UNITED STATES PATENT AND TRADEMARK OFFICE

DEPARTMENT OF COMMERCE MULTISTAKEHOLDER FORUM
ON IMPROVING THE OPERATION OF THE DMCA NOTICE
AND TAKEDOWN SYSTEM

THIRD PUBLIC MEETING

Alexandria, Virginia
Friday, June 20, 2014
A G E N D A

PLENARY PUBLIC MEETING

OPENING REMARKS

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Administrator:

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Panelists:

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REPORT OF WORKING GROUP

SANDRA AISTARS, Copyright Alliance

JIM HALPERT, Internet Commerce Coalition

PLENARY DISCUSSION OF WORKING GROUP REPORT AND DISCUSSION OF FUTURE WORK

CLOSING REMARKS
PROCEDINGS

(1:22 p.m.)

MS. PERLMUTTER: Okay. We're going to get started. We're never quite sure, even though we have a lot of people signing up in advance, who's going to show up in person and who's going to be watching or calling in, so we don't want to waste everyone's time who's here in the room.

So welcome to the Third Plenary Meeting of the Multistakeholder Forum on Improving the Operation of the DMCA Notice and Takedown System, which is quite a mouthful, but I'm getting used to saying it very quickly and smoothly. We're very glad to see all of you who are here with us at the Patent and Trademark Office and also welcome anyone who's here by webcast or phone. And, again, just for those of you who may be new to the process, we are trying to maximize participation by alternating locations between the East and West Coasts as much as possible pursuant to popular request.
So I'm Shira Perlmutter. I'm the Chief Policy Officer here at the PTO, and we've been running this process, which is part of our Green Paper on Copyright Policy and Creativity in the Internet Economy, along with NTIA. So what I thought I would do is just start with a very brief summary of how we've gotten here today, what's brought us so far as we are so far.

So the first plenary meeting, the first big group meeting, which this is, of this multistakeholder forum took place here in this room -- although it might not have been recognizable because it was double the size and facing the other direction -- on March 20th, and I have to say we were very pleased that that meeting really established the cooperative and constructive tone that has marked the entire process so far. So those of you who were there, and some who were there that might not be here today, very quickly, surprisingly quickly, reached consensus on how to start this process,
how to move forward by focusing initially on
standardization in the notice and takedown
process and also agreed that it would make sense
to create a smaller working group to look at the
issues from more of an operational and technical
perspective. So that was March 20th.

And then on May 8th, the plenary group
met again, this time in Berkeley, California,
and we had very helpful presentations by a
number of participants on issues surrounding
standardization from various particular
perspectives. We had a discussion and
opportunity to ask questions and make comments
on the presentations, and then started to
identify which standardization-related issues
the working group would start with. And at the
end of that meeting, and then subsequently as
well, participants from all across the continuum
of different stakeholder interests volunteered
to participate in the working group.

And, again, I have to say we've seen
really impressive enthusiasm and willingness to
make a commitment of time and energy from a very large group of people, so we thank you all for that. So that group, the smaller working group, has now met twice. I understand the discussions have been very productive, and we are looking forward to hearing the results of what they've discussed so far.

So after we've heard from the working group, we'll then open the floor to feedback and comments and then to discussion of next steps. So, obviously, first, the question is next steps on the standardization issues and then, as we continue to make progress, we can then turn to discussing further any other issues the plenary group or the working group are ready to take up and what the timing might be for that, including the various issues that were identified during the Green Paper process.

So just a couple of technical notes. As before, there'll be an opportunity for remote participation through the phone bridge and information on accessing the bridge is on the
printed agenda which, I guess, is also available online for those who aren't here. And for anyone who's here who wants to make a comment, please, again, come up to the front of the room to one of the two microphones here and identify who you are and, if you're here representing some other interest, identify who that is.

So we're very gratified to see that steady progress is being made through this forum, and we do continue to think that it provides a really unique and excellent opportunity to show that it is possible to find some consensus approaches for operational problems involved in online copyright without necessarily requiring legislation. So we hope we'll continue down this path.

