of section 512.

I think there's probably everybody in this
room who would change parts or a lot of it should that
opportunity prevail, but I think even if the Copyright Office came back with a wonderful rewrite and suggested it to Congress, all that would mean would be a bloodbath as the different sides, you know, your worst of sides and best of sides have battled it out. With a trench warfare that is Congressional activity, I think it would end up with little progress. But I think that the Copyright Office should do is really be a driver for progress through face-to-face discussions.

CAS, which we talked about earlier, was a great example. The content holders and ISPs have very different views of repeat infringers, lots of other things.

All those were cast aside, and the focus was on reaching a compromise that met the goals of both the ISPs and the content creators that was reasonable and fair and that was able to evolve with time, that includes independent filmmakers and non-majors and really has had a very positive impact. And I think that the Copyright Office can and should encourage that kind of dialogue, encourage members of Congress to do the same with a focus on collaboration and not isolated pronouncement by an Internet company, that it has singlehandedly fixed the
problem without that kind of dialogue.

   Also from what we've heard today, you should
be advocating and helping to shape best practices,
prominently displayed education around the dos and
don'ts and uploads and downloads encouraging the
adoption of appropriate technologies, descriptions of
fair use that everybody can use. I think that would be
a hugely helpful impact, both of a report and the
ongoing activities of the Copyright Office. Thank you.

   MS. CHARLESWORTH: I have a question.

   We've heard a lot about having a dialogue or
sponsoring or helping, assisting a dialogue. How do
you get people to the table? I mean what is, I think
this question's been raised before, but since you're
at the podium now, what would your suggestion be in
terms of getting key stakeholders and also smaller
players at the table?

   MR. GREEN: Well, I don't think that progress
gets made in a big room like this. It was hard enough
to get people even to sit together at the cafeteria
downstairs during lunch.

   MS. CHARLESWORTH: Really? What was going on
down there?

   MR. GREEN: But where stakeholders sit down
with each other, understand the problems.
Troy was describing that for the UGC Principles.

Understand the goals. Understand that, you know, there may be disagreements, and those kind of encouragements to say look, with search, you guys go together.

Get together and see if you can make some progress. Come back to me, particularly if the me is, you know, the chairs of Judiciary Committee, and tell me what progress you've made in a certain amount of time. That's the kind of thing that can actually put a thumb on the scales and encourage cooperation to really take place.

MS. CHARLESWORTH: Okay. Appreciate that.


The Recording Academy represents over 24,000 individual music creators, songwriters, performers, musicians, and studio professionals like Maria Schneider, who you heard from earlier.

And just wanted to kind of look back on what I've heard over the last two days. It's mostly remarkable to me that you've heard from the entire creative community, everyone from large corporations to individual creators of every discipline, from
1 musicians to visual artists, photographers,
2 moviemakers, authors, all of them saying that the
3 current system is not effective for them and not
4 working for them.
5 And different reasons for different
6 constituencies. The challenges of the visual artist
7 are different than the challenges of a movie studio,
8 but again, the message is the same, that they can't
9 use the system effectively to keep their work from
10 being infringed.
11 And when we hear from the service providers
12 that everything is fine; everything's all right, that
13 they're complying and that the system is working for
14 them, it just affirms what you've set up this entire
15 process, which was the reference to a A Tale of Two
16 Cities. And when we reach out to them in the spirit of
17 what we think the law means, which is to collaborate
18 and work with these services and say, is there
19 something we can do to work together. Can you help us?
20 They just kind of stick their fingers back in their
21 ear and say, no, everything's working fine. We're
22 fine. We don't need anymore, you know, collaboration
23 or voluntary agreements.
24 So I think that again, just illustrates that
25 there is an imbalance, that what was supposed to be a
There have been a handful of things that were suggested by multiple stakeholders that would improve the current system. And so I just kind of wanted to recount those and focus your attention on them.

One was to formalize or standardize the notice process for copyright holders to create some sort of standard process to issue those notices.

Another would be to establish some sort of formality or education process for users that are uploading content. You know, we talked about there's a lot of hoops you have to go through to issue a notice. There's very little that someone who's uploading content has to do in order to upload that content, so both education or some sort of formality would be appropriate there.

Another would be finding some way to distinguish between good users who issue, you know, good notices and those that are issuing bad notices to differentiate among those users.

Another would be to, again, finding a way to designate standard technical measures. That could be something that the Copyright Office could play a role
again, as it's establishing what those STNs are.

Another would be perhaps to reestablish or reassert the original intent behind red flag, knowledge of what that's supposed to mean. And lastly, what we've heard a lot about, which is takedown should mean stay-down. And again, more specifically what that should mean is when you've notified a service that a work is infringing and is not licensed and you have the technology to continue to track that, that that should be an effective notice to keep it from coming back up again.

There's been some controversy about how that would actually work, but in the extreme, you know, we have these circumstances we heard about of stacked URLs, which is clearly outside the intent of, you know, what this is supposed to be meant to accomplish. So just wanted to kind of narrow the focus on those positive aspects, and I hope that that will be reflected in the report.

MS. CHARLESWORTH: Thank you, Mr. Dupler. Sorry. Brad, you're up with your microphone again.

MR. GREENBERG: Joshua Lamel. Is that right?

MR. LAMEL: Yes. My name actually got pronounced right for once. I'm going to be testifying
in California, so I'm not going to talk at all about anything that was discussed here today because I can talk about that in California and talk about my comments in California. I represent Re:create, but I want to just caution you on one thing.

MS. CHARLESWORTH: I'm sorry. Who do you -- I couldn't hear who --

MR. LAMEL: I represent Re:create. We're a coalition of 12 organizations focused on a more balanced copyright system. We had nothing to do with the filing of the 89,000 public comments in this proceeding, but there were over 89,000 people, not those of us who are getting paid to be here, but people who chose to be here. It's not making their living, who chose to participate in this. And I think it's important for California that you have the opportunity to do this, that these proceedings be livestreamed on the Internet. This is about something that's impacting the future of the Internet. It's something that there are a lot of people out there who passionately, passionately care about, who can't afford to be here today both on the creator community, artist community.

There are people representing small groups
here, who they have people around the country who
would love to watch this and care about this. And on
the consumer community, Internet user community and
those 89,000 people who filed.

So I don't know if there's a way to do it or
a way to make it happen, but for when we're in
California, if you can find a way to make it so that
what we're all saying up there in the panel is
viewable to the 300 million people who live around
this country, I think that's something everybody out
here would support and want to see.

I want to thank you for holding this. I
think this has been informative and great, and I look
forward to testifying in California.

MS. CHARLESWORTH: Thank you.

MR. GREENBERG: Andrew Bridges.

MR. BRIDGES: Thank you. I'd like to thank
you for holding this forum two days. It deserves a lot
of attention. I wanted to make some observations
reflecting on things I heard today. First, there was
continued massive confusion on the part of a number of
persons between 512(a) service providers and other
types of service providers.

I heard people talking about “ISPs” and
follow-up questions about sites. “Sites,” 512(c),
512(d) sites are very, very different from 512(a) conduit service providers. And that distinction, I think, kept getting eclipsed over the course of the day.

Second, there was a lot of focus on Google and YouTube, both of which have prevailed in significant and costly litigation. Copyright holders seem to have an obsession with them, and that distorts the discussion about copyright law in general. And we need to understand that there's a wide variety of service providers of all categories in 512, including some very small ones.

And I'm sorry. I see one minute. I think the previous speaker had five minutes.

Sorry. I'll try to go as fast as I can, but I think I may need more. Or not the previous speaker, two speakers earlier. So there's different types of service providers who could get injured by policies that are developed in response to an obsession with Google and YouTube.

Third, there's a lot of discussion about good actors and bad actors, reflecting heightened rhetoric and demonization that are counterproductive to these discussions. The focus instead should be on behavior, on activities, and on legal criteria with
honest debate about those legal criteria.

Next, there's a lot of discussion about getting people to the table. “Come to the table” cuts both ways, and there's been no recognition today of the refusal of many important and prominent copyright holders and copyright agents to work collaboratively with service providers, including some so-called “reputable” companies.

There was reference to “Best Practices for User-Generated Content.” Nobody pointed out that Veoh Networks was one of the participants in that process, and it was sued out of existence, into bankruptcy, even as it won major victories under the DMCA. So that shows a limitation on voluntary agreements.

Others have reported the absence of citizen interests in various ways. I'll note that the voluntary agreement over payment processing has not included voluntary participation by merchants of those payment processors who get threatened with loss of payment services because they are in disfavored business lines. Similarly, sites get blackballed by advertising networks and told, “Well, you're blackballed from the network until you make such and such record label happy. Then you can come back in.”

There's no due process there, and that is a
problem with voluntary agreements that don't take the public into perspective. There's been no focus on the very real abuse of the DMCA notices by companies who game it for monetary purposes.

Perfect 10, for example, sends repeatedly bad notices that courts have held to be bad, doing things like faxing them late at night before a holiday weekend on letterhead with -- on plain paper with no letterhead, with no page numbering and like, evidently hoping that service providers would lose the notices to trigger litigation.

Rightscorp was known to send hundreds of thousands of false notices and demand termination of ISP accounts for alleged repeat infringement when it could not determine that the IP address assigned to a -- that the account holder assigned to an IP address was actually the infringer and without Rightscorp even determining that there was an actual infringement before sending the notices. And Rightscorp has sent probably over 100 million notices.

The last thing I want to point out is the discussion, I think [based on] Ms. Temple Claggett's question, a couple of times about the effect of the DMCA on “legitimate content.” I'd like to say that I hope that the focus is not just on “content,” but the
1 focus should be on lawful activity and free
2 expression.
3 And a lot of the policies concerning
4 copyright law and the DMCA have substantial effects on
5 free expression and legitimate activities,
6 particularly in the 512(a) context because the
7 activities that can be lost with a termination include
8 applying for a job, applying for government benefits,
9 participating in online courses, paying bills, making
10 ecommerce purchases and using email.
11 The irony of terminating customers and
12 cutting them off the Internet to stop infringement is
13 that that their only way to get back on the Internet
14 is to steal somebody else's wireless and to use rogue
15 services. That is counterproductive.
16 Thank you very much.
17 MR. ADLER: Hi, Allan Adler with AAP.
18 It's in the nature of commerce, especially
19 in a world of global markets and constantly advancing
20 technology, to constantly come up with new business
21 models. But whatever else you do in your investigation
22 of section 512, please don't indulge those who would
23 blame the victim. Telling rightsholders to fight
24 online infringement and deal with the shortcomings of
25 512 with new business models is not just condescension
and misdirection. It's also anachronistic. It's an argument that may have had some legitimacy in 2006, but it doesn't deserve any consideration at all in 2016.

Read the record of the House Judiciary Committee hearing that was held in 2013. The hearing was called, “The Rise of Innovative Business Models: Content Delivery Methods in the Digital Age.” And you'll find all you need to know about the progress of the development of new business models that has occurred very rapidly in a very short period of time, but nevertheless has had no impact on the continuing spread of rampant online infringement.

Better yet, look around you. Look around all of us. Look at the way we, our children, and for some of us even our grandchildren are now accessing and reading literature, watching motion pictures, listening to music. If you do that, you can't doubt that new business models for the distribution of copyrighted works have been a success. It's occurring all the time. It will continue into the future.

And even if we had not experienced the explosion of new access and distribution models that we clearly have experienced, the suggestion to fight online theft with new business models would be
pernicious. Individuals like Maria Schneider, Damon DiMarco and Hillary Johnson, who earn their livings through art and who sat here today and plaintively explained the plight that they face because of the inadequacies of copyright law generally and section 512 in particular, should not be told that they have to invent new business models along with their creative works simply in order to be able to sustain a living by creating art.

MR. GREENBERG: For the court reporter, that was Allan Adler from AAP. Will Buckley.

MR. BUCKLEY: Yes. My name is Will Buckley.

Thank you for this final opportunity to speak today. What I wanted to talk about, and it's kind of brought up actually by two people previously, was the need for transparency in this process. A minute ago a gentleman referred to the fact that the U.S. Copyright Office had received approximately 90,000 submissions the day before the closing date.

Now, those submissions were actually generated by an organization called Fight for the Future, I believe, a mysteriously financed company that basically put out claims that flooded your servers, primarily with the same kind of message.

The other thing that I found a bit
disturbing was a gentleman got up a minute ago and it
kind of felt like an end run.

And that is, we're not really talking about
a free speech issue here. This is about property. This
is about somebody's content that they create. And free
speech is one of the things that's often used in this
discussion that takes it sideways and takes it in a
different place.

And as far as false DMCA notices, there are
a very small percentage, less than 5 percent.

And, in fact, very few of them have ever
gone to court. So that really hasn't been an issue in
this. Yes, they have gotten ratcheted up over time, as
I shared earlier. A lot of that was because of the
fact that there are companies like Rightscorp that,
you know, push these out.

But last of all, let me say this. I was at
UCLA last year with the House Judiciary Committee, and
I had an opportunity to talk to Bob Goodlatte at the
end of that meeting. And I was talking to him about
stay-down. And one of the things Mr. Goodlatte said
was, or Chairman Goodlatte said, we don't want to have
what happened with SOPA happen again. And what he
meant by that was, there was literally a cyberattack
that took place during the SOPA legislation that
scared the heck out of the people in Congress.

So when the gentleman from NBC got up and
talked about not wanting to have a bloodbath.

It's important to have those bloodbaths.

It's important to have rules and laws that work. And
teach you so much for giving me the time today to

speak. Thank you.

MR. GREENBERG: Thanks. David Korzenik, may

have left. Rebecca Tushnet.

MS. TUSHNET: Sorry.

MR. GREENBERG: That's all right.

MS. TUSHNET: So actually, I do want to do

something that is a little off topic, but we were

asked about the game changing musician of our
genration.

MR. GREENBERG: Can you just --

MS. TUSHNET: Rebecca Tushnet of the

Organization for Transformative Works. And before I

say anything substantive, although it does have a

point, I want to offer you the queen, Beyonce, who

just reinvented the music video. I offer you a man who

wrote a hip hop musical about Alexander Hamilton, Lin-

 Manuel Miranda, who has embraced online engagement,

embraced online annotation of his lyrics on Genius,

which is itself a work of genius, something that
1 couldn't exist without 512.
2
3 And that's very clear. He's embraced
4
5 YouTube.
6
7 He's embraced Tumblr and GIFs. You might say
8 he's nonstop, and he is one of the people who grew up
9 in this new culture. And his junior activities are
10 visible on YouTube, you know. He is a product of this
11 new environment.
12
13 We'll keep getting our geniuses. They will
14 just be different. More seriously, I want to emphasize
15 that even accepting without any question that piracy
16 is a problem, "do something" is not a policy. And
17 "stay-down" isn't either. And we know this because we
18 know that trivial changes in files change the
19 fingerprint and the hash of a single file.
20
21 The specific things suggested in the past
22 two days, Content ID and BookID and audible magic,
23 they over block and under block, and we've had a ton
24 of findings about that. The biggest users of Content
25 ID can’t say a good word about it.
26
27 They suggest that we need to add keyword
28 blocking and other measures to supplement it, and
29 those are the suggestions in Sony, UMG and Warner's
30 comments.
31
32 Content, so what I come out with is Content
ID doesn't work well, so everyone should have to use it. That doesn't make sense, and these changes have no connection to suppressing the worst offenders, the overseas and the rogue sites that do nothing to comply right now. So you want to cripple U.S. compliant sites without even getting the benefit to be sought.

And I do want to point out something that didn't get said in any of the panels --

MS. CHARLESWORTH: Can I -- I'm sorry. Can I interrupt for one second?

MS. TUSHNET: Okay.

MS. CHARLESWORTH: I'm sorry. If Content ID did work, would your view be different?

MS. TUSHNET: So, no, because Content ID is a $60 million program. It works because it does sometimes, according to UMG, 60 percent of the time, it detects changes in bits, but --

MS. CHARLESWORTH: All right. I'm sorry. I didn't ask the question properly.

MS. TUSHNET: Okay.

MS. CHARLESWORTH: If an identification system that was reasonably available, like economically available and commonly available, did work, would that change your view?

MS. TUSHNET: So the reason that people want
Content ID to do more than direct recognition of a single, exact fingerprint is so they can catch variations. Then we are starting to get into the fair use question. You heard the YouTube creator point out that right now the Content ID filter is set to catch even 20 second clips in a 40-minute video. So no, I don't think that would be the --

MS. CHARLESWORTH: So there's no identification system that you would accept in sort of a stay-down?

MS. TUSHNET: Certainly not as an imposition. I mean Google has a business model, and you know, we recognize that. We talked with them about fair use, but certainly as a government imposition, it would be intolerable for free speech. So can I just mention one quick thing that wasn't --

MS. CHARLESWORTH: Yeah, yeah, yeah.

No, I interrupted you. Please go on. Sorry.

MS. TUSHNET: So please don't assume that all works are like studio films. So I want to quote from the Digital Media Licensing Association, who I agree with very little about, but their comment says, "If images are distributed by multiple representatives or licensed on a non-exclusive basis, it can be nearly impossible to distinguish an infringing from a
licensed use."

That's ten times more true if an ISP is in charge of figuring out what's going on, which means that stay-down for things that aren't films means that properly licensed uses are going to be taken down to the detriment of the copyright owner and the licensed user. Yahoo also cites some experiences with takedowns related to tobacco ads, where it's clear that the first takedown being viable doesn't mean that the second one is viable because they're used in very different context.

Finally, you haven't heard unanimity from the entire creative community. I represent 600,000 creators who feel very differently about all these things. I ask you to remember the incredible transformative works community. They're building skills, particularly among women and underrepresented minorities. I encourage you to read our green paper submission to the PTO multi-stakeholder process.

And I encourage you to see if you can do it without crying at some of the stories of how transformative works transformed these women's lives, their careers and their futures. Thank you.

MS. CHARLESWORTH: Thank you.

MR. GREENBERG: Jenny Pariser. Still here?
Hello.

MS. PARISER: Jenny Pariser, Motion Picture Association. So first of all, thank you for holding these hearings. Second of all, it's hard to imagine that after two days I can come up with something new to say, but I'm going to try.

So first of all, in terms of what the Copyright Office might do in response to all of this. What Motion Picture Association would hope for is that the Copyright Office issues a report that, among other findings you will no doubt make, you give guidance on the proper interpretation of 512 to the judiciary, a report similar to that which you did under making available and many other issues that have come up recently. These reports are enormously helpful to the judiciary in understanding the proper way to interpret these rules. I regret to say they don't always follow the guidance issued by the Copyright Office, but it is very, very helpful. We also cite the Copyright Office, and it is extremely well taken, I think.

Secondly, Jack, when you asked me about open in the context of standard settings for standard technical measures, and I responded more in the vein of 512(i)(2)(b), reasonable and non- discriminatory
terms. And I had the opportunity, thanks of course to Troy always having the Senate report in his pocket, to spend a little more time looking at what open means. So looking at the Senate report, and we can address this in our reply comments if that would be of use to your office, but just kind of quickly, the Senate report says, "The Committee anticipates that these provisions could be developed both in recognized open standards bodies or in ad-hoc groups, as long as the process used is open, fair, voluntary and multi-industry."

So what does open mean in that context? So I'm not an expert here. I think it can probably mean one of two things. Number one, that the door is open to anybody who wants to come in and be part of the process, although that would make it somewhat redundant with the use of the word open earlier in the provision, that the standards bodies are open.

Another way to interpret open there is that the record is open, that you make it publically available. In either case, whether the door is open or the record is open, I'm sure any procedure that the Copyright Office sponsored along these lines would be both of those things.
You would presumably have a roundtable similar to this. You would get the relevant stakeholders in the room. The technical measure would be discussed. Hopefully, an outcome would be achieved, and the record would be open. So I don't think you're at risk of running afoul of the open requirement in either case.

MS. CHARLESWORTH: Thank you for that.

MS. PARISER: You're welcome.

MR. GREENBERG: Sarah Howes.

MS. HOWES: Hi everyone. So I hope that it's okay. I took off my lawyer shoes and my lawyer blazer. So I am a professional actor. I spent four years training to be an actor, and then I spent another year trying to make money off of it, which was very hard.

MS. CHARLESWORTH: I'm sorry. Can you state your name for the record again?

MS. HOWES: Yeah, sure. My name is --

MS. CHARLESWORTH: I heard the Sarah, but I -

MS. HOWES: -- Sarah Howes, like how's it going. And so I spent about four years training to be an actor and one year having about three part-time jobs trying to make it as a professional stage actor. And so the discussions that were happening today, what
really stood out to me is the difference between a professional creator and somebody who is engaging in creative activities, which is amazing. And I would never try to tell someone they shouldn't be an artist. Everyone can be an artist, but not everybody can be a professional artist.

Last night I went to go see Amy Pohler's Comedy House. I went to see six improve actors perform, and it was awesome. And they are far more talented than I am. And when I got into the cab, the guy -- the cabbie asked me, you know, "What do you do for a living?" And I said, "Oh, actually I represent artists. I advocate on behalf of artists." He's like, "Oh, that's great.

You know, I've been thinking. I could do art. I think I could be Tom Cruise." And I was like, "You think that you could be Tom Cruise?" He's like, "Yeah, yeah, yeah. It's easy. You know, look at him. It's so easy. I could just be Tom Cruise and make millions of dollars." And I said, "I would love to see you try to be Tom Cruise because I spent four years trying to be half as good as Tom Cruise."

It is very hard to be a professional artist. It takes a lot of resources, a lot of investments. Like I said, I spent tens of thousands of dollars on
my acting training. And so when you're considering changes to copyright law, and this is me coming from as a personal, professional artist. And when I'm talking about artists, I'm not talking about them in a hypothetical sense. I'm talking about my friends and my family. And when we think about these artists, there's a difference between a professional creator and people that go out there and make art. And it's very awesome that they go out there and make art, but it's a lot different to try to make money off of art.

Thank you.

MR. GREENBERG: Thanks.

MS. CHARLESWORTH: Thank you.

MS. SCHNEIDER: Hi. You know me by now.

I'm Maria Schneider. This is my last recording.

It won a Grammy award. It came out last year. It cost me over $200,000 to make. It took me years to write the music. It took me a year in the studio recording, editing, mixing, preparing this package where I tried to make something really beautiful that would somehow stand out from the rest of the pack.

When I say it cost $200,000 to make, I did not include in that my time, the years writing the
music, my years spent producing it where I took $80,000 out of my savings to do that. So let's just say this is well over a quarter million, pushing over $300,000 to make this album.

When I find links to this on Google -- why do I talk about Google and why do I talk about YouTube? When I find links from Google to Lime Torrent, endless things now, and I also want to say I have embraced the Internet like no artist has embraced the Internet. I was the first artist to win a Grammy only selling on the Internet, taking my music out of stores.

I worked with a company called Artist Share, where I document through the Internet and do everything myself. I own my own work. Artist Share allows me to have complete transparency. I know who every fan is, and I put up video content documenting, and that's partly what was so much work, documenting throughout the year the making of this recording, the writing of this music, this tremendous archive of stuff through a very sophisticated program.

So when somebody takes all my videos, all my scores and they put it up on Lime Torrent or some other site, and there's links and I can't find a way to take it down, I can tell you, it hurts me.
financially. My first record sold between, in 1993 before anybody knew who I was, sold between 25,000 and 30,000 records. I have now won five Grammy awards. And this record that has had huge critical acclaim, I've sold close to 8,000 of them. It should be 80,000 by now by all marks of where my career is.

This is like, and the analogy that I come up with a lot for what I see with companies like YouTube that have invented free, and now it's so accepted that companies like Spotify, they offer no money because they're competing with free. This is as if I would take you guys and all of you and give away -- find people that would give me the user name and the password to your 401K and then offer it to anybody out there. Give them 45 percent, and I take 55 percent because I'm not sure what the split is on YouTube, but it's something like that, and offer them a free for all on your 401K. Because this is my asset.

