

**In the Matter of:**

**Developing the Digital Marketplace for Copyrighted  
Works**

*March 28, 2019  
Third Public Meeting*

**Condensed Transcript with Word Index**



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<p>1 2 3 4 DEPARTMENT OF COMMERCE 5 6 INTERNET POLICY TASK FORCE 7 8 DEVELOPING THE DIGITAL MARKETPLACE 9 10 FOR COPYRIGHTED WORKS 11 12 THIRD PUBLIC MEETING 13 14 15 THURSDAY, MARCH 28, 2019 16 17 18 U.S. PATENT AND TRADEMARK OFFICE 19 600 DULANY STREET 20 ALEXANDRIA, VIRGINIA 22313-1450 21 22 23 24 25</p>	<p>3  1 WELCOME REMARKS 2 MS. ALLEN: So good morning. If we could 3 just start getting started and sitting down in our 4 seats, I'll give a few housekeeping notes and then 5 introduce Shira, and then we'll begin. 6 So just while you're getting seated, I'll 7 give an overview of the day. We'll have coffee and 8 tables set up in the room next door, so if you want to 9 have sidebar conversations -- or, actually, there's 10 coffee here as well. 11 The restrooms are out to the right, and we 12 just ask that everyone here register by signing in up 13 front. If you haven't already, please do so. We did 14 sort of take an informal poll of people who might be 15 interested in a happy hour nearby, so that's on the 16 registration list. We'd like to have a headcount by 17 noon, if we could, for the restaurant. 18 And with that, I think I'd just like to say 19 welcome, and it's my honor to introduce Shira 20 Perlmutter, who will provide opening remarks. Shira 21 is the Chief Policy Officer and Director for 22 International Affairs at the United States Patent and 23 Trademark Office. In her role as Policy Advisor to 24 the Undersecretary of Commerce for Intellectual 25 Property, she oversees the USPTO's domestic and</p>
<p>2  1 I N D E X 2 3 AGENDA ITEM: PAGE: 4 Welcome Remarks 3 5 6 The Digital Marketplace: Industry Perspectives 7 7 8 The Digital Marketplace: Technology Initiatives 55 9 10 Identification 75 11 12 Panel Discussions: The Age of Attribution? 93 13 14 U.S. Copyright Modernization 120 15 16 Rights Management 136 17 18 Panel Discussion: Registries and Rights 19 Management 158 20 21 Panel Discussion: Licensing/Monetization 186 22 23 Afternoon Plenary Discussion 230 24 25 Closing Remarks 258</p>	<p>4  1 international IP policy activities, legislative 2 engagement, international education and training 3 programs, global advocacy, and economic analysis. 4 Thank you. 5 MS. PERLMUTTER: Thanks, Susan. It's 6 wonderful to see so many old friends. This is 7 beginning to be an ongoing conversation at this point, 8 and also welcome to those of you who are new to the 9 discussion, both those here in person and those 10 joining online or via webcast. 11 So to bring everyone up to speed, this 12 meeting is hosted by the Department of Commerce's 13 Internet Policy Task Force. And the Task Force was 14 formed in 2010 -- it's amazing that that's already 15 nine years ago -- by the then Secretary of Commerce to 16 review the policy and operational issues that impacted 17 the private sector's ability to spur economic growth 18 and job creation through the internet. And it looks 19 at a lot of different issues. One of them is 20 intellectual property and with a particular focus on 21 copyright. 22 So as part of the Task Force's work, the 23 USPTO and NTIA, the National Telecommunications and 24 Information Administration, have looked at the topic 25 of how the Government -- whether and how the</p>

<p style="text-align: right;">5</p> <p>1 Government can facilitate the further development of a  2 robust online licensing environment for copyrighted  3 works. We've held a number of public meetings. We've  4 had several rounds of public comments on the issue,  5 and we described it in full in our 2013 green paper on  6 copyright policy, creativity, and innovation in the  7 digital economy.  8 Just for those of you who haven't read it,  9 the green paper is very useful, even today, as a very  10 comprehensive overview of the copyright issues that  11 are raised by digital technology. And it is still  12 available on the USPTO website. The green paper  13 devoted an entire chapter to ensuring an efficient  14 online marketplace. And in the paper, we looked at  15 then-current licensing examples and talked about some  16 impediments that had been identified to licensing for  17 online distribution.  18 And at the time, the ones we identified  19 included the complexity of licensing in the online  20 environment, particularly in the music space; the  21 challenges with mapping old contracts to new uses; and  22 issues about licensing across borders. Now, of  23 course, there's been considerable progress since that  24 time, but licensing challenges do still exist in  25 today's digital world. And we've organized this</p>	<p style="text-align: right;">7</p> <p>1 THE DIGITAL MARKETPLACE: INDUSTRY PERSPECTIVES  2 MS. ALLEN: So this first panel will have a  3 series of presentations, and then it will be open for  4 discussion, time permitting, and questions from the  5 audience. And I see that Vickie Nauman has just  6 arrived, so please come on up.  7 Our first speaker today is Janet Hicks.  8 Janet is Vice President and Director of Licensing at  9 the Artists Rights Society. She is on the Executive  10 Committee of the International Council of Creators of  11 Graphic, Plastic, and Photographic Arts, the visual  12 arm of the International Confederation of Societies of  13 Authors and Composers, CISAC, and she is a curator and  14 advocate for emerging contemporary and outsider  15 artists. Welcome.  16 MS. HICKS: So, hi. Thank you for having  17 me. I'm pleased to give the visual perspective here  18 at this meeting. I know that everyone on this panel  19 will give perspectives from other disciplines, so I'm  20 sort of specifically focusing on the issues that  21 affect visual artists in this presentation.  22 So there's a lot of pain points that we're  23 going to have with a lot of the other creators in this  24 room. And I'll review some of these in the  25 presentation. Obviously, value gap is one that is big</p>
<p style="text-align: right;">6</p> <p>1 meeting building on its predecessors in 2016 and 2018  2 to facilitate a cross-industry dialogue on ways to  3 promote an even more robust and collaborative digital  4 online marketplace, including to provide updates on  5 various technologies and to highlight the new  6 initiatives that many of you are working on.  7 So we'll start today's meeting with an  8 overview of how different content industries are  9 evolving in the digital economy and then we'll talk  10 about developments in the identification of content,  11 registries, and rights management, and current issues  12 surrounding licensing and monetization.  13 So we're very much looking forward to a  14 productive exchange of ideas and again are delighted  15 to see all of you with us. Thank you.  16 (Applause.)  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">8</p> <p>1 for a lot of them, but also things like framing,  2 collective rights, fair use in the United States, and  3 other issues.  4 So first I want to talk about value gap,  5 which everyone is probably familiar with this as  6 representatives of creative content. According to the  7 2018 Global Collections Report published by CISAC, the  8 International Confederation of Societies of Authors  9 and Composers, which ARS is governed by, global  10 royalties for all types of creators rose to a record  11 high of \$9.6 billion euros in 2017, which is up --  12 it's about 11 billion US dollars -- up 6.2 percent  13 from 2017. Royalties from digital income are reported  14 over the 1 billion mark for the first time ever, a 24  15 percent increase from 2017. And digital collections  16 have nearly tripled, up 166 percent in the last five  17 years.  18 Despite digital's rise for all repertoires,  19 revenues from digital uses remain far below other  20 usage types. The CISAC report reads only 13 percent  21 of creators' royalties come from digital sources, a  22 reflection of the gross mismatch between the volume of  23 creative work being made available via digital  24 channels and the amounts returned to creators, clear  25 reference to this value gap.</p>

<p style="text-align: right;">9</p> <p>1 So much online material is not cleared, and</p> <p>2 what is our recourse for visual artists is we have,</p> <p>3 of course, the DMCA takedown notice. Visual artists</p> <p>4 do this actually for Artists Rights Society. This</p> <p>5 is a service we provide for our member artists.</p> <p>6 Unfortunately, of course, it provides no loss -- no</p> <p>7 compensation for that loss of revenue, no compensation</p> <p>8 in general. It usually results in just the image</p> <p>9 being taken down. And as some of you probably already</p> <p>10 know, it usually means that this image will pop up</p> <p>11 again elsewhere.</p> <p>12 Other highlights from the CISAC report</p> <p>13 include these provoking numbers that show the growth</p> <p>14 in licensed visual material is on the rise, and we can</p> <p>15 only imagine how this is reflected in the unauthorized</p> <p>16 uses that we don't know about.</p> <p>17 To this point, I will turn to an issue</p> <p>18 specifically affecting visual artists, and that is</p> <p>19 framing, and that's both in the US and abroad. I'll</p> <p>20 talk first about some framing issues here in the US,</p> <p>21 perhaps with some positive news. Our first topic is</p> <p>22 the Goldman/Breitbart case, which some of you may know</p> <p>23 about. It provides an important framing precedent.</p> <p>24 Here's the filing for the case, which starts with a</p> <p>25 line that I think serves as a funny reminder of what</p>	<p style="text-align: right;">11</p> <p>1 frames an image using inline linking when it uses HTML</p> <p>2 code to direct a user's browser to an image file</p> <p>3 located and transmitted from a server controlled by a</p> <p>4 third party, usually another website, in this case,</p> <p>5 Twitter. Yet it appears that the image resides on the</p> <p>6 website that the user is actually viewing.</p> <p>7 On February 16th, 2017, Judge Forrest of the</p> <p>8 US District Court for the Southern District of New</p> <p>9 York issued a ruling in favor of plaintiff, holding</p> <p>10 that embedded or framing content from another website</p> <p>11 does not immunize content users from copyright</p> <p>12 infringement claims. The location of the infringed</p> <p>13 work does not determine whether a defendant has</p> <p>14 "publicly displayed that work in violation of the</p> <p>15 copyright owner's exclusive rights."</p> <p>16 Forrest decisions rested in part on a</p> <p>17 blockbuster tech industry lawsuit, the 2007 case,</p> <p>18 Perfect 10 vs. Amazon, where a court ruled that Google</p> <p>19 Search could show full-size copyright images as long</p> <p>20 as it was simply hotlinking them from other sites.</p> <p>21 This established something called the server test,</p> <p>22 which protects sites that display copyrighted content</p> <p>23 stored on someone else's server, and this provided</p> <p>24 precedent in the US for the past 12 years.</p> <p>25 But Forrest saw a clear and distinct</p>
<p style="text-align: right;">10</p> <p>1 it is to monitor copyright in 2019 with a 1976 law.</p> <p>2 When the Copyright Act was amended in 1976,</p> <p>3 the words "tweet," "viral," and "embed" invoked</p> <p>4 thoughts of a bird, a disease, and a reporter. This</p> <p>5 copyright case stems from a photo that Goldman took of</p> <p>6 U.S. football player, Tom Brady, with a GM of the</p> <p>7 basketball team for the -- GM for the basketball team,</p> <p>8 the Boston Celtics when the Celtics were attempting to</p> <p>9 recruit a player. We do not have that photo in</p> <p>10 question to share, but I'll illustrate it again with a</p> <p>11 different basketball image. This is by our member</p> <p>12 artist, Jacob Lawrence.</p> <p>13 So let's pretend that this is the photo.</p> <p>14 Jacob posted this photo to Snapchat. The photo was</p> <p>15 leaked from there and was posted to Twitter by a</p> <p>16 number of individuals. Several news outlets then,</p> <p>17 including Time and Yahoo Sports, embedded the tweets</p> <p>18 in online articles. Goldman sued for copyright</p> <p>19 infringement, asserting that this display embedded of</p> <p>20 a photograph posted on Twitter constitutes</p> <p>21 unauthorized "display of that photograph."</p> <p>22 So the issue in this case is whether</p> <p>23 embedding images on a website through inline linking</p> <p>24 without authorization constitutes copyright</p> <p>25 infringement. As you may know, a website embeds or</p>	<p style="text-align: right;">12</p> <p>1 distinction between the search engine where users</p> <p>2 voluntarily search and click for an image and a news</p> <p>3 site where the user takes no action to see it:</p> <p>4 "Google's search engine provided a surface where the</p> <p>5 user navigated from webpage to webpage with Google's</p> <p>6 assistance," she wrote. "This is manifestly not the</p> <p>7 same as opening up a favorite blog or a website to</p> <p>8 find a full color image awaiting the user, whether he</p> <p>9 or she has asked for it, looked for it, clicked on it,</p> <p>10 or not."</p> <p>11 The Court relied on language of the</p> <p>12 Copyright Act, including Section 101's definition of</p> <p>13 display, which includes showing a copy of a work by</p> <p>14 "any device or process" and transmitting or</p> <p>15 communicating a display by means of "device or</p> <p>16 process." The Court explained that the Copyright Act</p> <p>17 does not require a user to possess or to store at</p> <p>18 their own physical location a copy of the work to</p> <p>19 display it within the meaning of the statute.</p> <p>20 So there's certainly a lot of interested</p> <p>21 parties in this case wondering how this will pan out.</p> <p>22 Obviously, people in the visual arts are quite</p> <p>23 satisfied with the courts' current interpretation of</p> <p>24 the Copyright Act, but this could eventually wind up</p> <p>25 on appeal and perhaps even end up in the Supreme</p>

<p style="text-align: right;">13</p> <p>1 Court.</p> <p>2 Unfortunately, in Europe, the case with</p> <p>3 framing is quite different. There's been several</p> <p>4 cases, notably BestWater, that have ruled on the side</p> <p>5 of framers, calling a framed work only an infringement</p> <p>6 if it is a new communication to the public. And the</p> <p>7 difficult part with that language, of course, is every</p> <p>8 communication to the public is technically the same,</p> <p>9 both in the manner in which it's posted and the public</p> <p>10 being the same public because it's everything on the</p> <p>11 website.</p> <p>12 And while there was a partial correction in</p> <p>13 the Cordoba case revising the public test, there's</p> <p>14 still a difficult situation in Europe, and this leads</p> <p>15 to real damage, both economically and otherwise. So</p> <p>16 commercial damage is an obvious one. Let's say you</p> <p>17 license an image of a photograph for 200 euro, and</p> <p>18 then if that's used on a website, you as the creator</p> <p>19 get that 200 euro. When we do -- when we're talking</p> <p>20 about framed works where the work is framed from your</p> <p>21 page to other sites, it's not only an issue with the</p> <p>22 individual framing, but it turns into sort of a</p> <p>23 snowball effect, where the use gets used multiple,</p> <p>24 multiple times.</p> <p>25 So here in this case, this image was used on</p>	<p style="text-align: right;">15</p> <p>1 institutions such as the -- the is the German Digital</p> <p>2 Library -- because they will not put in restrictions</p> <p>3 or technical measures to avoid framing. The image</p> <p>4 resolution on this site happens to be of high enough</p> <p>5 quality where these could be reframed and reused in</p> <p>6 ways that would deprive our member artists of</p> <p>7 additional revenue.</p> <p>8 The fact that they can't do this means that</p> <p>9 we can't license these works for this initial use.</p> <p>10 One of the other issues we face in the US and</p> <p>11 elsewhere is fair use. Historically, fair use, for</p> <p>12 us, used to be a very easy thing to manage. And, in</p> <p>13 fact, we still at Artist Rights Society grant gratis</p> <p>14 permission for a variety of different scholarly,</p> <p>15 academic, museum uses that are requiring visual</p> <p>16 material, but, of course, making it available to the</p> <p>17 public now is a whole different thing when it's</p> <p>18 online. And a lot of museums and other institutions</p> <p>19 take an aggressive fair-use position, which means our</p> <p>20 images are being displayed on websites that could be</p> <p>21 relinked, reframed, reused in other ways, and our</p> <p>22 members are losing out on that revenue.</p> <p>23 Perhaps some of this would hurt less if we</p> <p>24 had some collective rights here in the US, but</p> <p>25 unfortunately we do not. These are just some of the</p>
<p style="text-align: right;">14</p> <p>1 391 different websites, and if we equate that with the</p> <p>2 real value of that image, it's a real loss of revenue.</p> <p>3 I'm trying to say a little too much in this slide,</p> <p>4 acknowledged, but approximately 35 percent of search</p> <p>5 images online are not licensed, which results into a</p> <p>6 loss of about 76 million euro.</p> <p>7 I wanted to use this slide to show not only,</p> <p>8 again, the commercial values but a real control loss,</p> <p>9 which is a damage as well, too. The anecdote here is</p> <p>10 this photo of a boy eating a cheeseburger, which could</p> <p>11 be licensed obviously by the photographer for, say,</p> <p>12 159 euro is what I hear from my colleagues. The loss</p> <p>13 of revenue for that image being framed in other places</p> <p>14 is one thing, but also because the users are not</p> <p>15 liable for the content they provide if the work is</p> <p>16 framed on another site, it could be used on, let's</p> <p>17 say, a pharmaceutical website or on an online</p> <p>18 newsletter and talking about a healthy diet and</p> <p>19 obviously maybe hamburgers are not supposed to be part</p> <p>20 of a healthy diet, but the end-user would not be</p> <p>21 responsible for the content because it's framed from</p> <p>22 somewhere else.</p> <p>23 So another ramification also is preventing</p> <p>24 access. So many of our foreign sister societies that</p> <p>25 we're all part of CISAC with will not license to</p>	<p style="text-align: right;">16</p> <p>1 collective rights that exist in Europe that we do not</p> <p>2 have in the US. Especially painful is private copying</p> <p>3 because that does answer a lot of questions about the</p> <p>4 digital sphere because a lot of our foreign societies</p> <p>5 are able to collect tariffs for private copying, which</p> <p>6 does result in compensation for use of digital</p> <p>7 material.</p> <p>8 But all of this could change, of course.</p> <p>9 I'm sure this is going to be a big topic. The EU</p> <p>10 Copyright Directive, a huge win for creators, which</p> <p>11 was voted on Tuesday, and obviously this could mean</p> <p>12 great changes for our European colleagues and</p> <p>13 hopefully for us as well, too. The European</p> <p>14 Parliament voted to make platforms such as YouTube and</p> <p>15 Facebook responsible for copyright infringements</p> <p>16 committed by their users.</p> <p>17 This opens the door for our foreign</p> <p>18 colleagues to issue collective licensing for these</p> <p>19 user-generated content providers and potentially</p> <p>20 provide that much-needed revenue for their use in the</p> <p>21 digital sphere. They have two years to implement</p> <p>22 this, and we'll see what that brings both them and us.</p> <p>23 And we look forward to that. And that is my</p> <p>24 presentation. You can find us on all these platforms.</p> <p>25 (Applause.)</p>