Let me now give the floor to John Verdi, who's the Director of Privacy Initiatives at NTIA.

MR. VERDI: Thanks, Shira, very much. I appreciate it. You know, my title aside, I'm essentially here today standing in the shoes of
John Morris, who runs the policy shop at NTIA, and we couldn't be more pleased to be working with PTO on this process. My main goal in saying just a few words today is to thank the working group for the progress and the hard work they have undertaken since the first meeting, since the second meeting. I know that it takes a tremendous amount of organization and coordination and goodwill in order to make that progress, and it seems pretty clear that folks are well on their way towards working together with a diverse group of stakeholders to try to find some areas of agreement on how to improve the DMCA notice and takedown process.

What I would encourage folks of the plenary today to do is to try to build on the work of the working group and support the work of the working group in trying to find areas of potential consensus, potential agreement, and focus on those areas first. I know that there are any number of issues concerning the standardization of notices that might be thorny
issues, either because they require more research or they could be sources of some conflict between different stakeholders and things like that, and there may be really fruitful work to get to on that front. But particularly because this process is relatively young and it's relatively early in the schedule, I'd encourage folks to focus on where you can find areas of agreement. Figure out some concrete steps for how you can memorialize those agreements and those proposals as you move forward in this process. Pick off the low-hanging fruit first, and then turn to the areas that might require more research, more collaboration, more hard work in working through more contentious issues. I'd encourage you to do that.

And this is also the time for folks in the plenary to feed into the work of the working group to raise issues that the working group may not have considered, to propose solutions to issues that the working group may not have
addressed yet, and I'd encourage you guys to do that as you move forward with the rest of your meetings on this topic.

And, again, I just want to thank the folks who have organized the working group, the folks who have put the time in, and I look forward to a constructive and productive meeting today. Thank you very much.

MR. POGODA: And just one administrative point before we turn it over to Jim Halpert and Sandra Aistars, co-leads of the working group, to provide a report of the working group. I just want to say for those who are watching via the webcast who want to participate, you can do that via the phone bridge, like Shira mentioned. If you are having trouble finding that on the webcast page -- you shouldn't, it's there with the agenda -- but that number is 1-800-369-3319. The passcode is 1981439. And if you do want to participate, please press *1. The operator will place you in a queue. We will be alerted here in the room
that we have someone on the line, and we'll
patch you through when there's a natural break
in the action so you can address the room
seamlessly.

So with that, I will turn it over to
Jim and/or Sandra to provide a report from the
working group. Thank you, everyone.

MS. AISTARS: Thanks everybody. We
were kind of wondering if we'd be giving a
report to the working group itself primarily.
So to the extent we are and we say something
that you want to correct or expand on, please
feel free to do so.

I want to start by thanking, on behalf
of both of us, in particular Victoria Sheckler
and her colleagues at the RIAA who have helped
us behind the scenes to make progress between
working group meetings. As Shira noted, we've
had two separate working group meetings now
since the last meeting we had in Berkeley, and
in between those meetings we had identified as
our first working group item to collect web
forms and notice forms that participants in the group found particularly useful as models to consider for our standardized notice-sending development exercise, and Victoria and her colleagues were good enough to help summarize and analyze all of those.

So we took those materials and, working from those materials today, drilled down further in a discussion with the working group members to further understand all the operational practices that underlie the need for particular data elements that are asked for in those forms. So we explored how and why data is requested and, in particular, where data beyond what the DMCA asks for is requested, why that's being sought. That conversation also sort of naturally brought up comments from senders of notices of challenges that they experience when they are attempting to send forms to report infringements online, and so we discussed those kind of in the flow of this morning's discussion, and I think we had a very productive
and useful exchange of information amongst the participants.

What we have identified as our work items is, first and foremost, to come up with standardized forms that would allow both for batch sending of notices and also individual sending of notices and coupling that also with coming up with a spec for API that could facilitate notice sending as well. We are recognizing that a lot of the types of challenges that people are encountering can be alleviated, especially either through the use of APIs or through the use of trusted sender programs, and so we're working towards identifying ways to facilitate the use of such programs as well.