This is my life. Come steal my apartment. Steal my piano. Steal all my furniture. This is worth more to me than that. I would rather you come and steal my house. So it's the same thing. So I want to thank you for giving us this forum. When I walked into the building the other day and I saw on the building next to us, it said pillar of good, and I said to
myself, "The Copyright Office is a pillar of good."

And I feel proud to be here. And I think we all want to thank you and hope that this study will contribute to some kind of meaningful change to people like me.

Thank you.

MS. CHARLESWORTH: Thank you, Ms. Schneider.

And for the record, Ms. Schneider was showing us her CD as an exhibit.

MR. GREENBERG: I don't think we have anybody else signed up. Is there anyone who wanted to sign up but didn't know where the list was? Is everyone saving their comments for the replies?

MS. CHARLESWORTH: All right. Well, thank you. We will conclude this roundtable here in New York. Thank you all very much for your participation. We truly appreciate it, and we look forward to seeing, perhaps, some of you in San Francisco.

(Whereupon, at 4:09 p.m., the meeting was concluded.)
CERTIFICATE OF TRANSCRIBER

I, KARYNN WILLMAN, do hereby certify that this transcript was prepared from audio to the best of my ability.

I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of this action.

05/09/2016

Karynn Willman
<p>| 206:22 209:18 | 210:4 217:3 | Affleck 34:14 |
| active 144:12 | 234:4 | ads 44:23 50:7,16 265:8 |
| activities 166:24 | 234:4 | advanced 230:25 adapting 257:19 |
| 257:5,7 262:6 | 234:4 | advanced 230:25 |
| 269:3 | 234:4 | advancing 257:19 |
| activity 138:14 | 234:4 | advantage 35:8 |
| 144:11 | 234:4 | 58:1 100:25 110:14 113:8 193:12 |
| 200:21,22 246:7 | 234:4 | 193:12 |
| 257:1 | 234:4 | advent 172:3 212:25 |
| actor 268:13,14,23,24 | 234:4 | adverse 75:20 |
| actors 40:15 41:4 | 234:4 | advertisers 58:8 111:13 |
| 158:12 254:22 | 234:4 | advocate 269:13 |
| 269:8 | 234:4 | advocating 247:3 |
| actual 36:2,5,23 | 234:4 | affected 127:10 144:19 173:2 |
| 83:20 113:15 | 234:4 | affirmative 16:14 191:11 |
| 164:5 256:18 | 234:4 | affirms 249:14 |
| actually 7:22 13:9 | 234:4 | Affleck 34:14 |</p>
<table>
<thead>
<tr>
<th>afford</th>
<th>116:18</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>148:14,15</td>
</tr>
<tr>
<td></td>
<td>217:17 252:23</td>
</tr>
<tr>
<td>affordability</td>
<td>11:3</td>
</tr>
<tr>
<td></td>
<td>103:14</td>
</tr>
<tr>
<td>affordable</td>
<td>27:3,9</td>
</tr>
<tr>
<td></td>
<td>37:9 108:2 111:4</td>
</tr>
<tr>
<td></td>
<td>119:17</td>
</tr>
<tr>
<td>afoul</td>
<td>103:11 268:6</td>
</tr>
<tr>
<td>afraid</td>
<td>183:14</td>
</tr>
<tr>
<td></td>
<td>196:4 207:5</td>
</tr>
<tr>
<td>afternoon</td>
<td>116:11</td>
</tr>
<tr>
<td></td>
<td>171:24</td>
</tr>
<tr>
<td>against</td>
<td>33:3 52:9</td>
</tr>
<tr>
<td></td>
<td>54:9,11 78:4</td>
</tr>
<tr>
<td></td>
<td>141:1</td>
</tr>
<tr>
<td></td>
<td>183:5,18,19</td>
</tr>
<tr>
<td></td>
<td>184:22 201:8</td>
</tr>
<tr>
<td></td>
<td>210:2 241:22</td>
</tr>
<tr>
<td>age</td>
<td>177:16 208:9</td>
</tr>
<tr>
<td>Age.”</td>
<td>258:8</td>
</tr>
<tr>
<td>aged</td>
<td>56:17 75:3</td>
</tr>
<tr>
<td></td>
<td>177:16</td>
</tr>
<tr>
<td>agencies</td>
<td>194:19</td>
</tr>
<tr>
<td>agenda</td>
<td>141:3</td>
</tr>
<tr>
<td>agents</td>
<td>76:4 174:20</td>
</tr>
<tr>
<td></td>
<td>255:6</td>
</tr>
<tr>
<td>aggressive</td>
<td>60:19</td>
</tr>
<tr>
<td>ago</td>
<td>28:13 29:14</td>
</tr>
<tr>
<td></td>
<td>44:1,2 186:12</td>
</tr>
<tr>
<td></td>
<td>205:7,22 259:16</td>
</tr>
<tr>
<td></td>
<td>260:1</td>
</tr>
<tr>
<td>agreeable</td>
<td>136:20</td>
</tr>
<tr>
<td>agreed</td>
<td>108:22</td>
</tr>
<tr>
<td>agreeing</td>
<td>189:1,2</td>
</tr>
<tr>
<td>agreement</td>
<td>96:8</td>
</tr>
<tr>
<td></td>
<td>98:7 190:15</td>
</tr>
<tr>
<td></td>
<td>255:17</td>
</tr>
<tr>
<td>agreements</td>
<td>5:9</td>
</tr>
<tr>
<td></td>
<td>15:2 89:1 93:21</td>
</tr>
<tr>
<td></td>
<td>97:15,18 101:21</td>
</tr>
<tr>
<td></td>
<td>110:18 120:9</td>
</tr>
<tr>
<td></td>
<td>121:20 127:3,16</td>
</tr>
<tr>
<td>128:15,23</td>
<td></td>
</tr>
<tr>
<td>135:25 146:2</td>
<td></td>
</tr>
<tr>
<td>190:14 249:23</td>
<td></td>
</tr>
<tr>
<td>255:14 256:1</td>
<td></td>
</tr>
<tr>
<td>ah</td>
<td>55:4</td>
</tr>
<tr>
<td>ahead</td>
<td>27:11</td>
</tr>
<tr>
<td></td>
<td>90:14,18 122:5</td>
</tr>
<tr>
<td></td>
<td>162:4</td>
</tr>
<tr>
<td>aid</td>
<td>141:17</td>
</tr>
<tr>
<td>aim</td>
<td>158:2</td>
</tr>
<tr>
<td>Aister</td>
<td>78:5</td>
</tr>
<tr>
<td>aisle</td>
<td>162:19</td>
</tr>
<tr>
<td>AISTARS</td>
<td>2:3</td>
</tr>
<tr>
<td>album</td>
<td>204:2 271:4</td>
</tr>
<tr>
<td>alert</td>
<td>41:6 78:6</td>
</tr>
<tr>
<td></td>
<td>103:1 105:8</td>
</tr>
<tr>
<td></td>
<td>106:7,24</td>
</tr>
<tr>
<td></td>
<td>111:1,16</td>
</tr>
<tr>
<td></td>
<td>114:13 134:7</td>
</tr>
<tr>
<td></td>
<td>160:8</td>
</tr>
<tr>
<td>alerts</td>
<td>26:7 111:17</td>
</tr>
<tr>
<td>Alexander</td>
<td>261:22</td>
</tr>
<tr>
<td>algorithm</td>
<td>15:17,20 21:11</td>
</tr>
<tr>
<td></td>
<td>35:24</td>
</tr>
<tr>
<td>algorithmically</td>
<td>39:22</td>
</tr>
<tr>
<td>Alisa</td>
<td>2:15 165:2</td>
</tr>
<tr>
<td>Allan</td>
<td>2:2 257:17</td>
</tr>
<tr>
<td></td>
<td>259:11</td>
</tr>
<tr>
<td>alleged</td>
<td>256:14</td>
</tr>
<tr>
<td>alleviates</td>
<td>34:4</td>
</tr>
<tr>
<td>Alliance</td>
<td>2:5,24</td>
</tr>
<tr>
<td></td>
<td>3:2 9:11,23</td>
</tr>
<tr>
<td></td>
<td>26:16 90:17,25</td>
</tr>
<tr>
<td></td>
<td>91:9 92:17</td>
</tr>
<tr>
<td>allow</td>
<td>20:24 69:10</td>
</tr>
<tr>
<td></td>
<td>82:17 121:20</td>
</tr>
<tr>
<td></td>
<td>138:13 150:24</td>
</tr>
<tr>
<td></td>
<td>192:2 225:14</td>
</tr>
<tr>
<td></td>
<td>227:5</td>
</tr>
<tr>
<td>allowed</td>
<td>45:24</td>
</tr>
<tr>
<td>46:7 95:7 239:3</td>
<td></td>
</tr>
<tr>
<td>allowing</td>
<td>7:4 8:14</td>
</tr>
<tr>
<td></td>
<td>34:11 60:10</td>
</tr>
<tr>
<td></td>
<td>62:17</td>
</tr>
<tr>
<td>allows</td>
<td>120:9</td>
</tr>
<tr>
<td></td>
<td>271:16</td>
</tr>
<tr>
<td>alone</td>
<td>26:20</td>
</tr>
<tr>
<td>Alongside</td>
<td>213:19</td>
</tr>
<tr>
<td>alphabet</td>
<td>73:22</td>
</tr>
<tr>
<td>alphabetical</td>
<td>75:13</td>
</tr>
<tr>
<td>already</td>
<td>8:12</td>
</tr>
<tr>
<td></td>
<td>16:12,15 22:25</td>
</tr>
<tr>
<td></td>
<td>27:24 38:9 49:6</td>
</tr>
<tr>
<td></td>
<td>50:9,17,20 53:19</td>
</tr>
<tr>
<td></td>
<td>59:13 73:22</td>
</tr>
<tr>
<td></td>
<td>75:22 80:8 88:13</td>
</tr>
<tr>
<td></td>
<td>93:1,25 94:9,10</td>
</tr>
<tr>
<td></td>
<td>102:23</td>
</tr>
<tr>
<td></td>
<td>116:13,20</td>
</tr>
<tr>
<td></td>
<td>117:4,18,19</td>
</tr>
<tr>
<td></td>
<td>120:23 123:25</td>
</tr>
<tr>
<td></td>
<td>128:20 131:20</td>
</tr>
<tr>
<td></td>
<td>132:22 150:7</td>
</tr>
<tr>
<td></td>
<td>169:23 178:14</td>
</tr>
<tr>
<td></td>
<td>213:13 242:6</td>
</tr>
<tr>
<td>alternate</td>
<td>172:12</td>
</tr>
<tr>
<td>alternative</td>
<td>178:12</td>
</tr>
<tr>
<td></td>
<td>181:12</td>
</tr>
<tr>
<td>alternatives</td>
<td>18:13</td>
</tr>
<tr>
<td>am</td>
<td>12:2 21:7</td>
</tr>
<tr>
<td></td>
<td>40:18 43:24</td>
</tr>
<tr>
<td></td>
<td>117:23 132:14</td>
</tr>
<tr>
<td></td>
<td>164:25 186:3</td>
</tr>
<tr>
<td></td>
<td>195:15 228:16</td>
</tr>
<tr>
<td></td>
<td>268:13 269:10</td>
</tr>
<tr>
<td></td>
<td>274:6</td>
</tr>
<tr>
<td>amazing</td>
<td>104:8</td>
</tr>
<tr>
<td></td>
<td>167:19 269:3</td>
</tr>
<tr>
<td>Amazon</td>
<td>2:5 82:1</td>
</tr>
<tr>
<td></td>
<td>164:15 176:3</td>
</tr>
<tr>
<td></td>
<td>229:7</td>
</tr>
<tr>
<td>Amazon's</td>
<td>166:19</td>
</tr>
<tr>
<td>ambitious</td>
<td>226:16</td>
</tr>
<tr>
<td>ameliorate</td>
<td>228:1</td>
</tr>
<tr>
<td>amended</td>
<td>21:5</td>
</tr>
<tr>
<td>amendment</td>
<td>141:14</td>
</tr>
<tr>
<td>amendments</td>
<td>166:23 190:5</td>
</tr>
<tr>
<td>America</td>
<td>2:20 3:19</td>
</tr>
<tr>
<td></td>
<td>4:8 12:21</td>
</tr>
<tr>
<td></td>
<td>139:5,9 165:8</td>
</tr>
<tr>
<td></td>
<td>195:19 209:10</td>
</tr>
<tr>
<td>American</td>
<td>2:2,14</td>
</tr>
<tr>
<td></td>
<td>3:3,7,15 4:10,13</td>
</tr>
<tr>
<td></td>
<td>9:7 10:15 91:15</td>
</tr>
<tr>
<td></td>
<td>92:9 165:20</td>
</tr>
<tr>
<td></td>
<td>183:12 194:25</td>
</tr>
<tr>
<td></td>
<td>195:15 212:23</td>
</tr>
<tr>
<td>Americans</td>
<td>194:20,23</td>
</tr>
<tr>
<td>America’s</td>
<td>10:10</td>
</tr>
<tr>
<td>amicable</td>
<td>185:5</td>
</tr>
<tr>
<td>a-mole</td>
<td>168:24</td>
</tr>
<tr>
<td></td>
<td>233:1</td>
</tr>
<tr>
<td>among</td>
<td>80:1 89:20</td>
</tr>
<tr>
<td></td>
<td>106:4 126:2</td>
</tr>
<tr>
<td></td>
<td>250:22 265:17</td>
</tr>
<tr>
<td></td>
<td>266:11</td>
</tr>
<tr>
<td>amongst</td>
<td>143:17</td>
</tr>
<tr>
<td></td>
<td>169:20 170:23</td>
</tr>
<tr>
<td>amount</td>
<td>49:24</td>
</tr>
<tr>
<td></td>
<td>74:20,21</td>
</tr>
<tr>
<td></td>
<td>100:16,17 108:1</td>
</tr>
<tr>
<td></td>
<td>124:17 152:22</td>
</tr>
<tr>
<td></td>
<td>155:4 204:10</td>
</tr>
<tr>
<td></td>
<td>206:10 230:7</td>
</tr>
<tr>
<td></td>
<td>241:9 248:10</td>
</tr>
<tr>
<td>amounts</td>
<td>107:21</td>
</tr>
<tr>
<td></td>
<td>132:13 173:11</td>
</tr>
<tr>
<td></td>
<td>180:11</td>
</tr>
<tr>
<td>amplify</td>
<td>65:13</td>
</tr>
<tr>
<td>amuck</td>
<td>28:23</td>
</tr>
<tr>
<td>Amy</td>
<td>269:7</td>
</tr>
<tr>
<td>anachronistic</td>
<td>258:1</td>
</tr>
<tr>
<td>analogy</td>
<td>272:7</td>
</tr>
<tr>
<td>analysis 29:15</td>
<td>167:11 204:18</td>
</tr>
<tr>
<td>analyst 99:5</td>
<td>273:10</td>
</tr>
<tr>
<td>Andrew 2:11,16</td>
<td>anything 7:6 9:24</td>
</tr>
<tr>
<td>253:16</td>
<td>19:15 23:25</td>
</tr>
<tr>
<td>229:15</td>
<td>57:9,16 70:19</td>
</tr>
<tr>
<td>annual 141:20</td>
<td>87:16,19 103:7</td>
</tr>
<tr>
<td>answer 14:12,13,22,24</td>
<td>156:10 179:23</td>
</tr>
<tr>
<td>62:22 73:7 88:5</td>
<td>229:8 233:3</td>
</tr>
<tr>
<td>97:21 99:24</td>
<td>236:15 252:2</td>
</tr>
<tr>
<td>143:11 144:25</td>
<td>261:19</td>
</tr>
<tr>
<td>183:25 185:7</td>
<td>apart 99:1</td>
</tr>
<tr>
<td>195:22 196:16</td>
<td>apartment 104:8</td>
</tr>
<tr>
<td>207:16 219:20</td>
<td>272:19</td>
</tr>
<tr>
<td>223:16 227:20</td>
<td>apiece 8:4</td>
</tr>
<tr>
<td>answered 71:3</td>
<td>apparent 171:1</td>
</tr>
<tr>
<td>131:20 244:23</td>
<td>appeal 43:19</td>
</tr>
<tr>
<td>answering 227:24</td>
<td>appeals 82:23</td>
</tr>
<tr>
<td>anti 11:9</td>
<td>83:15 152:15</td>
</tr>
<tr>
<td>142:15,16,17</td>
<td>appear 46:15</td>
</tr>
<tr>
<td>144:23</td>
<td>100:15 101:10</td>
</tr>
<tr>
<td>anticipates 267:7</td>
<td>appears 142:2</td>
</tr>
<tr>
<td>AntiCounterfeiti</td>
<td>applicability 53:22</td>
</tr>
<tr>
<td>ng 93:4</td>
<td>application 13:24</td>
</tr>
<tr>
<td>anti-piracy 12:22</td>
<td>53:3 77:6</td>
</tr>
<tr>
<td>42:15 231:10</td>
<td>applied 63:9</td>
</tr>
<tr>
<td>anti-rightsholder 142:16</td>
<td>131:10 172:14</td>
</tr>
<tr>
<td>anxiety 182:15</td>
<td>179:6</td>
</tr>
<tr>
<td>anybody 79:9</td>
<td>applies 63:10,23</td>
</tr>
<tr>
<td>109:12 141:2</td>
<td>apply 53:24 110:8</td>
</tr>
<tr>
<td>156:8 168:13</td>
<td>112:5 238:19</td>
</tr>
<tr>
<td>205:14,15</td>
<td>applying 257:8</td>
</tr>
<tr>
<td>267:15 272:2,14</td>
<td>appreciate 53:13</td>
</tr>
<tr>
<td>anytime 6:25 24:12</td>
<td>273:16</td>
</tr>
<tr>
<td>73:8 120:2</td>
<td>100:24 105:3</td>
</tr>
<tr>
<td>121:6,9 129:22</td>
<td>120:12 121:22</td>
</tr>
<tr>
<td>armor 123:12</td>
<td>array 137:21</td>
</tr>
<tr>
<td>Armstrong 139:8</td>
<td>arrangements 114:2 123:1,3</td>
</tr>
<tr>
<td>art 139:12</td>
<td>article 215:16</td>
</tr>
<tr>
<td>203:16,20</td>
<td>articulated 120:7</td>
</tr>
<tr>
<td>269:16</td>
<td>270:8,9,10</td>
</tr>
<tr>
<td>211:9 220:10,12</td>
<td>argument 136:11</td>
</tr>
<tr>
<td>249:6 252:24</td>
<td>269:4,5,6,23</td>
</tr>
<tr>
<td>269:16</td>
<td>271:9,10,13,15</td>
</tr>
<tr>
<td>270:3</td>
<td>213:17 214:5</td>
</tr>
<tr>
<td>271:9,10,13,15</td>
<td>artists 3:15 4:6</td>
</tr>
<tr>
<td>212:3,8,13</td>
<td>213:20 217:14</td>
</tr>
<tr>
<td>230:14 249:1</td>
<td>73:8 120:2 121:6,9 129:22</td>
</tr>
<tr>
<td>249:22</td>
<td>approach 98:9</td>
</tr>
<tr>
<td>243:6,7</td>
<td>argument 136:11</td>
</tr>
<tr>
<td>Page 7</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>233:3,18,19</td>
<td>Barnes 2:8 91:1</td>
</tr>
<tr>
<td>256:6</td>
<td>barrier 214:22</td>
</tr>
<tr>
<td>balance 57:14</td>
<td>barriers 214:12,16</td>
</tr>
<tr>
<td>98:3 104:1 137:8</td>
<td>bars 209:9</td>
</tr>
<tr>
<td>150:18 159:9</td>
<td>base 100:1,8 155:5</td>
</tr>
<tr>
<td>182:22 198:1</td>
<td>229:2</td>
</tr>
<tr>
<td>balanced 159:8</td>
<td>150:14</td>
</tr>
<tr>
<td>161:11 182:8</td>
<td>begin 9:2 89:15,21</td>
</tr>
<tr>
<td>232:15 250:1,2</td>
<td>90:10 205:18</td>
</tr>
<tr>
<td>252:11</td>
<td>217:12 222:13</td>
</tr>
<tr>
<td>balances 166:20</td>
<td>beginning 74:20</td>
</tr>
<tr>
<td>balancing 157:4</td>
<td>88:12</td>
</tr>
<tr>
<td>band 2:5 9:10</td>
<td>behalf 9:25</td>
</tr>
<tr>
<td>17:6,7 19:4,12</td>
<td>13:12,20 35:10</td>
</tr>
<tr>
<td>20:3 21:3 22:4</td>
<td>70:15 92:12</td>
</tr>
<tr>
<td>129:10,11</td>
<td>behavior 132:20,21</td>
</tr>
<tr>
<td>130:10,23 132:2</td>
<td>142:12 144:19</td>
</tr>
<tr>
<td>139:6 141:8</td>
<td>155:9,10 254:25</td>
</tr>
<tr>
<td>155:21 164:14</td>
<td>behaviors 142:6</td>
</tr>
<tr>
<td>166:18,19</td>
<td>behind 30:23</td>
</tr>
<tr>
<td>200:3,4 201:9</td>
<td>251:3</td>
</tr>
<tr>
<td>205:4 229:6,7</td>
<td>basics 140:9 215:4</td>
</tr>
<tr>
<td>bands 212:21</td>
<td>basis 9:9 18:5</td>
</tr>
<tr>
<td>149:24</td>
<td>112:25 129:18</td>
</tr>
<tr>
<td>bankruptcy 255:12</td>
<td>130:3 145:9</td>
</tr>
<tr>
<td>bar 203:4</td>
<td>155:3 170:12</td>
</tr>
<tr>
<td>Barblan 2:6</td>
<td>191:23 210:7</td>
</tr>
<tr>
<td>164:17 167:6,7</td>
<td>216:24 264:24</td>
</tr>
<tr>
<td>202:23,24</td>
<td>battled 246:5</td>
</tr>
<tr>
<td>229:20,21</td>
<td></td>
</tr>
<tr>
<td>Barblan's 205:19</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>bullying</th>
<th>C3 124:16</th>
</tr>
</thead>
<tbody>
<tr>
<td>bumped 109:19</td>
<td>cab 269:10</td>
</tr>
<tr>
<td>bunch 9:20 59:11</td>
<td>cabbie 269:11</td>
</tr>
<tr>
<td>bundled 55:25</td>
<td>California 171:19</td>
</tr>
<tr>
<td>burden 34:5 59:14</td>
<td>CafePress 73:13</td>
</tr>
<tr>
<td>burdened 154:14</td>
<td>cafetera 247:20</td>
</tr>
<tr>
<td>burdensome 74:25 75:4</td>
<td>calculating 144:18</td>
</tr>
<tr>
<td>burdens 41:13</td>
<td>California 171:19</td>
</tr>
<tr>
<td>business 10:13</td>
<td>252:1,3,5,17</td>
</tr>
<tr>
<td>business 12:16</td>
<td>253:7,14</td>
</tr>
<tr>
<td>bunch 9:20 59:11</td>
<td>camera 223:9</td>
</tr>
<tr>
<td>222:20</td>
<td>cameras 202:2</td>
</tr>
<tr>
<td>breached 120:20</td>
<td>can’t 262:20</td>
</tr>
<tr>
<td>case 18:12</td>
<td>capability 236:10</td>
</tr>
<tr>
<td>cases 19:25 21:15</td>
<td>capacity 217:1,13</td>
</tr>
<tr>
<td>can’t 262:20</td>
<td>capital 213:16</td>
</tr>
<tr>
<td>capitalism 212:18</td>
<td>capitalization 212:18</td>
</tr>
<tr>
<td>capture 20:21</td>
<td>capture 20:21</td>
</tr>
<tr>
<td>242:21</td>
<td>card 8:1 102:24</td>
</tr>
<tr>
<td>card 8:1 102:24</td>
<td>care 7:6 104:8</td>
</tr>
<tr>
<td>care 7:6 104:8</td>
<td>149:14 218:3</td>
</tr>
<tr>
<td>252:22 253:2</td>
<td>89:16</td>
</tr>
<tr>
<td>career 206:20</td>
<td>135:1</td>
</tr>
<tr>
<td>career 206:20</td>
<td>264:2,5</td>
</tr>
<tr>
<td>207:17 212:9</td>
<td>catching 44:25</td>
</tr>
<tr>
<td>217:2 232:14</td>
<td>categories 254:11</td>
</tr>
<tr>
<td>272:6</td>
<td>category 64:16</td>
</tr>
<tr>
<td>careers 265:23</td>
<td>cattle 40:20</td>
</tr>
<tr>
<td>careful 182:11</td>
<td>caused 115:15</td>
</tr>
<tr>
<td>183:3</td>
<td>cause 71:6 161:8</td>
</tr>
<tr>
<td>carefully 22:11</td>
<td>221:18</td>
</tr>
<tr>
<td>74:13</td>
<td>cause 71:6 161:8</td>
</tr>
<tr>
<td>Carlisle 2:13</td>
<td>221:18</td>
</tr>
<tr>
<td>164:24</td>
<td>caused 115:15</td>
</tr>
<tr>
<td>169:16,17</td>
<td>125:8</td>
</tr>
<tr>
<td>206:16,17</td>
<td>causing 43:5</td>
</tr>
<tr>
<td>208:13</td>
<td>caution 33:3</td>
</tr>
<tr>
<td>232:19,20</td>
<td>caution 33:3</td>
</tr>
<tr>
<td>Carnegie 99:9</td>
<td>careful 22:11</td>
</tr>
<tr>
<td>Carson 135:1</td>
<td>carefully 22:11</td>
</tr>
<tr>
<td>CAS 135:20</td>
<td>Carnegie 99:9</td>
</tr>
<tr>
<td>246:11</td>
<td>careful 22:11</td>
</tr>
<tr>
<td>case 18:12</td>
<td>Carlisle 2:13</td>
</tr>
<tr>
<td>21:4,13,15,23</td>
<td>164:24</td>
</tr>
<tr>
<td>31:24 32:17 43:9</td>
<td>169:16,17</td>
</tr>
<tr>
<td>46:2 50:22,25</td>
<td>206:16,17</td>
</tr>
<tr>
<td>58:4 66:8,23</td>
<td>208:13</td>
</tr>
<tr>
<td>67:15</td>
<td>232:19,20</td>
</tr>
<tr>
<td>73:12,13,15</td>
<td>caution 33:3</td>
</tr>
<tr>
<td>77:23 83:20</td>
<td>164:23</td>
</tr>
<tr>
<td>170:11,17</td>
<td>cause 71:6 161:8</td>
</tr>
<tr>
<td>171:13 185:4</td>
<td>221:18</td>
</tr>
<tr>
<td>229:1 231:11,16</td>
<td>caused 115:15</td>
</tr>
<tr>
<td>234:18,21</td>
<td>125:8</td>
</tr>
<tr>
<td>238:24 267:22</td>
<td>causing 43:5</td>
</tr>
<tr>
<td>268:7</td>
<td>caution 33:3</td>
</tr>
<tr>
<td>cases 19:25 21:15</td>
<td>Carson 135:1</td>
</tr>
<tr>
<td>53:24 55:24</td>
<td>causes 115:15</td>
</tr>
<tr>
<td>67:15 76:17</td>
<td>cause 71:6 161:8</td>
</tr>
<tr>
<td>106:3,8,9 190:8</td>
<td>caused 115:15</td>
</tr>
<tr>
<td>Casey 3:22 10:23</td>
<td>125:8</td>
</tr>
<tr>
<td>91:13</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>cash 142:20</td>
<td>53:24 55:24</td>
</tr>
<tr>
<td>cast 246:15</td>
<td>67:15 76:17</td>
</tr>
<tr>
<td>Castillo 2:14 9:3,6</td>
<td>106:3,8,9 190:8</td>
</tr>
<tr>
<td>14:21 16:20</td>
<td>232:19,20</td>
</tr>
<tr>
<td>catalog 46:4</td>
<td>67:15 76:17</td>
</tr>
<tr>
<td>catch 65:1,8 152:9</td>
<td>106:3,8,9 190:8</td>
</tr>
<tr>
<td>264:2,5</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>catching 44:25</td>
<td>53:24 55:24</td>
</tr>
<tr>
<td>categories 254:11</td>
<td>67:15 76:17</td>
</tr>
<tr>
<td>category 64:16</td>
<td>106:3,8,9 190:8</td>
</tr>
<tr>
<td>cattle 40:20</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>caused 115:15</td>
<td>53:24 55:24</td>
</tr>
<tr>
<td>125:8</td>
<td>67:15 76:17</td>
</tr>
<tr>
<td>causing 43:5</td>
<td>106:3,8,9 190:8</td>
</tr>
<tr>
<td>caution 33:3</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>cautionary 118:23</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>cautioning 52:9</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>caveat 51:18</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>CCI 149:19,21</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>CCIA 12:8</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>CDT 149:18,19</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>ceiling 177:6</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>censorship 182:23</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>218:18</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>Center 2:6,9 134:5</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>164:17,20</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>Centre 1:9</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>CEO 10:23</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>certain 20:1,3</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>32:2 57:15 63:3</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>179:20</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>184:13,16</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>248:10</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>certainly 17:22</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>35:14 43:9 44:5</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>221:19 223:19</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>235:1,2</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>264:11,14</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>CERTIFICATE</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>274:1</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>certify 274:3</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>certiorari 170:16</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>cetera 134:9</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>218:20</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>Chair 12:14</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>chairman 195:16</td>
<td>catalogue 19:25 21:15</td>
</tr>
<tr>
<td>260:22 chairs</td>
<td>14:3 16:17 17:5 chasing 38:1</td>
</tr>
<tr>
<td>260:22 challenged</td>
<td>20:9 22:4 cheated 80:16</td>
</tr>
<tr>
<td>260:22 challenging</td>
<td>30:5,22 32:12,23 69:11 104:2,4</td>
</tr>
<tr>
<td>260:22 chance</td>
<td>33:23 35:6,16 153:4,6</td>
</tr>
<tr>
<td>260:22 chairs</td>
<td>37:5,11,20 38:10 checkpoints 140:2,3</td>
</tr>
<tr>
<td>260:22 challenge</td>
<td>40:5,9 41:10 chief 12:24</td>
</tr>
<tr>
<td>260:22 challenges</td>
<td>45:14 46:11 258:15</td>
</tr>
<tr>
<td>260:22 chance</td>
<td>51:3,21 52:22 China 218:15</td>
</tr>
<tr>
<td>260:22 challenge</td>
<td>60:24 61:4,8 chips 136:16</td>
</tr>
<tr>
<td>260:22 challenging</td>
<td>68:11,16 choose 252:15,16</td>
</tr>
<tr>
<td>260:22 chance</td>
<td>70:14,19 71:1 chosed 68:21</td>
</tr>
<tr>
<td>260:22 chairs</td>
<td>72:7,24 73:20 Chris 166:3</td>
</tr>
<tr>
<td>260:22 challenge</td>
<td>75:11 77:10,22 CHRISTOPHER 3:13</td>
</tr>
<tr>
<td>260:22 challenged</td>
<td>78:15,23 79:16 chunks 221:19</td>
</tr>
<tr>
<td>260:22 challenges</td>
<td>80:14 81:9 CINDY 1:13</td>
</tr>
<tr>
<td>260:22 challenging</td>
<td>82:8,19,24 Circuit 21:8</td>
</tr>
<tr>
<td>260:22 chance</td>
<td>83:9,18 84:8,11 170:4,19,21</td>
</tr>
<tr>
<td>260:22 challenge</td>
<td>88:3,15,20,22 Circuit's 170:17</td>
</tr>
<tr>
<td>260:22 challenged</td>
<td>109:2,5,13,17,25 circulated 205:11</td>
</tr>
<tr>
<td>260:22 challenges</td>
<td>112:13,16,22 circulation 158:25</td>
</tr>
<tr>
<td>260:22 challenging</td>
<td>113:6 130:10 circumstance 234:24</td>
</tr>
<tr>
<td>260:22 chairs</td>
<td>175:1,7,10 251:14 circulates 251:14</td>
</tr>
<tr>
<td>260:22 challenge</td>
<td>176:17 185:11 cite 145:21 266:19</td>
</tr>
<tr>
<td>260:22 challenges</td>
<td>188:17,20 cites 265:7</td>
</tr>
<tr>
<td>260:22 challenging</td>
<td>189:1,8,12,19 cities 90:2</td>
</tr>
<tr>
<td>260:22 chance</td>
<td>195:8,11,13 126:23,24,25</td>
</tr>
<tr>
<td>260:22 chairs</td>
<td>198:19,21 233:21 234:15</td>
</tr>
<tr>
<td>260:22 challenged</td>
<td>chart 34:17 81:1</td>
</tr>
</tbody>
</table>
| Capital Reporting Company  
| U.S. Copyright Office Section 512 Public Roundtable 05-03-2016  
| Page 11  