<p style="text-align: right;">17</p> <p>1 MS. ALLEN: Thank you so much.</p> <p>2 MS. HICKS: Yeah.</p> <p>3 MS. ALLEN: As mentioned at the beginning,</p> <p>4 we'll save the questions for the end. But, next, it's</p> <p>5 my pleasure to introduce Vickie Nauman of</p> <p>6 CrossBorderWorks. Would you prefer to come to the</p> <p>7 podium or sit?</p> <p>8 MS. NAUMAN: I can sit here.</p> <p>9 MS. ALLEN: Okay. Vickie founded</p> <p>10 the boutique consulting and advisory firm</p> <p>11 CrossBorderWorks. She has an extensive background</p> <p>12 in digital music licensing, metadata and rights</p> <p>13 systems, product management, marketing, and</p> <p>14 international business, giving her a unique</p> <p>15 perspective on the global media landscape.</p> <p>16 MS. NAUMAN: Thank you so much, and I</p> <p>17 apologize to everyone for being late. I used new</p> <p>18 technology of Lyft to get here this morning, and</p> <p>19 perhaps I should've used old technology of the Metro.</p> <p>20 I might have been a little more efficient.</p> <p>21 So, you know, I came to this event last</p> <p>22 year, and I was really impressed because oftentimes I</p> <p>23 think the music industry, we're in our own little</p> <p>24 bubble and we don't get to cross-pollinate with other</p> <p>25 media types, and there are so many similar struggles.</p>	<p style="text-align: right;">19</p> <p>1 labels, publishers, performing rights organizations.</p> <p>2 There has to be -- in order to develop a digital</p> <p>3 marketplace, there has to be a willingness to license,</p> <p>4 and there has to be a willingness and a capability of</p> <p>5 granting licenses and being able to execute on those</p> <p>6 licenses.</p> <p>7 The next ring out is digital service</p> <p>8 providers and licensees. There has to be an appetite</p> <p>9 for developers and tech companies and startups to use</p> <p>10 music and build creative applications. Beyond that,</p> <p>11 you know, actually, you know, looking at these first</p> <p>12 three, a lot of people who looked at the early days of</p> <p>13 the digital music marketplace, they forgot about this</p> <p>14 ring, which is hardware, software, and networks.</p> <p>15 In the early days, we didn't -- you know,</p> <p>16 there were some amazing ideas that were presented in</p> <p>17 the early 2000s, but we didn't have the hardware, we</p> <p>18 didn't have the software, we didn't have APIs, we</p> <p>19 didn't have networks to be able to bring those music</p> <p>20 experiences to life. We have those now. And this is</p> <p>21 a really important -- this is a really important part</p> <p>22 of moving beyond just a web-based world.</p> <p>23 The next ring out is investment and, you</p> <p>24 know, financiers, venture capitalists being willing to</p> <p>25 put money into the music sector. And, then, lastly,</p>
<p style="text-align: right;">18</p> <p>1 And I consider music to be one of these canaries in</p> <p>2 the digital coal mine. So we're at a different place</p> <p>3 in the digital -- you know, in the definition of a</p> <p>4 digital marketplace.</p> <p>5 So what I put together was really much more</p> <p>6 of like a 30,000-foot view of what has really</p> <p>7 happened, how did we get to where we are now. And so</p> <p>8 I'm going to go over that with you and really look</p> <p>9 forward to hearing more of the perspectives throughout</p> <p>10 the day.</p> <p>11 All right, so I look at the whole</p> <p>12 marketplace as layers. And at the very center of this</p> <p>13 is the connection between artists and fans. You know,</p> <p>14 as long as artists are making music that fans love, I</p> <p>15 feel like there's a really healthy future in music.</p> <p>16 Many people in the industry in the early 2000s didn't</p> <p>17 agree with this, you know, and there was a point at</p> <p>18 which a lot of the music labels were actually feeling</p> <p>19 like recorded music, there was no future for it. I've</p> <p>20 never believed that. And I think because we've made</p> <p>21 access so easy, even through piracy, it has spurred</p> <p>22 consumption of music to be something that's far beyond</p> <p>23 anything in the previous eras. So at the center of</p> <p>24 this is artists and fans.</p> <p>25 The next is industry licensors. So we have</p>	<p style="text-align: right;">20</p> <p>1 it's legislative and trying to get the laws to be able</p> <p>2 to be current with the environment. And I love the</p> <p>3 quote that you just listed because this is exactly the</p> <p>4 case where we have laws that were created around, you</p> <p>5 know, piano rolls, and we are finally getting around</p> <p>6 to modernizing it, but all of these pieces really have</p> <p>7 to be in place in order to have a thriving digital</p> <p>8 marketplace.</p> <p>9 And so when we look at where we are now, you</p> <p>10 know, music is doing pretty well from the surface. We</p> <p>11 have money flowing. There are people that are</p> <p>12 subscribing. There's revenue that's getting passed</p> <p>13 from the user through a DSP into the rights holders</p> <p>14 and to the artists and creators. But how did we get</p> <p>15 here?</p> <p>16 So if we look back to the era, from 2000 to</p> <p>17 2006, this is really where the original Napster</p> <p>18 disrupted everything. And I've been involved in this</p> <p>19 from the beginning. In fact, I worked at one of the</p> <p>20 first digital music services called MusicNet, and at</p> <p>21 that time, I remember trying the original Napster and</p> <p>22 seeing songs download onto my laptop, and I had a</p> <p>23 hardware/software content, you know, networks. I had</p> <p>24 a 14.4 modem. It took over three minutes for a song</p> <p>25 to download onto my laptop, but I saw millions of</p>

<p style="text-align: right;">21</p> <p>1 people in there, and I thought this is amazing. All  2 we have to do is legalize this. All we have to do is  3 legalize it and everyone's going to make so much more  4 money, it's going to be great.  5 And then I went to work at one of the first  6 services and I realized, okay, this is going to take a  7 while. But in this era, a lot of what -- a lot of the  8 battles, and I see lots of familiar faces in the crowd  9 who were around in that day, lots of the battles were  10 really, you know, what is the model, will people pay  11 for music, how do we compete for free? We had every  12 metaphor imaginable, you know, bottled water, tap  13 water. And it really came down to, you know, just all  14 these different battle fronts.  15 But there were several things that were real  16 catalysts in the early days. One was iTunes. And  17 iTunes, good or bad, developed the download model and  18 they dominated that marketplace, but it established  19 norms in the marketplace. And some of these norms  20 needed to be done by a big company like Apple to set  21 the pace for it. But what we also started realizing  22 was, you know, that just the pace at which everyone  23 was changing laptops, and cell phones, that it made  24 porting your songs from one device to another just  25 became more and more inconvenient.</p>	<p style="text-align: right;">23</p> <p>1 smartphones started to proliferate, that really  2 changed the landscape, and it changed the paradigm of  3 how people consume music. And it became more about  4 access. Now, we can argue business models all day,  5 but I think what we really had to do in order to get  6 these services across the line was start to create  7 norms of how to license and who to pay what  8 percentage. They're certainly not perfect, but what  9 we've seen is a massive growth in the people in the  10 subscribing base, as well as the legal usage base into  11 these DSPs that are offering access-based models.  12 And that leads to where we are now, which is  13 really the streaming era. And this opened up a whole  14 can of worms around publishing and around data and  15 metadata, and it wasn't really until the end of this  16 era -- the middle era of around 2013-2014 that rights  17 holders and many traditional stakeholders in the  18 industry actually believed that streaming was here to  19 stay.  20 And the reason that it took so long for  21 everyone to buy into this model is because, you know,  22 many of the people who are here are in the church of  23 streaming and access, but in the earlier eras, I mean,  24 there was every business model imaginable. We had  25 downloads, tethered downloads, limited downloads,</p>
<p style="text-align: right;">22</p> <p>1 And so, you know, we saw the evolution of  2 different business models that were also driven by the  3 networks, by hardware/software, you know, by the  4 little devices that could store MP3s. And we,  5 eventually in this era, started seeing that there was  6 a renewed confidence that people would pay for music  7 that they loved, even if they had already bought it in  8 CDs and vinyl and other formats before, that music  9 increases and continues to retain value to the  10 consumer, and we really just as an industry needed to  11 come together to create different models that were  12 legal alternatives to piracy.  13 The DMCA was a really important part of this  14 early era, especially in radio-style streaming. I  15 think if we hadn't had the DMCA it would have been  16 almost impossible for anyone to really get a legal  17 model out into the marketplace because it provided  18 some guardrails. From 2007 to 2013, I really define  19 this as a different era because this is -- the iPhone  20 is out, so we have smartphones. We also have bigger  21 networks. Streaming started to become something that  22 was more of a convenience. There was a -- you know,  23 there were a lot of early services like Rhapsody and  24 Napster that had limited appeal and Pandora.  25 And once streaming and iPhone and</p>	<p style="text-align: right;">24</p> <p>1 radio-style streaming, every kind of model you could  2 imagine all of the rights holders had to wrap their  3 head around. And streaming -- on-demand streaming was  4 just one of them.  5 And we had had a lot of companies like  6 Rhapsody and MOG and RDO that had tried and had not  7 gotten the traction. So once Spotify really came onto  8 the scene, it was simultaneous when YouTube really  9 started to produce tremendous volume, and we started  10 to see money not just being paid from the DSP to the  11 rights holders for their licensing agreements and  12 minimum revenue guarantees, but we also started seeing  13 money coming out the back end. And that really was a  14 paradigm shift for the rights holders and for the  15 broad industry in general that, hey, we think this is  16 actually working.  17 But what happened is simultaneously the  18 volume was so tremendous that it became almost like  19 an avalanche. And very, very few companies were able  20 to cope with it. So I would categorize 2015 as the  21 era -- as the year when everyone believed that  22 streaming really had a place in the marketplace and  23 that it was going to be the consumption pattern for  24 the foreseeable future. And then 2016 was the year  25 that everyone realized we don't have the</p>

<p style="text-align: right;">25</p> <p>1 infrastructure to manage the volume of data, we don't</p> <p>2 have technologies and capabilities to be able to</p> <p>3 process any of this, and we also have a significant</p> <p>4 problem in the US around mechanical rights.</p> <p>5 So the passage of the MMA I consider to be</p> <p>6 really fundamental to the future of our industry. And</p> <p>7 one of the problems that we saw all throughout these</p> <p>8 early years was the time to market. And from a</p> <p>9 technological standpoint, the market shifts so much</p> <p>10 and so quickly, and it took maybe three to four years</p> <p>11 to get a full set of rights for a streaming service</p> <p>12 for -- from labels, publishers, and PROs. And so we</p> <p>13 saw something that was really out of sync with the</p> <p>14 market, that it took so long to develop the licensing</p> <p>15 structure that by the time you deploy a service, there</p> <p>16 are already three others that are competitive, you</p> <p>17 know, duplicates of what you're doing.</p> <p>18 And one of the things that I think no one</p> <p>19 has really spoken about with the MMA and the</p> <p>20 establishment of the MLC is it's going to shave off a</p> <p>21 tremendous amount of time for new entrants to get</p> <p>22 those rights from a publishing standpoint. And that's</p> <p>23 really exciting because in order to continue to</p> <p>24 attract consumers, we have to keep the user</p> <p>25 experiences at pace with all of those that are</p>	<p style="text-align: right;">27</p> <p>1 money flowing from a systems standpoint, and to also</p> <p>2 look at, you know, segmenting the music marketplace.</p> <p>3 And music is traditionally very tribal, so how can we</p> <p>4 better serve some of the small niches of music fans</p> <p>5 that may not necessarily be pop and the top of the</p> <p>6 charts but there's still a lot of value in that.</p> <p>7 So that's all I have to say, and I'll pass</p> <p>8 this down to you.</p> <p>9 (Applause.)</p> <p>10 MS. ALLEN: Thank you so much. I invite</p> <p>11 Neil Fried, who is representing the Motion Picture</p> <p>12 Association of America. Neil represents MPAA's six</p> <p>13 members -- Walt Disney, Paramount, Sony, Universal,</p> <p>14 Warner Brothers, and Netflix -- before Congress in the</p> <p>15 administration on matters such as copyright and</p> <p>16 communications law.</p> <p>17 MR. FRIED: Thank you for inviting me today.</p> <p>18 I have a positive story to tell. It's almost a cliché</p> <p>19 now. People say that we're in another golden age of</p> <p>20 movies and television, and the reason it's a cliché</p> <p>21 is, to be honest, it's actually kind of true, and</p> <p>22 these trends, I think, will tell you that.</p> <p>23 So on the supply side, we now have 1,144</p> <p>24 lawful online services through which our industry is</p> <p>25 making our movie and television content available.</p>
<p style="text-align: right;">26</p> <p>1 developing experiences that don't have a four-year</p> <p>2 lead time on licensing.</p> <p>3 So I think that, you know, the Music</p> <p>4 Modernization Act is -- I'm focused on the</p> <p>5 implementation of this. And I think that we have an</p> <p>6 opportunity to build something that is open and</p> <p>7 transparent and interoperative with the rest of the</p> <p>8 world industry. We have a window into a very big</p> <p>9 problem of data and getting money flowing through the</p> <p>10 system into the rights holders. And, you know, we</p> <p>11 also have emerging markets, and this is truly a global</p> <p>12 marketplace right now.</p> <p>13 So I'm very bullish about the future of</p> <p>14 music, but we've gone through so much trial and error,</p> <p>15 and it largely took us 15 years of trial and error to</p> <p>16 get to the point where we had a model where we could</p> <p>17 focus on the consumers that were paying and focus less</p> <p>18 on those that were stealing and pirating music and</p> <p>19 really developing user experiences and value</p> <p>20 propositions for music fans that they were willing to</p> <p>21 pay for.</p> <p>22 And, now, we're -- you know, we've kind of</p> <p>23 established -- we have four or five big companies that</p> <p>24 are offering music catalogs. I think the next wave is</p> <p>25 really the emerging markets, you know, how to get</p>	<p style="text-align: right;">28</p> <p>1 You can see the growth. I'll point out that since</p> <p>2 2013, when the green paper was published, we've</p> <p>3 already seen an 80 percent increase in the number of</p> <p>4 lawful services, a whole variety of them, more every</p> <p>5 day, as you all are undoubtedly aware. We now have</p> <p>6 Apple in the marketplace as well. I imagine there</p> <p>7 will be others. Lots of experimentation going on.</p> <p>8 On the demand side, that's also a very</p> <p>9 positive story, so this is the number, 11.5 billion</p> <p>10 movies -- full-length film accessed by consumers in a</p> <p>11 year. That was 2018. All right, so one year. That</p> <p>12 many views and transactions over these lawful, online</p> <p>13 services. That's 150 percent increase since 2013.</p> <p>14 And you get to television. Obviously</p> <p>15 there's more. You know, a movie is a little longer,</p> <p>16 and there are fewer of them made in a year. We've got</p> <p>17 television episodes all week. So we've got in the TV</p> <p>18 space -- and these numbers are astounding, but this is</p> <p>19 why we're so optimistic -- 170.6 billion television</p> <p>20 episodes accessed lawfully online in 2018. That's 175</p> <p>21 percent increase since 2013.</p> <p>22 On the production side, what does all that</p> <p>23 mean? Well, we've got distribution and we've got</p> <p>24 demand, and so you get more product. This is the</p> <p>25 number of scripted original programs, not reality TV.</p>



<p style="text-align: right;">29</p> <p>1 Actually produced, scripted programming, up to 495.  2 Again, the growth is astounding. We're starting to  3 see maybe it's peaking.  4 This data comes from FX, and every year John  5 Landgraf predicts we've hit the top, and every year,  6 we got a few more, and, again, with more players,  7 right? I mean, we have Apple announcing a whole slate  8 of -- I think I saw 22 titles already announced. The  9 great thing is that with this technology, consumers  10 are finding ways to access content when and how they  11 want, and they are filling up their day with great  12 content that we're producing.  13 And then, of course, online. This is just  14 online original content, scripted programs for online  15 only. Again, huge growth. This is great for  16 obviously all of our companies. And some people think  17 that we're somehow in competition with these online  18 platforms. What they forget is that we both do  19 production and distribution, so many of these online  20 exclusives are actually being produced by our members  21 and others as well. So this is a great story for  22 everybody. On the scripted originals, I came up here  23 to give you the stat. The 495 overall is a 40 percent  24 increase since 2013. And here's the whopper, 160  25 scripted original programs online is a 560 percent</p>	<p style="text-align: right;">31</p> <p>1 protecting and preserving the lawful online  2 marketplace, not the unlawful marketplace. And just  3 like all lawful services starting to move towards  4 streaming, so, too, is unlawful service.  5 So, right, the stats -- this is 2017. There  6 were 542 million movies and TV shows still pirated  7 over peer-to-peer, but that's now actually less in  8 terms of the number of visits where consumers are  9 going for pirated content and where distributors of  10 pirated -- unlawful distribution is going. It's also  11 to streaming. So right now, streaming piracy is 37  12 percent of the visits to unlawful sites for content  13 compared to 36 percent for downloads and 27 percent  14 for peer-to-peer.  15 You may have been hearing a lot about Kodi  16 boxes and online devices. That's a big problem for  17 us. The last stat is that 6 percent of North America  18 -- US and Canada -- had these devices in their homes  19 configured to access essentially pirate websites,  20 making it much more seamless. Instead of the old  21 peer-to-peer download model, now it's streaming models  22 connected to your TV, a lot easier to consume. And  23 that 6 percent comes out to about 6.5 million homes.  24 One estimate I've seen, which may be low, is  25 that the annual ill-gotten gains of this type of</p>
<p style="text-align: right;">30</p> <p>1 increase since 2013.  2 So what does this say for me? Copyright  3 works, right? The genius of recognizing intellectual  4 property is it creates a market. And good things  5 happen when you have a market, right? We have  6 creators, distributors, and audiences, able to enter  7 into an almost infinite number of relationships to get  8 content created, distributed, and to an audience.  9 And they experiment, and that's why we've  10 been able to take, you know, from the more traditional  11 distribution mechanisms to what we're seeing today,  12 and also to the experimentation and all sorts of new  13 players. So already online we're seeing, right, on-  14 demand models, subscription models, and ad-supported  15 models, right? Pluto TV, recently acquired by Viacom,  16 an ad-based service. There are a number of even ad-  17 based services online that are arising. So this is  18 all great news, right? We are very positive.  19 We're not really looking for a lot of help  20 in the creation of the marketplace. Of course, there  21 is always a downside, right? And just as lawful  22 online distribution is occurring, it's also happening  23 illegally, right, and that's the downside. Again, we  24 are still positive in the marketplace where we need  25 the help, where we need the collaboration is in</p>	<p style="text-align: right;">32</p> <p>1 system is \$840 million a year. And that's not just a  2 problem for us, it's a problem for consumers on two  3 fronts. One, it does start to affect our ability to  4 produce all that content because we're competing  5 against unlawful and free. And when you spend \$100  6 million typically or more per movie, a million dollars  7 per episode, it's harder to provide as much diversity  8 and as much content and as much quality when you can't  9 make up that money in essentially the secondary  10 market.  11 Many people don't realize, but only 4 out of  12 10 movies actually make a profit in the theaters.  13 Others either break even or lose money. And so the  14 secondary market is very important to us, and when  15 we're competing against illegal and free, that's  16 getting hard to invest money into the content. But  17 the other reason why consumers should be concerned is  18 malware. One-third of these pirate sites are actually  19 putting malware on consumers' computers. So those are  20 the two real concerns.  21 So what are we looking for? And I mentioned  22 it sort of at the top, it's voluntary initiatives and  23 collaboration. What we've done, actually, to quite  24 success is work with other internet intermediaries.  25 We're all in lawful businesses, and quite successful</p>