As we've been speaking, naturally and organically in the conversation various issues come up that don't clearly fit into something you would put in a form necessarily, that fall more into the realm of behaviors or best practices, or how one might design the placement
of information on a website or interaction on a website, or how one might better educate users of forms to help provide information to the recipient of the form that the site needs to be able to more effectively process the information. And so we're keeping a list of all of that information with the goal of creating a kind of separate document that will help educate and suggest better ways or appropriate ways, suggested ways perhaps, of implementing education or other kind of non-data-collecting aspects of the online DMCA-based interactions that people have in this context.

Do you want to add to that, Jim?

MR. HALPERT: The goal that we have identified of reducing negative externalities, really from an array of notice and takedown practices that are somewhat counterproductive or impose costs on others that are not commensurate with the benefit to the entity that's doing them, I think is one that's achievable and will require input and information. For example,
there was a discussion about CAPTCHA codes or a
document about limits on the amount of works
that can be submitted as part of a submission
that comes in on a form or through an API. And
each side, I think, can benefit from talking
about the practical reasons for some of these
things and then for some of the practical
effects. The effects not just on, for example,
rights owners and service providers, but on
actual Internet users who are also represented
in this process. And we heard less from that
community at this phase because we're just
spelling out what the items are that are in the
notice and what the experience is of the
different senders of these.

When we get to a deeper dive on
counter-notification, I think that there will be
a lot of input from Internet users'
representatives in this process and we will
learn a lot from that. But this is a process,
again, that we're working through to understand
where these negative externalities are, and then
the next phase will be coming up with some model
or standard recommended notice elements, at
least, or full notice forms, how to address
those problems that we've been talking about.

I'd also add that there's a recognition
of the working group that this is by no means a
process that can produce a single form that
would be used in a bulk context or an individual
notice context because there are different types
of platforms that require somewhat different
information. I think when we have something to
send back to the full working group, there will
be quite a variety of flavors of different
elements that fit what's required. For example,
in the search context, where if you send the URL
for a search, it really raises more questions
than it answers, as Jordan explained from Yahoo.
And we'll be working through some of these
variations, and very much need input from the
plenary group about different contexts that
would require slightly different types of
information in order to optimize the efficiency
of the search process.

So we hope to move forward benefiting from more of that information before the next working group meets, and our next date is the 16th of July -- we missed Bastille Day by two days -- from 2:00 to 4:00 Eastern. And the working group is an open working group, so like Matt Schruers showed up this morning and contributed, and anybody who wants to do so certainly can. But we're going to be meeting by conference call because it's totally unfair to ask people to fly across the country for these interim meetings of the working group. But we'll be having a conference call on the 16th at 2:00 p.m. in Washington, D.C. If you're in Washington and want to come to the DLA Piper law office at 8th between E and F or to Sandra's office -- we haven't figured out where we're going to do it, but we'll do it one of those two places -- and if you want to be in the room, you're welcome to do that. Otherwise, just dial in on the phone.
This is an interim process. Right now we're learning about what works well for everybody and what causes these externalities, and we'll try to move forward to beginning to draft up ways to address not a negative statement, but an affirmative statement of the sorts of things that are good to include in a notification process in these different contexts as our first step through this working group, and we're optimistic about finding pretty broad agreement on this listening to all of you guys about how to proceed.

MS. AISTARS: And I guess the one thing that I would also add to that, my impression this morning, in particular, was that as we talked about the reasons for requesting certain information, I found that there are practices that from a notice sender perspective -- and I would imagine this is true whether you're sending a takedown notice or whether you're sending a counter-notice -- there are things that you might find frustrating and not
understand the reasons for, and when you hear
the reason for it, it puts it in better context.