| 238:14,18 239:4  
| 240:18,22  
| 241:25 242:2  
| 243:5,25  
| Claggett's 256:22  
| claim 58:7 76:5  
| 78:13 186:1,11  
| 188:7 191:11  
| claiming 151:12  
| claims 34:7 41:25  
| 73:1 119:24  
| 181:12 184:9  
| 222:6 232:12  
| 234:9 243:15  
| 259:23  
| clapping 108:21  
| clarified 190:10  
| clarify 58:19  
| class 143:9 156:23  
| 208:5,8  
| classes 56:14,16  
| 57:4 226:13  
| 228:12  
| clause 215:10  
| cleaned 43:17  
| clear 54:17 57:3  
| 68:8,22 70:22  
| 71:12,17 127:22  
| 188:18 190:3  
| 215:6 262:2  
| 265:8  
| clearly 77:7,15  
| 85:22 94:16  
| 102:5 149:23  
| 151:19 153:1  
| 168:12 232:7  
| 251:15 258:24  
| click 111:18  
| clicked 156:11  
| client 208:18  
| clients 92:19  
| 106:16 184:21  
| 185:3  
| client's 219:13  
| Clinic 2:3  
| clip 188:8,9 189:6  
| clips 264:6  
| close 34:2 80:18  
| 198:24 222:5  
| 272:5  
| closed 138:24  
| 193:11  
| closely 110:2  
| closer 7:21 80:19  
| closing 107:20  
| 259:19  
| clout 70:23  
| coalition 2:22  
| 3:22 10:20,24  
| 13:14,21 36:7  
| 91:7,14 93:4  
| 165:5 252:10  
| Cobain 207:16  
| coded 60:7  
| codified 93:1  
| 136:1  
| codifying 125:4  
| coerced 129:13,15  
| coercion 127:6  
| 149:25 157:3  
| co-existence 186:15  
| coincides 222:6  
| Coleman 2:15  
| 165:2 171:23,24  
| 209:16,17  
| 233:22,23  
| collaborate 139:13 249:17  
| collaboration 26:18 85:15  
| 157:25 159:15  
| 246:24 249:22  
| collaborative 25:20 27:15  
| 39:10 78:17 79:2  
| 95:9 101:20  
| 125:15 157:20  
| 158:17  
| collaboratively 158:6 255:6  
| collaborators 138:22  
| collateral 242:17  
| colleague 6:10  
| 176:3 214:3  
| colleague's 173:23  
| collective 61:20  
| 99:13,14  
| collectively 138:20  
| Columbia 164:21  
| combat 11:12  
| 141:18 145:4  
| 203:1  
| combination 28:3  
| 98:12  
| combine 158:8  
| combines 15:19  
| Comcast 132:17  
| Comedy 269:8  
| comes 16:11 18:8  
| 25:10 26:2 53:10  
| 84:16 106:20  
| 157:6 182:4  
| comfortable 30:3  
| 240:9  
| coming 45:3 58:8  
| 87:15 88:8  
| 102:10 117:7  
| 133:23 136:19  
| 151:6 190:8  
| 202:19 212:8  
| 251:10 270:2  
| commend 192:11  
| comment 6:23  
| 28:16 50:24  
| 59:19 60:18  
| 149:5,9 155:21  
| 162:22 174:11  
| 178:3 193:25  
| 198:20 205:1  
| 210:5 217:20  
| 237:5 264:22  
| commenters 72:9  
| 89:20  
| comments 8:6  
| 40:13 53:4 59:22  
| 61:10 82:10  
| 86:18 89:11  
| 90:13 94:21  
| 112:17 125:22  
| 126:1 134:15  
| 149:6,24 151:14  
| 153:19 157:15  
| 162:12,15,16,24  
| 164:13 166:9,16  
| 176:18 177:17  
| 179:22 190:11  
| 194:2 208:4  
| 214:3 221:7  
| 227:1,9 244:6,25  
| 245:3,18,19  
| 252:4,13 262:24  
| 267:5 273:12  
| commerce 13:21  
| 40:7 134:15  
| 165:5 175:21  
| 180:10 193:2  
| 257:18  
| commercially 10:14  
| 62:10,18 69:9  
| 71:13 158:12  
| commonly 67:11  
| 263:23  
| commons 202:15  
<p>| communicate 12:12 172:18 |</p>
<table>
<thead>
<tr>
<th>consensually</th>
<th>contact</th>
<th>content</th>
<th>continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>236:16</td>
<td>54:25</td>
<td>2:22</td>
<td>146:6</td>
</tr>
<tr>
<td>consensus</td>
<td>93:16</td>
<td>10:4</td>
<td>178:10</td>
</tr>
<tr>
<td>127:25</td>
<td>11:13,22</td>
<td>12:9,12</td>
<td>111:1</td>
</tr>
<tr>
<td>consequences</td>
<td>161:8</td>
<td>13:18,23</td>
<td>143:19,21</td>
</tr>
<tr>
<td>191:18</td>
<td>15:21,25</td>
<td>18:9</td>
<td>196:12</td>
</tr>
<tr>
<td>consider</td>
<td>20:18</td>
<td>19:8</td>
<td>197:14</td>
</tr>
<tr>
<td>21:12</td>
<td>22:9,10,13,14,15</td>
<td>20:17</td>
<td>198:5</td>
</tr>
<tr>
<td>127:19</td>
<td>23:1,12,23</td>
<td>24:7</td>
<td>72:17</td>
</tr>
<tr>
<td>157:9</td>
<td>25:2</td>
<td>26:13</td>
<td>173:17</td>
</tr>
<tr>
<td>161:1</td>
<td>27:2,17,18,25</td>
<td>10:4</td>
<td>174:1</td>
</tr>
<tr>
<td>216:9</td>
<td>29:12,14,19</td>
<td>20:19</td>
<td>174:17</td>
</tr>
<tr>
<td>considerable</td>
<td>154:4</td>
<td>31:1,7,17,20</td>
<td>179:1</td>
</tr>
<tr>
<td>155:4</td>
<td>32:1,9</td>
<td>161:8</td>
<td>179:17</td>
</tr>
<tr>
<td>consideration</td>
<td>258:3</td>
<td>34:1,3,7,22,23</td>
<td>180:2</td>
</tr>
<tr>
<td>considered</td>
<td>142:13</td>
<td>35:6,12</td>
<td>180:18</td>
</tr>
<tr>
<td>154:4</td>
<td>38:24</td>
<td>43:16,19</td>
<td>183:16</td>
</tr>
<tr>
<td>constantly</td>
<td>9:19</td>
<td>44:13,14,19,20</td>
<td>184:12</td>
</tr>
<tr>
<td>59:15</td>
<td>45:3,4,16</td>
<td>46:4</td>
<td>184:21</td>
</tr>
<tr>
<td>257:19,20</td>
<td>54:3,5,8,10</td>
<td>58:7,13</td>
<td>188:25</td>
</tr>
<tr>
<td>consistent</td>
<td>79:6</td>
<td>60:13,16,21</td>
<td>189:15</td>
</tr>
<tr>
<td>235:18</td>
<td>61:1</td>
<td>63:10,12</td>
<td>190:15</td>
</tr>
<tr>
<td>consortium</td>
<td>10:20</td>
<td>65:22</td>
<td>191:5</td>
</tr>
<tr>
<td>constantly</td>
<td>9:19</td>
<td>66:4,10,25</td>
<td>191:14</td>
</tr>
<tr>
<td>59:15</td>
<td>68:18,19</td>
<td>69:1,11</td>
<td>191:15</td>
</tr>
<tr>
<td>209:23</td>
<td>70:6,9,12</td>
<td>71:14,18,19</td>
<td>191:22</td>
</tr>
<tr>
<td>constituencies</td>
<td>249:6</td>
<td>72:18</td>
<td>194:22</td>
</tr>
<tr>
<td>constituents</td>
<td>57:23,25</td>
<td>75:3</td>
<td>194:23</td>
</tr>
<tr>
<td>constituted</td>
<td>181:18</td>
<td>76:13,25</td>
<td>195:25</td>
</tr>
<tr>
<td>Constitution</td>
<td>159:4</td>
<td>77:16,17</td>
<td>196:11</td>
</tr>
<tr>
<td>169:6</td>
<td>82:15</td>
<td>86:22,89,9</td>
<td>197:17</td>
</tr>
<tr>
<td>215:4</td>
<td>91:6</td>
<td>95:1,3,8,11,18,2</td>
<td>198:8</td>
</tr>
<tr>
<td>constructive</td>
<td>98:2</td>
<td>99:1,19</td>
<td>204:15</td>
</tr>
<tr>
<td>construe</td>
<td>97:22</td>
<td>100:16,22,23,24</td>
<td>210:21</td>
</tr>
<tr>
<td>consultative</td>
<td>150:22</td>
<td>25</td>
<td>212:19</td>
</tr>
<tr>
<td>consumer</td>
<td>3:20</td>
<td>109:10,21</td>
<td>213:3,14</td>
</tr>
<tr>
<td>10:9</td>
<td>111:8</td>
<td>113:25,120:25</td>
<td>230:8</td>
</tr>
<tr>
<td>91:11</td>
<td>121:3,15</td>
<td>123:14</td>
<td>251:9</td>
</tr>
<tr>
<td>101:14</td>
<td>119:22</td>
<td>128:25</td>
<td>258:21</td>
</tr>
<tr>
<td>194:25</td>
<td>119:22</td>
<td>137:16</td>
<td>258:21</td>
</tr>
<tr>
<td>253:3</td>
<td>146:17</td>
<td>146:17</td>
<td>258:21</td>
</tr>
<tr>
<td>consumers</td>
<td>146:17</td>
<td>147:4</td>
<td>258:21</td>
</tr>
<tr>
<td>212:22</td>
<td>151:10</td>
<td>156:2</td>
<td>258:21</td>
</tr>
<tr>
<td>control</td>
<td>25:13</td>
<td>52:11</td>
<td>271:17</td>
</tr>
<tr>
<td>26:13</td>
<td>97:14</td>
<td>103:20</td>
<td>272:17</td>
</tr>
<tr>
<td>154:4</td>
<td>125:19</td>
<td>166:25</td>
<td>275:17</td>
</tr>
<tr>
<td>196:11</td>
<td>177:16</td>
<td>179:17</td>
<td>276:12</td>
</tr>
<tr>
<td>218:17</td>
<td>180:2</td>
<td>181:21</td>
<td>276:12</td>
</tr>
<tr>
<td>219:7</td>
<td>183:16</td>
<td>276:12</td>
<td>276:12</td>
</tr>
<tr>
<td>controls</td>
<td>219:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>controversy</td>
<td>251:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>convenience</td>
<td>98:12</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
convenient 72:22
convening 147:22
conversations 11:5 123:18 126:6,9 128:11 159:19,22,23 160:1
Conversely 102:15
convey 147:3
conveying 147:2
conveys 218:11
convinced 132:14
COO 165:2
cooks 40:23 137:5
cooperation 34:3 77:8 85:2,3 106:15 108:19 159:19 229:11 248:12
cooperations 94:17
cooperative 13:25 94:18
cooperatively 77:11 93:3
Coordinator 92:24
copies 64:19,20
copy 69:20 170:18,19,22,25
Copyright-protected 176:8
copyrights 220:4
core 169:11
corporate 191:7
corporations 248:24
correct 30:10 80:12 107:7 113:22 155:10 189:11
correctly 20:1 22:8 30:12 67:24 82:14 221:10,15
correlation 106:2
corroboration 105:9
corroboration 25:18
costless 118:16
costly 50:1 254:7
costs 7:24 34:25
count 15:18 28:8 80:16
counter 87:2
courts 78:13 97:22
  105:18,24
  108:10 147:18
  163:21
  170:1,3,7,8
  171:17 183:8
  197:1 198:21
  199:2,9 222:12
  256:6
cover 171:7
  187:14 203:24
  210:5,6,15
covers 171:6
cox 43:9 106:6
  107:5
craft 217:5,8,9
crafted 173:16
crawlers 70:11
CRB 136:3
create 24:20 25:1
  61:16,23 65:25
  97:4 103:4
  113:15 117:16
  133:18 135:9
  144:9 156:2
  159:6 172:18
  174:17 183:2,5
  193:8 196:12
  205:14,15
  213:2,3 219:13
  224:1 225:13
  226:16 228:23
  230:9 242:15
  250:9 260:5
created 10:20
  27:14 34:10
  42:20 169:13
  179:3,5 181:8
  192:7 201:25
  202:3 210:22
  214:12 216:24
  230:3 242:21
creates 15:20
  81:25 82:2
  101:22 183:5
  193:5
creating 116:17
  133:8 161:5
  183:18 201:24
  242:24 259:9
creation 95:19
  133:15 146:16
  147:22 159:3
  181:12,23
  200:10 215:14
  216:4,12
creations 89:10
  159:3
creative 138:8
  167:9,13,21
  168:1 172:24
  173:2 181:20
  192:4,22 193:4
  196:7 200:8
  201:13,22
  202:15 204:5
  207:7 208:5,8
  211:9,17,20
  223:24
  229:22,25 230:8
  245:15 248:24
  259:8 265:13
  269:3
creativity 202:18
  243:4
creator 26:12,19
  27:16,19
  61:23,24 62:3
  126:4,12 133:1,3
  159:6 176:4
  190:12 243:12
  252:24 264:4
  269:2 270:7
creators 23:3
  25:4,11,16
  26:6,23 27:1,10
  61:19 62:1,6,7
  75:6 89:9 95:11
  101:5
  110:11,15,16,23
  112:3,10 113:3
  116:20 124:14
  132:24 133:10
  142:24 146:19
creator's 24:24
Creators 2:22
  91:6 242:14
credible 124:22
  136:11,13
credit 102:24
crime 123:23
criminal 141:22
  147:11,12
cripple 263:5
criteria 18:1
  254:25 255:1
critical 272:4
criticism 127:17
criticisms 16:6
criticized 53:6
criticizing 130:7
cross-checks 49:11
cross-checks 49:11
Crosstalk 91:24
  162:2,5
crowd 244:18
Cruise
  269:16,17,19,21,22
crunch 206:24
crying 265:21
cultural 212:24
  213:24
culture 139:11,12,17
225:7 262:6
cumulative 213:23
curbing 173:10
curious 240:3
  241:8
current 65:18
  68:13 97:12
  100:21 163:22
  187:11,17
  212:13 249:3
  250:5
currently 67:24
  108:16 152:8
  167:8 170:1,9
  172:1 174:4
  181:18 189:14
  209:20 242:20
  250:2
curtain 30:24
cusp 123:20
custody 54:3,8
custom 23:13,16
  24:1
customers 257:11
customized 64:2
cut 90:21 205:6
cuts 255:3
cutting 257:12
cyberattack 260:24
Czech 139:3
D D.C 11:1
daily 155:3
Dailymotion 188:8
damage 242:17
damages 22:1 39:1
  58:24
damaging 22:14
<table>
<thead>
<tr>
<th>Damon 259:24</th>
<th>danger 17:14</th>
<th>Darius 4:13 195:14</th>
</tr>
</thead>
<tbody>
<tr>
<td>dark 163:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>data 11:6 36:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>63:20,24 76:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>103:9 125:4,12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>129:22 134:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>136:17 138:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>database 11:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25:2 36:16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54:14,15 124:25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>databases 25:5</td>
<td>124:21</td>
<td></td>
</tr>
<tr>
<td>date 110:10,17 259:19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>dates 160:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>David 2:23 3:6,9</td>
<td>10:3 165:22</td>
<td>245:9,10,14</td>
</tr>
<tr>
<td>261:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>96:2 97:2 106:22</td>
<td>111:17,19</td>
<td>201:25 223:11</td>
</tr>
<tr>
<td>236:2 244:17</td>
<td>254:4 259:18</td>
<td>272:24</td>
</tr>
<tr>
<td>days 89:23 99:19</td>
<td>142:7 146:11</td>
<td>184:8,16,17,20</td>
</tr>
<tr>
<td>186:12 188:2</td>
<td>191:1 242:4</td>
<td>244:20 248:22</td>
</tr>
<tr>
<td>253:18 262:17</td>
<td>266:5</td>
<td></td>
</tr>
<tr>
<td>deaf 192:7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>111:24 122:12</td>
<td>147:11 158:13</td>
<td></td>
</tr>
<tr>
<td>257:24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>dealt 122:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>death 208:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>debates 38:20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>decade 202:5</td>
<td>205:22 231:18</td>
<td>206:1 256:13</td>
</tr>
<tr>
<td>decades 121:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>decide 31:5,25</td>
<td>65:8</td>
<td>199:18,23,24</td>
</tr>
<tr>
<td>201:3 209:24</td>
<td>230:19</td>
<td></td>
</tr>
<tr>
<td>decided 48:8</td>
<td>106:6</td>
<td></td>
</tr>
<tr>
<td>decision 106:6,20</td>
<td>170:18 185:18</td>
<td>236:3</td>
</tr>
<tr>
<td>decisions 197:24</td>
<td>198:3 222:15</td>
<td></td>
</tr>
<tr>
<td>increase 17:2</td>
<td>205:20</td>
<td></td>
</tr>
<tr>
<td>dedicated 177:5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>dedication 209:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>defamation 56:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>default 198:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>defeat 66:7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>defended 187:16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>defense 191:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defer 109:23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>define 62:10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>defining 197:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>120:23 129:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>deploying 39:9</td>
<td>60:11 194:10,19</td>
<td></td>
</tr>
<tr>
<td>deployment</td>
<td>102:17 180:14</td>
<td></td>
</tr>
<tr>
<td>depressing</td>
<td>163:7,10,15</td>
<td></td>
</tr>
<tr>
<td>derive 62:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>describe 141:23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>described 66:9</td>
<td>67:9</td>
<td></td>
</tr>
<tr>
<td>describing 78:8</td>
<td>248:1</td>
<td></td>
</tr>
<tr>
<td>descriptions 247:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>deserve 258:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>deserves 253:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>designate</td>
<td>108:14,18 250:24</td>
<td></td>
</tr>
<tr>
<td>designated 76:4</td>
<td>174:20</td>
<td></td>
</tr>
<tr>
<td>designers 12:16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>desire 38:25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>desperate 125:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>desperately 184:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Despite 179:19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>destroy 232:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>detail 7:13 162:15 227:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>details 7:23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>detect 49:1 141:24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>detection 11:3</td>
<td>52:16</td>
<td></td>
</tr>
<tr>
<td>depends 30:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>detects 263:17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>deteriorate 192:20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>determine 36:1,22</td>
<td>187:7 256:15</td>
<td></td>
</tr>
<tr>
<td>determining 128:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>educate 12:15 133:20</td>
<td>educated 159:5</td>
<td>efficacy 87:8</td>
</tr>
<tr>
<td>eat 154:15,22 244:9</td>
<td>embedded 212:1</td>
<td>embed 62:13</td>
</tr>
<tr>
<td>e-books 99:1</td>
<td>embodied 79:7 186:5</td>
<td>embodied 79:7 186:5</td>
</tr>
<tr>
<td>echo 89:3 114:7 147:7 229:14</td>
<td>embracing 101:12</td>
<td>embrace 229:23</td>
</tr>
<tr>
<td>eclipsed 254:3</td>
<td>Eminem 207:17</td>
<td>embracing 101:12</td>
</tr>
<tr>
<td>ecology 80:12</td>
<td>emotions 142:17</td>
<td>emergence 114:17</td>
</tr>
<tr>
<td>ecommerce 257:10</td>
<td>empirical 155:24</td>
<td>emerging 57:22</td>
</tr>
<tr>
<td>economic 50:7</td>
<td>emphasize 104:23 217:22</td>
<td>Eminem 207:17</td>
</tr>
<tr>
<td>51:6 173:1 225:3,4,6</td>
<td>emphasized 215:17</td>
<td>emotions 142:17</td>
</tr>
<tr>
<td>economies 204:5 214:20</td>
<td>empirical 155:24</td>
<td>economies 204:5 214:20</td>
</tr>
<tr>
<td>employee</td>
<td>175:18</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>employees</td>
<td>232:5,8</td>
<td></td>
</tr>
<tr>
<td>employing</td>
<td>49:7</td>
<td></td>
</tr>
<tr>
<td>81:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>empower</td>
<td>237:10</td>
<td></td>
</tr>
<tr>
<td>empowered</td>
<td>175:25</td>
<td></td>
</tr>
<tr>
<td>214:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>enable</td>
<td>204:6</td>
<td></td>
</tr>
<tr>
<td>220:22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>enabled</td>
<td>193:6</td>
<td></td>
</tr>
<tr>
<td>231:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>enables</td>
<td>193:3</td>
<td></td>
</tr>
<tr>
<td>enacted</td>
<td>236:4</td>
<td></td>
</tr>
<tr>
<td>encourage</td>
<td>13:19</td>
<td></td>
</tr>
<tr>
<td>57:11,17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>59:7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60:2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>63:19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>74:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>77:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>80:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>87:17,19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>97:8,14,17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>98:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>101:24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>154:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>173:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>204:5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>246:22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>248:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>265:18,20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>encouraged</td>
<td>96:15</td>
<td></td>
</tr>
<tr>
<td>241:5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>encouragement</td>
<td>59:1</td>
<td></td>
</tr>
<tr>
<td>encouragements</td>
<td>248:5</td>
<td></td>
</tr>
<tr>
<td>encourages</td>
<td>39:4</td>
<td></td>
</tr>
<tr>
<td>79:25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>82:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>85:24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>98:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>203:16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>encouraging</td>
<td>73:24</td>
<td></td>
</tr>
<tr>
<td>74:17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>107:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>247:5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>endless</td>
<td>271:8</td>
<td></td>
</tr>
<tr>
<td>endorse</td>
<td>104:20</td>
<td></td>
</tr>
<tr>
<td>endorsed</td>
<td>224:20</td>
<td></td>
</tr>
<tr>
<td>endorsements</td>
<td>220:17</td>
<td></td>
</tr>
<tr>
<td>enforce</td>
<td>42:5</td>
<td></td>
</tr>
<tr>
<td>enforcement</td>
<td>10:7</td>
<td></td>
</tr>
<tr>
<td>92:23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>127:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>engage</td>
<td>11:11,12</td>
<td></td>
</tr>
<tr>
<td>126:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>144:10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>198:25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>engaged</td>
<td>104:24</td>
<td></td>
</tr>
<tr>
<td>117:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>engagement</td>
<td>117:5</td>
<td></td>
</tr>
<tr>
<td>160:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>261:23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>engaging</td>
<td>146:16</td>
<td></td>
</tr>
<tr>
<td>155:9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>269:2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>engineer</td>
<td>67:20</td>
<td></td>
</tr>
<tr>
<td>enhances</td>
<td>27:2</td>
<td></td>
</tr>
<tr>
<td>enjoy</td>
<td>105:9</td>
<td></td>
</tr>
<tr>
<td>106:25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>enlisted</td>
<td>171:5</td>
<td></td>
</tr>
<tr>
<td>enormous</td>
<td>75:25</td>
<td></td>
</tr>
<tr>
<td>107:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>108:2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>132:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>173:9,11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>180:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>181:22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>210:22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>enormously</td>
<td>211:1</td>
<td></td>
</tr>
<tr>
<td>266:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ensue</td>
<td>168:17</td>
<td></td>
</tr>
<tr>
<td>ensure</td>
<td>64:25</td>
<td></td>
</tr>
<tr>
<td>127:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>161:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ensuring</td>
<td>69:1</td>
<td></td>
</tr>
<tr>
<td>194:20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>enter</td>
<td>75:6</td>
<td></td>
</tr>
<tr>
<td>123:2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>entered</td>
<td>99:4</td>
<td></td>