<p style="text-align: right;">33</p> <p>1 businesses. And what any lawful business should want</p> <p>2 to do is promote the lawful, and there's no need to</p> <p>3 facilitate the unlawful.</p> <p>4 So payment process, this is a great story.</p> <p>5 What was happening is that a lot of -- you know, any</p> <p>6 pirate operation wants to get paid, and they were</p> <p>7 using Visa, Mastercard, and PayPal. And so we reached</p> <p>8 out to Visa, Mastercard, and PayPal and said, look,</p> <p>9 you know, you're probably not aware of it, but a lot</p> <p>10 of these transactions are for unlawful distribution of</p> <p>11 content. Will you work with us? We will give you</p> <p>12 indicators of how to spot essentially illicit activity</p> <p>13 using your financial network. And we did that, and</p> <p>14 they are working with us. They are now trying to</p> <p>15 prevent their networks from facilitating piracy. A</p> <p>16 good story for us. You know, never done, but a good</p> <p>17 collaboration in the marketplace.</p> <p>18 Another one is advertising. If it wasn't</p> <p>19 subscription revenue, it's advertising. Many major</p> <p>20 brands are showing up on pirate sites, unbeknownst to</p> <p>21 them because of the complexities of getting ads in</p> <p>22 front of users on the internet ecosystem. We reached</p> <p>23 out to advertising networks and said, you know, you</p> <p>24 really don't want your quality brands on some unsavory</p> <p>25 sites. And it wasn't just piracy. A lot of these</p>	<p style="text-align: right;">35</p> <p>1 we have those voluntary initiatives, and in some cases</p> <p>2 we need more of them and others. So that's really our</p> <p>3 hope is that we can facilitate that positive legal</p> <p>4 marketplace by not so much facilitating the unlawful</p> <p>5 stuff that we unfortunately have to compete with.</p> <p>6 Thank you.</p> <p>7 (Applause.)</p> <p>8 MS. ALLEN: Thank you, Neil.</p> <p>9 Our next presenter, Edward Hasbrouck, has</p> <p>10 been cochair of the Book Division of the National</p> <p>11 Writers Union since 2009, leading the union's advocacy</p> <p>12 on copyright, digitization, and digital media issues.</p> <p>13 He also currently serves as the representative authors</p> <p>14 of text works on the Board of Directors of the</p> <p>15 International Federation of Reproduction Rights</p> <p>16 Organization and as an observer to the Authors' Rights</p> <p>17 Expert Group of the International Federation of</p> <p>18 Journalists.</p> <p>19 MR. HASBROUCK: Since this is, I think, the</p> <p>20 first time that a writer has been invited to speak to</p> <p>21 one of these events, I'd like to give an overview of</p> <p>22 the ways that writers monetize our words. There are</p> <p>23 many marketplaces for writing in digital formats, and</p> <p>24 there is no typical writer. Most working writers</p> <p>25 aren't making a living from our writing. And the most</p>
<p style="text-align: right;">34</p> <p>1 sites had a lot of other unsavory characteristics</p> <p>2 about them, not only just sort of identity theft, but</p> <p>3 were advertising for products you probably don't want</p> <p>4 your product next to.</p> <p>5 And so the advertisers are being fearful</p> <p>6 about where they place their content. Again, another</p> <p>7 positive story. We need more of that. We need</p> <p>8 intermediaries to work with us in promoting the</p> <p>9 lawful, and where we're not really seeing that is</p> <p>10 stuff like hosting services, reverse proxies, and</p> <p>11 domain name providers, who all have terms of services</p> <p>12 that you shouldn't be using our service for unlawful</p> <p>13 activity but don't seem to be working as well with us</p> <p>14 as the payment processors and the advertisers to make</p> <p>15 sure that their very valuable and very successful</p> <p>16 services are not also facilitating illegal activity.</p> <p>17 So that's really where we start.</p> <p>18 And if you think about it, the DMCA really</p> <p>19 was an attempt to create a voluntary initiative</p> <p>20 scheme, right? The idea was that there was a shield</p> <p>21 as Senator Wyden points out, liability protection in</p> <p>22 exchange for working collaboratively for</p> <p>23 intermediaries and online platforms, to work</p> <p>24 collaboratively to take down content. And it's just,</p> <p>25 unfortunately, not working on some examples. Right,</p>	<p style="text-align: right;">36</p> <p>1 commercially successful writers are the least</p> <p>2 representative of the long tail.</p> <p>3 Most writers can't afford to leave even</p> <p>4 small amounts of potential income on the table. Like</p> <p>5 other workers with multiple jobs, most writers have</p> <p>6 multiple income streams, often from very different</p> <p>7 business models, and different writers prioritize</p> <p>8 different ways of monetizing our work. But there are,</p> <p>9 in general, four dimensions according to which one can</p> <p>10 categorize the ways writers turn words into dollars:</p> <p>11 according to business models, sources of revenue,</p> <p>12 publication formats, and whether we're exploiting new</p> <p>13 or old works.</p> <p>14 Business models include employment as a</p> <p>15 staff writer and freelancing. They also include not</p> <p>16 only at the bottom of the list self-publishing but in</p> <p>17 between employment and freelancing the kind of</p> <p>18 independent contracting in which people may be getting</p> <p>19 an hourly or monthly fee and sitting next to staff</p> <p>20 writers doing the same work.</p> <p>21 As contractors, their work is not considered</p> <p>22 work for hire, but they have none of the rights of</p> <p>23 employees such as to minimum wages or collective</p> <p>24 bargaining. Unlike most workers who unambiguously</p> <p>25 benefit from employee status, this creates an unfair</p>

<p style="text-align: right;">37</p> <p>1 dilemma for writers who in order to obtain the rights 2 of employees have to forgo their copyrights and have 3 that work be considered work for hire. 4 Revenue sources include wages, as I just 5 mentioned, both wages and wage-like contracting fees, 6 as well as sales and de facto sales through all-rights 7 contracts. They also include licensing, but while 8 there are writers who make much of their money from 9 licensing, there are other successful writers for whom 10 licensing is insignificant. You cannot equate 11 monetization solely with licensing. 12 Advertising is, of course, the primary 13 source of revenue for many digital formats and is 14 structured very differently from licensing. And 15 subscriptions and membership are more significant than 16 is often recognized. Patreon isn't the first or the 17 only platform for members-only web content. And while 18 there are relatively few successful paid subscription 19 websites, there's a large industry of paid 20 subscription email newsletters, which brings us to the 21 dimension of publication formats. 22 Written work can be distributed as web 23 content, of course, but it can also be distributed 24 through an app -- recipes in a cooking app, 25 sightseeing information in a travel app. Digital</p>	<p style="text-align: right;">39</p> <p>1 the last 25 years. 2 These dimensions of monetization are 3 independent of each other. A professional blogger, 4 for example, may be a staff writer whose job is 5 writing the company blog, or they may be an 6 independent contractor paid a monthly fee or a 7 freelancer paid a percentage of the ad revenue for 8 each article she contributes to the blog, or she might 9 be a self-publisher of her own blog. 10 And these dimensions are equally applicable 11 to all genres of writing. A blog can be monetized in 12 the same ways regardless of whether it contains poetry 13 or flash fiction or news articles. We think of the 14 paradigmatic writer as a novelist or a journalist, but 15 in the digital environment, a successful writer may be 16 getting paid to write marketing copy or product 17 descriptions for an e-commerce website. 18 And a writer may choose to distribute and 19 monetize a particular work in as many ways as 20 possible, but she may also make a deliberate choice to 21 offer a work in only the one format she thinks will 22 optimize her revenue. The fact that a work is not 23 available in a particular format or channel is as 24 likely to indicate market choice as market failure. 25 When we consider all four dimensions of</p>
<p style="text-align: right;">38</p> <p>1 downloads include not only e-books but also downloads 2 of short-form works that will be hard to monetize in 3 printed formats. And while most people think of email 4 as a one-to-one communications medium, it's also a 5 publication medium, used to distribute a wide range of 6 marketing communications and paid subscription 7 publications. 8 Finally, the multimedia formats in which 9 text can be included have expanded from movies and 10 videos to include electronic games and virtual reality 11 experiences. And in a final dimension, a writer has 12 two types of assets from which she can generate 13 revenue -- her labor power to create new works and her 14 ability to monetize her rights to work she has 15 previously created. 16 Just as much of the net worth of a corporation 17 may be its intellectual property assets, a writer's 18 personal backlist may be a substantial part of her net 19 worth. Rights to many backlist works have been 20 difficult or impossible to exploit in print formats, 21 but the internet has unlocked a treasure chest of 22 value in digital rights to works that were previously 23 either unpublished or published only in print. And 24 disputes over ownership of that rights windfall have 25 been central to the conflicts over writers' rights for</p>	<p style="text-align: right;">40</p> <p>1 monetization, there are 200 different ways for a 2 writer to earn money from writing distributed in 3 digital formats. Each writer might have a different 4 mix of income from different combinations of these 5 modes. But what is each of these marketplaces? A 6 marketplace is composed of entities and contracts 7 between them. Each of these marketplaces has a 8 different typical set of entities and a different set 9 of typical contracts between writers, readers, 10 intermediaries, and sources of income who may not be 11 the readers. 12 Only if we are aware of this diversity of 13 marketplaces can we assess how they are changing or 14 the implications of new policies, technologies, or 15 business plans. Most such assessments to date have 16 focused only on some subset of this universe of 17 marketplaces. I challenge the Government and industry 18 statisticians in this audience to collect, compile, 19 and publish more comprehensive data on the full 20 variety of marketplaces for digital text. 21 Similarly, many procedures devised for print 22 format, such as those for registration of copyrights, 23 have been made workable for only a subset of digital 24 formats. Decades after the worldwide web became the 25 primary medium for the distribution of text, the</p>

<p style="text-align: right;">41</p> <p>1 Copyright Office has yet even to propose any</p> <p>2 registration procedures for dynamic and granular web</p> <p>3 content, just to give one example.</p> <p>4 Policy analysis is also distorted by lack of</p> <p>5 awareness of the diversity of modes of monetization.</p> <p>6 The prerequisite, for example, to applying the test</p> <p>7 for fair use or other exceptions and limitations to</p> <p>8 copyright is an awareness of the potential markets for</p> <p>9 the works at issue. A common error is to assume that</p> <p>10 some activity will not interfere with the marketplace</p> <p>11 for a work without realizing that it will interfere</p> <p>12 with many other unnoticed marketplaces for the same</p> <p>13 work.</p> <p>14 Proponents of so-called controlled digital</p> <p>15 lending, for example, claim that scanning books and</p> <p>16 distributing the full text online won't interfere with</p> <p>17 the e-book market. Even if this were true, which it</p> <p>18 isn't, it ignores the many other markets for works</p> <p>19 that have been included in printed books. Exceptions,</p> <p>20 limitations, and compulsory or quasi-compulsory</p> <p>21 licenses are often justified on the basis of false</p> <p>22 claims of market failure when, in fact, the</p> <p>23 nonavailability of a work in one market may simply</p> <p>24 reflect the writer's market choice to monetize it in a</p> <p>25 different way.</p>	<p style="text-align: right;">43</p> <p>1 creators, writers are also business and technology</p> <p>2 innovators. Looking ahead, many of the trends we are</p> <p>3 leaving involve shifts in the balance between these</p> <p>4 modes of monetization. That includes some relatively</p> <p>5 obvious trends and some that may be less obvious,</p> <p>6 although no less significant for both business</p> <p>7 processes and policies.</p> <p>8 The high potential return on the investment</p> <p>9 of time for digital exploitation of writers' personal</p> <p>10 backlists, for example, confounds many assumptions</p> <p>11 about which rights are primary and which are</p> <p>12 secondary. It also highlights the need for reform of</p> <p>13 Section 203 of the Copyright Act to ensure that</p> <p>14 writers are able to remix and obtain a fair share from</p> <p>15 revenues from reuse of our own previously published</p> <p>16 work.</p> <p>17 In the world of print, markets have been</p> <p>18 segmented geographically, but on the internet, a</p> <p>19 single website can reach readers worldwide without the</p> <p>20 need for local distributors. Instead, the ways in</p> <p>21 which a work is distributed and monetized can vary</p> <p>22 over time as markets change. Enforcement of time-</p> <p>23 limited licenses poses challenges which have not yet</p> <p>24 been addressed for caching and archiving of digital</p> <p>25 text.</p>
<p style="text-align: right;">42</p> <p>1 The debate over orphan works may be the most</p> <p>2 obvious example of where this leads. Proposals for</p> <p>3 orphan works legislation has been based on the claim</p> <p>4 that if the rights holder can't be found and a</p> <p>5 potential licensee can't transact a new license, the</p> <p>6 work necessarily is not being exploited. But it</p> <p>7 should be obvious that many modes of monetization,</p> <p>8 such as advertising, require neither identification of</p> <p>9 the rights holder nor any transaction between reader</p> <p>10 and writer.</p> <p>11 Many writers earn their living through</p> <p>12 advertising on anonymously self-published websites</p> <p>13 that are by definition orphan works regardless of how</p> <p>14 actively and successfully they are being monetized.</p> <p>15 It's more or less trivially easy for anyone familiar</p> <p>16 with how writers actually earn our living to come up</p> <p>17 with multiple other examples of works that are being</p> <p>18 monetized in ways that don't require finding the</p> <p>19 rights holders. The fact that we've had more than a</p> <p>20 decade of discourse about orphan works without yet</p> <p>21 beginning to think about the ways that orphan works</p> <p>22 are being profitably monetized today reflects how</p> <p>23 completely the realities of writers' livelihoods have</p> <p>24 been ignored in policy studies.</p> <p>25 It should be obvious or no surprise that as</p>	<p style="text-align: right;">44</p> <p>1 I've only scratched the surface here, but I</p> <p>2 hope this taxonomy of the many marketplaces for text</p> <p>3 and digital formats and these examples of why and how</p> <p>4 it matters will help inform your thinking and your</p> <p>5 work today and in the future. Thank you.</p> <p>6 (Applause.)</p> <p>7 MS. ALLEN: Thank you very much, Edward.</p> <p>8 And just before turning to our last speaker,</p> <p>9 just one note is that this is very much a stakeholder-</p> <p>10 driven conference, so I invite anyone in the audience</p> <p>11 or online to come forward with ideas for us. And</p> <p>12 Edward is one prime example of this where he viewed</p> <p>13 our conference and says, hey, there's something</p> <p>14 missing here, I want to present on the advertising</p> <p>15 aspect of this as well. And that is why he is here</p> <p>16 today, as well as the overall picture.</p> <p>17 As he mentioned at the beginning we have not</p> <p>18 had a writer representing text here before. So,</p> <p>19 again, it's an invitation to anyone to please, you</p> <p>20 know -- we welcome feedback. This is intended to be a</p> <p>21 stakeholder-driven event.</p> <p>22 And finally, last but definitely not least,</p> <p>23 Danielle Coffey is a Senior Vice President of</p> <p>24 Strategic Initiatives and Counsel for the News Media</p> <p>25 Alliance, which represents 2,000 news media outlets</p>

<p style="text-align: right;">45</p> <p>1 worldwide. Danielle focuses on digital policy issues  2 and strategic initiatives for the organization,  3 building better partnerships with tech platforms and  4 urging for a more favorable regulatory environment for  5 the digital distribution of news content.  6 MS. COFFEY: Thank you, Susan, and thank you  7 for having me. You're always a pleasure to work with.  8 You and David and Michael have been very eager to  9 learn about the issues that we work on, so thank you  10 for that. And I do represent the News Media Alliance,  11 and we have 2,000 members in the United States and  12 internationally. We have a positive story to tell,  13 too, so I'll join my friend, Neil, in pointing out  14 that our audience, because of the innovative devices  15 and services that you can now digest news over, is  16 through the roof.  17 So the trajectory is from 46 million to 136  18 million over the last 10 years, but that's where I  19 part ways with my friend, Neil, because the good stops  20 there because unfortunately our struggles are on the  21 monetary side. And over the same 10 years, the  22 trajectory is in the other direction, and that's  23 because, as you can see, we've, you know, lost half of  24 our revenue because we primarily would get it from  25 print advertising, which is in an accelerated decline</p>	<p style="text-align: right;">47</p> <p>1 is valued, but we're not seeing the value of it. And  2 that's because of three things that I'll go over.  3 This first one is digital advertising. In the digital  4 advertising ecosystem, we're not alone. We get a very  5 small piece of the pie. The majority of the digital  6 advertising dollar goes to Google and Facebook. In  7 fact, they take 85 cents on the dollar from -- and  8 we're left with the remaining 15. The growth is at 90  9 percent for the same two companies.  10 However, like I said, we're not in it alone.  11 This isn't a unique problem just to the news industry.  12 We realize we're in good company, but what we do  13 struggle with is the fact that it doesn't reward  14 quality. So the cookie will follow the user. So the  15 user will go to look at, say, skin cream, and then  16 they'll -- face cream, what have you. They'll go to a  17 website. Let's say it's the LA Times, and then  18 they'll next go to a cheaper website, let's just say  19 TMZ, which is also in LA. And the advertiser will be  20 able to pay a cheaper cost for the same person now  21 that they can target the person and not the content.  22 So to what has been discussed previously,  23 when an advertiser wants to be found with premium  24 content, in the programmatic world, that's no longer  25 an option, and therefore quality just isn't rewarded.</p>
<p style="text-align: right;">46</p> <p>1 and that has not been replaced by digital advertising  2 or digital subs -- digital subscriptions.  3 So what's changed over the last 10 years?  4 We used to have a very personal, intimate relationship  5 with our readers. We were the only product that would  6 actually be walked up to your door and handed to your  7 -- you know, handed to you. The closest thing to that  8 now is I think Amazon, but we used to have a very  9 intimate relationship with our reader, but now when  10 you go to the internet to digest our content, you're  11 met by two large companies, Google and Facebook.  12 Google is the search engine, so it's more  13 like if I was going to tell you, you know, A4 has a  14 great article on the Mueller report or whatever the  15 news is of the day. You would now go to Google and  16 you would search in Mueller report and you would find  17 that same article.  18 Social, so Facebook acts more like a front  19 page. So it tells you what the hot news of the day  20 is. And in that respect, we enjoy the traffic, which  21 is that's primarily our referral traffic. It's 67  22 percent from those two companies. However, the  23 problem is that the revenue that we receive is only --  24 from that same referral traffic is only 16 percent.  25 So there's a drastic mismatch. Our content</p>	<p style="text-align: right;">48</p> <p>1 So that's the advertising space.  2 In the subscription space, that would be  3 where consumers can really show, as they have, that  4 they value our content, that they're willing to pay  5 for it. And consumers are willing to pay for it.  6 Millennials are paying for it at 20 percent. That's,  7 you know, up from 4 percent. That's a huge increase,  8 and there's just -- there's a conditioning, like the  9 water bottle we were talking about. People are now  10 willing to pay for things they may not have previously  11 been willing to pay for.  12 However, like I said, our content, our  13 intermediaries, which is where we're found on Google  14 and Facebook, like I said, they're incentivized to get  15 more data because that's what they're driven by. That  16 feeds the ecosystem that they make money off of. It's  17 a fact.  18 We've been told that paying for content is  19 not an enjoyable consumer experience. And our CEO  20 always says, look, if I went to a bar and I didn't  21 have to pay, that would be a great, great experience;  22 however, at the same time, we invest a tremendous  23 amount of resources in journalism and in news rooms  24 and in the time spent that goes in uncovering these  25 stories, so when we invoke a pay wall and are</p>

<p style="text-align: right;">49</p> <p>1 penalized for it -- and we had a struggle with first-</p> <p>2 click-free. It was a policy that was recently</p> <p>3 overturned by Google because we were being penalized</p> <p>4 and deprioritized in search results if we had a pay</p> <p>5 wall. That is bad for our business, so we may just be</p> <p>6 in conflict fundamentally with the model of data</p> <p>7 versus subscriptions.</p> <p>8 And, then, the third is more relevant to</p> <p>9 this group, which has to do with copyright, and that</p> <p>10 would be the more common way of protecting your</p> <p>11 content. But, unfortunately, the news industry has</p> <p>12 had a stream of bad cases, bad decisions. And it's</p> <p>13 been difficult to monetize through the copyright and</p> <p>14 IP ecosystem, although I will say that there is a</p> <p>15 positive, hopefully, change in that.</p> <p>16 As far as the case law, as you may or may</p> <p>17 not know, the Copyright Act does not allow the</p> <p>18 copywriting of fact -- the protection of facts.</p> <p>19 However, this INS decision, it was 1918, that resulted</p> <p>20 in the hot news doctrine you might be familiar with,</p> <p>21 would still allow for breaking news to be protected</p> <p>22 for an exclusive period of time. It was created</p> <p>23 because of the wiring back to the West Coast and then</p> <p>24 you don't get the paper and you don't get the reward,</p> <p>25 so it was allowing you to have protection for a period</p>	<p style="text-align: right;">51</p> <p>1 actually promising.</p> <p>2 And then the second part of it -- so the</p> <p>3 first part is really the case law. The second part is</p> <p>4 really even if we had the right, we still -- if we</p> <p>5 want to be found -- the dominance of the platforms,</p> <p>6 there's no -- where else are you going to go? If you</p> <p>7 want to be found on Google search, if you want to be</p> <p>8 read, then you have to essentially waive any copyright</p> <p>9 you may or may not have. And that's in their terms of</p> <p>10 service.</p> <p>11 So it's a false choice really. So even if</p> <p>12 you did have the right, could you assert it? Under</p> <p>13 the circumstances we're currently in, no, no, you</p> <p>14 couldn't.</p> <p>15 So a positive development for copyright in</p> <p>16 our space was just decided on Tuesday. We're very</p> <p>17 pleased with now Article 15. It was Article 11, it</p> <p>18 was -- it began in 2016. This has been a very long</p> <p>19 fight for the Europeans. And we represent Axel</p> <p>20 Springer. They were at the helm of it. They really</p> <p>21 took the lead on this, and they pushed for a</p> <p>22 recognition. They actually don't have a copyright</p> <p>23 protection for publishers in Europe. So across</p> <p>24 Europe, they just didn't have it.</p> <p>25 So the copyright directive included a</p>
<p style="text-align: right;">50</p> <p>1 of time.</p> <p>2 However, a recent case undermined the hot</p> <p>3 news doctrine because it said that the copyright</p> <p>4 actually preempts that, and so that makes it more --</p> <p>5 even facts such as, you know, Dow Jones releases their</p> <p>6 numbers or sports facts or what have you. And that</p> <p>7 makes it difficult across the board for us to protect</p> <p>8 our content, even for an exclusive, even for a short</p> <p>9 window of time. And so when we invest a ton in</p> <p>10 stories, so for example, the Theranos story was --</p> <p>11 there were millions put into that story to uncover it.</p> <p>12 It only actually -- The Wall Street Journal uncovered</p> <p>13 it. It actually only sat at the top of the feed for</p> <p>14 about -- on an average of six minutes, original</p> <p>15 stories, before they're picked up by others who just,</p> <p>16 you know, you'll responsibly cite, that's what we do</p> <p>17 in our industry, however, not everybody's responsible,</p> <p>18 and those will just be lifted up, and because of the</p> <p>19 incentive to click, therein lies the problem.</p> <p>20 And the last thing is Google News. It's</p> <p>21 where we live, is where a lot of our content lives;</p> <p>22 however, again, a stream of unfavorable decisions for</p> <p>23 our industry have resulted in a questionable</p> <p>24 protection of our content, including through Google</p> <p>25 News, although the Fox TVEyes recent decision was</p>	<p style="text-align: right;">52</p> <p>1 publisher's right. The resulting language is that it</p> <p>2 protects single words and very short extracts. That</p> <p>3 was language that was put in to restrict what</p> <p>4 aggregators, including Google News, are required to</p> <p>5 now negotiate with news publishers for the use of that</p> <p>6 content. Very short extracts was a term that was in</p> <p>7 negotiation with counsel, commission, and the</p> <p>8 Parliament, and their trilogue negotiations was</p> <p>9 inserted.</p> <p>10 And it may have limited the protection;</p> <p>11 however, there was a recital that was also included</p> <p>12 that said this language, "very short extracts," is not</p> <p>13 to undermine the intent of the intended protection</p> <p>14 here.</p> <p>15 So we feel like it's a strong protection of news</p> <p>16 content. It's not a link tax. First of all,</p> <p>17 it's not a link tax because it doesn't protect links. You</p> <p>18 can share links freely. Consumers can share</p> <p>19 information freely. That's explicitly exempted from</p> <p>20 protection.</p> <p>21 It's also not a tax because it's negotiable;</p> <p>22 it's not required to be paid. So if taxes are now not</p> <p>23 required, please tell the IRS, and I would like to not</p> <p>24 pay my taxes. So link tax is just -- it's a misnomer,</p> <p>25 and it doesn't describe what was the result here. And</p>