We were having a short conversation
before the meeting began, and to me it seems
like there probably are categories of sites and
services who aren't participating in this
collaborative effort with us who probably aren't
likely to adopt best practices or guidelines or
whatever we set forth here. But the group that
is here and is working together, to the extent
that some of these practices are being used in
an effort to channel behavior away from
something that is either difficult for the
service to manage or that the service finds
counter-productive in some fashion, it seems to
me that this effort and this understanding that
we can develop for the reasons kind of
underlying the use of various techniques might
allow us to develop better and less burdensome
ways of channeling that behavior to the same
goals and accomplishing the same thing at the
end in a way that's easier for everybody to
MR. HALPERT: And we will later give thought to how the working group's draft can incentivize people to follow what's really a voluntary process. But if entities are following good practices, there may be reasons to figure out ways that, for example, if one's a trusted sender and fits a trusted sender profile, there are certain things that should be beneficial from that. Conversely, if one's a service provider and following this code, there ought to be some ways to think about benefits for the service provider. So that's a later phase of this.

But I think creative thinking may be able to help drive not only usability of this, but also a real feeling on the part of entities out in the wild west of the Internet world that we're all trying to help here, to incentivize them to apply these principles in their own practices without any sort of law, but with understandings among the participants in this
process that these are practices that are appropriate to be encouraged and both senders and recipients of these notices who follow them should be given a little extra break by the participants in the process. So we'll explore that at a later date.

But our immediate task is to come up with these forms or models so that we have something concrete that's under the belt of the working group. We're hoping to be able to drive this process with a draft going out to the full plenary group and then incorporating those comments, after doing several rounds within the working group, so that by the end of September we'll have these draft model notice elements and comments on those collected for further review.

But we recognize that there's going to be a little bit of August vacation for a whole bunch of folks, and it's hard, as John Verdi informed us from experience in the other multistakeholder processes, to get people to meet in person in August, but we can continue to work in the
working group and then have, we hope, a bunch of
materials for consideration in September.

MS. PERLMUTTER: One question. Is
there any particular way that would be helpful
for those who are not in the working group to
contribute at this point, or should they be
waiting to see the outcome of the next meeting,
and will there be any product that anyone would
look at between now and the end of September in
the plenary? I'm just trying to think how the
communication can best take place for those who
are not spending the time in the working group.

MR. HALPERT: Sure. It's a great
question. I would say right now we're flagging
these issues. I think you guys all have access
to the spreadsheet that Marina put together,
working with Vicki at RIAA, and if there are
other issues beyond the ones that you've just
heard described by Sandra that you think are
important in either way, either necessity of
certain information from the perspective of
service providers or Internet users or from the
perspective of a content notifier, requirements that create operational difficulties, it would be very helpful for us to receive those in writing before the Fourth of July so that we can then incorporate that into the drafting process and discussion that will happen in the middle of July.

MS. AISTARS: Yes. And the other element is what types of service providers require different information and notices. So those three issues, if anyone in the larger plenary session has further input on, that would be great.

But in terms of how else you can participate, I think, actually, Shira, most of the people who are here or, I'm guessing, dialed in also, are actually following our work either on the email list that we've set up or actually even calling in to the working group calls. So in some ways, we're --

MS. PERLMUTTER: And a fair number who aren't, actually, that we've seen --
MS. AISTARS: Okay.

MR. HALPERT: Well, we certainly can release -- Once we have a rough draft, we can certainly release that more broadly. We just don't want to impose on people's time saying we need your comment on X, Y, or Z item when these are sort of preliminary drafts. And we could make it clear that things are preliminary drafts within the working group, for example, but circulate them more broadly, and then anyone who wants to weigh in can do so. But it's mostly a matter of being respectful of people's time and not making you feel like you have to comment at this phase, otherwise that will be lost in the discussion. Because this will be a very incremental process, I think, in the drafting leading to September.

MS. PERLMUTTER: Absolutely. And part of the purpose of the working group is for those people who wanted to invest the time that it takes to come up with the documents for the bigger group to see. So I'm not suggesting
anyone has any obligation to do anything, but just to the extent that there are people who aren't in the working group who want to say anything about this as the process is going on, they should feel free as Jim and Sandra said.