</tr>
<tr>
<td>enterprise</td>
<td>103:17</td>
<td></td>
</tr>
<tr>
<td>entertaining</td>
<td>203:25</td>
<td></td>
</tr>
<tr>
<td>entertainment</td>
<td>2:3</td>
<td></td>
</tr>
<tr>
<td>3:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>206:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>208:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>209:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>212:17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>213:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>enthusiasm</td>
<td>53:13</td>
<td></td>
</tr>
<tr>
<td>106:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>enthusiastic</td>
<td>56:22</td>
<td></td>
</tr>
<tr>
<td>entire</td>
<td>31:3</td>
<td></td>
</tr>
<tr>
<td>48:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>84:25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>136:5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>153:19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>184:2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>188:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>207:7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>248:23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>249:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>265:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>entirely</td>
<td>34:10</td>
<td></td>
</tr>
<tr>
<td>entirety</td>
<td>37:2</td>
<td></td>
</tr>
<tr>
<td>39:22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>173:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>entities</td>
<td>106:13</td>
<td></td>
</tr>
<tr>
<td>127:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>142:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>entitled</td>
<td>70:13</td>
<td></td>
</tr>
<tr>
<td>entrants</td>
<td>126:19</td>
<td></td>
</tr>
<tr>
<td>entrepreneurs</td>
<td>214:13</td>
<td></td>
</tr>
<tr>
<td>entry</td>
<td>126:18</td>
<td></td>
</tr>
<tr>
<td>214:12,16,22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>environment</td>
<td>11:6</td>
<td></td>
</tr>
<tr>
<td>22:2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23:17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>68:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>74:17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>78:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>95:19,21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>96:6,20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>98:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>102:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>103:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>117:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>133:2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>136:9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>144:20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>194:9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>200:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>262:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>environments</td>
<td>39:17</td>
<td></td>
</tr>
<tr>
<td>102:9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>136:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>137:16,24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>envision</td>
<td>78:15</td>
<td></td>
</tr>
<tr>
<td>ephemeral</td>
<td>242:25</td>
<td></td>
</tr>
<tr>
<td>episodic</td>
<td>32:19</td>
<td></td>
</tr>
<tr>
<td>equal</td>
<td>179:2</td>
<td></td>
</tr>
<tr>
<td>187:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>234:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>equally</td>
<td>46:9</td>
<td></td>
</tr>
<tr>
<td>equation</td>
<td>56:12</td>
<td></td>
</tr>
<tr>
<td>57:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>74:20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>232:17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>equipment</td>
<td>209:8</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>equivalent</td>
<td>21:19</td>
<td></td>
</tr>
<tr>
<td>era</td>
<td>211:16</td>
<td></td>
</tr>
<tr>
<td>eradicate</td>
<td>100:2</td>
<td></td>
</tr>
<tr>
<td>203:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>eradicating</td>
<td>100:6</td>
<td></td>
</tr>
<tr>
<td>erroneous</td>
<td>45:11,12</td>
<td></td>
</tr>
<tr>
<td>error</td>
<td>20:1,3</td>
<td></td>
</tr>
<tr>
<td>29:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43:24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>84:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>168:15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>errors</td>
<td>21:20</td>
<td></td>
</tr>
<tr>
<td>28:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29:2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33:12,18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44:4,6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>especially</td>
<td>22:8</td>
<td></td>
</tr>
<tr>
<td>48:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>72:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>105:17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>127:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>131:16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>257:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Espinel</td>
<td>92:22</td>
<td></td>
</tr>
<tr>
<td>essence</td>
<td>92:25</td>
<td></td>
</tr>
<tr>
<td>essential</td>
<td>147:4</td>
<td></td>
</tr>
<tr>
<td>essentially</td>
<td>29:21</td>
<td></td>
</tr>
<tr>
<td>31:4,13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>73:16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>78:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>198:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>establish</td>
<td>36:9</td>
<td></td>
</tr>
<tr>
<td>62:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>250:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>establishing</td>
<td>251:1</td>
<td></td>
</tr>
<tr>
<td>et</td>
<td>134:9</td>
<td></td>
</tr>
<tr>
<td>218:20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ethical</td>
<td>142:13</td>
<td></td>
</tr>
<tr>
<td>Etsy</td>
<td>2:19</td>
<td></td>
</tr>
<tr>
<td>165:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>175:16,17,23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>176:22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>177:1,2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>214:7,8,12,17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>237:9,25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>240:19,20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>241:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Etsy's</td>
<td>175:18</td>
<td></td>
</tr>
<tr>
<td>241:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eugene</td>
<td>3:15</td>
<td></td>
</tr>
<tr>
<td>10:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Europe</td>
<td>182:14</td>
<td></td>
</tr>
<tr>
<td>183:16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>218:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>European</td>
<td>182:16</td>
<td></td>
</tr>
<tr>
<td>183:13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>evade</td>
<td>67:19</td>
<td></td>
</tr>
<tr>
<td>evaluate</td>
<td>103:20</td>
<td></td>
</tr>
<tr>
<td>169:19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>182:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>197:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>216:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>evaluated</td>
<td>36:1</td>
<td></td>
</tr>
<tr>
<td>evaluating</td>
<td>216:15</td>
<td></td>
</tr>
<tr>
<td>evaluation</td>
<td>13:1</td>
<td></td>
</tr>
<tr>
<td>event</td>
<td>21:22 206:1 224:11</td>
<td></td>
</tr>
<tr>
<td>events</td>
<td>42:18</td>
<td></td>
</tr>
<tr>
<td>eventually</td>
<td>8:9 16:3</td>
<td></td>
</tr>
<tr>
<td>ever-increasing</td>
<td>163:25</td>
<td></td>
</tr>
<tr>
<td>everybody's</td>
<td>45:10 53:8,12 148:23 172:1 203:22</td>
<td></td>
</tr>
<tr>
<td>everyday</td>
<td>180:8</td>
<td></td>
</tr>
<tr>
<td>everything's</td>
<td>249:12,21</td>
<td></td>
</tr>
<tr>
<td>everywhere</td>
<td>32:9 145:20 189:18</td>
<td></td>
</tr>
<tr>
<td>evidence</td>
<td>66:8 155:24 194:7 216:2</td>
<td></td>
</tr>
<tr>
<td>evident</td>
<td>56:25</td>
<td></td>
</tr>
<tr>
<td>evidently</td>
<td>256:10</td>
<td></td>
</tr>
<tr>
<td>evolution</td>
<td>7:17 199:9 211:7 212:21</td>
<td></td>
</tr>
<tr>
<td>evolved</td>
<td>29:6 57:5 211:1,4,18 213:13</td>
<td></td>
</tr>
<tr>
<td>evolving</td>
<td>85:6 86:5 202:17 212:7</td>
<td></td>
</tr>
<tr>
<td>exact</td>
<td>66:25 232:2</td>
<td></td>
</tr>
<tr>
<td>exactly</td>
<td>24:18 45:20,22 64:2 78:12 113:11 133:2 138:16</td>
<td></td>
</tr>
<tr>
<td>examine</td>
<td>242:8</td>
<td></td>
</tr>
<tr>
<td>examined</td>
<td>239:11</td>
<td></td>
</tr>
<tr>
<td>examines</td>
<td>240:6</td>
<td></td>
</tr>
<tr>
<td>examining</td>
<td>170:2</td>
<td></td>
</tr>
<tr>
<td>examples</td>
<td>15:15 30:18,21 111:6 187:20</td>
<td></td>
</tr>
<tr>
<td>ex-best</td>
<td>241:19</td>
<td></td>
</tr>
<tr>
<td>excellent</td>
<td>35:3 98:16</td>
<td></td>
</tr>
<tr>
<td>except</td>
<td>144:2</td>
<td></td>
</tr>
<tr>
<td>exceptions</td>
<td>9:14</td>
<td></td>
</tr>
<tr>
<td>excess</td>
<td>202:1</td>
<td></td>
</tr>
<tr>
<td>exchange</td>
<td>102:25</td>
<td></td>
</tr>
<tr>
<td>Excipio</td>
<td>35:19</td>
<td></td>
</tr>
<tr>
<td>excited</td>
<td>25:12</td>
<td></td>
</tr>
<tr>
<td>exciting</td>
<td>25:10,14 33:25</td>
<td></td>
</tr>
<tr>
<td>excludes</td>
<td>31:8</td>
<td></td>
</tr>
<tr>
<td>exclusive</td>
<td>192:1 264:24</td>
<td></td>
</tr>
<tr>
<td>executed</td>
<td>236:21</td>
<td></td>
</tr>
<tr>
<td>Executive</td>
<td>164:22</td>
<td></td>
</tr>
<tr>
<td>exercise</td>
<td>89:5</td>
<td></td>
</tr>
<tr>
<td>exhibit</td>
<td>273:8</td>
<td></td>
</tr>
<tr>
<td>existed</td>
<td>125:8 213:7 218:24 219:1,3</td>
<td></td>
</tr>
<tr>
<td>existence</td>
<td>135:7 193:15 255:12</td>
<td></td>
</tr>
<tr>
<td>existing</td>
<td>22:16 129:3 150:6 151:10</td>
<td></td>
</tr>
<tr>
<td>expand</td>
<td>170:8</td>
<td></td>
</tr>
<tr>
<td>expansion</td>
<td>169:25 170:14</td>
<td></td>
</tr>
<tr>
<td>expansive</td>
<td>208:7</td>
<td></td>
</tr>
<tr>
<td>expect</td>
<td>38:22 158:11</td>
<td></td>
</tr>
<tr>
<td>expectation</td>
<td>102:7</td>
<td></td>
</tr>
<tr>
<td>expectations</td>
<td>53:14 56:9</td>
<td></td>
</tr>
<tr>
<td>expected</td>
<td>98:17 101:10</td>
<td></td>
</tr>
<tr>
<td>expeditiously</td>
<td>17:23</td>
<td></td>
</tr>
<tr>
<td>expense</td>
<td>142:24</td>
<td></td>
</tr>
<tr>
<td>experienced</td>
<td>139:2 258:22,24</td>
<td></td>
</tr>
<tr>
<td>experiences</td>
<td>122:18 265:7</td>
<td></td>
</tr>
<tr>
<td>experiencing</td>
<td>174:5</td>
<td></td>
</tr>
<tr>
<td>expert</td>
<td>267:13</td>
<td></td>
</tr>
<tr>
<td>expertise</td>
<td>135:8 148:3 150:17,19</td>
<td></td>
</tr>
<tr>
<td>explain</td>
<td>8:16 9:4 38:7 113:6</td>
<td></td>
</tr>
<tr>
<td>155:12</td>
<td>explained 221:16 259:4</td>
<td></td>
</tr>
<tr>
<td>221:16</td>
<td>explaining 240:9</td>
<td></td>
</tr>
<tr>
<td>151:19</td>
<td>explains</td>
<td></td>
</tr>
<tr>
<td>222:9</td>
<td>explicitly</td>
<td></td>
</tr>
<tr>
<td>224:19,21</td>
<td>exploitation</td>
<td></td>
</tr>
<tr>
<td>51:15</td>
<td>exploration 239:11</td>
<td></td>
</tr>
<tr>
<td>239:11</td>
<td>explore 11:13</td>
<td></td>
</tr>
<tr>
<td>124:17</td>
<td>exploring</td>
<td></td>
</tr>
<tr>
<td>172:3</td>
<td>exploitation</td>
<td></td>
</tr>
<tr>
<td>11:13</td>
<td>explore</td>
<td></td>
</tr>
<tr>
<td>124:17</td>
<td>exploring</td>
<td></td>
</tr>
<tr>
<td>41:13</td>
<td>extensively</td>
<td></td>
</tr>
<tr>
<td>42:13</td>
<td>extent</td>
<td></td>
</tr>
<tr>
<td>85:3</td>
<td>extensive</td>
<td></td>
</tr>
<tr>
<td>41:13</td>
<td>extensively</td>
<td></td>
</tr>
<tr>
<td>151:13</td>
<td>extra</td>
<td></td>
</tr>
<tr>
<td>136:12</td>
<td>extraordinarily</td>
<td></td>
</tr>
<tr>
<td>237:11</td>
<td>extent</td>
<td></td>
</tr>
<tr>
<td>251:13</td>
<td>extreme</td>
<td></td>
</tr>
<tr>
<td>266:20</td>
<td>extremely</td>
<td></td>
</tr>
<tr>
<td>149:21</td>
<td>eye</td>
<td></td>
</tr>
<tr>
<td>152:7</td>
<td>189:12</td>
<td></td>
</tr>
<tr>
<td>158:1</td>
<td>192:6</td>
<td></td>
</tr>
<tr>
<td>80:25</td>
<td>fabulous</td>
<td></td>
</tr>
<tr>
<td>105:7,13</td>
<td>face</td>
<td></td>
</tr>
<tr>
<td>150:15</td>
<td>246:10</td>
<td></td>
</tr>
<tr>
<td>259:4</td>
<td>Facebook 24:6</td>
<td></td>
</tr>
<tr>
<td>61:16</td>
<td>153:3</td>
<td></td>
</tr>
<tr>
<td>111:4</td>
<td>face-to</td>
<td></td>
</tr>
<tr>
<td>246:9</td>
<td>face-to</td>
<td></td>
</tr>
<tr>
<td>111:10</td>
<td>factor</td>
<td></td>
</tr>
<tr>
<td>151:13</td>
<td>fact</td>
<td></td>
</tr>
<tr>
<td>246:10</td>
<td>face</td>
<td></td>
</tr>
<tr>
<td>246:10</td>
<td>factors</td>
<td></td>
</tr>
<tr>
<td>21:12</td>
<td>factor</td>
<td></td>
</tr>
<tr>
<td>224:18</td>
<td>224:18</td>
<td></td>
</tr>
<tr>
<td>200:12</td>
<td>facts</td>
<td></td>
</tr>
<tr>
<td>259:4</td>
<td>fall</td>
<td></td>
</tr>
<tr>
<td>223:11</td>
<td>failure</td>
<td></td>
</tr>
<tr>
<td>125:8</td>
<td>failures</td>
<td></td>
</tr>
<tr>
<td>181:4</td>
<td>181:4</td>
<td></td>
</tr>
<tr>
<td>5:6</td>
<td>failures</td>
<td></td>
</tr>
<tr>
<td>136:5</td>
<td>failure</td>
<td></td>
</tr>
<tr>
<td>212:13</td>
<td>212:13</td>
<td></td>
</tr>
<tr>
<td>27:3</td>
<td>families</td>
<td></td>
</tr>
<tr>
<td>214:18</td>
<td>family</td>
<td></td>
</tr>
<tr>
<td>208:19</td>
<td>fan</td>
<td></td>
</tr>
<tr>
<td>270:6</td>
<td>fan</td>
<td></td>
</tr>
<tr>
<td>34:12</td>
<td>fan</td>
<td></td>
</tr>
<tr>
<td>132:11</td>
<td>false</td>
<td></td>
</tr>
<tr>
<td>256:13</td>
<td>false</td>
<td></td>
</tr>
<tr>
<td>151:12</td>
<td>falsely</td>
<td></td>
</tr>
<tr>
<td>63:14</td>
<td>false-positive</td>
<td></td>
</tr>
<tr>
<td>16:4</td>
<td>false-positives</td>
<td></td>
</tr>
<tr>
<td>6:3</td>
<td>familiar</td>
<td></td>
</tr>
<tr>
<td>23:9</td>
<td>27:3</td>
<td></td>
</tr>
<tr>
<td>189:25</td>
<td>families</td>
<td></td>
</tr>
<tr>
<td>214:18</td>
<td>family</td>
<td></td>
</tr>
<tr>
<td>208:19</td>
<td>fan</td>
<td></td>
</tr>
<tr>
<td>270:6</td>
<td>fan</td>
<td></td>
</tr>
<tr>
<td>34:12</td>
<td>fan</td>
<td></td>
</tr>
<tr>
<td>132:11</td>
<td>false</td>
<td></td>
</tr>
<tr>
<td>256:13</td>
<td>false</td>
<td></td>
</tr>
<tr>
<td>151:12</td>
<td>falsely</td>
<td></td>
</tr>
<tr>
<td>166:5 203:17</td>
<td>158:21,22</td>
<td>240:4</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td>--------</td>
</tr>
<tr>
<td>214:20 254:9</td>
<td>GIFs 262:4</td>
<td>Google 17:11</td>
</tr>
<tr>
<td>generally 54:2</td>
<td>gig 169:18</td>
<td>26:6,7,24 31:11</td>
</tr>
<tr>
<td>129:11 143:7</td>
<td>gigantic 174:14</td>
<td>44:7 48:8 61:16</td>
</tr>
<tr>
<td>188:6 259:5</td>
<td>Gigi’s 160:7</td>
<td>70:16,24 74:9</td>
</tr>
<tr>
<td>generate 25:3</td>
<td>given 17:19</td>
<td>76:3 111:15</td>
</tr>
<tr>
<td>95:1,3,8 100:17</td>
<td>32:16 147:17</td>
<td>182:19 207:23</td>
</tr>
<tr>
<td>206:10 223:18</td>
<td>gives 140:21</td>
<td>271:5,6,7</td>
</tr>
<tr>
<td>259:21</td>
<td>giving 29:4,23</td>
<td>Google's 111:8</td>
</tr>
<tr>
<td>generating 221:11</td>
<td>30:3 46:4 185:24</td>
<td>gotten 104:3</td>
</tr>
<tr>
<td>261:15</td>
<td>glib 57:19</td>
<td>government 93:23</td>
</tr>
<tr>
<td>generations 207:7</td>
<td>global 124:20</td>
<td>98:22 103:3</td>
</tr>
<tr>
<td>genesis 168:25</td>
<td>188:10</td>
<td>107:12 108:8,9</td>
</tr>
<tr>
<td>genius 261:24,25</td>
<td>189:15,17</td>
<td>116:24 117:1,9</td>
</tr>
<tr>
<td>geniuses 262:9</td>
<td>257:19</td>
<td>118:19,23</td>
</tr>
<tr>
<td>genre 148:11</td>
<td>Globster 78:5</td>
<td>120:15,19</td>
</tr>
<tr>
<td>gentleman 259:16</td>
<td>goal 95:16,22</td>
<td>125:16 127:8</td>
</tr>
<tr>
<td>George 2:4 164:18</td>
<td>199:19,25</td>
<td>150:1 151:3</td>
</tr>
<tr>
<td>114:23 130:3</td>
<td>215:18 216:9,22</td>
<td>government's 93:20 120:15</td>
</tr>
<tr>
<td>132:4 145:15</td>
<td>224:16 225:3</td>
<td>grading 75:1</td>
</tr>
<tr>
<td>247:19</td>
<td>goals 173:12</td>
<td>271:10 272:3</td>
</tr>
<tr>
<td>getting 24:19</td>
<td>209:18 215:3</td>
<td>grandchildren 258:16</td>
</tr>
<tr>
<td>108:17 113:11</td>
<td>227:6 246:16</td>
<td>grant 179:21</td>
</tr>
<tr>
<td>122:2 137:9</td>
<td>248:3</td>
<td>215:25</td>
</tr>
<tr>
<td>223:10 224:16</td>
<td>Golan 215:13</td>
<td>12:14,15</td>
</tr>
<tr>
<td>228:6 247:16</td>
<td>216:2</td>
<td>great 15:11 44:1</td>
</tr>
<tr>
<td>252:14 254:3</td>
<td>gone 111:3 123:18</td>
<td>54:4 80:24 96:17</td>
</tr>
<tr>
<td>255:3 262:9</td>
<td>260:12</td>
<td>106:3 108:22</td>
</tr>
<tr>
<td>263:6</td>
<td>good.” 44:24</td>
<td>112:11</td>
</tr>
<tr>
<td>giant 241:14</td>
<td>Goodlatte</td>
<td>164:8 166:15</td>
</tr>
<tr>
<td>Gibbs 2:22 91:6</td>
<td>260:19,21,22</td>
<td>167:19 185:21</td>
</tr>
<tr>
<td>124:10,11</td>
<td>goods 175:20</td>
<td>211:2 239:17,19</td>
</tr>
<tr>
<td>154:19</td>
<td>growth 190:13</td>
<td>243:2,18,25</td>
</tr>
<tr>
<td></td>
<td>gTLD 114:17</td>
<td>246:12 253:13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>269:14</th>
<th>greater 36:10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>greatly 112:2</td>
</tr>
<tr>
<td></td>
<td>167:21</td>
</tr>
<tr>
<td>greed 191:7</td>
<td>green 2:23</td>
</tr>
<tr>
<td>245:9,10,14</td>
<td>247:18,24</td>
</tr>
<tr>
<td>265:18</td>
<td>Greenberg 1:17</td>
</tr>
<tr>
<td>6:11 59:19 88:21</td>
<td>177:10 208:3</td>
</tr>
<tr>
<td>238:10</td>
<td>244:12,16</td>
</tr>
<tr>
<td>245:11 251:23</td>
<td>253:16 259:10</td>
</tr>
<tr>
<td>261:8,11,16</td>
<td>265:25 268:10</td>
</tr>
<tr>
<td>270:12 273:9</td>
<td></td>
</tr>
<tr>
<td>Greg 91:1</td>
<td>GREGORY 2:8</td>
</tr>
<tr>
<td>grew 262:5</td>
<td>Grokster 102:11</td>
</tr>
<tr>
<td>Groove 66:8</td>
<td>Grooveshark 78:5,22</td>
</tr>
<tr>
<td>231:11,16</td>
<td>grossed 214:9</td>
</tr>
<tr>
<td></td>
<td>group 4:11 10:4</td>
</tr>
<tr>
<td>195:9,17,18</td>
<td>224:10</td>
</tr>
<tr>
<td></td>
<td>groups 101:14</td>
</tr>
<tr>
<td>126:5 128:16</td>
<td>172:20 177:15</td>
</tr>
<tr>
<td>217:24 252:25</td>
<td>267:9</td>
</tr>
<tr>
<td></td>
<td>grow 197:3</td>
</tr>
<tr>
<td></td>
<td>growing 98:15</td>
</tr>
<tr>
<td>111:2</td>
<td>growth 190:13</td>
</tr>
<tr>
<td></td>
<td>gTLD 114:17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>guess 16:24 20:13</th>
<th>hand-written 59:10</th>
<th>harms 158:14</th>
</tr>
</thead>
<tbody>
<tr>
<td>36:10 43:1,5</td>
<td>happen 20:5 28:22</td>
<td>Hart 2:24 91:8</td>
</tr>
<tr>
<td>50:19 56:17</td>
<td>36:12 40:6 88:1</td>
<td>133:24,25</td>
</tr>
<tr>
<td>83:23 87:17</td>
<td>108:16 149:1</td>
<td>hash 41:16 42:9</td>
</tr>
<tr>
<td>103:3 104:22</td>
<td>190:18 196:20</td>
<td>68:5 262:15</td>
</tr>
<tr>
<td>115:15 120:6,21</td>
<td>207:4 233:3</td>
<td>hashes 24:20</td>
</tr>
<tr>
<td>190:1 212:14</td>
<td></td>
<td>hat 115:8 206:19</td>
</tr>
<tr>
<td>213:9</td>
<td></td>
<td>Hatch 215:15</td>
</tr>
<tr>
<td>guidance 153:25</td>
<td>happened 33:14</td>
<td>haven't 27:10</td>
</tr>
<tr>
<td>266:12,18</td>
<td>78:18 135:25</td>
<td>84:24 90:19</td>
</tr>
<tr>
<td>guided 243:2,3</td>
<td>180:13,16</td>
<td>125:21 127:14</td>
</tr>
<tr>
<td>guidelines 62:13</td>
<td>226:1 260:23</td>
<td>244:22 265:12</td>
</tr>
<tr>
<td>152:18</td>
<td></td>
<td>haves 191:4</td>
</tr>
<tr>
<td>Guild 2:20 3:23</td>
<td>happens 69:15</td>
<td>having 14:10 23:3</td>
</tr>
<tr>
<td>170:17</td>
<td></td>
<td>74:8 88:12</td>
</tr>
<tr>
<td>171:19 207:12</td>
<td></td>
<td>122:18,24 138:2</td>
</tr>
<tr>
<td>269:11</td>
<td>happy 6:18 53:20</td>
<td>140:1 146:7</td>
</tr>
<tr>
<td></td>
<td>255:24</td>
<td>178:9 192:8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>214:6 217:7</td>
</tr>
<tr>
<td></td>
<td>harassment 153:21</td>
<td>228:19,24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>247:11 267:2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>268:23</td>
</tr>
<tr>
<td></td>
<td>harbor 44:16 46:7</td>
<td>head 10:4 98:19</td>
</tr>
<tr>
<td></td>
<td>48:11,12 62:19</td>
<td>136:16</td>
</tr>
<tr>
<td></td>
<td>76:5 78:13</td>
<td>heads 24:13</td>
</tr>
<tr>
<td></td>
<td>154:5,7 179:14</td>
<td>healthcare 194:25</td>
</tr>
<tr>
<td></td>
<td>180:22 196:3</td>
<td>healthy 74:17</td>
</tr>
<tr>
<td></td>
<td></td>
<td>186:15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>hear 32:25 53:7,10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>59:9 60:24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>77:10,12 81:19</td>
</tr>
<tr>
<td></td>
<td></td>
<td>87:4 129:2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>135:17 154:25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>165:15,16</td>
</tr>
<tr>
<td></td>
<td></td>
<td>177:17 207:8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>209:6 211:5</td>
</tr>
</tbody>
</table>