<p style="text-align: right;">53</p> <p>1 the vote was ultimately on Tuesday 348 to 274 in favor  2 of the publisher's right, which we're now going to  3 work with our counterparts to see what that means  4 globally.  5 The solution we see here in the United  6 States is an antitrust safe harbor for news publishers  7 to collectively negotiate and withhold content for  8 better terms from the tech platforms. It's limited in  9 time; it's limited in scope; and it allows us to come  10 together to be able to have a fighting chance to be  11 able to talk to the tech platforms about what we would  12 see as a better partnership and what we would need to  13 have better business arrangements so that we can  14 sustain quality journalism.  15 We expect introduction of that soon by the  16 Chairman of the Antitrust -- House Antitrust Chairman,  17 David Cicilline with a Republican lead. We're very  18 excited for what this could do for our industry. And  19 because of what happened with the book publishers,  20 it's had a chill -- what happened with the book  21 publishers when they tried to negotiate with Apple to  22 get a better deal because they were being undercut by  23 Amazon, they got sanctioned by the DOJ, and that had a  24 chilling effect on our industry's ability to come  25 together.</p>	<p style="text-align: right;">55</p> <p>1 THE DIGITAL MARKETPLACE: TECHNOLOGY INITIATIVES  2 MS. ALLEN: So I now invite Jack Rutledge to  3 take the podium. Jack is currently the Senior Manager  4 of Product Management at Amazon Music, where he leads  5 product development for the catalog teams who ingest  6 content from record labels and generate product  7 metadata that drives the listening experience on  8 Alexa, mobile, and desktop streaming apps.  9 During his seven years with the company,  10 he has played a key role in launching new music  11 offerings, including Amazon AutoRip and Amazon's music  12 streaming tiers, Prime Music, and Amazon Music  13 Unlimited.  14 MR. RUTLEDGE: Sorry, apologies. Is that  15 better now? Okay, thanks.  16 Let me just check and make sure Alexa is  17 awake this morning.  18 So I'm going to talk a little bit about just  19 a quick overview of the Amazon music business and then  20 talk about my role as the leader of our product  21 development group for music catalog, and then I'll  22 show you some stuff on Alexa.  23 So Amazon Music, we've been in the music  24 business now since 1998. It was the second category  25 for Amazon after books with our CD and vinyl offering.</p>
<p style="text-align: right;">54</p> <p>1 So this is something that we need to -- it's  2 a market-based solution, it's nonregulatory. It would  3 remove government; it wouldn't give us -- it wouldn't  4 be regulatory against the platforms. And this is  5 something that we're looking for and that we're  6 championing in Congress right now. And that's it.  7 Thank you.  8 (Applause.)  9 MS. ALLEN: So thank you, Danielle, and I  10 realize it is now 12 minutes after 10:00 and we have  11 another presentation, but we can cut into the coffee  12 if anyone has one or two quick questions.  13 No? Going once, going twice. Okay.  14 Thank you all for your time today, and we  15 very much appreciate your presentations. Thank you.  16 (Applause.)  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">56</p> <p>1 And then in 2007, we stepped into the MP3 download  2 market with our MP3 download store that's still live  3 today. And it wasn't until later that we launched our  4 streaming offerings, and we now offer Prime Music and  5 Music Unlimited, Music Unlimited being the larger full  6 catalog subscription service. And both Prime Music  7 and Amazon Music are available to Echo and Alexa  8 customers.  9 So the Amazon Music catalog, we're the  10 primary point that receives all of the information  11 from record labels and distributors about music. So  12 we -- through the DDEX supply chain feed, we get all  13 of the information about the products that comes in  14 the door, the audio files themselves. And then we  15 have this big job on the catalog side to get all of  16 that content ready for our customer experience.  17 So it starts with our mobile apps, IOS and  18 Android, our desktop app, our web player. But then we  19 also have this offering of playlists and stations in  20 our service, so we have to work with that content so  21 that our music curators can find it in our catalog and  22 make it into the playlist that customers hear.  23 And then lastly but by no means least  24 importantly is Alexa. So we have a large challenge to  25 get all of this music content ready for the Alexa</p>

<p style="text-align: right;">57</p> <p>1 experience that I'm going to show you in a little bit.  2 And we've been working on -- for a number of years on  3 that.  4 So I want you to meet Alexa. Hopefully,  5 some of you are familiar with her and the Echo family  6 of devices. And when we started out thinking about  7 how we wanted to make music work for our customers on  8 Alexa, we really wanted it to be like you were having  9 a conversation with your friend that's, you know, your  10 best friend that's knowledgeable about music. And we  11 started out with some very simple use cases. So,  12 here, this -- Alexa, play Paul Simon songs from 1986.  13 ALEXA: Paul Simon from 1986 on Amazon  14 Music.  15 (Song begins, "You Can Call Me Al.")  16 MR. RUTLEDGE: Okay, so we got that one  17 right. But when we first started, there was a little  18 bit of a problem. So this is our internal catalog  19 view of the metadata that we received from the  20 distributor for Paul Simon's Graceland album. And  21 I've blacked -- I've redacted some of the details so  22 that we don't place blame on this specific provider,  23 but suffice to say this is not like one entity. This  24 is prevalent across the catalog.  25 And there's lots of reasons throughout the</p>	<p style="text-align: right;">59</p> <p>1 we've seen customers asking for these types of  2 features to understand more about the music that  3 they're listening to on Alexa. And, you know, I think  4 we'll hear a lot later on today about this specific  5 challenge, but suffice to say there's lots of  6 interesting ways in which we see our customers wanting  7 to interact with this voice technology that requires  8 us on the catalog side to partner with people in the  9 industry and figure out how the right metadata can  10 come into our service and then let us get it out to  11 customers such that they have that experience that I  12 just demoed for you.  13 So that's all I wanted to talk about, so  14 thank you very much, and I hope you enjoy the day.  15 (Applause.)  16 MS. ALLEN: So wonderful. And I just -- you  17 know, we're branching now from a discussion of the  18 different industries really now into the technologies,  19 so these presentations are first voice recognition,  20 and now we'll have Blockchain, followed by  21 fingerprinting, watermarking, and search.  22 So I invite Ken Umezaki to provide an update  23 on Dot Blockchain Media. Ken is the CEO and Cofounder  24 of Dot Blockchain Media, a company that has introduced  25 a new music file technology architecture to modernize</p>
<p style="text-align: right;">58</p> <p>1 development of digital music for why, in fact, in this  2 case, the original release date of Graceland is marked  3 as 2012. But obviously with that information, the  4 experience that I just showed you on Alexa wouldn't  5 have worked. So we spent years researching and  6 correcting data, finding out where he had errors so  7 that we could make sure that when a customer asks for  8 the music on Alexa that they actually get the right  9 response.  10 And so now I'm going to show you something  11 that we've been working on that's, you know, the next  12 step a little bit further. So the first part of it's  13 pretty straightforward.  14 Alexa, play Havana.  15 ALEXA: Havana by Camila Cabello, featuring  16 Young Thug, starting now on Amazon Music.  17 (Song begins, "Havana.")  18 MR. RUTLEDGE: So we got that one right.  19 Alexa, who produced this song?  20 ALEXA: Havana by Camilla Cabello was  21 produced by Frank Dukes and Matt Beckley.  22 (Song continues.)  23 MR. RUTLEDGE: So this is a little bit  24 harder than just correcting the date for Paul Simon's  25 Graceland for us, but we think that this is -- and</p>	<p style="text-align: right;">60</p> <p>1 copyright management and media supply chains fit for  2 the digital media age. Ken acts as an experienced  3 independent investor and business advisor for music  4 startups and artists through his company Digital  5 Daruma, with a specific focus on artist-facing music  6 and media services company. Welcome.  7 MR. UMEZAKI: I also need a few minutes or a  8 few seconds to set up.  9 So we've been at this for three years or so.  10 We're primarily sort of an attempt to modernize rights  11 management data and leveraging sort of current  12 technology to do that. And we realized as we started  13 on the journey that this actually could apply to many  14 different media categories. We're starting with  15 music, obviously, so I'll hopefully have a moment to  16 show you a few of the things we've been up to the last  17 couple of years, but that was the reason for the  18 change in the name is we realize that it's probably  19 applicable or should be applicable to other media  20 verticals.  21 Oh, here we go. Well, my apologies again.  22 I'm Ken Umezaki. I'm the CEO of Dot BlockChain Media.  23 I have two demonstrations, which are essentially sort  24 of what we're surfacing as use cases, if you will, for  25 our underlying data architecture and our data</p>



<p style="text-align: right;">61</p> <p>1 technology solution. So I'll start with a just a real</p> <p>2 simple slide to kind of go through what our solution</p> <p>3 is intended to sort of represent and then talk about a</p> <p>4 couple of the use cases through a demo.</p> <p>5 So this is the sort of very, very simple</p> <p>6 question with a devilishly difficult answer, which I</p> <p>7 think all of us in the room have at some point in time</p> <p>8 or forever been trying to figure out, is who owns the</p> <p>9 rights to this thing, right, any media asset. And in</p> <p>10 our case, we're focused on the digital music part of</p> <p>11 the world. And our solution kind of looks like this.</p> <p>12 So there are four types of data that</p> <p>13 historically have been managed or have become managed</p> <p>14 in very, very separate silos. And the idea is to</p> <p>15 actually create a bundle of those data sets. So the</p> <p>16 audio file, the metadata that describes generally the</p> <p>17 recording or release, ownership or works data, if you</p> <p>18 will, on the composition side, and also potentially</p> <p>19 licensing. We're focused on the first three at this</p> <p>20 point in time.</p> <p>21 Is there a way to leverage technology to</p> <p>22 actually synchronize those things? And in our</p> <p>23 opinion, or our solution includes leveraging some</p> <p>24 blockchain technology to actually accomplish that.</p> <p>25 So what I'd like to do is actually just show</p>	<p style="text-align: right;">63</p> <p>1 The work's bundle contains identifiers and</p> <p>2 ownership metadata of the underlying musical work.</p> <p>3 When a work has been matched to a master end release</p> <p>4 bundle, you get a full view of who owns both the</p> <p>5 masters and publishing copyrights to that song.</p> <p>6 As a member of the public, you are able to</p> <p>7 see certain public-facing information, but you will be</p> <p>8 locked out of seeing anything that would be considered</p> <p>9 proprietary. Once logged in as your user role, if</p> <p>10 you've been granted access to edit that data, view</p> <p>11 that data, or if you're the owner, you'll be able to</p> <p>12 see this private information such as ownership splits</p> <p>13 on this work.</p> <p>14 Depending on your role, you will be assigned</p> <p>15 as the owner of one or more of these bundles. For</p> <p>16 example, let's say you're the artist who wants to</p> <p>17 update the name of your song. Since you're the owner</p> <p>18 of the master metadata, you can simply open the</p> <p>19 editing interface, find the song title, and change it</p> <p>20 to whatever you want. And don't worry, your old song</p> <p>21 name is still there if you change your mind. Since</p> <p>22 your metadata is synced to the blockchain, metadata is</p> <p>23 never deleted, only amended.</p> <p>24 Now, let's say you want to change the</p> <p>25 release date of your album. Since your record label</p>
<p style="text-align: right;">62</p> <p>1 you two quick demonstrations -- they're both videos --</p> <p>2 of a couple of ways this manifests itself. The first</p> <p>3 one is going to be related to a music publisher's</p> <p>4 perspective. We've been working with a major label</p> <p>5 and a major publisher for about six months now, and</p> <p>6 we're just finishing off our initial, if you will,</p> <p>7 project with them. And this is the UI.</p> <p>8 By the way, there's no crypto; there's no</p> <p>9 blockchain description in any of this. We can talk</p> <p>10 about that during the course of the day if you're</p> <p>11 interested, but hopefully you'll be able to hear this.</p> <p>12 VIDEO: Before we dive in, let's go over</p> <p>13 some of the basic concepts in this UI/UX. First, your</p> <p>14 data is organized into dot.BC bundles. These bundles</p> <p>15 contain the fundamental data underlying a song,</p> <p>16 including its metadata, audio data, and image data.</p> <p>17 The master bundle contains data like the</p> <p>18 song's name, audio, artist, and collaborator</p> <p>19 information. Anyone who contributed to this specific</p> <p>20 recording of the song is recorded here.</p> <p>21 The release bundle contains the metadata of</p> <p>22 the specific release this song appears on, including</p> <p>23 the title of the release, the type of release like</p> <p>24 single, album, or collection, and any associated cover</p> <p>25 art image.</p>	<p style="text-align: right;">64</p> <p>1 owns the release, you need their permission to edit</p> <p>2 the release metadata. First, you'll request access to</p> <p>3 the release bundle. Once you've been granted access</p> <p>4 by your label, you can submit an amendment request to</p> <p>5 any metadata in the bundle.</p> <p>6 Keep in mind, this change will have to be</p> <p>7 accepted by the label since they own the bundle. They</p> <p>8 can approve your change, reject it with comments, or</p> <p>9 reject it with suggestion of their own.</p> <p>10 We are also using an API call to our</p> <p>11 partner, Exactals, to match ISRC and ISWC to all</p> <p>12 known public matches. This will bring back an ISRC</p> <p>13 and UPC suggestion, both found in RAI but maybe not</p> <p>14 found in our catalog, and also matches that are found</p> <p>15 within our catalog. For example, you can see the blue</p> <p>16 tick there. This ISRC and UPC has been found within</p> <p>17 the catalog.</p> <p>18 If you'd like to associate the ISWRC and the</p> <p>19 ISRC that you're working with, you simply keep the</p> <p>20 blue ticks populated. Then when you're ready, you</p> <p>21 press "apply changes" and the system will</p> <p>22 automatically inject the ISWC or works information</p> <p>23 into the master and release recordings that you have</p> <p>24 selected.</p> <p>25 This concludes our overview of our working</p>

<p style="text-align: right;">65</p> <p>1 user interface. For more information, please visit  2 DotBlockchainMedia.com.  3 (Video concluded.)  4 MR. UMEZAKI: So there's a fair amount of  5 technology behind being able to have that user  6 experience. And just a few key takeaways that I think  7 hopefully either sort of triggered in your mind or  8 perhaps things to think about as we have our  9 discussion. First is sort of horizontal matching  10 across works and recordings. This is very, very  11 important that we get right in the digital age, as  12 we've already talked about.  13 Permission to access, the notion of  14 separating data between what's publicly available and  15 what is permission from the owner to others that are  16 relevant, sort of kind of a need to know, if you will,  17 setup is included there.  18 Aligning ownership and data with each other.  19 That's not always the case in some of the standard  20 formats that we use today in the music business.  21 Multiparty collaboration, the ability for  22 multiple parties to contribute to the truth in a song-  23 specific or even field-specific way, amending the data  24 as opposed to erasing it or deleting it. We can start to  25 create an ownership provenance trail if you think</p>	<p style="text-align: right;">67</p> <p>1 for others, but so far, technology in the music  2 industry has not been able to ensure his songwriting  3 and performance rights are actually permanently  4 attached to his songs when they start traveling  5 through the digital world. Simply put, that means he  6 can't be sure he's getting paid correctly for the art  7 he creates and shares.  8 In October 2017, we registered STOLAR's  9 track, "Forget and Feel," onto the blockchain,  10 watermarked it and delivered it to online stores  11 everywhere. This is a demonstration of how we did it.  12 We start by bundling up information about who owns the  13 song and who should be paid with the audio file  14 itself. We then record or stamp this information into  15 a permanent storage compartment called a block.  16 Information cannot be erased using this method, so  17 each change to the data gets stored in a new block and  18 linked together in a chain, creating -- you guessed it  19 -- a permissioned blockchain of the history of a  20 song's data that can never be halved.  21 Once the data is stamped onto the chain, a  22 unique Dot BC URL is generated, and we watermark that  23 URL into the audio file before delivery to online  24 platforms. Why watermark, did you ask? Well, if  25 STOLAR's song is later used behind user-generated</p>
<p style="text-align: right;">66</p> <p>1 about what this is, and that's really the power of the  2 block chain as far as we're concerned.  3 And then, lastly, the use of algorithms. We  4 partner with a company called Exactuals, which has an  5 algorithmic metadata cleansing service called RAI.  6 It's integrated into our service. We think the  7 machine can actually do a lot of the heavy lifting and  8 first filtering and act as, if you will, an  9 investigative journalist as it relates to identifying  10 and figuring out what the correct data should be.  11 So that's a publisher and perhaps a label  12 perspective. I wanted to also give you an example of  13 how an artist might be able to use this, so this will  14 be the next video. Oh, sorry, interoperable with  15 existing standards and also leveraging existing  16 identifiers. As opposed to starting radically with  17 something different, the whole idea behind this  18 process is our solution is to leverage these existing,  19 if you will, norms within the industry. So for an  20 artist.  21 VIDEO: It would be nice to think every song  22 in our digital world correctly credited songwriters  23 and performers. But until now, this simply hasn't  24 been the case. Meet STOLAR. He's a professional  25 songwriter and performer that writes for himself and</p>	<p style="text-align: right;">68</p> <p>1 content online without a credit, a link to his writing  2 credits are still present in the song itself, simply  3 by listening to the song's watermark with a special  4 app.  5 Here's a live example of how that watermark  6 identification process works. So I'll start by  7 playing the song and using a watermark-recognition app  8 to listen. And if I click on the image associated  9 with the song that comes up, we're led to the URL that  10 we embedded, which contains the Dot Blockchain  11 registration address. And the public-facing data here  12 that we can see includes information that has been  13 historically difficult for online platforms to  14 collect, such as publisher, performing rights  15 organization, or a writer IPI.  16 Finally at the bottom, if there are changes  17 to the actual song, you'll see these in a version  18 history of each new time-stamped blockchain  19 registration. So the result is that these files will  20 no longer be orphaned from their owners when they  21 progress across the net. So now artists, songwriters,  22 and other rights owners and users can forever have the  23 most current and accurate data attached to their songs  24 anywhere they appear online.  25 (Video concluded.)</p>