Thank you.

MS. AISTARS: Great. Thank you.

MR. HALPERT: Thanks. Yeah, and please do let us know what you think if you were not in the working group meeting about this list, particularly that chart and elements that you think are helpful or are not helpful and what alternative you might suggest. Thank you.

MR. POGODA: Thanks, Jim and Sandra. I appreciate that and I appreciate all the work you've done, all the work the working group has done. Not everyone in the room was in the working group meeting. Not everyone participating on the webcast was in the working group meeting.

So maybe we can open this up by opening up to the floor to kind of get a feel from the
larger group what their feelings are on the report, what questions they have about specifics, maybe specific items, specific substantive areas that the working group has been working on, suggestions for them about what they think of their course, how they might change course, how they might stay on course, things along those lines. And so this is a stakeholder-driven process, and if any stakeholders have anything they want to ask or say, the floor is yours.

Well, congratulations, Jim and Sandra. I think that was a rather excellent report.

MR. HALPERT: If you're boring enough,
nobody complains.

MR. POGODA: Right.

MS. PERLMUTTER: Or preliminary enough.

All right. Well, maybe this will be a much shorter meeting than we had thought.

Obviously, as Darren said, the idea is that this is your process, and we very much appreciate that there are a lot of people who
are talking to each other, both in the formal
sessions and just informally back and forth, and
we do have the sense that there is a lot of
progress being made and better mutual
understanding of what each stakeholder's
positions and concerns are, which allows the
potential to find some ways around the problems
that everyone can live with. So we're very
pleased and very appreciative about that. So we
want to make sure that this is an inclusive
process and everyone, even those who aren't in
the working group, have an opportunity to speak
up, and we also want to make sure that the
process continues and we're able to continue
making progress leading to some result by the
end of the year. I say "some result." I don't
mean resolving everything, but some outcome.
I know that this has also been made
more complicated by the fact that there are so
many other governmental processes on copyright
going on simultaneously right now. I will say
ours was the first, I think, in terms of timing
of meetings. So we don't want to force people
to stay in a room and talk if it's premature to
have further discussions in this particular
forum.

So maybe what we should do at this
point is just talk a little bit about sort of
timing and future work and if people think there
are other topics, either under standardization
or beyond standardization, that we should start
talking about how to address, or whether we just
continue this process as is and have it develop
organically over the next few months. And then
we should certainly talk about, actually,
calendars. Because, unfortunately, while the
working group has a fair amount of flexibility
in terms of when and how it meets, for these in-
person plenary meetings we need to actually book
rooms and so it requires us to plan a fair
amount ahead of time. We have some dates picked
out, but we have to figure out how that works
with what the working group is already doing.

So why don't we open the floor for any
comments on how to take the working group effort
further if there are any comments on that. If
people feel that's also premature and they'd
rather wait until the next meeting, that's fine,
too. But the floor is yours.

MS. SHECKER: It's Vicki with the
Recording Industry Association of America. We'd
like to thank the PTO and the NTIA for the work
that you've done to date as well as Sandra and
Jim for their efforts with the working group.

We're committed to this process and working with
all of you to see what we can do on
standardization.

In terms of next steps, we'd like to
see a process that is effective as well as
efficient. So down the line, if we get to it,
one of the issues that we would like to address
is the problem of the same content repopulating
on certain sites. Thank you.

MR. McCOYD: I am Ed McCoyd from the
Association of American Publishers, and I am
participating in the technical working group.
There are just a few items that we hope can be addressed at some point in the process. One is greater transparency of repeat infringer policies and perhaps baseline best practices for those. Also, discussion of what constitutes an expeditious takedown. And we see those being somewhat further down the line, certainly not right away, as we focus right now on the lower-hanging fruit of forms and best practices related to them.

MS. PERLMUTTER: And, also, please, if there are any issues relating to standardization itself that you think should be further explored that haven't been mentioned yet in the working group, please feel free to express that as well.