| heard 14:5,11,14 | 212:23 231:15 |
|                 | 249:11 252:8 |
|                 | 16:6 19:25   |
|                 | 23:11,12 35:7 |
|                 | 40:12,13 48:21 |
|                 | 49:6,7,12 50:4 |
|                 | 53:17,19 68:18 |
|                 | 72:11 75:16 |
|                 | 76:24 78:17 |
|                 | 84:12 86:18,20 |
|                 | 99:12,18    |
|                 | 105:4,17 111:22 |
|                 | 112:14 113:2 |
|                 | 117:24 118:12 |
|                 | 120:22 126:1 |
|                 | 127:13 128:23 |
|                 | 137:2 143:9 |
|                 | 145:6,13 160:17 |
|                 | 173:24 174:13 |
|                 | 199:15,16 207:2 |
|                 | 211:11,13   |
|                 | 227:6,9 242:13 |
|                 | 247:2,11    |
|                 | 248:20,22,23 |
|                 | 251:5,14    |
|                 | 253:20,24 264:4 |
|                 | 265:12 268:19 |
| hearings 266:4  |
|                 | hearing 7:7,22 |
|                 | 77:15 83:23 |
|                 | 89:22 146:11 |
|                 | 163:8 174:11 |
|                 | 212:11 258:6 |
| heart 168:10,11 |
|                  | 238:8       |
| heavily 87:6    |
| heck 261:1      |
| heightened 254:22|
| held 36:16 239:1 |
| 256:6 258:6     |
| hell 233:1      |
| Hello 248:15    |
| 266:1           |
| help 7:15 10:20 |
| 11:11 19:23 29:2|