<p style="text-align: right;">69</p> <p>1 MR. UMEZAKI: So, again, key takeaways from  2 this one, comprehensive metadata that's immutably  3 linked to the actual underlying file that we're  4 trafficking in, which is the audio file; embedding  5 identification and other assets, as well as indexing  6 against other, if you will, important contributors,  7 commercial parties, et cetera; managing changes and  8 actually distributing those changes quickly and  9 efficiently because it's linked to the audio file  10 itself, so wherever it travels; and, then, dynamic  11 data, if you will, which we think has applicability to  12 many of the DSBs that we're working with currently.  13 So those are some of the key takeaways. You  14 know, our intent is to actually get the audio file or  15 the media file more generally to be smarter, if you  16 will, within the file itself so that we can actually  17 transact at the speed of digital on the monetization  18 side. Thank you very much.  19 (Applause.)  20 MS. ALLEN: Thank you very much, Ken.  21 So, next, I invite Rusty Turek, Founder and  22 CEO of Pex to present his attribution engine.  23 Following his presentation, we'll have probably seven  24 minutes for coffee, and behind and then continue.  25 MR. TUREK: Hi. My name is Rusty Turek.</p>	<p style="text-align: right;">71</p> <p>1 nothing. The abuse prevention that I spoke a little  2 bit, all rights owners that are trying to register  3 content with us have to have their identity verified  4 prior. Working with us, the same goes to the opposite  5 side.  6 And so if a new registration is done and  7 there is a collision found, the exposed very  8 comprehensive system to communicate between the prior  9 rights holder that registered similar content, the new  10 rights holder has four ways how to resolve this. They  11 can withdraw their registration; they can challenge  12 it; they can also accept it and create a derivative; or  13 they can amend parts of their contents, for instance,  14 if there is a snippet that they're holding out, our  15 system will exclude that part. We'll attribute to the  16 original rights holder and then carry on over it.  17 And so there is -- and the second part of  18 the system is search. And so this is using our own  19 proprietary algorithms, most of you probably never  20 heard of Pex. We are a five-years-old company. We  21 built the largest search engine for audiovisual  22 content on the internet or in the world. We have now  23 over 17 billion videos and songs indexed. We work  24 with the major rights holders across the globe. We  25 surface around 50 million new videos and songs</p>
<p style="text-align: right;">70</p> <p>1 I'm here to present our newest product, which we call  2 attribution engine. It's in the light of Article 13  3 and it's kind of trying to address that  4 So what is an attribution engine?  5 Essentially, it's a complex database of rights with  6 custom search capabilities. Custom search  7 capabilities is what makes this a little bit more  8 special than maybe other systems. And so the search  9 is done by audiovisual content itself. So essentially  10 it's identification based on unknown files that tracks  11 back the rights information.  12 So there are two steps to the systems. The  13 first one is asset registration. It's kind of three  14 parts of this. And so there is a database to which  15 someone can register their assets. The database is  16 open to everyone. We built systems in place that  17 allow us to deal with fraud or attempt to register  18 incorrect information.  19 And so any audiovisual content can be  20 introduced. We don't do images or stills, but  21 everything from half-second up, that means animated  22 GIFs, songs of any kind, podcasts or any kind of  23 content. There is no length restriction.  24 The best part, I think, is that everyone can  25 register it for free. No maintenance cost, no</p>	<p style="text-align: right;">72</p> <p>1 uploaded to major social platforms a day.  2 And so we are using the same algorithms for  3 each product, each, you know, a little different  4 shape, but we are able to deal with major changes to  5 the original content being cropped, compressed color  6 changes, horizontally swap images, frames, change the  7 angles and a lot of other things, sped up and slowed  8 down. One of the most important parts of our  9 algorithm is it allows us to identify content as short  10 as a half-second, so that means we can take a meme and  11 backtrack it back to the original source, like a movie  12 or something similar. The same goes to music.  13 And, also, our system allows us to identify  14 cover versions, mixes, and remixes and other -- or  15 other derivatives. What is maybe most important about  16 this system is all lookups are guaranteed to return  17 within five seconds, which means if -- even if we have  18 hundreds of millions of assets registered, all lookups  19 will finish within five minutes. So you can think of  20 this in the form of Shazam or something similar. It  21 just surfaces rights information in the context of the  22 rights holder.  23 Rights holders also have -- have a right or  24 chance to expose their licensing information, which  25 can be different for selected platforms and globally,</p>

<p style="text-align: right;">73</p> <p>1 so they can internally build -- let's call it a  2 compulsory license with us. And so whoever new --  3 whatever new platform enters our system, they can get  4 this default license. And then if they decide that  5 they want -- they want to negotiate the terms, they  6 can go and the platform -- the rights holder can amend  7 that. But the best part about the system is all  8 platforms and DSPs are using this, again for free.  9 And so maybe you are thinking about a  10 business model of ours. We have two ways how to --  11 how we make money on this. One we take a small  12 percentage of transaction costs. That means if the  13 content is monetized by the platform, we take a small  14 percentage from the platform. And, then,  15 additionally, another thing is data because we collect  16 all the data from all of the lookups and additionally  17 we are getting anonymized usage data from the  18 platforms. We're able to build complex charts,  19 bundles, and everything around it. So that's all.  20 (Applause.)  21 MS. ALLEN: Thank you. And just one quick  22 tip. Rusty did present last year, just on Pex. So if  23 you go to digital marketplace second public meeting,  24 there is a video with a demo of just the Pex search  25 engine.</p>	<p style="text-align: right;">75</p> <p>1 IDENTIFICATION  2 MS. ALLEN: If we could slowly make our way  3 to our seats, we'll get ready for the next session on  4 identification.  5 So welcome back from coffee break. If  6 people could please be seated, we'll get started with  7 the next round and the next topic of identification.  8 We will have a series of presentations from  9 the panelists who will then go into a discussion of  10 identification. This year, when we were discussing  11 the agenda with people, there was really -- in the  12 past, we've talked about identification of the  13 content, identification of the rights management as  14 all part of the conversation.  15 This year, there seemed to be a need to  16 focus on identifying the people, so we're doing a bit  17 of a deeper dive. And I, you know, give thanks to  18 Bill Colitre, who will be moderating the panel  19 discussion for coming up with the topic and really  20 forming this session.  21 First, we'll have Paul Jessop provide an  22 overview of standards initiatives. He's the Founder  23 and Director of County Analytics, an independent  24 consulting firm. He's asked me not to get -- have a  25 short bio because he will introduce himself.</p>
<p style="text-align: right;">74</p> <p>1 It's time for a coffee break and just  2 networking. So, please, if you want to get up, the  3 restrooms are on the right in the back, and we will  4 resume, say, in 10 minutes, at 10 minutes to 11:00.  5 Thank you.  6 (Brief recess.)  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">76</p> <p>1 After him, we will have Michael Healy, the  2 Executive Director at the Copyright Clearance Center  3 who's based in New York City. Before moving to the  4 United States in 2006, Michael worked for more than 20  5 years in the publishing industry in the UK. He's been  6 Chairman of the International ISBN Agency, a Director  7 of the International DOI Foundation, and led the  8 International ISO Committee that developed ISBN 13.  9 He currently chairs the International Standard Name  10 Identifier (ISNI) Agency and is the Director of the UK  11 Copyright Hub.  12 Greg Cram is the Associate Director of  13 Copyright and Information Policy at the New York  14 Public Library. Greg endeavors to make the library's  15 collections broadly available to researchers and the  16 public. He is responsible for developing and  17 implementing policies and practices around the use of  18 the library's collections, both online and in the  19 library's physical spaces.  20 And, finally, Bill Colitre is the Vice  21 President and General Counsel of Music Reports. In  22 this role, he serves as counsel to Music Reports,  23 strategic consultant to its clients, and head of the  24 company's Licensing and Royalties Services Division.  25 So, first, Paul. Thank you.</p>

<p style="text-align: right;">77</p> <p>1 MR. JESSOP: Good morning, everybody. I'm  2 Paul Jessop from County Analytics, and for my sins,  3 which are manifold, I work extensively on media  4 identifiers. So I do some work for the RIAA on ISRC,  5 the International Standard Recording Code, for the DOI  6 Foundation on DOI, which incidently underlies a lot of  7 the growth in movie and TV that we were seeing for MPA  8 earlier.  9 And for fun, I work with Michael on ISNI on  10 the international standard link identifier, and for  11 the Music Business Association, where I'm an amateur  12 musicologist. And I hope you all saw the announcement  13 of the induction into the National Recording Registry,  14 and I evangelized there for the Cassall's Cello Suites  15 and the Benjamin Britten War Requiem. If you don't  16 know those recordings, I commend them to you.  17 Thanks to RIAA. They work me hard, but they  18 do allow me to go around the world evangelizing this  19 stuff, even when I say things they don't necessarily  20 like. So anything I say today is to be attributed to  21 me, and I'll take the blame.  22 So what are we trying to do here? We're  23 talking about attribution, and I believe my friend,  24 Peter Jenner, will talk later about some of the  25 reasons we want to do attribution. So let's just deal</p>	<p style="text-align: right;">79</p> <p>1 how fine-grained do you need to identify, when can you  2 decide it's not worth going any further. We can  3 regard these two things as being the same.  4 Governance, who actually looks after  5 systems, who makes -- takes decisions, who runs  6 appeals. Sustainability. Are these things actually  7 viable financially to be managed into the future? We  8 used a very interesting standard called the International  9 Standard Text Code, which ran out of money and it's no  10 longer being operated. We're trying to reboot that. It  11 needs to be sustainable to be  12 useful to the industry. It needs to be persistent.  13 You need to be able to be sure that tomorrow the code  14 will be the same as it was today if it's the same  15 thing and somebody hasn't arbitrarily changed it. And  16 these things need to be actionable. You need to look  17 them up. You need to be able to access through API's  18 computer systems that will tell you what it is you're  19 dealing with.  20 So how do these things get standardized?  21 That was -- and why do we do that? That's what I was  22 asked to talk about. Well, standards generate trust  23 and they generate smaller barriers to entry, and they  24 generally encourage people to make things that work.  25 And where do they get standardized? Well, they get</p>
<p style="text-align: right;">78</p> <p>1 with it as a function we need to achieve. And knowing  2 who is or what is something is fine and dandy. And if  3 we can trust in that knowledge, that's even better.  4 But really, in 2019, we need to delegate  5 that trust to machines, and machines don't deal well  6 with text strings, just trying to match against a  7 Rachmaninoff in its various transliterations and different  8 fonts is nigh on impossible. You need a  9 code, you need a number.  10 When Axl Rose covered Bob Dylan and Guns and  11 Roses recorded "Knockin' on Heaven's Door," various  12 people produced what were apparently not incorrect  13 renderings of that, and I'm told there are 125  14 different versions with different capitalizations,  15 different truncations, and different apostrophizations  16 in there, but hopefully just one code that identifies  17 that so it can be pinned down accurately.  18 Smarter people than me have laid down a  19 conceptual framework for this. Mark Bide and Godfrey  20 Rust I'd call out. I think Mark Bide spoke to an  21 earlier instance of this meeting. And it was now nearly  22 20 years ago they produced the INDECS report, which  23 still underlies much of our thinking on this. And they  24 articulated a series of requirements for identification  25 systems that talked about granularity,</p>	<p style="text-align: right;">80</p> <p>1 standardized internationally through organizations  2 like ISO and IEC, which sound very grand, but they're  3 just really private clubs in Geneva of national  4 standard bodies.  5 Then there are consortia like the World Wide  6 Web Consortium -- W3C -- industries themselves run  7 standards. So the recording industry runs GRID, which  8 we saw on a slide earlier. And then there are sectors  9 within those industries that run their own  10 identification systems like IPI for people in the  11 creative sector -- songwriters and artists and so on.  12 So I suppose a personal view on how these  13 standards work best is that the broader the basis the  14 better. Standards which have a foundation across a  15 number of different aspects of one sector tend to  16 fulfill the needs of the whole sector, and that makes  17 them more viable. National solutions are part of the  18 problem, they're not part of the solution. Copyright  19 may be a national system of legislation, but these  20 marketplaces are global, and the systems need to  21 spread across those borders.  22 Beware the enclosure of the commons. We're  23 starting to see people using international standards  24 to place restrictions on what people can do with that  25 data. I think that will end badly. And open data</p>

<p style="text-align: right;">81</p> <p>1 drives new functions, new applications, and new  2 applications and new functions hopefully creates value  3 for both consumers and for creators. And I think  4 that's what we should be aiming for and what I hope we  5 will be discussing later in the panel session.  6 MR. HEALY: Good morning, everyone. I'd  7 like to thank Susan and her colleagues for the  8 opportunity to be here again. I am here today not as  9 Copyright Clearance Center but in my moonlighting role  10 as Chairman of the International Agency for ISNI. I'm  11 going to do a really quick gallop at a very basic  12 level through what ISNI is in the hope that those of  13 you who want to dive more deeply will be able to do so  14 either going to some individuals I name at the end of  15 my short presentation or to the ISNI website to learn  16 more.  17 So ISNI, the basics. It's an ISO standard  18 that was initially developed in 2012. I was part of  19 the original ISO working group that developed the  20 standard back in 2012, and it has recently been  21 reconfirmed as these things have to be by ISO every five  22 years, most recently for us in 2017. The International  23 Standard Name Identifier really is exactly what it says  24 on the can. It offers  25 persistent, unique identifiers for public identities.</p>	<p style="text-align: right;">83</p> <p>1 YouTube adopted the standard for its platform.  2 So today, we have about -- in excess of 10  3 million identities with ISNI, about 9.5 million of  4 those, I think, are probably individual entities, and  5 then about 8-, 900,000, if I have my numbers right,  6 and my numbers are up-to-date, I hope, or identifiers  7 of organizations.  8 In terms of governance, the international  9 agency that I am chair of, very much on a part-time  10 basis, is the formal governance authority which every  11 standard of this kind must have according to ISO. And  12 we are responsible for the rules of the road, so to  13 speak, and maintaining an efficient and effective  14 standard for ISNI.  15 It may be of interest, particularly to this  16 audience, to see that, you know, collective management  17 organizations particularly were very prominent in the  18 early stages of ISNI and were founding members. So  19 you see names you'll be familiar with there -- CISAC  20 and the Conference of European National Libraries, and  21 IFRRO, which obviously Copyright Clearance Center is a  22 member of.  23 And so you have a top-level governance  24 agency, and then underneath it, the real work, so to  25 speak, is done by a network of nonexclusive</p>
<p style="text-align: right;">82</p> <p>1 So John Lennon, Ringo Starr, the Beatles collectively,  2 plus fictional identities -- Superman, et cetera.  3 It is currently used to disambiguate and  4 uniquely identify a whole range of individuals and  5 organizational entities, particularly in the creative  6 supply chain of value chain, including performers,  7 writers, artists, and so on. It is -- it has become  8 fairly well established, I think it's fair to say, in  9 recent years.  10 When I became Chairman of the International  11 Agency, which I think is a little under three years  12 ago now, the primary application and adoption of ISNI  13 was in library settings. It was considered  14 particularly useful in national bibliographies and in  15 library catalogs as a way of disambiguating similar  16 names, so, you know, the Mao tse Tung, Mao Zedong  17 problem, the variant spellings of Dostoyevsky and so  18 on.  19 So its initial adoption was in a national  20 library, national bibliography setting. And one of  21 the things I was keen to do with friends of the  22 standard and colleagues like Paul was to see if we  23 could break out of the bibliography ghetto. And I  24 think we've had some success doing that. And perhaps  25 the biggest breakthrough was about 14 months ago when</p>	<p style="text-align: right;">84</p> <p>1 registration agencies. And these, again, betraying  2 the background and where ISNI was first adopted, these  3 include a lot of national libraries, Bibliotheque  4 nationale de France, the British Library, and many  5 others around the world.  6 And, then, increasingly we see growing  7 interest from and adoption of ISNI amongst collective  8 management organizations. Delighted that  9 SoundExchange recently came aboard as a registration  10 agency. They are one of our newest, and they, I  11 think, reflect this new direction, if you like, this  12 new direction of travel for ISNI, which is  13 particularly strong in the music sphere.  14 And as I said a moment ago, I think the  15 adoption back in January 2018 by YouTube represented a  16 significant breakthrough there. And the underpinning,  17 the underlying technology provided by one of the  18 founding members -- OCLC -- based particularly in this  19 case in the Netherlands.  20 The business model is straightforward, I  21 think it's fair to say. It's supported by membership  22 and registration agency assignment fees. There are  23 setup and transactional charges for ISNI assignment.  24 As Paul was saying in his introductory remarks, the  25 goal here is to get the widest possible market for</p>

<p style="text-align: right;">85</p> <p>1 this while maintaining, you know, its nonprofit status  2 and the lowest possible barriers to adoption.  3 In terms of further information sources  4 after this, if you're interested in knowing more,  5 you're best going to Tim Davenport, who is the  6 managing agent for ISNI. He works at an organization  7 called EDItEUR, which we contracted with to provide  8 secretariat services and support for ISNI. His  9 details are on the screen there, and mine at  10 copyright.com if you want to get in touch with me,  11 too, and ISNI.org is the canonical source for all the  12 information you need about ISNI if you want to read up  13 a bit more about it.  14 So I'll stop at that point and hand over to  15 Greg. Thank you very much indeed.  16 MR. CRAM: Well, we're spending a lot of  17 time talking about works that are new or recently  18 created. There are hundreds of millions of works that  19 are not new or recently created, and that's where NYPL  20 comes in. Many of these were never released  21 commercially, or if they were, they haven't found  22 commercial markets today.  23 NYPL is both a consumer and producer of  24 works protected by copyright, and my team reviews all  25 of the works that we digitize at NYPL. The works that</p>	<p style="text-align: right;">87</p> <p>1 the time.  2 You can use this interface to search for  3 photographers. You can filter on a number of facets,  4 including nationality, gender, the process that the  5 photographers used. So if you're interested in  6 cyanotypes and not other types, you can filter on  7 those, roles, locations, and other kinds of results.  8 Here, I filtered or I searched for Berenice  9 Abbott, and I can go to her page, and the page tells  10 us a lot about Berenice Abbott. It tells us the  11 locations she's associated with; it tells us where her  12 photographs are located within which collections  13 across the world; and it also gives you a list of  14 sources that we used to create the data that we're  15 using.  16 This sounds a lot like link data, and that's  17 because it is. We link out to a number of name  18 authority files like VIAF, YouLand, Wikidata, and in  19 some cases, though, we are the only source of  20 information about that photographer, at least that  21 only source online. And so our data yet is not  22 published in the semantic web, RDF triples, but we'll  23 get there soon. It's on the roadmap because we think  24 it's important to be able to share those identities in  25 a national or international sphere.</p>
<p style="text-align: right;">86</p> <p>1 are older, longer-tail works, are the ones that we  2 spend the most time researching, and to make this  3 research a little bit easier, the library has  4 undertaken a number of projects. I have five minutes  5 to tell you about two of those projects, so I'll run  6 through this pretty quickly.  7 The first project is the Photographers'  8 Identities Catalog, or here on out, PIC. It was --  9 let me introduce you to David Lowe, whose birthday is  10 tomorrow and I think is watching right now -- hi,  11 David. He works in our photography division, and in  12 2003, he began collecting, aggregating, cleaning, and  13 researching photographers and photography studios. He  14 used a variety of sources of data, and he built out a  15 spreadsheet that tracked all of these photographers.  16 But knowing NYPL, our goal was not merely to have a  17 single spreadsheet which doesn't work at scale. We  18 ended up putting a front end onto that database, and  19 that's the Photographers' Identities Catalog or PIC.  20 So we took that data. We created an  21 experimental access portal, and the data contains a  22 variety of things. It contains names, nationalities,  23 dates of operation, locations, and other things to  24 help us and help researchers find rights holders, or  25 at least find the photographers who took the photos at</p>	<p style="text-align: right;">88</p> <p>1 That's project one. I've got two and a half  2 minutes to get through project two, the Copyright  3 Office records.  4 So NYPL is really interested in the records  5 that are embedded in the Copyright Office not that far  6 away from here, and those records are a record of  7 American creativity. It's one of the best records we  8 have of American creativity, but they're locked away  9 in a set of paper records that are difficult to search  10 and require a really high level of expertise to use.  11 Many in this room know how to use it, but  12 most folks outside of this bubble don't quite  13 understand how they work. These records document a  14 significant part of the literary, music, artistic, and  15 scientific production of the United States from 1870  16 to 1977.  17 One of the forms that these records take is  18 the card catalog, and the Copyright Office just made  19 all of the cards available online through the virtual  20 card catalog -- yea! Finally, I don't have to come to  21 DC every time we want to look up a card catalog. But  22 the other way that we search records and the way the  23 kinds of records that we're focused on right now are  24 those that are in the catalog of copyright entries or  25 the other set of finding aids to the actual Copyright</p>