MR. SHEFFNER: Ben Sheffner from the Motion Picture Association of America. To echo Vicki, thanks very much to PTO and NTIA and to Jim and Sandra for their work that they've done in getting the process going in the working group on the issue of standardization.

To reiterate what I've said at earlier
meetings, efficiency is a good thing and I'm

glad that we're focusing on that first. It's

necessary, but it's not sufficient to address

the underlying problem. The point of the DMCA

is not to send millions and millions of takedown

notices. The point of the DMCA, or at least one

of the points of the DMCA, is to reduce the

level of infringement. But if sending millions

and millions of notices doesn't result in an

actual reduction in the volume of infringement,

it's just a bunch of make-work. So I do think

that after we address the issue of

standardization, which again is a necessary and

good thing, it is necessary to focus on steps

that will actually reduce the level of

infringement, which again are things, as Vicki

mentioned, like preventing the re-posting of

material once it has been identified and taken

down in the first instance. Thank you.

MS. PERLMUTTER: All right. Well,

we'll continue to try to tailor the mix of

plenary meetings that are webcast and open to
the public with the smaller working group, which is not that much smaller at this particular point in time, and how to sync up the need to plan these plenary sessions ahead of time and also have flexibility for the working group. And it may be that some plenary sessions will be shorter and some of them will be longer, depending on where the working group is in its work, and we'll try to get it as right as we can going forward with everyone's input and suggestions.

So why don't I suggest that we talk a bit about then how to handle the next meeting. Do you want to take that?

MR. POGODA: Sure. So right now, and I'll just throw this open for discussion, we have space reserved out in Berkeley, California, very close to where we had the last meeting, and that space is reserved for July 31st. That would be the day after, actually, we hold one of the Green Paper round table events on the policy issues of first sale, remixes, and statutory
damages. It would be the day after that meeting, which is July 30th, which is also in Berkeley. We set it up that way on purpose.

The next venue we had secured for after that one was here, same place, September 10th. As Shira said, we face certain logistical realities in terms of making sure that we can have space available if we need it, and so that's why we went ahead and set up those dates. They haven't been publicly announced yet. We shared them with some of the working group members. But we can throw that open for discussion now.

I know Jim and Sandra reported that the next working group meeting is on July 16th. We had set up, when we began this process, a vision of holding the larger plenary sessions about every six weeks, hence the reason why we had July 31st and September 10th. But we'll throw that open for discussion now about what the working group thinks about that, what members in the plenary think about that in terms of a date
for the next plenary session with perhaps
another setup like we had today, an opportunity
for an in-person meeting for the working group
members with participation by phone possible as
it was this morning.

And we can throw that open now so that
we leave here with knowledge of what's going to
be required from the government in terms of any
space we may or may not need to continue to
reserve or not or things along those lines.

MS. PERLMUTTER: Technological support.

MR. POGODA: And technological support
and all kinds of other support. There's a lot
of stuff that goes on behind the scenes that
make this possible. So let's throw that open
for discussion and try to leave here with an
answer on that.

MR. VERDI: And for the folks on the
phone, press *1 and you can join the discussion.

MR. HALPERT: To the extent that this
date works, Sandra prompted me, DLA Piper has an
office in San Francisco near the Mission. So
one can take BART from near there and get to Berkeley. And it might be possible to do a pre-meeting, if we needed to do a meeting in person, on the 30th in the afternoon, for example, which would allow people to fly out, if they weren't already attending some of these other events, and meet in the afternoon and then go to Berkeley bright and early on the next morning if that's a convenience.

And if July doesn't work and we're doing this in the beginning of September, the same offer stands to be able to use office space that's probably about -- if you take BART and walk a little bit, it's probably about 35 minutes or 30 minutes from where we'd be meeting in Berkeley.

MS. PERLMUTTER: I should just add that for those who want to go to the round table on the 30th at Berkeley, we've generally been scheduling those to end by three in the afternoon. So it might be possible to do both, if you wanted to do that, and maybe we can play
with the timing and make it end a little bit earlier.