---

Halen 207:15
half 53:24 245:16 269:22
Halpert 75:15
Hamilton 261:22
Hamlet 25:21
hand 77:10,12 108:20 146:13
handful 250:3
handle 55:18 174:8 176:23,24
handled 32:22
handles 34:8
handling 227:13

<p>| 49:3 51:8 61:22 | high 202:9 203:3 | 266:3 |
| 95:6 96:11 | 206:2 | holiday 256:8 |
| 123:24,25 | 141:10 169:10 | home-based 214:11 |
| 148:4,10,16 | high-level 163:15 | homeschooling 131:5 |
| 153:14 190:16 | 199:13 | homogeneity 86:8 |
| 191:25 199:17 | highlighted 158:9 | honest 255:1 |
| 212:8 228:25 | highly 94:1 | honestly 138:4 |
| 242:20 243:13 | 152:21 | honored 206:12 |
| 249:19 | 192:22 | hoops 250:14 |
| helped 8:18 22:16 | high-paying 211:3 | hop 261:22 |
| 63:11 74:11 80:5 | high-water 99:8 | 139:6 190:12 |
| 87:7 90:1,7 | Hill 129:21 | 251:18 256:25 |
| 94:7,9 114:8 | Hillary 259:2 | 266:9 268:11 |
| 134:10 150:25 | Hill's 11:9 | 273:3 |
| 192:9 229:12 | hindered 121:15 | hopefully 7:20 8:2 |
| 247:8 266:15,19 | 239:13 | 46:25 80:19 |
| 247:3,12 | hire 113:4 | 163:12,14 |
| hemmed 170:2 | historically 127:14 | 166:25 224:2 |
| Hendrix 207:14 | 201:7 | 268:4 |
| HEOA 81:11 | history 16:20 | hoping 13:6 87:8 |
| 130:12 141:14 | 36:15 38:15 | 122:4 163:8 |
| 144:16 145:1 | 109:24 | 256:10 |
| hereby 274:3 | hit 210:8 220:12 | horizon 137:25 |
| here's 47:19 | 226:8 | horrible 237:14 |
| 157:24 | hits 211:13,14 | horribly 167:9 |
| heritage 206:12 | hitting 75:14 | host 13:23 61:12 |
| he's 222:22 | hold 108:24 144:5 | hosting 43:16 |
| 262:2,4,5 | 193:9 216:16 | hot 184:3 185:10 |
| 269:13,17 | 234:4 | Hotfile 78:5 |
| heterogeneity 56:25 | holder 46:19 | hour 74:13 |
| heterogeneous | 215:13 256:16 | 148:22,23 |
| 56:11 | holders 14:1 78:6 | 161:23 |
| hey 186:10 | 147:19 197:4,9 | hours 223:6 |
| Hi 10:8 11:8 12:1 | 235:7 246:12 | house 32:22 |
| 122:1 171:24 | 255:6 | 260:18 269:8 |
| 186:19 233:23 | holding 192:11 | housed 186:8 |
| 248:15 257:17 | 245:6 253:12,18 | household 241:14 |
| 268:11 270:14 | | Housley 2:25 9:15 |
| hidden 141:3 | | 22:5,6 23:18 |
| | | 24:3,24 49:9 |
| | | 64:22 |
| | | Howes 3:2 9:21 |
| | | 25:8,9 27:5 |
| | | 268:10,11,18,21 |
| | | Howie 4:11 12:24 |
| | | how's 268:21 |
| | | huge 17:19 108:3 |
| | | 178:24 180:4 |
| | | 242:8 272:4 |
| | | hugely 247:8 |
| | | Hulu 99:11 |
| | | human 28:18,19 |
| | | 29:1 30:6,7,12 |
| | | 31:4,6,15,25 |
| | | 32:3 33:15,20 |
| | | 49:10,13 83:12 |
| | | 142:17 240:7 |
| | | humanity 136:13 |
| | | humans 29:1 |
| | | 31:19 32:12 |
| | | hundred 35:1 |
| | | 66:1,3 174:19 |
| | | 204:2 |
| | | hundreds 123:14 |
| | | 176:23 256:12 |
| | | hundredth 68:7 |
| | | hurt 118:16 |
| | | hurting 45:1 |
| | | hurts 271:25 |
| | | hypothetical 132:3 270:5 |
| | | IACC 93:19 150:9 |
| | | IACC's 94:8 |
| | | I'd 27:25 28:24 |
| 72:6 93:17 | informative | 253:13 |
| 101:12 142:19 | infrastructure | 194:11,14,19 |
| 167:14,21 | infringe | 119:22 |
| 211:19,20 | infringed | 11:22 |
| 229:25 230:24 | infringement | 15:6 |
| 231:3 | 27:20 37:17 38:5 |
| | 39:8 41:15 45:6 |
| | 49:1 50:6 |
| | 51:8,10,17 |
| | 55:17,19 65:9,10 |
| | 81:14 83:21 |
| | 95:21 98:25 |
| | 118:1 121:24 |
| | 129:25 |
| | 132:7,8,11 |
| | 142:19,22 |
| | 143:16 |
| | 144:10,13 |
| | 172:23 173:11 |
| | 174:9 186:11 |
| | 191:12 234:20 |
| | 238:20 |
| | 240:14,17 |
| | 256:14,19 |
| | 257:12,24 |
| | 258:13 |
| 233:24 243:12 | infringement | 15:6 |
| | 27:20 37:17 38:5 |
| | 39:8 41:15 45:6 |
| | 49:1 50:6 |
| | 51:8,10,17 |
| | 55:17,19 65:9,10 |
| | 81:14 83:21 |
| | 95:21 98:25 |
| | 118:1 121:24 |
| | 129:25 |
| | 132:7,8,11 |
| | 142:19,22 |
| | 143:16 |
| | 144:10,13 |
| | 172:23 173:11 |
| | 174:9 186:11 |
| | 191:12 234:20 |
| | 238:20 |
| | 240:14,17 |
| | 256:14,19 |
| | 257:12,24 |
| | 258:13 |
| | 42:8 52:18 64:15 |
| | 192:6 |
| 186:3,4 190:16 | infringer | 37:19 |
| | 239:23 240:5 |
| | 256:17 |
| 197:14,20 228:8 | infringing | 12:19 |
| | 13:18 17:10,12 |
| | 19:9 43:17 48:23 |
| | 49:24 61:15,18 |
| | 70:12 74:22 |
| | 76:14 82:13 |
| | 83:16,17 84:5,7 |
| | 86:24 98:20 |
| | 122:19 123:13 |
| | 137:15 142:12 |
| | 168:20 172:25 |
| 231:3 | instead | 20:7 93:17 |
| | 208:1 254:24 |
| | instincts | 143:19 |
| | institutions | 129:16 141:24 |
| | injunction | 118:21 |
| | injunction | 118:21 |
| | initial | 49:13 90:12 |
| | initially | 51:25 |
| | initiatives | 105:23 |
| | innovation | 225:24 |
| | innovation | 225:24 |
| | 233:24 243:12 |
| | innovative | 10:10 |
| | 89:7 225:21 |
| | 226:3 231:3 |
| | 234:9 258:7 |
| | inordinate | 81:21 |
| | input | 160:13 |
| | insanely | 26:8 |
| | insight | 244:3 |
| | inspiring | 196:6 |
| | instance | 28:17 |
| | 44:13 83:18 |
| | 148:5,10 234:22 |
| | instances | 55:19 |
| | 102:22 171:5 |
| | intellectual | 2:7 |
| | 92:23 164:18 |
| | integrate | 23:2 |
| | intend | 182:22 |
| | intended | 94:16 |
| | 166:22 169:13 |
| | 172:2 179:16 |
| | 193:1 194:5 |
| | intention | 168:17 |
| | intentionality | 41:24 |
| | interaction | 183:7 |
| | interactive | 136:2 |
| | interest | 24:15 |
| | 60:11 69:14,21 |
| | 117:5 126:16 |
| | 127:3,13,15 |
| | 128:9,17 135:18 |
| | 150:24 158:23 |
| | 159:25 160:11 |
| | 210:4 215:20 |
| | 216:10 |
| | 217:11,22 |
| | 218:4,5 219:13 |
| | 221:10,11,13,16 |
| | 225:12 234:17 |</p>
<table>
<thead>
<tr>
<th>Term</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>interested</td>
<td>6:25</td>
</tr>
<tr>
<td>7:9,22</td>
<td>11:1</td>
</tr>
<tr>
<td>13:23</td>
<td>94:6</td>
</tr>
<tr>
<td>102:12</td>
<td>109:25</td>
</tr>
<tr>
<td>117:23</td>
<td>125:18</td>
</tr>
<tr>
<td>144:21</td>
<td>147:10</td>
</tr>
<tr>
<td>151:5,6</td>
<td>162:7,20</td>
</tr>
<tr>
<td>173:23</td>
<td>174:10</td>
</tr>
<tr>
<td>240:19</td>
<td>274:8</td>
</tr>
<tr>
<td>interesting</td>
<td>39:20</td>
</tr>
<tr>
<td>168:6</td>
<td>182:13</td>
</tr>
<tr>
<td>interests</td>
<td>10:15</td>
</tr>
<tr>
<td>71:13</td>
<td>102:14</td>
</tr>
<tr>
<td>127:19</td>
<td>149:10</td>
</tr>
<tr>
<td>166:21</td>
<td>182:7</td>
</tr>
<tr>
<td>193:8</td>
<td>215:20</td>
</tr>
<tr>
<td>217:24</td>
<td>220:10</td>
</tr>
<tr>
<td>242:12</td>
<td>255:16</td>
</tr>
<tr>
<td>interfaces</td>
<td>156:5</td>
</tr>
<tr>
<td>inter-industry</td>
<td>108:19</td>
</tr>
<tr>
<td>intermediaries</td>
<td>12:10</td>
</tr>
<tr>
<td>213:8</td>
<td></td>
</tr>
<tr>
<td>intermediary</td>
<td>85:2</td>
</tr>
<tr>
<td>212:5</td>
<td></td>
</tr>
<tr>
<td>internal</td>
<td>232:5</td>
</tr>
<tr>
<td>international</td>
<td>6:12</td>
</tr>
<tr>
<td>93:3</td>
<td></td>
</tr>
<tr>
<td>115:8</td>
<td></td>
</tr>
<tr>
<td>201:16</td>
<td></td>
</tr>
<tr>
<td>internationally</td>
<td>151:15</td>
</tr>
<tr>
<td>internet</td>
<td>13:21,22</td>
</tr>
<tr>
<td>17:8</td>
<td></td>
</tr>
<tr>
<td>31:3</td>
<td></td>
</tr>
<tr>
<td>44:1</td>
<td></td>
</tr>
<tr>
<td>53:5</td>
<td></td>
</tr>
<tr>
<td>84:25</td>
<td></td>
</tr>
<tr>
<td>101:1,6,12</td>
<td></td>
</tr>
<tr>
<td>126:20,23,25</td>
<td></td>
</tr>
<tr>
<td>127:2,17,20</td>
<td></td>
</tr>
<tr>
<td>142:6</td>
<td></td>
</tr>
<tr>
<td>143:13</td>
<td></td>
</tr>
<tr>
<td>161:1,2</td>
<td></td>
</tr>
<tr>
<td>165:4</td>
<td></td>
</tr>
<tr>
<td>167:17</td>
<td></td>
</tr>
<tr>
<td>172:15,17,18,19</td>
<td></td>
</tr>
<tr>
<td>20 173:1,4,9</td>
<td></td>
</tr>
<tr>
<td>176:5,11</td>
<td></td>
</tr>
<tr>
<td>179:1</td>
<td></td>
</tr>
<tr>
<td>180:7,19</td>
<td></td>
</tr>
<tr>
<td>190:17</td>
<td></td>
</tr>
<tr>
<td>192:25</td>
<td></td>
</tr>
<tr>
<td>invading</td>
<td>77:2</td>
</tr>
<tr>
<td>invent</td>
<td>259:7</td>
</tr>
<tr>
<td>invented</td>
<td>272:9</td>
</tr>
<tr>
<td>inventory</td>
<td>98:12</td>
</tr>
<tr>
<td>invest</td>
<td>152:22</td>
</tr>
<tr>
<td>212:8,13</td>
<td></td>
</tr>
<tr>
<td>220:11</td>
<td></td>
</tr>
<tr>
<td>invested</td>
<td>194:10,13</td>
</tr>
<tr>
<td>229:25</td>
<td></td>
</tr>
<tr>
<td>investigation</td>
<td>257:21</td>
</tr>
<tr>
<td>investment</td>
<td>173:9</td>
</tr>
<tr>
<td>180:1,3</td>
<td></td>
</tr>
<tr>
<td>194:8,15</td>
<td></td>
</tr>
<tr>
<td>196:2,7</td>
<td></td>
</tr>
<tr>
<td>212:4</td>
<td></td>
</tr>
<tr>
<td>230:8</td>
<td></td>
</tr>
<tr>
<td>investments</td>
<td>213:11</td>
</tr>
<tr>
<td>269:24</td>
<td></td>
</tr>
<tr>
<td>invisible</td>
<td>152:6</td>
</tr>
<tr>
<td>invite</td>
<td>244:3</td>
</tr>
<tr>
<td>invited</td>
<td>144:13</td>
</tr>
<tr>
<td>149:18</td>
<td></td>
</tr>
<tr>
<td>150:11</td>
<td></td>
</tr>
<tr>
<td>invoking</td>
<td>151:5</td>
</tr>
<tr>
<td>involuntary</td>
<td>224:19,21</td>
</tr>
<tr>
<td>involve</td>
<td>27:15</td>
</tr>
<tr>
<td>involved</td>
<td>13:1 38:7</td>
</tr>
<tr>
<td>87:6</td>
<td></td>
</tr>
<tr>
<td>94:25</td>
<td></td>
</tr>
<tr>
<td>105:2</td>
<td></td>
</tr>
<tr>
<td>124:19,22</td>
<td></td>
</tr>
<tr>
<td>125:17</td>
<td></td>
</tr>
<tr>
<td>135:22</td>
<td></td>
</tr>
<tr>
<td>149:11</td>
<td></td>
</tr>
<tr>
<td>159:24</td>
<td></td>
</tr>
<tr>
<td>202:19</td>
<td></td>
</tr>
<tr>
<td>involvement</td>
<td>93:19,20,23</td>
</tr>
<tr>
<td>94:8</td>
<td></td>
</tr>
<tr>
<td>116:25</td>
<td></td>
</tr>
<tr>
<td>involving</td>
<td>35:18</td>
</tr>
<tr>
<td>IP</td>
<td>42:1,9</td>
</tr>
<tr>
<td>43:8,11</td>
<td></td>
</tr>
<tr>
<td>256:15,16</td>
<td></td>
</tr>
<tr>
<td>IPEC</td>
<td>41:1</td>
</tr>
<tr>
<td>IPTC</td>
<td>80:23,25</td>
</tr>
<tr>
<td>ironic</td>
<td>130:2</td>
</tr>
<tr>
<td>irony</td>
<td>257:11</td>
</tr>
<tr>
<td>irrelevant</td>
<td>18:11</td>
</tr>
<tr>
<td>isn't</td>
<td>45:4 58:16</td>
</tr>
<tr>
<td>60:15</td>
<td></td>
</tr>
<tr>
<td>119:11,25</td>
<td></td>
</tr>
<tr>
<td>124:25</td>
<td></td>
</tr>
<tr>
<td>134:1</td>
<td></td>
</tr>
<tr>
<td>161:5</td>
<td></td>
</tr>
<tr>
<td>167:25</td>
<td></td>
</tr>
<tr>
<td>181:19</td>
<td></td>
</tr>
<tr>
<td>187:16</td>
<td></td>
</tr>
<tr>
<td>200:14</td>
<td></td>
</tr>
<tr>
<td>203:11</td>
<td></td>
</tr>
<tr>
<td>230:15</td>
<td></td>
</tr>
<tr>
<td>235:23</td>
<td></td>
</tr>
<tr>
<td>242:22</td>
<td></td>
</tr>
<tr>
<td>262:13</td>
<td></td>
</tr>
<tr>
<td>isolated</td>
<td>246:24</td>
</tr>
<tr>
<td>ISP</td>
<td>61:12 164:2</td>
</tr>
<tr>
<td>184:12</td>
<td></td>
</tr>
<tr>
<td>191:15</td>
<td></td>
</tr>
<tr>
<td>235:19</td>
<td></td>
</tr>
<tr>
<td>236:8,19</td>
<td></td>
</tr>
<tr>
<td>256:14</td>
<td></td>
</tr>
<tr>
<td>265:2</td>
<td></td>
</tr>
<tr>
<td>ISPs</td>
<td>16:10,15</td>
</tr>
<tr>
<td>41:25</td>
<td></td>
</tr>
<tr>
<td>43:2</td>
<td></td>
</tr>
<tr>
<td>54:20,21,22</td>
<td></td>
</tr>
<tr>
<td>55:1,23</td>
<td></td>
</tr>
<tr>
<td>56:2</td>
<td></td>
</tr>
<tr>
<td>57:12,14</td>
<td></td>
</tr>
<tr>
<td>59:8,13,15,22</td>
<td></td>
</tr>
</tbody>
</table>
linking
links
Lisa
list
listen
links
listings
lists
listening
listservs
literally
literature
litigate
litigation
Litigation's
little
lot
lot
loud
Louis
Ludides
luck
Lynyrd
lyrics
M
machine
magic
<table>
<thead>
<tr>
<th>Magic's 63:1 108:21</th>
</tr>
</thead>
<tbody>
<tr>
<td>magnitude 118:7</td>
</tr>
<tr>
<td>main 51:24 52:14 116:8 146:3</td>
</tr>
<tr>
<td>maintain 60:25 191:15 208:9</td>
</tr>
<tr>
<td>maintained 81:2</td>
</tr>
<tr>
<td>major 99:2 139:22 255:13</td>
</tr>
<tr>
<td>majority 43:18 66:24</td>
</tr>
<tr>
<td>makers 214:20</td>
</tr>
<tr>
<td>malevolent 125:14</td>
</tr>
<tr>
<td>man 25:22 139:6 140:14 261:21</td>
</tr>
<tr>
<td>manage 22:16</td>
</tr>
<tr>
<td>manageable 176:20</td>
</tr>
<tr>
<td>management 34:6</td>
</tr>
<tr>
<td>managing 52:18</td>
</tr>
<tr>
<td>mandate 79:25 101:24 118:19</td>
</tr>
<tr>
<td>mandates 58:25</td>
</tr>
<tr>
<td>manner 80:10 115:2 131:11 147:24</td>
</tr>
<tr>
<td>manual 55:24 64:23</td>
</tr>
<tr>
<td>manually 55:18 60:7</td>
</tr>
<tr>
<td>manually-based 26:25</td>
</tr>
<tr>
<td>Manuel 261:23</td>
</tr>
<tr>
<td>manufacturing</td>
</tr>
<tr>
<td>211:2</td>
</tr>
<tr>
<td>marginal 19:25</td>
</tr>
<tr>
<td>marginally 158:18</td>
</tr>
<tr>
<td>Maria 4:2 11:15,18 91:17 110:12 141:8 248:19 259:1 270:15</td>
</tr>
<tr>
<td>marked 99:8</td>
</tr>
<tr>
<td>marked 99:8</td>
</tr>
<tr>
<td>markets 99:4 257:19</td>
</tr>
<tr>
<td>marks 272:6</td>
</tr>
<tr>
<td>Marshall 1:8</td>
</tr>
<tr>
<td>martialing 101:6</td>
</tr>
<tr>
<td>Mary 3:23 92:3</td>
</tr>
<tr>
<td>mashup 171:12</td>
</tr>
<tr>
<td>mashups 171:6,14</td>
</tr>
<tr>
<td>Mason 2:4 164:19</td>
</tr>
<tr>
<td>massive 119:15 144:9 180:1,3 194:8 253:21</td>
</tr>
<tr>
<td>master 217:5,8</td>
</tr>
<tr>
<td>mastery 217:9</td>
</tr>
<tr>
<td>match 29:9,10 31:21 32:1,4,5 151:23 152:4</td>
</tr>
<tr>
<td>matches 29:7 30:2 31:7,10</td>
</tr>
<tr>
<td>matching 15:21</td>
</tr>
<tr>
<td>matchup 171:12</td>
</tr>
<tr>
<td>material's 198:12</td>
</tr>
<tr>
<td>Matt 12:6</td>
</tr>
<tr>
<td>matter 51:4 64:10 108:3 139:15,16 242:15</td>
</tr>
<tr>
<td>matters 12:23 135:9 214:19</td>
</tr>
<tr>
<td>Matthew 2:6 4:4 164:17</td>
</tr>
<tr>
<td>may've 38:3 86:7</td>
</tr>
<tr>
<td>McGraw 11:9</td>
</tr>
<tr>
<td>meaning 131:8</td>
</tr>
<tr>
<td>meaningful 160:10 192:15 273:4</td>
</tr>
<tr>
<td>meaningfully 53:23</td>
</tr>
</tbody>
</table>
| Page 38 | Capital Reporting Company  
U.S. Copyright Office Section 512 Public Roundtable  05-03-2016  
|---|---
| musical 121:7 | Nashville 207:3 |
| musical 121:7 | network 114:14 |
| nearly 264:24 | networks 106:14,15 |
| necessarily 15:4 | neutral 125:13 |
| necessitate 49:25 | nevertheless 258:12 |
| negative 9:13 90:2 | news 24:5 165:23 |
| negotiate 61:16 | nine-month 29:25 |
| negotiated 75:25 | ninety-nine 34:6,8 |
| negotiating 112:4 | Ninth 21:8 |
| negotiation 112:10 | nobody 77:6 140:6 |
| negotiations 128:14 160:13 | nobody's 184:5 |
| neither 60:1 | nodding 24:13 |
| net 44:25 | non 23:1 152:7 |
| Netflix 98:16 | non-majors 246:19 |
| Netherlands 99:3 | nonstop 262:5 |
| note 134:2 146:9 | non-threatening 152:16 |
| nothing 45:3 46:5 | nor 50:25 54:6 |
| notice 9:13 12:4 | norms 143:21 |
| notice-and 15:13 | Norway 99:3 |
| notice-and-stay-down 229:9 |
| notice-and-takedown 6:7 |
| notice-and-takedowns 153:22 |
placing 81:20 83:5 187:1
plagiarism 152:10,11
plain 175:23 256:8
plaintively 259:3
plan 130:17,19 141:11
plans 145:4 234:10
plausible 83:13
play 18:8,17 52:10,11 120:16 157:6 159:21 250:25
playable 38:13
players 96:15 105:2,5 146:4 247:17
plays 104:3,7 194:23
pleas 192:7
please 69:25 88:22 162:9,21 238:8 244:12 257:22 264:18,19
plight 146:24 259:4
pocket 267:2
podium 6:22 162:18 244:13 245:9 247:15
Pohler's 269:7
pointed 194:21 255:10
points 56:8 114:7 116:8,13 149:8 194:6 221:5 228:4
police 178:8,9 219:1
policed 182:14
Police's 209:9
policies 254:18 257:3
policing 209:23 218:17 219:7 233:9
policy 6:11 19:15
141:4,7 144:25 166:7 192:18,19 224:6,7
Pilch's 149:6 206:18
pile 59:11
pillar 272:25 273:1
pinch 75:14
Pinterest 61:15
pipeline 135:10 220:2,4
Piper 2:16
pirate 31:2,17 140:10 147:11,12
pirated 43:14 115:14 149:2 204:13
placard 14:20 90:12 195:4
placards 80:14 244:1
placed 197:1 211:5
placement 51:1
places 16:1 145:21 218:15
147:11,12
166:7 192:18,19 224:6,7
152:10,11
175:23 256:8
259:3
130:17,19 141:11
145:4 234:10
83:13
18:8,17 52:10,11 120:16 157:6 159:21 250:25
38:13
96:15 105:2,5 146:4 247:17
104:3,7 194:23
192:7
69:25 88:22 162:9,21 238:8 244:12 257:22 264:18,19
146:24 259:4
267:2
6:22 162:18 244:13 245:9 247:15
269:7
194:21 255:10
56:8 114:7 116:8,13 149:8 194:6 221:5 228:4
178:8,9 219:1
182:14
209:9
254:18 257:3
209:23 218:17 219:7 233:9
6:11 19:15
180:12
208:14 223:8
225:16
222:14
167:17,18 187:8 203:10
54:11
54:14
56:11
46:15,21 71:5
210:24
55:9
72:19
76:6 84:3,4 181:3 190:3,21 217:17
166:11 173:24
15:16
17:16
99:21 192:21
9:12
15:24 51:15 83:20 84:13 85:23 199:4
15:10
<table>
<thead>
<tr>
<th>possibly 47:13</th>
<th>potentially 7:15</th>
</tr>
</thead>
<tbody>
<tr>
<td>post 77:1</td>
<td>power 221:22</td>
</tr>
<tr>
<td>post 77:1</td>
<td>practical 18:21</td>
</tr>
<tr>
<td>posting 168:15</td>
<td>practices 12:16</td>
</tr>
<tr>
<td>postings 197:15</td>
<td>practically 100:7</td>
</tr>
<tr>
<td>potential 30:9</td>
<td>pre 150:22</td>
</tr>
<tr>
<td>preferable 129:13</td>
<td>precedent 39:1</td>
</tr>
<tr>
<td>preference 39:21</td>
<td>prevail 246:1</td>
</tr>
<tr>
<td>pre-Internet 211:16</td>
<td>prevented 15:22</td>
</tr>
<tr>
<td>preliminary 179:21</td>
<td>President 245:14</td>
</tr>
<tr>
<td>premise 85:19</td>
<td>principally 12:10</td>
</tr>
<tr>
<td>premium 206:1</td>
<td>principle 51:4</td>
</tr>
<tr>
<td>prepared 14:10</td>
<td>principles 32:14</td>
</tr>
<tr>
<td>preparing 270:20</td>
<td>pressure 94:4</td>
</tr>
<tr>
<td>prereleased 65:23</td>
<td>presumably 268:1</td>
</tr>
<tr>
<td>present 75:18</td>
<td>presumptions 183:5,19</td>
</tr>
<tr>
<td>presentation 129:21,24</td>
<td>pretend 9:23</td>
</tr>
<tr>
<td>presented 66:8</td>
<td>pretty 68:8</td>
</tr>
<tr>
<td>presenting 100:11</td>
<td>71:12</td>
</tr>
<tr>
<td>President 245:14</td>
<td>127:22</td>
</tr>
<tr>
<td>presidential 135:1</td>
<td>176:14</td>
</tr>
<tr>
<td>Press 3:16 166:5</td>
<td>199:6</td>
</tr>
<tr>
<td>pressure 94:4</td>
<td>204:17</td>
</tr>
<tr>
<td>procedures 38:1</td>
<td>procedures 14:2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>63:8 145:2</th>
<th>114:15 255:19</th>
<th>161:10</th>
</tr>
</thead>
<tbody>
<tr>
<td>proceedings 171:3 188:12 252:19</td>
<td>producer 211:10</td>
<td>200:16 206:23 207:1</td>
</tr>
<tr>
<td>26:10,19 27:16 29:25 30:13 40:2,7,10,19</td>
<td>produces 60:20</td>
<td>248:8,10 258:9</td>
</tr>
<tr>
<td>54:17 55:11</td>
<td>producing 271:1</td>
<td>progressively 217:13</td>
</tr>
<tr>
<td>70:22 75:25 79:3 82:25 84:2,9,15</td>
<td>production 114:25 203:16 204:5</td>
<td>project 63:17,22</td>
</tr>
<tr>
<td>85:5 87:5,7,14 94:10 109:8</td>
<td>productions 178:14</td>
<td>projects 124:22</td>
</tr>
<tr>
<td>247:4</td>
<td>prominent 255:5 prominently</td>
<td>professional-quality 203:17</td>
</tr>
<tr>
<td>248:19</td>
<td>promised 118:22</td>
<td>professionals</td>
</tr>
<tr>
<td>169:20</td>
<td>promising 33:25 76:9 104:13</td>
<td>247:4</td>
</tr>
<tr>
<td>profitable 212:19</td>
<td>promotes 114:21</td>
<td>promotes</td>
</tr>
<tr>
<td>profiting 233:10,12</td>
<td>promoting 142:21 200:16 206:25</td>
<td>114:21</td>
</tr>
<tr>
<td>profits 191:5</td>
<td>pronounced 251:25</td>
<td>142:21</td>
</tr>
<tr>
<td>61:2 111:7 116:23 141:17</td>
<td>proof 205:5</td>
<td>pronounced</td>
</tr>
<tr>
<td>propelled 34:16</td>
<td>proper 159:1 170:23 185:24 235:6 266:12,16</td>
<td>property 2:7</td>
</tr>
<tr>
<td>PROs 121:8</td>
<td>proponents 153:1</td>
<td>proposing</td>
</tr>
<tr>
<td>prosecute 234:23</td>
<td>proposal 18:23</td>
<td>127:20</td>
</tr>
<tr>
<td>prosecution 231:21</td>
<td>propose 227:16</td>
<td>prosecute</td>
</tr>
<tr>
<td>prospect 96:25 97:1</td>
<td>pros 121:8</td>
<td>prosecution</td>
</tr>
<tr>
<td>prospectively</td>
<td>property</td>
<td>protect</td>
</tr>
<tr>
<td>protected</td>
<td>protection 2:6</td>
<td>protected</td>
</tr>
<tr>
<td>protecting</td>
<td>protection</td>
<td>protecting</td>
</tr>
<tr>
<td>89:7,8 139:14 200:15</td>
<td>protections 10:12</td>
<td>protective</td>
</tr>
<tr>
<td>proud 273:2</td>
<td>protocol 55:20</td>
<td>protective</td>
</tr>
<tr>
<td>proved 212:16</td>
<td>protocol</td>
<td>protective</td>
</tr>
<tr>
<td>proven 98:10</td>
<td>proof</td>
<td>property</td>
</tr>
<tr>
<td>Word</td>
<td>Pages</td>
<td>Define Word</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>public's</td>
<td>218:5</td>
<td>218:21</td>
</tr>
<tr>
<td>provided</td>
<td>7:18</td>
<td>16:12,22 70:25</td>
</tr>
<tr>
<td>put</td>
<td>267:21</td>
<td>publically 267:21</td>
</tr>
<tr>
<td>put's</td>
<td>218:5</td>
<td>put's 218:5</td>
</tr>
<tr>
<td>qualify</td>
<td>153:25</td>
<td>83:3 85:10,18</td>
</tr>
<tr>
<td>quality</td>
<td>202:7,9</td>
<td>83:3 85:10,18</td>
</tr>
<tr>
<td>quantities</td>
<td>205:20</td>
<td>83:3 85:10,18</td>
</tr>
<tr>
<td>quarter</td>
<td>271:3</td>
<td>83:3 85:10,18</td>
</tr>
<tr>
<td>query</td>
<td>271:3</td>
<td>83:3 85:10,18</td>
</tr>
<tr>
<td>queen</td>
<td>261:20</td>
<td>83:3 85:10,18</td>
</tr>
<tr>
<td>reviews 29:6</td>
<td>Ringer 6:17</td>
<td></td>
</tr>
<tr>
<td>revolutionized 230:3</td>
<td>ripping 173:20</td>
<td></td>
</tr>
<tr>
<td>rewards 193:7</td>
<td>rise 125:5 258:7</td>
<td></td>
</tr>
<tr>
<td>rewrite 245:23</td>
<td>risk 33:6 119:15</td>
<td></td>
</tr>
<tr>
<td>246:2</td>
<td>219:23 220:8</td>
<td></td>
</tr>
<tr>
<td>rhetoric 254:23</td>
<td>268:6</td>
<td></td>
</tr>
<tr>
<td>rhetorical 61:5</td>
<td>road 163:15</td>
<td></td>
</tr>
<tr>
<td>RIAA 92:5 99:6</td>
<td>208:17,20</td>
<td></td>
</tr>
<tr>
<td>rich 206:12</td>
<td>robust 65:20</td>
<td></td>
</tr>
<tr>
<td>richer 225:7</td>
<td>67:21 85:15</td>
<td></td>
</tr>
<tr>
<td>RICO 138:16</td>
<td>86:11</td>
<td></td>
</tr>
<tr>
<td>ridiculous 140:16</td>
<td>200:9,10,19</td>
<td></td>
</tr>
<tr>
<td>rights 10:21 34:5</td>
<td>rogue 78:7 257:14</td>
<td></td>
</tr>
<tr>
<td>42:5 58:6 69:22</td>
<td>263:4</td>
<td></td>
</tr>
<tr>
<td>81:7,8 89:8</td>
<td>role 18:17 23:10</td>
<td></td>
</tr>
<tr>
<td>102:9 124:21</td>
<td>52:11 96:6 103:4</td>
<td></td>
</tr>
<tr>
<td>133:20,22</td>
<td>107:11</td>
<td></td>
</tr>
<tr>
<td>143:20 149:16</td>
<td>120:15,16 128:8</td>
<td></td>
</tr>
<tr>
<td>155:13,23 156:3</td>
<td>147:22 151:3</td>
<td></td>
</tr>
<tr>
<td>161:14 192:1</td>
<td>157:5 159:20</td>
<td></td>
</tr>
<tr>
<td>193:9 230:5</td>
<td>194:22 250:25</td>
<td></td>
</tr>
<tr>
<td>Rightscorp 256:12,18,20</td>
<td>roll 211:19,21</td>
<td></td>
</tr>
<tr>
<td>260:15</td>
<td>romance 148:12</td>
<td></td>
</tr>
<tr>
<td>rightsholder 19:7</td>
<td>room 6:22 14:21</td>
<td></td>
</tr>
<tr>
<td>34:5 36:1 85:2</td>
<td>90:19 91:18</td>
<td></td>
</tr>
<tr>
<td>rightsholders</td>
<td>219:18 235:1,2</td>
<td></td>
</tr>
<tr>
<td>10:21 17:9 18:6</td>
<td>245:25 247:19</td>
<td></td>
</tr>
<tr>
<td>21:18 24:21</td>
<td>268:3</td>
<td></td>
</tr>
<tr>
<td>34:12 39:12</td>
<td>Roo'-pee 193:18,19</td>
<td></td>
</tr>
<tr>
<td>48:22 49:1,6</td>
<td>root 33:19</td>
<td></td>
</tr>
<tr>
<td>50:9,23 51:17</td>
<td>Rosenthal 3:24</td>
<td></td>
</tr>
<tr>
<td>54:12,20,21</td>
<td>11:8 41:11,12</td>
<td></td>
</tr>
<tr>
<td>97:25 102:8</td>
<td>42:23 43:8</td>
<td></td>
</tr>
<tr>
<td>103:10 116:19</td>
<td>roughly 34:23</td>
<td></td>
</tr>
<tr>
<td>126:24 127:12</td>
<td>round 163:25</td>
<td></td>
</tr>
<tr>
<td>138:2 150:11</td>
<td>245:18</td>
<td></td>
</tr>
<tr>
<td>157:20,25</td>
<td>roundtable 89:13</td>
<td></td>
</tr>
<tr>
<td>166:21 257:23</td>
<td>162:12 167:1</td>
<td></td>
</tr>
<tr>
<td>rigid 142:1</td>
<td>192:9 245:17</td>
<td></td>
</tr>
<tr>
<td></td>
<td>268:1 273:14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>royalties 136:2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9 Rouh'pee 193:18</td>
<td></td>
</tr>
<tr>
<td></td>
<td>rule 29:18 30:1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>32:7 54:13 189:3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>rule-making</td>
<td></td>
</tr>
<tr>
<td></td>
<td>136:4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>rules 35:11 48:15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>63:8 152:23</td>
<td></td>
</tr>
<tr>
<td></td>
<td>170:13 172:14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>261:5 266:17</td>
<td></td>
</tr>
<tr>
<td></td>
<td>rumbling 154:25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>run 28:23 31:13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>43:15 67:12 84:9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>103:11 128:13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>158:10 241:13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>260:2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>running 268:6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>runs 6:13 174:13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>221:18</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rupy 3:25 166:13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>193:19,20,21,23</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rupy's 204:25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Russia 218:15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rutgers 3:21 92:1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>166:7,11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>safes 10:12 39:5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>44:16 46:7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>48:11,12 62:19</td>
<td></td>
</tr>
<tr>
<td></td>
<td>76:5 78:13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>101:25 135:24</td>
<td></td>
</tr>
<tr>
<td></td>
<td>154:5,6 179:13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>180:22 193:10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>196:3 225:17</td>
<td></td>
</tr>
<tr>
<td></td>
<td>safer 105:19</td>
<td></td>
</tr>
<tr>
<td></td>
<td>sake 136:10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>sales 34:17</td>
<td></td>
</tr>
<tr>
<td></td>
<td>132:8,12 214:9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>sample 52:2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>64:1,3 130:8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>samples 130:9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>San 273:17</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SANDRA 2:3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sarah 2:19 3:2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9:21 165:6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>175:16 201:22</td>
<td></td>
</tr>
<tr>
<td></td>
<td>268:10,19,21</td>
<td></td>
</tr>
<tr>
<td></td>
<td>sat 259:3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>satisfied 177:15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>satisfy 85:16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>126:11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>saved 48:5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>saving 273:11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>savings 271:2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>saw 24:13 49:5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>102:14 110:23</td>
<td></td>
</tr>
<tr>
<td></td>
<td>156:8 224:12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>272:24</td>
<td></td>
</tr>
<tr>
<td></td>
<td>scalable 19:3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>174:5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>scale 28:25 59:24</td>
<td></td>
</tr>
<tr>
<td></td>
<td>64:18 65:2 79:11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>120:19 177:9,23</td>
<td></td>
</tr>
<tr>
<td></td>
<td>192:5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>scaled 64:24 177:2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>scales 248:12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>scaling 54:23</td>
<td></td>
</tr>
<tr>
<td></td>
<td>scan 48:4 152:2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>scanning 10:6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>28:25 31:1,5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>scared 261:1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scarlet 118:20</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------</td>
<td>--------------</td>
</tr>
<tr>
<td>41:8 52:8 56:22</td>
<td>161:1,3 166:21</td>
<td>Shaftel 4:6 12:13</td>
</tr>
<tr>
<td>57:13 67:18 80:5</td>
<td>167:8,15 172:20</td>
<td>61:8,9 62:21</td>
</tr>
<tr>
<td>140:25 141:2</td>
<td>180:3</td>
<td>shaking 221:20</td>
</tr>
<tr>
<td>178:22 190:6</td>
<td>197:2,13,18</td>
<td>shame 148:15</td>
</tr>
<tr>
<td>204:10 218:11</td>
<td>203:5 211:6</td>
<td>shape 247:3</td>
</tr>
<tr>
<td>232:9 241:3,5</td>
<td>228:13,20</td>
<td>share 32:16 33:5</td>
</tr>
<tr>
<td>263:2 270:5</td>
<td>230:14</td>
<td>40:19 70:20</td>
</tr>
<tr>
<td>sensitive 133:4,16</td>
<td>234:17,19 235:8</td>
<td>94:13 95:5 120:6</td>
</tr>
<tr>
<td>219:10</td>
<td>249:11 251:7</td>
<td>240:3 271:13,15</td>
</tr>
<tr>
<td>sensitivity 156:3</td>
<td>253:22,23</td>
<td>shared 95:22</td>
</tr>
<tr>
<td>sensitized 155:23</td>
<td>254:2,11,18</td>
<td>97:24 116:2,3</td>
</tr>
<tr>
<td>sent 49:11 123:14</td>
<td>services 24:15</td>
<td>sharing 141:16,19</td>
</tr>
<tr>
<td>232:5 233:17,19</td>
<td>27:7 37:17,18</td>
<td>Shark 66:8</td>
</tr>
<tr>
<td>256:20</td>
<td>39:6,13 86:25</td>
<td>Scheckler 6:8</td>
</tr>
<tr>
<td>sentenced 222:22</td>
<td>98:11,16</td>
<td>103:10</td>
</tr>
<tr>
<td>separate 103:1</td>
<td>99:16,23,24</td>
<td>115:6</td>
</tr>
<tr>
<td>184:3 205:1</td>
<td>100:13 103:10</td>
<td>117:18 121:14</td>
</tr>
<tr>
<td>series 71:7</td>
<td>113:5,18</td>
<td>126:20 136:3</td>
</tr>
<tr>
<td>serious 54:15</td>
<td>115:6</td>
<td>153:5 156:13,15</td>
</tr>
<tr>
<td>55:3,10</td>
<td>176:24 200:22</td>
<td>179:20</td>
</tr>
<tr>
<td>seriously 206:8</td>
<td>211:2 220:6</td>
<td>169:7</td>
</tr>
<tr>
<td>240:9 262:10</td>
<td>221:11 225:20</td>
<td>244:10,15</td>
</tr>
<tr>
<td>serve 37:20,21</td>
<td>226:3 249:18</td>
<td>sets 30:1 32:7 39:5</td>
</tr>
<tr>
<td>215:19</td>
<td>session 5:5,8,11,14</td>
<td>28:19 30:7 31:19</td>
</tr>
<tr>
<td>served 47:7</td>
<td>6:21 7:10</td>
<td>183:4</td>
</tr>
<tr>
<td>217:11</td>
<td>8:13,22 88:16,23</td>
<td>settings 266:23</td>
</tr>
<tr>
<td>server 231:24</td>
<td>89:1,2 162:8,9</td>
<td>settled 73:15</td>
</tr>
<tr>
<td>servers 259:24</td>
<td>163:1,2,18 168:7</td>
<td>seven 29:14 34:8</td>
</tr>
<tr>
<td>service 12:5</td>
<td>244:10,15</td>
<td>several 62:25</td>
</tr>
<tr>
<td>13:9,22 17:3,19</td>
<td></td>
<td>82:11 99:18</td>
</tr>
<tr>
<td>18:6 20:25 35:22</td>
<td></td>
<td>141:19 171:2</td>
</tr>
<tr>
<td>37:7,12,14 38:21</td>
<td></td>
<td>204:2</td>
</tr>
<tr>
<td>43:13 50:2 56:2</td>
<td></td>
<td>sexual 218:23</td>
</tr>
<tr>
<td>67:20 76:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>78:16 81:8 86:23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>87:25 106:4,25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>110:20 111:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>112:25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>113:10,24 125:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>126:23 127:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>129:17 131:9,23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>134:20 147:20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>shoes 268:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>short 22:19 57:20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>79:22 84:22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>89:17 101:23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>234:10 258:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>shortage 202:9,14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>shortcomings 110:24 129:6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>191:17 257:24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>showboating 40:24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>showed 99:2,9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>139:7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>showing 60:16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>190:6 273:7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>shows 99:10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>187:10 255:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>shrinking 207:2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>208:14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>shut 218:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SIAA 166:3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>sic 28:21 61:11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>119:20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>sides 14:7 18:16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49:20 54:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>56:11,18 57:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>78:25 97:2 125:5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>161:6 174:8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>177:14 191:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>232:12,16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>246:4,5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>sideways 260:7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>sign 7:8 35:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37:12 47:9,11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>140:1 148:21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>162:9,17,21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>220:4,10 244:12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>245:8 273:10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>signals 137:18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>signed 48:4 273:10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>significance 21:5,9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>significant 34:4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37:3,14 93:7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| significantly 86:25 | site 15:24 43:18 | 87:10 120:12 | society 3:3,7 91:15 |
| signup 162:17 | 46:10 50:10 | 138:18,19 | 158:11 165:20 |
| silent 183:18 | 68:7 71:14,20 | Ska 78:5 | 217:16 |
| siloed 125:1 | 77:18,23 78:7 | skills 265:17 | society's 173:6 |
| similarly 13:15 | | 59:12 103:16 | sold 208:16,23 |
| 54:7 57:3 255:21 | | 109:19 118:2 | 272:1,2,5 |
| Simon 34:15,19 | | 119:16,24 | sole 147:8 211:22 |
| simple 95:16 | | 126:19 138:2 | solution 14:17 |
| 98:13 220:21 | | 181:11,12 184:9 | 17:8 18:3,4 |
| 95:15 113:3 | | 223:25 234:9 | 60:2,22,23 |
| 117:7 158:7 | | 237:10 | 63:2,5 65:6 |
| 228:21 232:1 | | 9,22 252:25 | 83:1,14 94:15 |
| 259:8 | | 254:12 260:10 | 104:22 105:10 |
| 116:9,10 126:2 | | 51:13,18 | 143:24 144:6 |
| 150:3,4 | | 55:14,23 56:4 | 147:8 152:17 |
| 68:3,14 81:22 | | 247:16 | 239:6 |
| 174:14 | | smallest 79:12 | solutionism 53:6 |
| single 26:11 83:10 | | smart 53:7,11 | solutionist 83:6 |
| 176:3 197:23 | | snippets 37:2 | 8:23 15:1,8 16:6 |
| single-handedly 246:25 | | social 62:5 81:3 | 53:11,12 55:14 |
| sit 121:20 | | 143:5,15,19,21,2 | 96:4 |
| | | 3 144:22,23 | 104:10,13,21,23 |
| | | 145:9 183:7 | 105:11 110:21 |
| | | 193:14 212:14 | 124:17,23 |
| | | 218:17 | 125:10 126:5 |
| | | | 147:10 |
| | | | 150:20,21 160:2 |
| story-driven | structures 136:20 |
| - 205:24 | - stuck 221:23 |
| straight-up | - 225:25 |
| 63:8 | - student 146:22 |
| strain | - students 81:13 |
| 190:7 | - 141:20 143:14 |
| 222:10 | - studies 115:18 |
| strategies | - 121:2 130:4,9 |
| 5:6 7:11 | - 144:17 |
| 8:22 49:20 | - studio 10:5 248:19 |
| strategy | - 249:7 264:20 |
| 12:25 | - 270:20 |
| 231:25 | - studios 77:4 |
| stream | - 121:16 138:23 |
| 34:11 | - 174:15 |
| 121:15 | - stuff 17:22 32:13 |
| streamlined | - 106:19 152:9,24 |
| 168:19 | - 187:10,15 |
| streams | - 271:21 |
| 60:12 | - stumped 207:16 |
| 104:7 | - stunted 172:15 |
| 146:11 | - stupid 140:8 |
| Street | - styles 212:22 |
| 1:9 | - sub 174:3 |
| stress | - subject 15:3 51:19 |
| 155:18 | - 74:12 127:16 |
| stressful | - 132:13 140:16 |
| 229:17 | - 141:22 156:21 |
| strict | - 176:19 |
| 172:14 | - subjective 21:1 |
| strike | - submission 265:19 |
| 70:5 | - submissions 259:18,20 |
| strikes | - submit 55:5 |
| 111:12 | - 70:9,12 177:4 |
| striking | - 235:6 238:8 |
| 68:25 | - submitted 89:12 |
| string | - 236:22 |
| 145:17 | - submitting 55:9 |
| strip | - 238:9 |
| 61:12 72:22 | - subscriber 132:17 |
| stripped | - subscription 107:25 |
| 61:14 | - substance 130:21 |
| 72:18 81:2 | - substantial 257:4 |
| stripping | - subtractive 213:23 |
| 73:1 | - success 95:8 |
| strong | - successes 95:6 |
| 15:1 | - successful 25:25 |
| stronger | - 27:18 105:4 |
| 143:25 | - 116:1,3,4,14,15 |
| 147:3 | - 117:5 129:7 |
| strongly | - 206:4 234:23 |
| 229:3 | - sucks 146:14 |
| struck | - suddenly 28:21 |
| 57:14 76:12 | - 123:17 176:22 |
| 98:3 216:19 | - sue 107:2 124:3 |
| 235:5 | - sued 255:12 |
| structural | - suffering 167:21 |
| 150:21 | - sufficient 21:13 |
| structure | - 97:14 126:7 |
| 118:13 | - 160:12 |
| 125:15 | - suggest 63:16 |
| 215:10 | - 115:20 177:12 |
| 207:16 | - 197:25 236:4 |
| stumped | - 262:21 |
| stunted | - suggested 26:23 |