<p style="text-align: right;">89</p> <p>1 Office records. These records from the CCEs were  2 published about every six months. Many libraries have  3 these in microfilm, and the Copyright Office a few  4 years ago, in cooperation with Internet Archive,  5 imaged them, but they're just images.  6 So here's the problem. We need to  7 transcribe and parse these records. We need to  8 transcribe them, which means taking the image of the  9 record -- looks like that -- and convert it into  10 machine-readable text. So this is the entry for the  11 Hardy Boys, "The Mystery of the Flying Express," and  12 we need to transcribe that data so it's accurate. And  13 I'm not talking 98 percent accurate; I'm saying 99.9  14 percent accurate so that we can rely on the  15 transcription.  16 But that transcription only tells us what  17 the text is. It doesn't tell us what the text  18 actually means. It doesn't tell us the thing -- the  19 identities. So the next step is to parse out that  20 data. We need to break out that data to break it into  21 its constituent parts so that we can facet on that  22 data.  23 So back to our Hardy Boys reference. This  24 record is just a blob of text until you start to parse  25 it out. And once you start to parse it out, you can</p>	<p style="text-align: right;">91</p> <p>1 result that looks something like this.  2 This is all of the information within the  3 Copyright Office about this work, and because you are  4 all power users, you might want to actually go see the  5 underlying records that relate to that work. So maybe  6 you want to see the registration record, the renewal  7 record. Maybe you want to look at the card catalog  8 record. Heck, maybe you want to look at the recorded  9 documents, the assignment that happens to that work  10 later in time.  11 We want to build a database that does all of  12 these things and exposes all of those records, but  13 having a simple database of free text fields is  14 insufficient. It's not going to get us where we need  15 to go. I need to turn these things blue. So I need  16 the name, the author, Franklin W. Dixon. I need to  17 convert that into a unique identifier or associate it  18 with an identifier to make these records actually more  19 usable than they are today.  20 Even better, what I would love to be able to  21 do is stick a thumbnail of the object if it's a two-  22 dimensional work or if it's some work that I can put a  23 visual representation on, I would love to be able to  24 associate that record from the Copyright Office with  25 the actual object. And I think I'll be able to do</p>
<p style="text-align: right;">90</p> <p>1 pull things out like the place of publication, the  2 publisher, and start to define those records in ways  3 that make it more amenable to searching. The problem,  4 though -- one of the problems that we've encountered  5 in doing this work is the problem of unique  6 identifiers. How many of you believe that the  7 registration numbers the Copyright Office assigns are  8 unique? Good, don't raise your hand because they  9 aren't.  10 Here is a record. These are two different  11 records within the same volume of the CCE that share  12 the exact same registration number but are definitely  13 two separate works. This happens to be a typo in the  14 CCE fixed leader in the renewal records, but the  15 Copyright Office did review registration records over  16 time. So while we'd love to hang things off of a  17 single number, that's impossible because I know that  18 number is not unique.  19 So what I would like to do, we're working  20 towards, is creating a searchable interface for the  21 CCEs. We want to have a search interface that looks  22 sort of like this. This is my mockup I did about five  23 minutes ago as we were starting to talk about this,  24 and, for example, if you search for the Flying Express  25 Dixon, you should be able to search -- get a search</p>	<p style="text-align: right;">92</p> <p>1 that because the Copyright Office -- the deposits that  2 go to the Copyright Office, some of them end up in the  3 Library of Congress, which I think I might be able to  4 associate.  5 Aah, but I have a long and big mountain to  6 climb. There are 450,000 pages of CCEs. We've done  7 40,000, so I am almost at 10 percent. I've got a long  8 way to go on this, and we need to build out the front  9 end of the database, but our goal is to convert these  10 records to make them more usable and to start to feed  11 them into these other identifiers and other entities,  12 other ecosystems so that we can start to be able to  13 track some of the information we have about older  14 works.  15 So access to this data will help us identify  16 rights holders and works. It makes -- we want to make  17 our data available and open for use and reuse without  18 restriction to help add to and contribute to the web  19 of identifiers that exist. We want to use this data  20 to make it easier to identify works, to identify  21 rights holders and authors so that we can, A, give  22 them proper credit, but, B, seek licenses from them  23 should we need a license. Thank you.  24 (Applause.)  25</p>



<p style="text-align: right;">93</p> <p>1 PANEL DISCUSSION: THE AGE OF ATTRIBUTION</p> <p>2 MR. COLITRE: Thanks a lot, Greg. So from a</p> <p>3 constitutional perspective, we seek to encourage the</p> <p>4 further development of creative works and original</p> <p>5 expression by securing for limited times to authors</p> <p>6 monopoly rights over their intellectual property. And</p> <p>7 from a creator-centric perspective, then, this becomes</p> <p>8 a key feature, how do I identify the creators and</p> <p>9 authors that we're trying to incentivize to the system</p> <p>10 so that we can create a web of relationships around</p> <p>11 their works in relation to or agreements about those</p> <p>12 works that allow them to enjoy the monopoly that</p> <p>13 society has given them.</p> <p>14 So I think your last hypothetical there was</p> <p>15 a very interesting example, how do you turn the name</p> <p>16 Dixon blue so that it can be linked through to all the</p> <p>17 other assets to which Dixon is associated for the</p> <p>18 purpose of identifying for society in general these</p> <p>19 are the things that are under protection, they must be</p> <p>20 licensed, and then you can seek various systems for</p> <p>21 doing that.</p> <p>22 These are the things that might be in the</p> <p>23 public domain and therefore are free for use or to</p> <p>24 which exceptions apply, such that the New York Public</p> <p>25 Library can do the things that it needs to do to</p>	<p style="text-align: right;">95</p> <p>1 sit on foundations that are earlier than them, and</p> <p>2 certainly ISNI works to the extent that it works in</p> <p>3 the value chains I'm describing because it is -- it</p> <p>4 works interoperably with the ISBN and the ISSN and the</p> <p>5 DOI, et cetera.</p> <p>6 These have to be seen not as standalone</p> <p>7 identifiers but individual identifiers that work</p> <p>8 within a network of related identities, it seems to</p> <p>9 me. So we still are in a far-from-optimal situation. There</p> <p>10 are multiple forms of individual identities --ISNI,</p> <p>11 ORCID, and many others. And this is not a case where</p> <p>12 one is going to dominate, I don't think. I</p> <p>13 think we are not going to see one displace all the</p> <p>14 others. That's not going to happen. That's just not</p> <p>15 the way the world works. So the interoperation of</p> <p>16 these unique identifiers is the critical piece in all</p> <p>17 of this, it seems to me.</p> <p>18 MR. COLITRE: So you referred to the role of</p> <p>19 ISNI in relation to other identifiers of works, but</p> <p>20 they also interoperate with other forms of identifiers</p> <p>21 for persons and entities, for example, PIC, correct?</p> <p>22 Is there yet a lookup table between the PIC catalog</p> <p>23 and ISNI, or will there be in the future?</p> <p>24 MR. HEALY: There isn't right now. Will</p> <p>25 there be? I hope so, but that -- I think you've put</p>
<p style="text-align: right;">94</p> <p>1 preserve those works, for example.</p> <p>2 So I wanted to start by asking, you know,</p> <p>3 Michael, ISNI has arrived as an international standard</p> <p>4 that exists across domains, but there have been other</p> <p>5 domain-specific identifiers throughout time. Some of</p> <p>6 them still persist to this day. To what extent do</p> <p>7 they interoperate? Does ISNI supersede them all?</p> <p>8 Where do we go from here with unique identifiers for</p> <p>9 persons and entities?</p> <p>10 MR. HEALY: It's a very tough question to</p> <p>11 answer and a simple one to ask, I think. Certainly,</p> <p>12 ISNI itself, the ISNI community, those of us involved</p> <p>13 in it, see ISNI as a sort of bridge identifier and</p> <p>14 connecting to other forms of persistent identifiers in</p> <p>15 the value chain. So, you know, we have this situation</p> <p>16 where we've had a standard number for books since the</p> <p>17 late 1960s, first standardized in '72, and that very</p> <p>18 forward-thinking piece of standardization has enabled,</p> <p>19 I would say, decades later of things -- of initiatives</p> <p>20 that have facilitated a dynamic value chain for books.</p> <p>21 So ONYX, the standardized communication</p> <p>22 protocol for bibliographic information in the value</p> <p>23 chain, really could not operate without the ISBN. And</p> <p>24 this is something Paul was referring to earlier when you</p> <p>25 refer to the INDECS model. So many of these things</p>	<p style="text-align: right;">96</p> <p>1 your finger on the key thing, is there so many of</p> <p>2 these and these crosswalks need to be created --</p> <p>3 MR. COLITRE: Because they have different</p> <p>4 functions, right?</p> <p>5 MR. HEALY: They do indeed.</p> <p>6 MR. COLITRE: ISNI perhaps becomes a web</p> <p>7 that connects different silos of information, but the</p> <p>8 PIC database contains all kinds of information about</p> <p>9 the photographer that ISNI has no intention of ever</p> <p>10 collating, right?</p> <p>11 MR. HEALY: Right. I think there's going to</p> <p>12 be an interesting conversation over lunch about this.</p> <p>13 Clearly, the work that the New York Public Library has</p> <p>14 done has established these identities. It's solid,</p> <p>15 it's robust, it's believable, it's trustworthy, which</p> <p>16 is exactly the basis you want to import that data into</p> <p>17 ISNI. Now, some of those characters will already be</p> <p>18 there because they've been cataloged in libraries or</p> <p>19 they've been picked up in other systems, and they</p> <p>20 won't have a new one assigned. They'll be mapped to</p> <p>21 their old one, and by doing that, that system as a</p> <p>22 whole gets bigger and better and more useful and</p> <p>23 everyone wins, if you can find the money to do it.</p> <p>24 MR. CRAM: Yeah, and from our standpoint,</p> <p>25 the more we can connect identifiers to other</p>

<p style="text-align: right;">97</p> <p>1 identifiers, the better it is. The more we can build  2 out that web of connections and those crosswalks, the  3 better we all are.  4 MR. COLITRE: So let's move to the  5 assignment of these. In the context of PIC, the  6 libraries are seeking identification on behalf of  7 authors who may even be deceased, but if you are a  8 living creator and you wish to be identified, how can  9 you acquire, for example, an ISNI identifier or an  10 IPI? What are the steps you have to go through?  11 What's the timeline to achieve it, and what costs are  12 involved? Anyone?  13 MR. CRAM: So I can tell you how you enter  14 PIC. So PIC, you can't just apply to join PIC. It's  15 not open in that way. If you have an identifier  16 that's in Wikidata or your collection appears in a  17 public institution, then you will be added to PIC, but  18 otherwise, the database gets too large for us to  19 manage and it becomes less useful for our patrons.  20 And that's where we get into fit for purpose versus  21 interoperability, right?  22 We're building this thing to identify rights  23 -- identify photographers within the collections of  24 libraries. It's an identifier. It still tells you  25 something about that object but exploding that thing</p>	<p style="text-align: right;">99</p> <p>1 25 bucks, I think, for the privilege. That's not  2 sustainable, it's not scalable.  3 We'll soon see the British Library come on  4 board with a portal for UK music creators, where they  5 will arrange the interface between the individual and  6 the system, and that will be more scalable and  7 presumably lower cost. And there will be many more  8 people -- well, many more entities will pick up  9 updating the record during a performer or a  10 songwriter's life.  11 It's not intended to be a discography, but  12 if somebody goes in and gets an ISNI in the early  13 stages of their career and then has a big hit later,  14 it will be kind of odd if that hit isn't the more  15 realized in that record because we won't be able use  16 it to verify the attribution, so there will need to be  17 an update or a refreshing of the process, and people  18 will do that, hopefully automatically in many cases,  19 so it won't require a lot of personal input, but  20 management for artist management and indeed songwriter  21 managers will have a role in checking that their  22 charges have got their data in order and looked after.  23 MR. COLITRE: So you -- Paul raised the  24 question of sustainability. Are we dependent on  25 institutions like the public libraries to fund the</p>
<p style="text-align: right;">98</p> <p>1 to include every single person who has taken a photo  2 in the last week would explode just the database.  3 MR. COLITRE: Well, while we're talking  4 about that method, is there a method for  5 prioritization when the institution is assigning these  6 identifiers as opposed to when the person is coming  7 forward and seeking identification? I mean, you have  8 untold millions of records to go through, how do you  9 organize the work?  10 MR. CRAM: So we prioritize -- I think we're  11 prioritizing mostly the items that are in the  12 collection that are mostly used, or the items -- the  13 photographers that we can identify. So if I have a  14 name, I can put that into PIC. If I can develop more  15 information about it, great. I've got a fuller and  16 more complete PIC record. But a lot of it is based  17 off the catalog data, so if it's in the catalog, it'll  18 get into PIC.  19 MR. JESSOP: I mean, I think ISNI is moving  20 from a history which was in data mining to a future  21 which is in registration. And that's happening, like,  22 today. So most of the records in there to date have  23 been pulled out of other systems. I think that today  24 there is only one agency to whom you can go and say  25 I'd like an ISNI, please, and they'll relieve you of</p>	<p style="text-align: right;">100</p> <p>1 registration and management of these databases over  2 time?  3 MR. JESSOP: I don't think we're dependent  4 upon them. I think we're very glad that they've taken  5 an early role. They've kickstarted things, and  6 they've used their resources wisely in that way. The  7 British Library -- you'll detect I'm not from around  8 here -- so I have a close connection with them. They  9 got a slug of money from the National Lottery to do  10 work related to music identities and music  11 preservation, and that was a good thing.  12 As we move on, the numbers get very small.  13 The wholesale price for assigning these things is  14 tiny, and if it's done at scale, then it sort of  15 disappears into the noise.  16 MR. COLITRE: Well, let me test that idea  17 for a second. The cost is tiny on an individual  18 basis, but there's some work that goes into these  19 registrations. You mentioned the use of cataloged  20 notable works for purposes of disambiguation among  21 authors, right?  22 A big hit is known to be associated with  23 someone, that's an anchor piece of data that we can  24 use to disambiguate that person with someone else, but  25 it takes some professional with a reputation to</p>

<p style="text-align: right;">101</p> <p>1 identify that, log it in the ISNI database in order  2 for that to happen. That takes time, expertise. What  3 is the cost of operating these organizations, and is  4 the cost correlated with the verifiability, the  5 reliability of the data?  6 MR. JESSOP: I think a lot of this will  7 happen not in that way but it will happen through  8 artificial intelligence engines crawling over the  9 data, and I think I'm certainly a little worried that  10 that's done too early and in too crude a way, but  11 that's why it's so exciting to see SoundExchange  12 coming onboard. They know who the creators are  13 because the checks they write them clear, so they  14 actually exist. They also know what they've been  15 involved in creating, and they can use that data to  16 refresh the record.  17 I'm not saying it's happening yet, but they  18 have the data and the capability, and I think it's  19 only in the extreme cases where that fails that you'll  20 need manual intervention to polish the record, to  21 create -- to resolve problems.  22 The day before my late father-in-law's  23 funeral, we found his ISNI record was slightly  24 corrupted and it had become merged with somebody else,  25 and the folks at the British Library sorted that out</p>	<p style="text-align: right;">103</p> <p>1 place, it found its sustainability because of its  2 position in a much longer value chain where the  3 individual cost of an ISBN was more than met  4 downstream by the tremendous value in an automated  5 book supply chain, and that made it sustainable  6 forever thereafter. That's the challenge I think we  7 face with all of these identifiers.  8 MR. COLITRE: That's a great opportunity to  9 ask a question of Greg. You know, my own  10 organization, Music Reports, maintains a large  11 database of music rights and related business  12 information, and we are able to sustain the cost of  13 that massive database with seven terrabytes of churn a  14 week because we have a business administering music  15 licenses on behalf of a wide range of clients. And so  16 it makes sense, it makes commercial sense for us to do  17 that.  18 But, Greg, you have the problem of dealing  19 with books that are technically in copyright but out  20 of print, which suggests that their commercial value  21 is, you know, not necessarily sufficient to sustain a  22 commercial market for it. So how do you deal with  23 that?  24 MR. CRAM: Yeah, so the president and CEO of  25 the New York Public Library came to us about a year or</p>
<p style="text-align: right;">102</p> <p>1 quickly, and they're part of what they call the  2 quality team. It's not scalable. It's individuals.  3 It's skilled librarian catalogers working on this  4 stuff, but that needs to be only the extreme cases  5 that get that as a last resort.  6 MR. HEALY: And your question about  7 sustainability, it seems to me to be one of the key  8 ones because in his opening remarks Paul referred to  9 the international standard text code, the fact that it  10 is dormant, moribund, and may, in fact, expire  11 entirely because it's been difficult, impossible to  12 find a community or an individual organization that  13 can really identify a true value for it.  14 When we created it, back in the early 2000s,  15 we assumed that there would be, you know, downstream  16 value to link manifestations of a book back to a  17 textual work number. But for that to sustain itself,  18 there has to be a business model to underpin it, and  19 there hasn't been one. ISBN that I referred to  20 earlier relied, at least in the UK, for 30 years on  21 the generosity of a particular individual in the UK  22 supply chain. He funded it from his own pocket  23 largely, and from '69 to '99 ISBNs were free to  24 everyone.  25 That was not sustainable, but it found its</p>	<p style="text-align: right;">104</p> <p>1 two ago, maybe three now, and said I have a vision for  2 the world. The vision is to make every book ever  3 published available to anyone anywhere at any time  4 digitally for free to them. Now go forth and do it.  5 So we've tried to break this up into more manageable  6 chunks. The public domain in the US is easy. If I  7 know it was published before 1924, public domain,  8 great. Now it's just a cost of digitization, I know  9 how to deal with that.  10 Books that are published today that are  11 commercially released as e-books and available to us  12 as a library to purchase licenses, great, easy, I can  13 deal with that. That's just money. The problem is  14 the stuff in the middle. What do I do about books  15 that are in copyright but out of print, no longer --  16 haven't found a commercial market to exploit right  17 now. How do we deal with those?  18 So we've been prioritizing books that our  19 patrons are asking for. We're using basically  20 circulation counts to figure out which books are at  21 the top of the priority list and then go out and try  22 to find the rights holders of those works. We're  23 working with the Authors Guild to help us do some of  24 that work, but the problem that we keep running up  25 against is the same problem that Ken mentioned</p>

<p style="text-align: right;">105</p> <p>1 earlier, who owns the right? Is it the publisher, or  2 is it the author? And if you ask them, neither will  3 tell you an answer because neither really know.  4 Some rights revert, and sometimes that  5 reversion must happen affirmatively. The writer must  6 say to the publisher, I want my rights back, you  7 haven't sold the book in X number of years, but asking  8 people to go back and pull contracts is a problem.  9 And even when you offer them a fully clean e-book, an  10 EPUB that they can go take to market and, oh, by the  11 way, we'll build them the connection into Amazon and  12 eBay or Amazon and Google and Apple, we'll build that  13 pathway for them, it's still difficult for them to go  14 pull the contracts.  15 So identifiers are important, but the  16 relation between the identifiers and the rights  17 holder, or as the rights holder, is also really  18 important for us.  19 MR. HEALY: And, of course, designations  20 like "out of print" sound so quaint today. When I was  21 running bibliographic agencies in the UK in the dim  22 and dark past, you know, there was a standard  23 availability code in print and a standard availability  24 code out of print. And the move from IP to OP  25 triggered, in many cases, a reversion to the author of</p>	<p style="text-align: right;">107</p> <p>1 of your contract, many of them have put it in a file  2 that is no longer accessible.  3 It's a quaint way of saying they've lost it,  4 but that is a problem, and we need to figure out a way  5 to better resolve the conflicts between the publishers  6 and the authors but also give the authors or the  7 rights holders, in either case, the ability to stand  8 up and say, that is ours and we would like to  9 associate whatever the unique identifier is that  10 you've now generated for the EPUB to our files so that  11 we now can have a contract that's relevant to that  12 work and identifies that work.  13 MR. COLITRE: And, of course, that problem  14 is exponentially multiplied in collaborative work  15 forms like music, for example, where now you've got  16 four composers and three performers arguing over their  17 various contracts with various publishers and labels,  18 all to, you know, get a single product to market,  19 right?  20 MR. CRAM: Yeah, and we haven't even talked  21 about inserts, right? The magic world of inserts  22 where I've got third-party works in a book and I've  23 got 50, 60 of them. Now I've got 60 rights holders  24 who have rights in the physical manifestation of the  25 book, and now how to associate those in -- it just</p>
<p style="text-align: right;">106</p> <p>1 those rights.  2 Publishers -- trade publishers got smart.  3 They abandoned the use of OP and they introduced with  4 technology like print on demand a new code --  5 manufactured on demand, which prevented the reversion  6 effectively. You know, it didn't trigger the  7 reversion. So many of these terms and designations  8 have changed in the fluid, making, you know, Greg's  9 challenge even bigger than it sounds.  10 MR. COLITRE: So, Greg, part of your  11 challenge goes to agreements about the works that you  12 are looking to these individuals to own up to. To  13 what extent are creators and authors given access to  14 these systems to be able to manage their records, to  15 tie agreements, to tie works to their own repertoire,  16 to edit their own profiles?  17 MR. CRAM: We would love for them to be able  18 to do that. We would love to be able to build a  19 platform for them to be able to reclaim works and say  20 the library -- we know the library's interested in  21 digitizing this work. It's looking for the rights  22 holder to come forward and claim it. Trying -- we're  23 building that system today, but adding all of that  24 data into the system is hard. It's a lot of labor,  25 and asking -- if you ask authors, do you have a copy</p>	<p style="text-align: right;">108</p> <p>1 screams for a relational data that says this person is  2 a rights holder in this object that appears in this  3 book.  4 MR. COLITRE: Now, when it comes to this  5 question of authors being given access to affect these  6 records, then there's a set of questions that come out  7 of that. How do you maintain the integrity of the  8 records? Do you now have an obligation in light of  9 the GDPR to give them that access, including the right  10 to remove records? And what does that do for the rest  11 of us in society who have to keep track of these works  12 that we are bound by law to respect from a perspective  13 of intellectual property?  14 MR. CRAM: I'm going to punt on GDPR to our  15 friend, Paul.  16 MR. COLITRE: Don't worry. He's British.  17 He's not affected.  18 (Laughter.)  19 MR. JESSOP: Yeah, hang on. So can I just  20 check on that?  21 (Laughter.)  22 MR. JESSOP: That was today's Brexit joke.  23 I think this is a difficult problem but it's  24 a solvable one. If it's not solvable, we don't have a  25 future in libraries because that's what librarians do,</p>