So it sounds like one possible scenario then would be to have -- obviously, we'll have the round table in Los Angeles on the policy issues on the 29th, a round table at Berkeley on the 30th. We could try to make it a bit earlier and maybe end it at 2:00 or 2:30. There would still be an opportunity for those in the working group who then want to go to Jim's office that he's just offered, or wherever the meeting might be of the working group, and then the plenary could then be the next morning and people could get back to the East Coast, if they wanted to, that afternoon. So that sounds like a possible working hypothesis.

MS. AISTARS: Do you have space for the round table that we could use once you're done?

MS. PERLMUTTER: I think we probably have the space at Berkeley booked for the whole day, so we'll double-check on that.

MS. AISTARS: That might be more
convenient.

MS. PERLMUTTER: We can check with the person who knows. Hollis will tell us.

MS. ROBINSON: I'll check to see if its available.

MR. POGODA: And that's what you had in mind, so a working group meeting on the 30th and then still hold a West Coast plenary session on the 31st in the morning?

MS. PERLMUTTER: On the 31st; yes.

MS. AISTARS: Yes.

MR. POGODA: Okay. I just wanted to be clear just for purposes if anyone objected to that or didn't think it was necessary or anything along those lines. Okay.

MS. PERLMUTTER: It sounds like a reasonable plan. And then I guess the other question is you were talking about the end of September to have something to report or something to share, and the next time we had blocked out was September 10th.

MR. HALPERT: I think that's a good
time --

MS. PERLMUTTER: Okay.

MR. HALPERT: -- actually, to meet. I do raise a question. Given that there has not been any statement by anybody who is not a working group member, the working group has grown so much, I think we might give some thought, based on how the discussion is going, whether the event on the 31st in the end, if we make progress in the next several weeks and the people who say they'll attend the plenary doesn't include a lot of additional people who are not on the working group, it may not really be necessary, actually, to meet in the end of July in the plenary. And it's something to think about depending on whether there's more interest in the plenary or not. But it would probably save a lot of resources for folks in the room and for PTO if it proves not to be necessary. I understand the importance of having the plenary available to people, but if they're not taking advantage of it because they
can participate in the working group, I think we should give some thought to it, because it is expensive when people are jetting across the country, as some people would be, for this.

MS. PERLMUTTER: We'll look at what the overlap was between the two of them, but I suppose, to some extent, the question is whether you think that the working group would still be sort of in process so there wouldn't be that much to discuss in the plenary at that point in time.

MR. HALPERT: Yes.

MS. PERLMUTTER: All right. Well, let's take a vote essentially. For those in the room or those who are online and would like to weigh in, the proposal would be to have the working group meet the afternoon of the 30th after our round table ends -- and we'll figure out the exact timing, but like mid-afternoon -- and then not to have the plenary meet in July and have the next meeting of the plenary be September 10th, both in terms of convenience and
also because we don't want to have people come
for a whole meeting of a couple of hours if it's
going to be as short as this and it's
essentially just saying here's where the working
group is but we don't have more to report yet.
Maybe September would be a more productive time
for that. I think Matt was first, and then Jim.

MR. SCHRUERS: So as Jim helpfully
pointed out, I crashed this morning's working
group meeting -- and nobody objected --

MR. HALPERT: Which we appreciated.

MR. SCHRUERS: -- well, thank you -- but
that was somewhat out of form, and I guess the
point to that is, is that to the extent that
we're going to de-emphasize what the plenary is
doing, then I think we need to space out the
number of plenary meetings. You know, for folks
who really aren't there either need to be
permitted to sort of participate transparently
in the working group or not do that. Because
the alternative is just sort of less
transparency in the process, and I --
MR. HALPERT: Yeah. There's no question about that.

MS. PERLMUTTER: Anyone is permitted to participate in the working group. It's not like a closed group. So that's not a problem.

And I guess the only question is, at that stage, will the working group still be in sort of an interim phase where there isn't really anything to report, in which case we could have them report on September 10th?