<p>| 177:5 240:6 tears 139:4 | 86:20 88:9 ten 34:17 234:2 | 265:2 |
| 177:5 240:6 | technology 12:25 tens 34:25 174:19 |
| teaching 147:1 | technology 3:20 269:25 |
| 156:5 | 177:5 240:6 technology-based 15:7 |
| 177:5 240:6 | 12:4,18 terminated 180:20,21 |
| tears 139:4 | 13:10,15,16 terminating 257:11 |
| technical 40:16 | 16:2,5,19 terms 13:18 |
| 73:8,14 75:24 | 10:1,5,9 11:20 tension 105:14 |
| 85:12 86:5 87:11 108:15 109:3 | 12:4,18 terminated 180:20,21 |
| 112:8 127:21,24 | 13:10,15,16 terminating 257:11 |
| 266:24 268:3 | 15:2 | 14:7,13 20:12,14 |
| technological 5:6 | 16:2,5,19 tend 183:15 218:2 |
| 7:11 8:22 10:17 | 10:1,5,9 11:20 tension 105:14 |
| 13:24 17:15 | 12:4,18 terminated 180:20,21 |
| 18:24 20:2 30:16 | 13:10,15,16 terminating 257:11 |
| 49:19 53:6 60:3 | 16:2,5,19 tend 183:15 218:2 |
| 67:8,25 76:7 | 10:1,5,9 11:20 tension 105:14 |
| 96:4 122:21 | 12:4,18 terminated 180:20,21 |
| 147:14 150:20 | 13:10,15,16 terminating 257:11 |
| 185:23 229:16 | 14:11,17,23 15:7 terms 13:18 |
| 235:1 236:10 | 16:2,5,19 tend 183:15 218:2 |
| 237:17 | 10:1,5,9 11:20 tension 105:14 |
| technically 181:8 230:25 | 12:4,18 terminated 180:20,21 |
| technologies 7:14 | 13:10,15,16 terminating 257:11 |
| 8:16 9:8,12 10:6 | 14:11,17,23 15:7 terms 13:18 |
| 11:4,7,11,13 | 16:2,5,19 tend 183:15 218:2 |
| 23:6,9,13 | 49:19 53:6 60:3 terminating 257:11 |
| 25:11,15,23 | 67:8,25 76:7 | terms 13:18 |
| 29:2,17 35:3,18 | 147:14 150:20 tension 105:14 |
| 38:18,23 | 185:23 229:16 terminating 257:11 |
| 41:13,15,20,21,2 | 235:1 236:10 | terms 13:18 |
| 4 42:6,12,13,19 | 237:17 | 10:1,5,9 11:20 tension 105:14 |
| 43:14 53:11 | 12:4,18 terminated 180:20,21 |
| 57:12,15,18 | 13:10,15,16 terminating 257:11 |
| technology-based | 15:7 | terms 13:18 |</p>
<table>
<thead>
<tr>
<th>218:13</th>
<th>220:6</th>
</tr>
</thead>
<tbody>
<tr>
<td>221:13</td>
<td></td>
</tr>
<tr>
<td>223:13,18,19,21</td>
<td></td>
</tr>
<tr>
<td>225:25</td>
<td>226:2</td>
</tr>
<tr>
<td>227:24</td>
<td></td>
</tr>
<tr>
<td>228:14,21</td>
<td></td>
</tr>
<tr>
<td>229:21</td>
<td>233:13</td>
</tr>
<tr>
<td>234:22</td>
<td>235:1,2</td>
</tr>
<tr>
<td>236:9</td>
<td>238:24</td>
</tr>
<tr>
<td>239:2</td>
<td>243:13</td>
</tr>
<tr>
<td>245:24</td>
<td></td>
</tr>
<tr>
<td>250:13,15</td>
<td></td>
</tr>
<tr>
<td>251:12</td>
<td>253:5</td>
</tr>
<tr>
<td>254:10,17,21</td>
<td></td>
</tr>
<tr>
<td>255:2,4,25</td>
<td>256:2</td>
</tr>
<tr>
<td>264:8</td>
<td>270:7</td>
</tr>
<tr>
<td>271:24</td>
<td></td>
</tr>
<tr>
<td>28:13,18</td>
<td></td>
</tr>
<tr>
<td>29:2</td>
<td>37:2</td>
</tr>
<tr>
<td>37:2</td>
<td>41:8</td>
</tr>
<tr>
<td>44:20,22,24</td>
<td></td>
</tr>
<tr>
<td>45:23</td>
<td>48:24,25</td>
</tr>
<tr>
<td>50:13,15</td>
<td></td>
</tr>
<tr>
<td>51:12</td>
<td>53:5</td>
</tr>
<tr>
<td>54:3,5</td>
<td>58:14,16,17,21</td>
</tr>
<tr>
<td>64:13</td>
<td>68:8</td>
</tr>
<tr>
<td>68:8</td>
<td>71:15</td>
</tr>
<tr>
<td>75:19</td>
<td>77:15</td>
</tr>
<tr>
<td>78:7,11</td>
<td>85:6,8</td>
</tr>
<tr>
<td>86:13</td>
<td>87:15</td>
</tr>
<tr>
<td>88:13</td>
<td>113:10</td>
</tr>
<tr>
<td>116:15,21,22</td>
<td></td>
</tr>
<tr>
<td>119:16</td>
<td>123:20</td>
</tr>
<tr>
<td>124:2</td>
<td>127:4,5</td>
</tr>
<tr>
<td>130:21</td>
<td>133:13</td>
</tr>
<tr>
<td>134:4</td>
<td>138:8</td>
</tr>
<tr>
<td>143:4</td>
<td>149:15</td>
</tr>
<tr>
<td>152:21</td>
<td>161:11</td>
</tr>
<tr>
<td>166:10</td>
<td>174:21</td>
</tr>
<tr>
<td>183:9</td>
<td>188:25</td>
</tr>
<tr>
<td>207:9</td>
<td>213:20</td>
</tr>
<tr>
<td>220:8,9,19</td>
<td></td>
</tr>
<tr>
<td>223:11</td>
<td>228:22</td>
</tr>
<tr>
<td>229:2</td>
<td>238:3</td>
</tr>
<tr>
<td>241:21,22</td>
<td></td>
</tr>
<tr>
<td>242:19</td>
<td>249:13</td>
</tr>
<tr>
<td>265:10,16</td>
<td>272:11</td>
</tr>
<tr>
<td>they've</td>
<td>24:6</td>
</tr>
<tr>
<td>70:25</td>
<td>127:16</td>
</tr>
<tr>
<td>152:4</td>
<td>206:10</td>
</tr>
<tr>
<td>230:1,2</td>
<td></td>
</tr>
<tr>
<td>third</td>
<td>23:18</td>
</tr>
<tr>
<td>134:9</td>
<td>254:21</td>
</tr>
<tr>
<td>third-party</td>
<td>23:14</td>
</tr>
<tr>
<td>24:1,14,18,23</td>
<td></td>
</tr>
<tr>
<td>THOMAS</td>
<td>3:7</td>
</tr>
<tr>
<td>thoughtful</td>
<td>63:5,15</td>
</tr>
<tr>
<td>thoughtfully</td>
<td>64:9</td>
</tr>
<tr>
<td>thoughts</td>
<td>244:3</td>
</tr>
<tr>
<td>thousand</td>
<td>65:25</td>
</tr>
<tr>
<td>thousands</td>
<td>76:3,4</td>
</tr>
<tr>
<td>174:20</td>
<td>176:23</td>
</tr>
<tr>
<td>182:20</td>
<td>204:2</td>
</tr>
<tr>
<td>256:13</td>
<td>269:25</td>
</tr>
<tr>
<td>threads</td>
<td>221:9</td>
</tr>
<tr>
<td>threaten</td>
<td>13:2</td>
</tr>
<tr>
<td>threatened</td>
<td>255:19</td>
</tr>
<tr>
<td>threats</td>
<td>127:6</td>
</tr>
<tr>
<td>thrive</td>
<td>234:12</td>
</tr>
<tr>
<td>thrives</td>
<td>193:2</td>
</tr>
<tr>
<td>thriving</td>
<td>200:7,8</td>
</tr>
<tr>
<td>throughout</td>
<td>194:11</td>
</tr>
<tr>
<td>throw</td>
<td>232:25</td>
</tr>
<tr>
<td>thumb</td>
<td>120:19</td>
</tr>
<tr>
<td>thumbnails</td>
<td>74:10</td>
</tr>
<tr>
<td>Thurgood</td>
<td>1:8</td>
</tr>
<tr>
<td>thus</td>
<td>71:15</td>
</tr>
<tr>
<td>tickets</td>
<td>148:25</td>
</tr>
<tr>
<td>tied</td>
<td>188:8</td>
</tr>
<tr>
<td>Time)[BG2] (Break 162:1</td>
<td></td>
</tr>
<tr>
<td>timekeeper</td>
<td>8:3</td>
</tr>
<tr>
<td>tinyeye.com</td>
<td>119:9</td>
</tr>
<tr>
<td>tinkering</td>
<td>177:21</td>
</tr>
<tr>
<td>tip</td>
<td>8:1</td>
</tr>
<tr>
<td>Title</td>
<td>6:8</td>
</tr>
<tr>
<td>tobacco</td>
<td>265:8</td>
</tr>
<tr>
<td>today</td>
<td>6:18</td>
</tr>
<tr>
<td>9:25</td>
<td>13:6,11,14</td>
</tr>
<tr>
<td>22:7</td>
<td>34:22</td>
</tr>
<tr>
<td>49:8</td>
<td>53:19</td>
</tr>
<tr>
<td>62:23</td>
<td>63:1</td>
</tr>
<tr>
<td>80:20</td>
<td>82:11</td>
</tr>
<tr>
<td>86:21</td>
<td>87:22</td>
</tr>
<tr>
<td>99:12</td>
<td>100:10,21</td>
</tr>
<tr>
<td>101:1</td>
<td>114:12,23</td>
</tr>
<tr>
<td>125:9</td>
<td>135:14</td>
</tr>
<tr>
<td>142:8,12</td>
<td>162:8</td>
</tr>
<tr>
<td>166:10</td>
<td>169:3</td>
</tr>
<tr>
<td>172:16</td>
<td>176:24</td>
</tr>
<tr>
<td>179:13</td>
<td>200:1</td>
</tr>
<tr>
<td>222:22</td>
<td>224:15</td>
</tr>
<tr>
<td>227:3</td>
<td>234:1</td>
</tr>
<tr>
<td>247:2</td>
<td>252:2,23</td>
</tr>
<tr>
<td>253:20</td>
<td>255:4</td>
</tr>
<tr>
<td>259:3</td>
<td>13</td>
</tr>
<tr>
<td>268:25</td>
<td></td>
</tr>
<tr>
<td>to-day</td>
<td>12:23</td>
</tr>
<tr>
<td>Today</td>
<td>98:15</td>
</tr>
<tr>
<td>211:11</td>
<td></td>
</tr>
<tr>
<td>today's</td>
<td>212:20</td>
</tr>
<tr>
<td>Todd</td>
<td>2:18</td>
</tr>
<tr>
<td>tolerate</td>
<td>77:5</td>
</tr>
<tr>
<td>225:1</td>
<td></td>
</tr>
<tr>
<td>Tom</td>
<td>91:15</td>
</tr>
<tr>
<td>269:16,17,19,21,22</td>
<td></td>
</tr>
<tr>
<td>ton</td>
<td>47:6</td>
</tr>
<tr>
<td>tons</td>
<td>229:25</td>
</tr>
<tr>
<td>tool</td>
<td>50:8</td>
</tr>
<tr>
<td>53:22</td>
<td>58:17</td>
</tr>
<tr>
<td>63:11</td>
<td>81:4</td>
</tr>
<tr>
<td>167:19</td>
<td></td>
</tr>
<tr>
<td>218:16</td>
<td>219:6</td>
</tr>
<tr>
<td>220:24</td>
<td></td>
</tr>
<tr>
<td>tools</td>
<td>12:11</td>
</tr>
<tr>
<td>24:25</td>
<td>26:25</td>
</tr>
<tr>
<td>30:1,16</td>
<td>39:6,23</td>
</tr>
<tr>
<td>46:8</td>
<td>48:24,25</td>
</tr>
<tr>
<td>51:1,13</td>
<td>54:7</td>
</tr>
<tr>
<td>58:14,16</td>
<td>59:16</td>
</tr>
<tr>
<td>64:25</td>
<td>188:6</td>
</tr>
<tr>
<td>189:13</td>
<td></td>
</tr>
<tr>
<td>top</td>
<td>26:9</td>
</tr>
<tr>
<td>63:8</td>
<td>185:2</td>
</tr>
<tr>
<td>topic</td>
<td>5:2</td>
</tr>
<tr>
<td>topline</td>
<td>120:6</td>
</tr>
<tr>
<td>Torrent</td>
<td>271:8,23</td>
</tr>
<tr>
<td>torture</td>
<td>208:19</td>
</tr>
<tr>
<td>totally</td>
<td>126:11</td>
</tr>
<tr>
<td>touched</td>
<td>7:12</td>
</tr>
<tr>
<td>177:18</td>
<td></td>
</tr>
<tr>
<td>touchstones</td>
<td>216:14</td>
</tr>
<tr>
<td>tough</td>
<td>204:8</td>
</tr>
<tr>
<td>tour</td>
<td>209:10</td>
</tr>
<tr>
<td>touring</td>
<td>208:16</td>
</tr>
<tr>
<td>209:4</td>
<td>220:16</td>
</tr>
<tr>
<td>tours</td>
<td>208:19</td>
</tr>
<tr>
<td>towards</td>
<td>41:5</td>
</tr>
<tr>
<td>158:1</td>
<td>160:2</td>
</tr>
<tr>
<td>245:20</td>
<td></td>
</tr>
<tr>
<td>town</td>
<td>209:8</td>
</tr>
<tr>
<td>track</td>
<td>45:5</td>
</tr>
<tr>
<td>185:21</td>
<td>235:20</td>
</tr>
<tr>
<td>251:9</td>
<td></td>
</tr>
<tr>
<td>traction</td>
<td>124:23</td>
</tr>
<tr>
<td>Trade</td>
<td>13:12</td>
</tr>
<tr>
<td>trademark</td>
<td>56:1</td>
</tr>
<tr>
<td>237:2</td>
<td></td>
</tr>
<tr>
<td>238:16,19,20,21,22</td>
<td></td>
</tr>
<tr>
<td>239:5,8</td>
<td></td>
</tr>
<tr>
<td>trademarks</td>
<td>236:23</td>
</tr>
<tr>
<td>trades</td>
<td>173:2</td>
</tr>
<tr>
<td>traditional</td>
<td>128:4</td>
</tr>
</tbody>
</table>
### Capital Reporting Company
U.S. Copyright Office Section 512 Public Roundtable  05-03-2016
Page 62