<p style="text-align: right;">109</p> <p>1 they catalog stuff, and that has been regarded as</p> <p>2 unexceptionable since we burned down the instance in</p> <p>3 Alexandria. And, you know, we're saying -- sorry, the</p> <p>4 other Alexandria. God, I'll have Homeland Security on</p> <p>5 me if I start talking like that.</p> <p>6 Yes, we have to be respectful, but on the</p> <p>7 whole, this kind of factual attribution doesn't fall</p> <p>8 as foul of GDPR as people might at first suspect.</p> <p>9 That's the legal analysis that we've had done in all</p> <p>10 of the organizations that I work with. You can do</p> <p>11 these things, you just have to do it right. It's not</p> <p>12 an absolute bar.</p> <p>13 MR. COLITRE: And if you could elaborate</p> <p>14 a little more, what are some of the things that a</p> <p>15 library can do to ensure compliance that square</p> <p>16 with --</p> <p>17 MR. JESSOP: I think that's for the</p> <p>18 librarian.</p> <p>19 MR. CRAM: Okay, so, yeah, GDPR is going to</p> <p>20 present some issues for us, but there are a lot of</p> <p>21 factual things that probably are certainly amendable,</p> <p>22 right? Someone under GDPR has the right to amend</p> <p>23 their record, and I think that's something that we</p> <p>24 would be willing to talk about, right, have a</p> <p>25 conversation about whether that amendment is truthful</p>	<p style="text-align: right;">111</p> <p>1 MR. COLITRE: And yet again with compound</p> <p>2 works or collaborative works, one finds that there's</p> <p>3 often opportunity for disagreement among sources who</p> <p>4 would appear to be authoritative but who must,</p> <p>5 nevertheless, resolve their claims.</p> <p>6 MR. JESSOP: Who have a strong commercial</p> <p>7 interest in reducing the number of people they have to</p> <p>8 share nicely with. And this is actually driving one</p> <p>9 of the timing issues in music at the moment, the music</p> <p>10 work doesn't get identified until all the songwriters</p> <p>11 have agreed amongst themselves who they all are, which</p> <p>12 in practice means agreed to shares, because if the</p> <p>13 shares don't add up to 100, somebody can pop out of</p> <p>14 the woodwork. That can mean that particularly in the</p> <p>15 case of urban music you don't get an identifier for up</p> <p>16 to 18 months after the song was written, and it may by</p> <p>17 that time have come, gone, been forgotten about, and</p> <p>18 people still don't have a number for it to manage its</p> <p>19 rights.</p> <p>20 MR. COLITRE: And, of course, by that time</p> <p>21 also the 15 writers have been joined by 5 others who</p> <p>22 have claims adding up to 150 percent of the ownership.</p> <p>23 MR. JESSOP: Absolutely. And then it all</p> <p>24 goes into some holding account and no money gets</p> <p>25 distributed until heads get banded together.</p>
<p style="text-align: right;">110</p> <p>1 or not.</p> <p>2 But libraries have been doing this for a</p> <p>3 long time. We've been responding to requests to</p> <p>4 change records, to modify records. The publication</p> <p>5 date of 2012 from Alexa raises some problems, right,</p> <p>6 and we should fix that record, and so we did, right?</p> <p>7 So I think that GDPR presents problems, but they</p> <p>8 aren't unique problems. They're problems that we've</p> <p>9 dealt with over time, and it's just a new flavor of</p> <p>10 the same thing.</p> <p>11 MR. JESSOP: I agree with that. And we</p> <p>12 needed every stage to be recording attribution of data</p> <p>13 assertion, and that's not something we've historically</p> <p>14 been very good at, and that's something that our</p> <p>15 friend from Dot Blockchain was talking about this</p> <p>16 morning in a sense, the ability to make a change, to</p> <p>17 preserve the old version so you can roll back if</p> <p>18 necessary.</p> <p>19 And that has to be coupled with the ability</p> <p>20 to judge the trustworthiness of the data based on its</p> <p>21 attribution. If I say X wrote Y, you may think well,</p> <p>22 what does Paul know. But if somebody who is the</p> <p>23 author or the publisher says it, it's got a much</p> <p>24 stronger chance of being correct and should be taken</p> <p>25 more seriously.</p>	<p style="text-align: right;">112</p> <p>1 MR. COLITRE: Are there any questions from</p> <p>2 the floor? Mr. Griffin?</p> <p>3 MR. GRIFFIN: Yeah, the word I haven't heard</p> <p>4 is "Government." And now we just had a law passed --</p> <p>5 MS. ALLEN: Do we need a mic?</p> <p>6 MR. GRIFFIN: [Off microphone] which</p> <p>7 requires our government to build a user database</p> <p>8 (inaudible) interest in government doing the work. I</p> <p>9 hear you say many times the words "we must," et</p> <p>10 cetera, and then I lamentably hear that some standards</p> <p>11 just disappeared for lack of interest.</p> <p>12 And so I ask you, what are the limits of</p> <p>13 government, both pro and con, in this area that you</p> <p>14 see because I respect all four of you so very much</p> <p>15 about this, but is government going to do it, or are</p> <p>16 we just going to continue to leave it to industry?</p> <p>17 Where's that headed?</p> <p>18 MR. COLITRE: Oh, yeah, so the question is</p> <p>19 government, to what extent does the government take</p> <p>20 responsibility or is going to be able to help in this</p> <p>21 matter --</p> <p>22 MR. GRIFFIN: And which government.</p> <p>23 MR. COLITRE: -- and which government and</p> <p>24 hasn't there been a law recently passed in the United</p> <p>25 States that involves government in the association of</p>

<p style="text-align: right;">113</p> <p>1 rights regarding music.</p> <p>2 I'll answer that last bit first. The Music</p> <p>3 Modernization Act calls for the creation of a new</p> <p>4 mechanical licensing collective in the United States,</p> <p>5 but it requires the formation of a nonprofit</p> <p>6 organization to build and manage that system, so it</p> <p>7 isn't precisely government doing the work; it's</p> <p>8 government directing the creation of a nonprofit</p> <p>9 according to an open public process and the, you know,</p> <p>10 authorization of that entity to do the work with the</p> <p>11 involvement of a variety of stakeholders. So that</p> <p>12 sort of avoids the question of which government, and</p> <p>13 it's specifically related to a single rights type in a</p> <p>14 single territory, so it's not clear that that's a</p> <p>15 total solution, but it certainly points in a given</p> <p>16 direction, doesn't it?</p> <p>17 Other examples where government has become</p> <p>18 involved in photographic cataloging or name</p> <p>19 identifiers, of course, you know, a question that</p> <p>20 arises anytime you start talking about a registry of</p> <p>21 individuals, a registry of creators, a registry of the</p> <p>22 kind of people that in prior historical moments have</p> <p>23 been rounded up and shot, one has to ask the question,</p> <p>24 what government, how do you put safeguards around</p> <p>25 that, isn't that what the GDPR is sort of aimed at?</p>	<p style="text-align: right;">115</p> <p>1 MR. JESSOP: And I'd add that there is an</p> <p>2 international angle on this. You're quite right,</p> <p>3 the Mechanical Licensing Consortium will only deal</p> <p>4 in the linking of US recording and US publishing</p> <p>5 rights, but that is underpinned by a factual linking</p> <p>6 between X writing Y, and that will be true in other</p> <p>7 countries, even if the rights holders are different.</p> <p>8 So the existence, the subsistence of a record within</p> <p>9 the MMA-sponsored MLC system will have implications</p> <p>10 outside the borders of the US, and I'm not sure that</p> <p>11 everyone is entirely clear how that's going to end</p> <p>12 up.</p> <p>13 MR. COLITRE: Forgive me if I'm repeating</p> <p>14 what you just said, but it's also true that this law</p> <p>15 has extraterritorial effect because if you are, you</p> <p>16 know, a French composer working in Germany and your</p> <p>17 work is exploited in the United States, it is</p> <p>18 certainly going to affect you, your mechanical rights</p> <p>19 in the United States will be impacted --</p> <p>20 MR. JESSOP: Yeah, that's also true. That's</p> <p>21 a different question about a French songwriter</p> <p>22 recording in Germany and the licensing of that work in</p> <p>23 those territories, people will look to the US database</p> <p>24 to find out what the US says is the attribution there.</p> <p>25 MR. COLITRE: Any other questions?</p>
<p style="text-align: right;">114</p> <p>1 Anyone want to take a stab at any of those?</p> <p>2 MR. CRAM: So I'll take a shot at the older</p> <p>3 record. So government already built that database.</p> <p>4 It's called the Catalog of Copyright Entries or the</p> <p>5 card catalog, except that there's just no unique</p> <p>6 identifier associated with it. So what we would want</p> <p>7 is going forward a unique identifier associated with</p> <p>8 everyone who registers a copyrighted work. That is --</p> <p>9 that avoids some of, I think, the problems that Bill</p> <p>10 just raised, but it's still a list of people that the</p> <p>11 government is building. It's just a list of people</p> <p>12 who have affirmatively stood up and said please</p> <p>13 identify me, note who I am, and include me in your</p> <p>14 registration record.</p> <p>15 MR. COLITRE: And I would just point out</p> <p>16 here that the US Government is almost unique in the</p> <p>17 world in having taken on that approach. The Berne</p> <p>18 Convention did away with formalities in most countries</p> <p>19 of the world and therefore, you know, with the intent</p> <p>20 of protecting authors against publishers is my</p> <p>21 understanding of the rationale for that rule in the</p> <p>22 first place, we are now in a situation where</p> <p>23 individual authors are left with no means to easily</p> <p>24 identify themselves to the world about the ownership</p> <p>25 of their works.</p>	<p style="text-align: right;">116</p> <p>1 Yes, sir.</p> <p>2 Mr. HASBROUCK: I appreciate very much, Bill,</p> <p>3 your asking in your first question for an</p> <p>4 author-centric perspective. If I may, from that</p> <p>5 author-centric perspective, the ultimate authority</p> <p>6 about who I am is myself. And the place where ISNI</p> <p>7 went wrong from the start and the reason many creators</p> <p>8 see it as a case study of a worst-case scenario of how</p> <p>9 not to do identifiers is that the source of most of</p> <p>10 the identifiers assigned was not the author and</p> <p>11 there's no requirement in the author's -- in the ISNI</p> <p>12 standard for verification or approval by the person to</p> <p>13 whom this identifier is being assigned based on third-</p> <p>14 party data.</p> <p>15 So it's resulted in a garbage-in, garbage-</p> <p>16 out kind of system because it didn't have that author-</p> <p>17 centric perspective.</p> <p>18 MR. COLITRE: Michael, would you like to</p> <p>19 respond to that?</p> <p>20 MR. HEALY: Well, obviously delighted to say</p> <p>21 this, Edward. You represent the living author</p> <p>22 community, and long may that continue.</p> <p>23 Mr. HASBROUCK: Allegedly.</p> <p>24 MR. HEALY: Did you say allegedly?</p> <p>25 Well, but, of course, ISNI is about far more</p>

<p>117</p> <p>1 than that living community, obviously. But, you know,  2 I think it is quite literally impossible to create  3 that verification process and model that you've  4 described. And we can take that offline, and I'm sure  5 we'll end up taking it offline and disagreeing.  6 But that's fine, too  7 But I don't see how it could be done better  8 than it is done except perhaps around the edges.  9 That's my personal view.  10 MR. JESSOP: Maybe I could just add to that.  11 If somebody had created a database of questionable  12 quality and immediately used it for distributing  13 money, you'd be completely right. What actually  14 happened was that somebody created a database from  15 good records, you know, library. Well, I struggle to  16 find errors when I go surfing the database, but I'll  17 accept there are errors in there --  18 Mr. HASBROUCK: [Off microphone] I don't  19 know a creator who's looking for (inaudible) who hasn't  20 found obvious errors.  21 AUDIENCE MEMBER: [Off microphone] Yeah, I  22 agree on that.  23 MR. JESSOP: The data that's in there is for  24 disambiguation purposes. It's not intended to be  25 exhaustive, but in any case, creators have been able</p>	<p>119</p> <p>1 where to go, feel free to ask me or any of our staff  2 here. Thank you.  3 (Luncheon recess.)  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>
<p>118</p> <p>1 to look in there, take a decision as to what they  2 think is right, and if it's wrong, there's a big  3 button they can press saying please fix it. And as I  4 just said, that happens within hours rather than  5 months. Well, if it doesn't, I'd like to know the  6 example because then somebody at the British Library  7 needs to get fired, and that's not going to happen, so  8 let's find out what the problem there is.  9 But the delay before money starts changing  10 hands on most of those records has given people an  11 opportunity to fix up the historical records if there  12 are errors that have crept in because of the kind of  13 typographical problem that Greg was showing us  14 earlier.  15 MR. COLITRE: I'm afraid we're out of time,  16 but thank you. This has been a wonderful discussion.  17 Look forward to talking to you afterwards.  18 (Applause.)  19 Ms. ALLEN: Thank you all. So we are  20 breaking now for lunch. We will return at 11:45 a.m.  21 For those who are -- at 12:45.  22 So for those of us who are presenters, there  23 is a lunch available next door in the room, and then  24 the rest, there are opportunities in the cafeteria or  25 across the street. If you have any questions about</p>	<p>120</p> <p>1 AFTERNOON SESSION  2 US COPYRIGHT OFFICE MODERNIZATION  3 MS. ALLEN: We will begin in about one  4 minute. We will be listening to Robert Kasunic speak  5 about Copyright Office modernization. We are just  6 waiting for a few people to come in from lunch.  7 (Pause.)  8 MS. ALLEN: So hello and welcome back from  9 lunch. Our next presenter, Rob Kasunic, will provide  10 us with an overview of the United States Copyright  11 Office modernization efforts. Rob is Associate  12 Register of Copyrights and Director of Registration  13 Policy at the United States Copyright Office.  14 In his position, Rob heads the Office of  15 Registration Policy and Practice, which administers  16 the US Copyrights Registration System, and advises at  17 the Register of Copyrights on questions of  18 registration policy and related regulations and  19 interpretations of the copyright law. He is a  20 recognized copyright expert and is one of four legal  21 advisors to the Register.  22 We are delighted to have him today.  23 Welcome, Rob.  24 (Applause.)  25 MR. KASUNIC: Thank you, Susan. Thank you</p>

<p style="text-align: right;">121</p> <p>1 for having me today.</p> <p>2 Well, good afternoon. I am going to ask you</p> <p>3 all to put on your seatbelts because I'm going to be</p> <p>4 flying through a number of slides to give you some</p> <p>5 more -- an overview of the things that are going on</p> <p>6 with respect to registration modernization.</p> <p>7 Before I get to that, I should say that we</p> <p>8 are working on the Enterprise Copyright System. So</p> <p>9 registration modernization is only a part of what</p> <p>10 we'll be working on and have been working on.</p> <p>11 Modernization started with the recordation system,</p> <p>12 which was a purely paper-based system, and so that is</p> <p>13 -- work on that has been ongoing. We also are working</p> <p>14 on digitizing records. So the virtual card catalog is</p> <p>15 the first step in that direction, but work will be</p> <p>16 continuing with that, ultimately for the goal of</p> <p>17 putting all of the Copyright Office's information</p> <p>18 together in a much more fluid manner for the public.</p> <p>19 But we have begun some of the early work</p> <p>20 with the registration system and have not started any</p> <p>21 development yet. So I think some people were</p> <p>22 concerned that they were worried this was going along</p> <p>23 too far without having had input. There's going to be</p> <p>24 lots of opportunities for input into this process and</p> <p>25 we've just really started that.</p>	<p style="text-align: right;">123</p> <p>1 background code changes. And so what we worked on, at</p> <p>2 least in terms of replacement of this interface, is</p> <p>3 trying to move to a much more modern, web-friendly</p> <p>4 approach that we can leverage web norms, have a</p> <p>5 friendlier tone, provide a lot more help within the</p> <p>6 application itself. Because I think one thing we</p> <p>7 found over the years is no matter how much material</p> <p>8 that we publish for the public in terms of circulars</p> <p>9 or the compendium, that the one place where we have a</p> <p>10 chance of really reaching and helping applicants is in</p> <p>11 the application itself.</p> <p>12 So I'm going to go through a number of</p> <p>13 slides showing you what some of these design concept</p> <p>14 features that we're thinking about adding and some of</p> <p>15 the other steps that we've been taking.</p> <p>16 So one thing would be to -- right now, we</p> <p>17 send emails to people when there are questions about</p> <p>18 applications. For instance, in general, we receive</p> <p>19 well over 500,000 applications a year and about 30</p> <p>20 to 31 percent of those applications require</p> <p>21 correspondence. Having an easier way to communicate</p> <p>22 with the public is one feature -- with applicants is</p> <p>23 something that we're striving to do. Having ways that</p> <p>24 you can set up how you want to be contacted with those</p> <p>25 notifications so that you can go into your account and</p>
<p style="text-align: right;">122</p> <p>1 So we worked with a contractor, Deloitte</p> <p>2 Digital, to look at the user experience side of the --</p> <p>3 the public-facing side of the registration</p> <p>4 application. And in the course of that, holding</p> <p>5 meetings in a number of cities, in Nashville, Los</p> <p>6 Angeles, New York, DC, these interviews collected</p> <p>7 information from people who were willing to meet with</p> <p>8 us and say what they didn't like about the current</p> <p>9 system, what they would like to see in a new system.</p> <p>10 And so there were 68 interviews during those meetings.</p> <p>11 There were also surveys and other information that was</p> <p>12 collected.</p> <p>13 And the result of these meetings was this</p> <p>14 wall that is in the registration program now, still up</p> <p>15 there, which collected and organized all of the notes</p> <p>16 that were taken in the course of those meetings. We</p> <p>17 also collected information from staff and others who</p> <p>18 participated and who had ideas about improving the</p> <p>19 system.</p> <p>20 So where we are now is -- and have been</p> <p>21 since 2007 -- is this is the current design of the</p> <p>22 ecosystem and it is not -- as you can see, it's text</p> <p>23 heavy. It's not particularly user friendly. It's</p> <p>24 inflexible, which is a constant frustration with this.</p> <p>25 To make any changes to the system requires extensive</p>	<p style="text-align: right;">124</p> <p>1 look at what the problems may be with that or what the</p> <p>2 progress.</p> <p>3 If you can track your pizzas, we want people</p> <p>4 to be able to know where in the process their</p> <p>5 application is at any given point in time. So being</p> <p>6 able to get text messages that there is a new</p> <p>7 notification in the system or robocalls, whatever</p> <p>8 those features would be, we want to include that.</p> <p>9 Also, a long-standing problem was that we've</p> <p>10 heard about is that various law firms or companies</p> <p>11 would like to have parent accounts and have</p> <p>12 subaccounts within that. So that's another feature we</p> <p>13 want to build into that system.</p> <p>14 Having a much friendlier tone and helpful</p> <p>15 guidance throughout the application is a major concern</p> <p>16 that we are trying to address, having ways that you</p> <p>17 can communicate using sort of features -- various</p> <p>18 features that you might be able to use in your Amazon</p> <p>19 account or some other account. Anytime that you've</p> <p>20 listed a person's name and address, have that added</p> <p>21 into your account so that you can just use that the</p> <p>22 next time without having to retype all of that</p> <p>23 information in. Having ways to more easily provide</p> <p>24 deposits for works and whether that's a drag-and-drop</p> <p>25 feature or looking at other forms of providing</p>