MR. HALPERT: And there also could be reporting through an email that goes out to anybody who's interested or even through a push notice from the PTO, and the working group could meet twice in July in order to make progress before August vacation. So there are a variety of different ways to do this. I think whatever promotes transparency is positive.

The only question is just a resource and time question. If some of the people here in this large meeting would not be going out to Berkeley anyway, should they all get on a plane
in order to be part of a larger presentation
that really duplicates what the working group
has been doing?

MS. PERLMUTTER: And we could certainly
see whether there might be some, as I think Jim
was suggesting, some sort of short interim
report of what the working group was doing
preparatory to the September plenary session. I
think that might work. I don't know. Matt,
does that sound like a reasonable alternative?

Once again, it's just sort of saying it
sounds like there's a fair amount of work to be
done to get to the point where there's a useful
report that is worth all the time of gathering
it.

MR. SCHRUERS: I agree entirely with
that point, that indeed there might be -- the
next plenary would basically just be awaiting a
work product that may not be ready for prime
time yet and then would convene with really
nothing to discuss. If that's the case, then,
yeah, it doesn't make any sense to have it. I
think there's consensus on that. But to the 
extent that activity would be going on in the 
working group, then we just need to ensure that 
folks, whether it's me or others, can sort of 
engage in that.

MS. PERLMUTTER: So we will stress 
again, anyone is welcome to join the working 
group, and we will make sure that there is 
appropriate reporting of any progress, even 
before the September 10th plenary session.

All right. Thank you very much. Go 
ahead, Sandra.

MS. AISTARS: I was just going to 
volunteer, to the extent that it's helpful, in 
terms of keeping up to speed on the working 
group's progress, I'm happy to post any of our 
notes or any documents that we circulate on the 
Copyright Alliance blog or on our website 
someplace, or even establish a little place to 
collect that information, if the rest of the 
working group doesn't mind going to the 
Copyright Alliance site to find it there.
MS. PERLMUTTER: And one thing we can do is sort of task the working group with figuring out what's the best and most appropriate way to give some sort of interim updates on their work until there's a full report at the plenary meeting.

MS. AISTARS: I just mean so the general public can see it if they want.

MS. PERLMUTTER: When I say "the plenary," I mean the public because that's what's open to everyone. Absolutely. Thank you.

All right. It sounds like we have a working plan. That's great. We really appreciate it. We're just checking right now to see if the tentative dates where we've reserved time slots and places are available so we can just tell you what the thinking is in terms of scheduling aims. Again, not that things can't be adjusted a bit, but, again, within the parameters of space and other commitments.

I'll go out on a limb and say that on
my calendar we have Tuesday, October 21st -- no, sorry, Wednesday, October 22nd for the next plenary after September 10th.

MR. VERDI: Is that East Coast or West Coast?

MS. PERLMUTTER: West Coast. Silicon Valley, Wednesday, October 22nd was tentatively calendared.

MS. AISTARS: What date?

MS. PERLMUTTER: October 22nd.

MR. HALPERT: And which one is going to be in the Valley and which one is going to be --

MS. PERLMUTTER: Silicon Valley, October 22nd. Sept 10th will be here. And then by July, we can tell you. I think we have dates also reserved for November and December.

MS. AISTARS: Shira, I'm running a conference from the 22nd through the 24th that will take a lot of at least --

MS. PERLMUTTER: Well, we'll go back to the drawing board. I mean, we're also working within the constraints of WIPO meetings and
other things happening at the PTO, but we'll figure out what we can do.

Okay. So tentatively that's scheduled. It may be a problem and we might need to change it, but right now we've got that time reserved. And then we'll see what the other options are around that time so we can discuss it by the next meeting.

I would really like to thank everyone for coming. I'm sorry it was a relatively short meeting, but since most of you were also here for the working group meeting, that was well worthwhile. And we, again, very, very much appreciate all the time and effort and thinking everyone is putting into this and think it's going to lead to some improvements. So thank you very much, and have a good rest of the day.

(2:17 p.m.)