| trafficking 224:22 | tribute 210:10 | 266:6 269:4,21 |
| trained 32:14 | trickling 138:22 | 270:10 |
| training 268:14,22 | tried 87:9 102:4 | trying 8:3 11:24 |
| 270:1 | 117:17 131:24 | 25:17 27:12,14 |
| transactions 62:4 | 163:3 178:16 | 42:5 67:19 |
| TRANSCRIBER 274:1 | 205:1,4 270:21 | 68:2,14 76:16 |
| transcript 8:9 | tries 130:6 151:21 | 82:25 83:21 |
| 274:4 | trigger 256:11 | 93:17 98:4 |
| transformative 4:12 | trillion 194:10,11 | 113:23 118:16 |
| 92:11 | trillions 236:1 | 120:20 132:11 |
| 170:18,20,22 | trillionth 164:2 | 133:18 137:13 |
| 261:18 | trivial 262:14 | 177:7 185:21 |
| 265:16,22 | troubled 218:25 | 229:2 237:3,9 |
| transformed 265:22 | troublesome 123:7 | 238:2,3,21 |
| transit 54:5 | Troy 2:17 91:3 | 240:25 |
| transition 101:9 | 102:20 103:19 | 268:15,24 |
| translate 132:8 | 248:1 267:2 | Tuesday 1:7 |
| 135:9 | Troy's 104:10,21 | Tumblr 262:4 |
| translates 142:20 | 119:13 | turn 27:1 90:12 |
| transmit 13:22 | 125:8 130:1 | turned 122:1 |
| transparency | 174:18 210:23 | 129:19 130:1 |
| 128:14 160:12 | 221:21 229:24 | 205:21 |
| 185:25 259:16 | 242:24 265:2 | turning 178:17 |
| 271:16 | truly 127:9 129:7 | 192:6 |
| treat 68:4 | 273:16 | turns 123:19 |
| treated 66:19 | trust 116:6 | Tushnet 4:12 |
| Trek 171:20 | trusted 111:9,24 | 92:10 117:21,22 |
| tremendous | truth 93:24 223:24 | 151:8,9 |
| 122:14 142:11 | try 8:2,10 18:2 | 261:9,10,12,17 |
| tremendously | 69:24 89:5 90:10 | 264:11,19 |
| 135:6 | 96:11 100:6 | tweak 226:10 |
| trench 246:6 | 108:25 111:21 | tweaked 227:4 |
| trend 101:5 | 120:13 136:12 | tweaking 16:2 |
| 105:17 198:3 | 144:11 153:13 | Twitter 67:3 |
| 199:3,6 | 177:3,11 | twofold 169:3 |
| type 58:24 63:4 | 178:13,19 | type 58:24 63:4 |
| 80:2,3 85:16 | 182:22 185:6 | 80:2,3 85:16 |
| 107:12,23 | 186:14 203:4 | 107:12,23 |
| 221:3 223:7 | 113:20 114:15 | 113:20 114:15 |
| under-blocking 152:1 | 184:9 185:6 | 184:9 185:6 |

<table>
<thead>
<tr>
<th>undergraduate</th>
<th>143:9</th>
</tr>
</thead>
<tbody>
<tr>
<td>under-inclusive</td>
<td>161:7</td>
</tr>
<tr>
<td>underline</td>
<td>77:5</td>
</tr>
<tr>
<td>underlying</td>
<td>96:19</td>
</tr>
<tr>
<td>undermine</td>
<td>68:15</td>
</tr>
<tr>
<td>undermined</td>
<td>226:6</td>
</tr>
<tr>
<td>underrepresented</td>
<td>265:17</td>
</tr>
<tr>
<td>underscore</td>
<td>194:6</td>
</tr>
<tr>
<td>understand</td>
<td>50:12</td>
</tr>
<tr>
<td>67:24 75:15</td>
<td></td>
</tr>
<tr>
<td>83:22 130:6,11</td>
<td></td>
</tr>
<tr>
<td>133:8 137:22</td>
<td></td>
</tr>
<tr>
<td>140:5 146:24</td>
<td></td>
</tr>
<tr>
<td>218:14</td>
<td></td>
</tr>
<tr>
<td>219:12,14 228:3</td>
<td></td>
</tr>
<tr>
<td>247:25 248:3</td>
<td></td>
</tr>
<tr>
<td>254:10</td>
<td></td>
</tr>
<tr>
<td>understandable</td>
<td>17:20 18:2</td>
</tr>
<tr>
<td>understanding</td>
<td>93:5 96:5,7</td>
</tr>
<tr>
<td>208:8 266:16</td>
<td></td>
</tr>
<tr>
<td>understood</td>
<td>30:6,12 185:12</td>
</tr>
<tr>
<td>undertake</td>
<td>209:5</td>
</tr>
<tr>
<td>245:22</td>
<td></td>
</tr>
<tr>
<td>undoing</td>
<td>78:9</td>
</tr>
<tr>
<td>undue</td>
<td>79:8</td>
</tr>
<tr>
<td>unedited</td>
<td>22:9</td>
</tr>
<tr>
<td>unethical</td>
<td>142:14</td>
</tr>
<tr>
<td>unexpected</td>
<td>161:8</td>
</tr>
<tr>
<td>unfair</td>
<td>127:17,18</td>
</tr>
<tr>
<td>193:12 238:11</td>
<td></td>
</tr>
<tr>
<td>unfold</td>
<td>160:1</td>
</tr>
<tr>
<td>unforeseen</td>
<td>166:24</td>
</tr>
<tr>
<td>unfortunately</td>
<td>19:4 69:3 74:2</td>
</tr>
<tr>
<td>157:7 244:17</td>
<td></td>
</tr>
<tr>
<td>UNIDENTIFIED</td>
<td>91:19,21 165:13</td>
</tr>
<tr>
<td>uniformly</td>
<td>131:18,22</td>
</tr>
<tr>
<td>unify</td>
<td>221:24</td>
</tr>
<tr>
<td>unilateral</td>
<td>95:10</td>
</tr>
<tr>
<td>157:23 158:18</td>
<td></td>
</tr>
<tr>
<td>unimaginable</td>
<td>138:19</td>
</tr>
<tr>
<td>unintended</td>
<td>191:17</td>
</tr>
<tr>
<td>unintended</td>
<td>117:7</td>
</tr>
<tr>
<td>unique</td>
<td>175:20</td>
</tr>
<tr>
<td>240:23,25</td>
<td></td>
</tr>
<tr>
<td>242:24</td>
<td></td>
</tr>
<tr>
<td>United</td>
<td>1:2,8</td>
</tr>
<tr>
<td>166:13 180:15</td>
<td></td>
</tr>
<tr>
<td>Universal</td>
<td>2:23</td>
</tr>
<tr>
<td>245:16</td>
<td></td>
</tr>
<tr>
<td>universe</td>
<td>31:2</td>
</tr>
<tr>
<td>172:12</td>
<td></td>
</tr>
<tr>
<td>universities</td>
<td>44:22</td>
</tr>
<tr>
<td>81:12,15,19</td>
<td></td>
</tr>
<tr>
<td>131:9 132:1</td>
<td></td>
</tr>
<tr>
<td>141:13,16</td>
<td></td>
</tr>
<tr>
<td>143:25 145:2,5</td>
<td></td>
</tr>
<tr>
<td>university</td>
<td>2:4,13</td>
</tr>
<tr>
<td>3:21 81:13 92:1</td>
<td></td>
</tr>
<tr>
<td>130:17,19</td>
<td></td>
</tr>
<tr>
<td>141:18 142:9</td>
<td></td>
</tr>
<tr>
<td>144:20</td>
<td></td>
</tr>
<tr>
<td>164:19,25</td>
<td></td>
</tr>
<tr>
<td>166:7,11 169:21</td>
<td></td>
</tr>
<tr>
<td>206:19 232:22</td>
<td></td>
</tr>
<tr>
<td>unless</td>
<td>54:3 126:9</td>
</tr>
<tr>
<td>171:6,8 206:8</td>
<td></td>
</tr>
<tr>
<td>unlicensed</td>
<td>35:21</td>
</tr>
<tr>
<td>60:16 77:16,18</td>
<td></td>
</tr>
<tr>
<td>84:1</td>
<td></td>
</tr>
<tr>
<td>unlikely</td>
<td>67:17</td>
</tr>
<tr>
<td>unlimited</td>
<td>215:22</td>
</tr>
<tr>
<td>unprecedented</td>
<td>192:5</td>
</tr>
<tr>
<td>unrelated</td>
<td>56:2</td>
</tr>
<tr>
<td>146:9</td>
<td></td>
</tr>
<tr>
<td>unsustainable</td>
<td>220:19</td>
</tr>
<tr>
<td>untested</td>
<td>183:8</td>
</tr>
<tr>
<td>unwashed</td>
<td>153:2</td>
</tr>
<tr>
<td>unwieldy</td>
<td>137:10</td>
</tr>
<tr>
<td>unwillingness</td>
<td>43:1,5</td>
</tr>
<tr>
<td>unworkable</td>
<td>178:17</td>
</tr>
<tr>
<td>update</td>
<td>96:12</td>
</tr>
<tr>
<td>updated</td>
<td>36:17,19</td>
</tr>
<tr>
<td>upfront</td>
<td>220:5</td>
</tr>
<tr>
<td>upload</td>
<td>44:19</td>
</tr>
<tr>
<td>46:20,21</td>
<td></td>
</tr>
<tr>
<td>47:3,10,12,25</td>
<td></td>
</tr>
<tr>
<td>61:13 67:17</td>
<td></td>
</tr>
<tr>
<td>69:11,24 81:2</td>
<td></td>
</tr>
<tr>
<td>140:3 151:21</td>
<td></td>
</tr>
<tr>
<td>153:3 156:10</td>
<td></td>
</tr>
<tr>
<td>250:16</td>
<td></td>
</tr>
<tr>
<td>uploaded</td>
<td>15:22,23</td>
</tr>
<tr>
<td>34:23 70:7 72:18</td>
<td></td>
</tr>
<tr>
<td>151:25 185:16</td>
<td></td>
</tr>
<tr>
<td>230:22,23</td>
<td></td>
</tr>
<tr>
<td>uploaders</td>
<td>11:23</td>
</tr>
<tr>
<td>uploading</td>
<td>44:6</td>
</tr>
<tr>
<td>71:10 74:4</td>
<td></td>
</tr>
<tr>
<td>250:12,15</td>
<td></td>
</tr>
<tr>
<td>uploads</td>
<td>72:21</td>
</tr>
<tr>
<td>247:5</td>
<td></td>
</tr>
<tr>
<td>upon</td>
<td>7:12 67:22</td>
</tr>
<tr>
<td>69:11 81:2 85:8</td>
<td></td>
</tr>
<tr>
<td>86:13 121:15</td>
<td></td>
</tr>
<tr>
<td>220:20</td>
<td></td>
</tr>
<tr>
<td>233:18,19</td>
<td></td>
</tr>
<tr>
<td>upset</td>
<td>177:21</td>
</tr>
<tr>
<td>upside</td>
<td>89:25</td>
</tr>
<tr>
<td>urge</td>
<td>213:3 229:4</td>
</tr>
<tr>
<td>233:23</td>
<td></td>
</tr>
<tr>
<td>URL</td>
<td>65:22,24</td>
</tr>
<tr>
<td>67:16 68:1 186:2</td>
<td></td>
</tr>
<tr>
<td>203:8</td>
<td></td>
</tr>
<tr>
<td>URLs</td>
<td>65:17 66:6</td>
</tr>
<tr>
<td>67:9,16 77:24</td>
<td></td>
</tr>
<tr>
<td>251:15</td>
<td></td>
</tr>
<tr>
<td>usage</td>
<td>98:20</td>
</tr>
<tr>
<td>&quot;use.&quot;</td>
<td>45:7</td>
</tr>
<tr>
<td>useful</td>
<td>13:17 35:21</td>
</tr>
<tr>
<td>40:22 81:3 138:7</td>
<td></td>
</tr>
<tr>
<td>152:21 191:24</td>
<td></td>
</tr>
<tr>
<td>192:4 200:17</td>
<td></td>
</tr>
<tr>
<td>206:23 207:1</td>
<td></td>
</tr>
<tr>
<td>215:8 222:3</td>
<td></td>
</tr>
<tr>
<td>224:2</td>
<td></td>
</tr>
<tr>
<td>useless</td>
<td>61:14</td>
</tr>
<tr>
<td>89:18</td>
<td></td>
</tr>
<tr>
<td>user</td>
<td>39:18 67:17</td>
</tr>
<tr>
<td>74:14,16 79:7</td>
<td></td>
</tr>
<tr>
<td>94:25 95:3,8</td>
<td></td>
</tr>
<tr>
<td>126:15 133:1,2,3</td>
<td></td>
</tr>
<tr>
<td>137:15 144:19</td>
<td></td>
</tr>
<tr>
<td>149:9,12 156:4</td>
<td></td>
</tr>
<tr>
<td>161:4 177:15</td>
<td></td>
</tr>
<tr>
<td>223:18 253:3</td>
<td></td>
</tr>
<tr>
<td>265:7 272:13</td>
<td></td>
</tr>
<tr>
<td>user-generated</td>
<td>95:18,20 255:10</td>
</tr>
<tr>
<td>users</td>
<td>7:15 12:11</td>
</tr>
<tr>
<td>14:16 56:6 58:9</td>
<td></td>
</tr>
<tr>
<td>60:22 61:24</td>
<td></td>
</tr>
<tr>
<td>62:16,18</td>
<td></td>
</tr>
<tr>
<td>69:14,22 71:15</td>
<td></td>
</tr>
<tr>
<td>75:3 77:1</td>
<td></td>
</tr>
<tr>
<td>98:13,15 99:15</td>
<td></td>
</tr>
<tr>
<td>100:11 126:25</td>
<td></td>
</tr>
<tr>
<td>127:2,17 128:9</td>
<td></td>
</tr>
<tr>
<td>132:24</td>
<td></td>
</tr>
<tr>
<td>133:1,20,21</td>
<td></td>
</tr>
<tr>
<td>140:11</td>
<td></td>
</tr>
<tr>
<td>148:10,16</td>
<td></td>
</tr>
<tr>
<td>151:15 155:22</td>
<td></td>
</tr>
<tr>
<td>156:16 158:25</td>
<td></td>
</tr>
<tr>
<td>159:1 160:21</td>
<td></td>
</tr>
<tr>
<td>166:22 177:14</td>
<td></td>
</tr>
<tr>
<td>182:6 200:20</td>
<td></td>
</tr>
<tr>
<td>250:12,20,22</td>
<td></td>
</tr>
<tr>
<td>255:14,17,18</td>
<td>256:1 267:10</td>
</tr>
<tr>
<td>voluntary's 124:5</td>
<td></td>
</tr>
<tr>
<td>volunteer 101:21 123:24 152:12</td>
<td></td>
</tr>
</tbody>
</table>

<p>| 241:18 255:4,16 |
| wealth 206:10 |
| wearing 115:8 |
| week 98:18 118:4 |
| weekend 256:8 |
| weeks 153:6 |
| weight 203:1 |
| welcome 6:6 89:2 239:11 242:1 268:9 |
| welcomed 244:20 |
| well-crafted 194:4 |
| well-known 151:11 |
| well-suited 22:25 |
| West 2:11 |
| Westlaw 171:10 |
| whack 168:23 232:25 |
| whack-a-mole 41:19 67:1 |
| whatsoever 122:16 |
| wheel 42:11 |
| whenever 15:21 78:6 101:10 |
| whereas 105:10 106:8 |
| Whereupon 273:18 |</p>
<table>
<thead>
<tr>
<th>Word</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>would've</td>
<td>234:4</td>
</tr>
<tr>
<td>Wow</td>
<td>91:19</td>
</tr>
<tr>
<td>Wrap-Up</td>
<td>5:15</td>
</tr>
<tr>
<td>Wrap-Up/Open</td>
<td>244:15</td>
</tr>
<tr>
<td>write</td>
<td>95:17, 97:4</td>
</tr>
<tr>
<td></td>
<td>209:25, 270:19</td>
</tr>
<tr>
<td>writing</td>
<td>270:25</td>
</tr>
<tr>
<td></td>
<td>271:20</td>
</tr>
<tr>
<td>written</td>
<td>40:12</td>
</tr>
<tr>
<td></td>
<td>134:15, 168:21</td>
</tr>
<tr>
<td></td>
<td>172:2, 177:19</td>
</tr>
<tr>
<td>wrong</td>
<td>129:19</td>
</tr>
<tr>
<td></td>
<td>140:23, 142:13</td>
</tr>
<tr>
<td></td>
<td>146:2, 158:4</td>
</tr>
<tr>
<td></td>
<td>160:19, 187:21</td>
</tr>
<tr>
<td>wrongful</td>
<td>187:20</td>
</tr>
<tr>
<td>wrote</td>
<td>261:22</td>
</tr>
<tr>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>Yahoo</td>
<td>265:7</td>
</tr>
<tr>
<td>year-plus</td>
<td>59:17</td>
</tr>
<tr>
<td>yesterday</td>
<td>7:12, 25</td>
</tr>
<tr>
<td></td>
<td>14:5, 11:14, 16:7</td>
</tr>
<tr>
<td></td>
<td>21:4, 23:11, 28:17</td>
</tr>
<tr>
<td></td>
<td>31:2, 35:7, 40:13</td>
</tr>
<tr>
<td></td>
<td>44:13, 46:14</td>
</tr>
<tr>
<td></td>
<td>60:18, 65:17</td>
</tr>
<tr>
<td></td>
<td>82:11, 87:24</td>
</tr>
<tr>
<td></td>
<td>100:17, 105:17</td>
</tr>
<tr>
<td></td>
<td>110:24, 113:2</td>
</tr>
<tr>
<td></td>
<td>151:16, 186:22</td>
</tr>
<tr>
<td></td>
<td>190:4, 191:21</td>
</tr>
<tr>
<td></td>
<td>227:3, 244:24</td>
</tr>
<tr>
<td>yesterday's</td>
<td>97:21</td>
</tr>
<tr>
<td>yet</td>
<td>79:9, 99:19</td>
</tr>
<tr>
<td></td>
<td>102:18, 108:3</td>
</tr>
<tr>
<td></td>
<td>117:19, 122:2</td>
</tr>
<tr>
<td></td>
<td>125:5, 21:126:5</td>
</tr>
<tr>
<td></td>
<td>138:16, 141:5</td>
</tr>
<tr>
<td></td>
<td>154:16, 258:14</td>
</tr>
<tr>
<td>York</td>
<td>1:10</td>
</tr>
<tr>
<td></td>
<td>138:22, 23:25</td>
</tr>
<tr>
<td></td>
<td>223:1, 273:15</td>
</tr>
<tr>
<td>you'll</td>
<td>7:2, 36:12</td>
</tr>
<tr>
<td></td>
<td>232:24, 258:9</td>
</tr>
<tr>
<td>young</td>
<td>104:2</td>
</tr>
<tr>
<td></td>
<td>143:17, 211:9</td>
</tr>
<tr>
<td>yourself</td>
<td>9:3, 45:16</td>
</tr>
<tr>
<td></td>
<td>208:17</td>
</tr>
<tr>
<td>yourselves</td>
<td>8:14</td>
</tr>
<tr>
<td></td>
<td>90:20</td>
</tr>
<tr>
<td>YouTube</td>
<td>23:23</td>
</tr>
<tr>
<td></td>
<td>29:11, 13:32:8</td>
</tr>
<tr>
<td></td>
<td>34:7, 8, 24:25</td>
</tr>
<tr>
<td></td>
<td>35:10, 47:4:24</td>
</tr>
<tr>
<td></td>
<td>48:10, 77:13</td>
</tr>
<tr>
<td></td>
<td>138:17, 18:19</td>
</tr>
<tr>
<td></td>
<td>140:8, 156:11:14</td>
</tr>
<tr>
<td></td>
<td>172:3, 186:20</td>
</tr>
<tr>
<td></td>
<td>187:10</td>
</tr>
<tr>
<td></td>
<td>188:4, 7, 18:23</td>
</tr>
<tr>
<td></td>
<td>189:7, 14, 203:23</td>
</tr>
<tr>
<td></td>
<td>207:24, 211:12</td>
</tr>
<tr>
<td></td>
<td>232:23, 233:7</td>
</tr>
<tr>
<td></td>
<td>254:6, 20, 262:3,7</td>
</tr>
<tr>
<td></td>
<td>264:4, 271:7</td>
</tr>
<tr>
<td></td>
<td>272:8, 16</td>
</tr>
<tr>
<td>YouTubes</td>
<td>233:10</td>
</tr>
<tr>
<td>YouTube's</td>
<td>9:19</td>
</tr>
<tr>
<td></td>
<td>34:1, 109:10</td>
</tr>
<tr>
<td>you've</td>
<td>37:16</td>
</tr>
<tr>
<td></td>
<td>45:14, 46:2, 56:25</td>
</tr>
<tr>
<td></td>
<td>75:16, 86:17</td>
</tr>
<tr>
<td></td>
<td>105:4, 116:2</td>
</tr>
<tr>
<td></td>
<td>126:1, 131:20</td>
</tr>
<tr>
<td></td>
<td>153:5, 156:7</td>
</tr>
<tr>
<td></td>
<td>159:11, 176:20</td>
</tr>
<tr>
<td></td>
<td>208:4, 230:24</td>
</tr>
<tr>
<td></td>
<td>248:10, 23</td>
</tr>
<tr>
<td></td>
<td>249:14, 251:7</td>
</tr>
<tr>
<td>zillion</td>
<td>153:5</td>
</tr>
<tr>
<td>Zoe</td>
<td>46:2</td>
</tr>
</tbody>
</table>