<p style="text-align: right;">125</p> <p>1 deposits, such as FTP, are also things that we're 2 working with.</p> <p>3 Currently, our upload feature is very 4 limited and time-consuming. Having more flexibility 5 in those upload features is something that we know 6 applicants want, and from some of the usability 7 testing, these are features that people really did 8 like the ease of uploading files. And, also, having 9 less to fill out, so the metadata in those files or 10 the filenames could, in the first instance, propagate 11 or populate the title fields so you wouldn't have to 12 write that in. You would have the ability to change 13 that if that was not the title you wanted to include 14 in your application.</p> <p>15 But many of the -- just adding many 16 features, help text at different levels along the way 17 because we have found that for -- we basically could 18 break down applicants into two very broad categories, 19 and those would be experienced users with the system 20 and novice users with the system. We want to be able 21 to serve both of those more efficiently. And having 22 various levels of help right in the application that 23 you can go deeper and deeper into, if you need that, 24 maybe having various tools for things like work made 25 for hire or publication questions to at least provide</p>	<p style="text-align: right;">127</p> <p>1 Deloitte Digital to -- they also engaged in usability 2 testing for us. So this was a total of 36 sessions 3 that were conducted and they took a considerable 4 amount of time. It was probably about an hour or two 5 for each of them, where scenarios were provided to the 6 user and then they were videoed and talked their way 7 through the application. So they just spoke aloud and 8 we could hear their thought process.</p> <p>9 And I can't show any of that. I don't think 10 the people who were thinking aloud would like that. 11 We do have -- I have a picture here. And that's our 12 now permanent Register of Copyrights, Karen Temple, in 13 the right corner, who did some usability testing as 14 well.</p> <p>15 We really learned a great deal from this. 16 One thing that we learned is that Deloitte Digital was 17 a little bit overly optimistic about what they could 18 accomplish and how they could help users. There were 19 a lot of things that we found that people loved about 20 the new design, but there were also many things that 21 didn't work as well as was expected.</p> <p>22 So what we are going to be doing and 23 which -- that contract ended and we're now moving to a 24 stage where we're going to be looking at the internal 25 user interface of the system. But we are going to be</p>
<p style="text-align: right;">126</p> <p>1 some guidance into how to answer those questions. 2 And, also, as much as possible using language that are 3 not terms of art, but are more understandable to the 4 general public.</p> <p>5 We're also looking at -- this would be an 6 example of some of the additional help text that we 7 would include. Also, we're exploring other ways of 8 being able to target correspondence with the 9 applicant. So in the old days, it was write a letter 10 to the applicant and put it in the mail. Now, we send 11 emails predominantly. But in some cases, to be able 12 to point to exactly where the problem is and then ask 13 a question about that and have the applicant be able 14 to answer right within the application, within their 15 account itself, could speed this process up and make 16 it less confusing for applicants.</p> <p>17 Having the ability to review and share the 18 final product is another feature that we know users 19 want. For instance, lawyers would like to be able to 20 send the draft application to their clients to have 21 them review it before it is signed and just to be able 22 to see how the certificate is going to look before you 23 actually submit it. So those are high-level features 24 that we've been working on.</p> <p>25 We then followed up in the work with</p>	<p style="text-align: right;">128</p> <p>1 continuing to modify the work that had been done on 2 the user interface by Deloitte and further refine 3 that, do further usability testing until we get to a 4 point where we're comfortable with the success of 5 that.</p> <p>6 We currently have 31 different applications 7 for registration, including ones that there should be 8 specific applications for. So there is still a great 9 deal of work and that was -- Deloitte really only 10 tried to handle about four of those specific types of 11 applications. Some of them went very well and, again, 12 some of them did not. So there is continuing work 13 that will be done on that.</p> <p>14 Also, in addition to the work that is being 15 done on the interface, we also published a notice of 16 inquiry about policy questions related to registration 17 and to the public record, and the main topics were the 18 application process and application information, 19 public record and deposit requirements. And I won't 20 go through -- so we received 54 written comments. We 21 are still reviewing those comments. These are just a 22 sample of some of the questions that there is much 23 more detail about in the Federal Register notice.</p> <p>24 But I wanted to highlight, particularly for 25 today's session, a couple of the questions that we did</p>

<p style="text-align: right;">129</p> <p>1 ask is, what additional data should the office collect</p> <p>2 in applications for registration, and talking about</p> <p>3 identifiers and other information that would be useful</p> <p>4 for the digital marketplace to include. We currently</p> <p>5 do allow identifiers to be added on an optional basis</p> <p>6 within the current system. It's not used very often.</p> <p>7 But this is something that we definitely want to</p> <p>8 incorporate into the new system. And really in terms</p> <p>9 of even thinking about the public record, that we will</p> <p>10 be recreating, it's only going to be as valuable as</p> <p>11 the information that we get into the system.</p> <p>12 But I think when you combine that with the</p> <p>13 other question, with respect to APIs -- and that's</p> <p>14 something that absolutely is essential to this new</p> <p>15 system. We want to have APIs that are both to be able</p> <p>16 to input information into the system so that</p> <p>17 businesses or other entities can create an interface</p> <p>18 that meets the technical requirements of the APIs and</p> <p>19 of the system to input application information to the</p> <p>20 office. But we also want to have APIs so that our</p> <p>21 public record can be extracted and augmented by</p> <p>22 anybody who wants to add additional information to the</p> <p>23 information that we receive.</p> <p>24 So we would like to have as robust as</p> <p>25 possible the information that we are collecting that</p>	<p style="text-align: right;">131</p> <p>1 as the user interface?</p> <p>2 MR. KASUNIC: Yes, and thanks for that</p> <p>3 question. There is work being done. So as part of</p> <p>4 this modernization effort, the Register had created a</p> <p>5 new office within the Copyright Office, the Copyright</p> <p>6 Modernization Office. And within that CMO, there is a</p> <p>7 team, a data team. And they are just wonderful and</p> <p>8 very smart people who have already created a data plan</p> <p>9 that has been turned over to the Library of Congress.</p> <p>10 So even before we get started in development</p> <p>11 of the actual registration system in any way, there is</p> <p>12 going to be -- what's going to proceed that is work on</p> <p>13 the replacement of our current public record, the</p> <p>14 search engine and the database. And we think it's</p> <p>15 essential to have that piece in place as we begin to</p> <p>16 work on development for the registration system</p> <p>17 itself.</p> <p>18 And so that data plan is set. It will be</p> <p>19 flexible enough to be able to add any of the new</p> <p>20 information that we want to be receiving into that.</p> <p>21 It would basically be dealing -- the data plan is</p> <p>22 being built in an as-is basis, but would have that</p> <p>23 flexibility. And I think that is true of everything</p> <p>24 that would -- when I have been asked in the past,</p> <p>25 what's the most important feature in a new</p>
<p style="text-align: right;">130</p> <p>1 would be valuable to the public in the public record.</p> <p>2 But to the extent that people do not do that, there</p> <p>3 are still other ways that we can connect our</p> <p>4 information with or people can, again, build upon what</p> <p>5 we do collect and provide additional information.</p> <p>6 So I think we also, as I said, have not</p> <p>7 started development yet. We're working with the</p> <p>8 Library of Congress and the Office of the Chief</p> <p>9 Information Officer to determine the approach to begin</p> <p>10 development, and that should be beginning by the end</p> <p>11 of this fiscal year. But we still have a lot of work</p> <p>12 to do on the internal side of the system and revising</p> <p>13 the external side. So this is going to be a process</p> <p>14 that is going to be looking for a lot of public input</p> <p>15 throughout the entire process and through usability</p> <p>16 testing and other suggestions. So we do welcome that</p> <p>17 input. And I think I will leave it there. If there</p> <p>18 any questions, I would be happy to answer them.</p> <p>19 Yes?</p> <p>20 AUDIENCE MEMBER: Hi. This is great to hear</p> <p>21 the overview of what you're doing to modernize the</p> <p>22 Copyright Office. So this is all kind of on the</p> <p>23 interface layer between the internal in the system and</p> <p>24 the external in the system. How deep are you going?</p> <p>25 Are you also looking at database modernization as well</p>	<p style="text-align: right;">132</p> <p>1 registration system, it's always been flexibility is</p> <p>2 the number one feature. And this time, we're not</p> <p>3 going to be creating something that is going to be</p> <p>4 stagnant or difficult to update, but that's going to</p> <p>5 be something that's going to be continual in an agile</p> <p>6 manner.</p> <p>7 AUDIENCE MEMBER: I know you studied and</p> <p>8 provided a great deal of information about the cost of</p> <p>9 registration, what does the cost, and I presume you</p> <p>10 take all the costs and divide them up and how many</p> <p>11 registrations you have and so forth and that is</p> <p>12 useful. But I'm wondering if there has been any study</p> <p>13 done of the cost of nonregistration. What does it</p> <p>14 cost us in commerce for missing records, for things</p> <p>15 that we don't have? Has there ever been a study done</p> <p>16 of the weight of this system and the cost of missing</p> <p>17 information?</p> <p>18 MR. KASUNIC: Not that I am aware of.</p> <p>19 But --</p> <p>20 AUDIENCE MEMBER: I think it would be useful</p> <p>21 to balance them because some have suggested that the</p> <p>22 cost of nonregistration is so great that registration</p> <p>23 should be free or effectively free because the cost of</p> <p>24 nonregistration is so great that that's the one evil</p> <p>25 we must avoid. So I just offer that thought, that we</p>

<p style="text-align: right;">133</p> <p>1 might do a study of what it costs us when we miss 2 things. 3 MR. KASUNIC: I think that's a great idea. 4 Yes? 5 AUDIENCE MEMBER: I am wondering about the 6 mandatory information and what you mean by that. 7 MR. KASUNIC: Just in terms of the 8 application itself or whether we could require, as a 9 technical requirement, that if a particular field 10 isn't filled in that you will not be able to go 11 forward. So having a technical requirement that, for 12 instance, you have to have the author's name or you 13 have to have that. 14 So when it comes to things like unique 15 identifiers, should that be something that we actually 16 require? Certainly, I think we have the regulatory 17 authority to do that, but at least from what we heard, 18 what I have seen in the comments to the notice of 19 inquiry is that everyone believes that we should 20 collect that information as an optional matter, but I 21 did not see anybody in favor of making that mandatory 22 information. 23 AUDIENCE MEMBER: Okay. I would agree with 24 that. 25 MR. KASUNIC: I think Susan is telling me --</p>	<p style="text-align: right;">135</p> <p>1 Well, thank you. 2 (Applause.) 3 MS. ALLEN: And I now invite our next panel 4 of speakers and presenters to come up and please bring 5 your table placard with you. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">134</p> <p>1 MS. ALLEN: Yes -- 2 AUDIENCE MEMBER: I'll make it short. 3 There's been a lot of work over many years on the 4 representation of information, like a literary work 5 when it's represented in digital form. And you talked 6 about a unique identifier, but oftentimes, they talk 7 about the identifier for the underlying material 8 rather than when it's represented in a program, for 9 example. 10 But in any event, the unique persistent 11 identifier for the actual unit of information that is 12 being deposited, the deposit copy if you were, I would 13 think that that would be an interesting thing to 14 consider in addition to other unique identifiers. 15 It's the identification of the representation. Say, 16 for example, people have worked on digital objects or 17 digital entities more generally. And that, 18 eventually, if you have the deposit coming in, that 19 would be associated with the metadata. Perhaps. 20 MR. KASUNIC: Yes. And that's exactly the 21 kind of information that we hope to receive from this. 22 And I am sure that -- those proposals were not made in 23 the notice of inquiry -- that we will be opening up 24 for additional suggestions for that. But I think that 25 would be useful to have.</p>	<p style="text-align: right;">136</p> <p>1 RIGHTS MANAGEMENT 2 MS. ALLEN: We are continuing the 3 conversation now with a series of presentations about 4 registries and rights management. We're delighted to 5 have, first, Stuart Myles, who has contributed to past 6 meetings as well. Stuart is from the Associated Press 7 and will give an update on the IPTC for us. Thank 8 you. 9 MR. MYLES: Hi, everybody. My name is 10 Stuart Myles, as you just heard, and I am Director of 11 Information Management at the Associated Press. So I 12 deal with all of the metadata for all of the content 13 that we create and aggregate and distribute around the 14 world. And I am also the Chairman of the IPTC. And, 15 right now, I'm going to give you an update on some of 16 the work that IPTC has been doing in the space of 17 rights. 18 So first, IPTC, just to explain a little bit 19 about that. IPTC is a news technology standards 20 organization, the International Press and Telecomm 21 Committee. And it's a membership organization 22 comprised of over 50 different news and news-related 23 and media organizations around the world. 24 So I work for the Associated Press as one of 25 the founder members of the organization, but we have</p>

<p style="text-align: right;">137</p> <p>1 organizations from -- globally that represent large  2 organizations, such as the BBC and French Press  3 Association and so on, but ranging down to quite small  4 organizations as well. And what we do is we create  5 news technology standards to help news companies  6 exchange business-to-business news primarily, so  7 photo, video, text, audio, and so on.</p> <p>8 What I want to talk about today is the thing  9 that we're perhaps the best known for, which is our  10 photo metadata standard and particularly the rights  11 related to that. So IPTC has created ways to capture  12 metadata associated with photos. It is actually  13 probably our most successful standard, not least in  14 part because Adobe is one of the members of IPTC and  15 has built in a support for the IPTC representation of  16 metadata.</p> <p>17 Adobe is not the only way that you can get  18 metadata into your photos, actually embedded in the  19 images, but it definitely helps to have a big brand  20 name associated with that. So you can capture  21 information about what is depicted in the photo,  22 rights information, licensing information, technical  23 information about the equipment used to take the photo  24 and so on.</p> <p>25 Now, as you can see, often it looks like</p>	<p style="text-align: right;">139</p> <p>1 pick and choose as to which images they extract the  2 data from. I think they have some algorithms or  3 heuristics for determining whether it's quality  4 metadata or not.</p> <p>5 But it's really encouraging that after a lot  6 of negotiation, Google decided that they would like to  7 do this. And, in part, it is because of the  8 negotiations and presentations by photographers over  9 the years to say they would like this sort of  10 information to be automatically and more prominently  11 displayed. So I think that this could be a foundation  12 for further work with Google and other platforms to  13 make more use of the metadata that people are  14 embedding in images.</p> <p>15 The second thing that I want to briefly  16 mention is that IPTC is also working on, not just  17 photos, but across all the different media types, a  18 better way to represent rights and licensing and  19 permissions and restrictions information in a machine-  20 readable format.</p> <p>21 So we partnered with W3C, the Worldwide Web  22 Consortium, to build on their ODRL standard, open  23 digital rights language, and created RightsML, which  24 is a news and media specific version of the rights  25 standard, to be able to make it easier to present</p>
<p style="text-align: right;">138</p> <p>1 what you're having to do as a photographer is type in  2 a lot of data about your photos. Some can be captured  3 automatically now because IPTC metadata is built into  4 most digital cameras so it automatically injects  5 things about location and the equipment that was used  6 and so on. But we have often had photographers  7 question, who really want to work in a visual medium,  8 question why they have to type in all this data into  9 forms, what's it really there for.</p> <p>10 And we have said over the years that it will  11 get used by different news agencies and aggregators  12 and so on, and that's always been true. But,  13 increasingly, the photographers are like, but what  14 about Google? Are they ever going to actually use  15 this metadata? So we were thrilled that last summer  16 Google announced that they are now supporting some of  17 the IPTC photo metadata. So specifically, some of the  18 rights-related metadata is now supported by Google  19 image search.</p> <p>20 So what that means is that for some photos  21 that have IPTC rights metadata, they will  22 automatically extract that from the binaries and  23 display that information. I say "some" because I  24 think they -- I'm not familiar with all of the details  25 of how Google has implemented this, but they seem to</p>	<p style="text-align: right;">140</p> <p>1 information in a way for machines to automatically  2 evaluate permissions and restrictions. So to be able  3 to determine whether or not a given video or part of a  4 video or a text item or an audio item or a photo could  5 be used in a particular context in a particular place  6 and being able to automatically comply with the  7 restrictions that the creator or the distributor have  8 placed on a given item.</p> <p>9 So this is important because, for agencies  10 such as the AP, we produce 3- or 4- or 5,000 photos a  11 day at scale. So we need to have ways for ourselves  12 to automatically handle any restrictions, but also for  13 all of our customers to be able to automatically  14 evaluate them, too. So we're excited about this, but  15 this is a big step up for lots of people and so we'll  16 continue to work on this.</p> <p>17 And that's it. Thank you very much.  18 (Applause.)</p> <p>19 MS. ALLEN: Peter, do you want to come up or  20 do you want to stay there? Either is fine.</p> <p>21 So our next presenter is Peter Jenner. He's  22 legendary in the music business, one-time manager to  23 Pink Floyd, The Clash, Ian Dury, Marc Bolan, and Billy  24 Bragg, among many others. He is now at the forefront  25 of the debate surrounding the digital use of music.</p>

<p style="text-align: right;">141</p> <p>1 His overriding interest is in securing artists' rights 2 and fair payment, and he will talk about Music 2025. 3 MR. JENNER: What am I meant to do with 4 this? These do things. Oh, look. Does that do 5 another one? What do I do? Someone tell me what to 6 do. Oh, there it is. Oh, okay. No, that's the wrong 7 way. Ah, there it is. I've got it, I've got it. 8 Fantastic okay. 9 I'm beyond all that. I am in an age of -- 10 as you see, I have a walking stick and I am wearing 11 whatever this is. It's a sign of my ancient-ness and 12 I'm dedicated to being more and more old age and, 13 therefore, more and more out of touch with everything 14 which is going on. 15 So I will now sort of blunder into 16 something. First of all, let me just say, just so you 17 know exactly where I'm coming from, I found a lot of 18 the presentations all about rights and copyrights, I 19 don't think I heard a mention of the performers or the 20 writers or anyone who actually -- hardly any mention 21 of -- I'm sure there were mentions -- of the people 22 who actually make the music and their importance. For 23 me, they are the people who really matter. And all 24 this stuff about copyright, I know it enables them to 25 get some of the money, but, unfortunately, it's</p>	<p style="text-align: right;">143</p> <p>1 the book didn't want to give it to Columba because 2 Columba took the book away and he set up a sweatshop 3 of monks who were copying his own unique illuminated 4 manuscript to the Bible. And then in the end, a Druid 5 came along to -- after they had had a battle and the 6 king had to sort this out. And they came to a 7 conclusion that it wasn't seemly that they should be 8 arguing over the holy book, and so it all got buried 9 and Columba went on churning out his pirate copy of 10 Finian's book. 11 So there you go. Early days. Early 12 Christians. Away they went. Battle of the book. 13 Well, that book went all over Europe. It was very 14 important in the development of Christianity in 15 Europe. And we're still trying to recover from it. 16 So anyway, I apologize to anyone I offended 17 with that comment, but my father was a vicar so you 18 see I have sort of ambivalent views. 19 The next thing I want to go on to is payment 20 and attribution. I think that it's fair to say that 21 most record companies, I know them much better than I 22 know the publishing companies, but I think most record 23 companies' data is based on payment data. They are 24 mainly interested in who do I have to pay, so I can 25 get it right so they don't come and sue me. I think</p>
<p style="text-align: right;">142</p> <p>1 usually only some of the money. But, anyway, you 2 don't want to hear any more from the raving lefty. 3 I am going to try and see if I can make this 4 work because someone put this together. And you'll 5 excuse my incompetence, I hope. Oh, that's the wrong 6 way. You see, that's a bad start. 7 Copyright. The first reference we have of 8 copyright goes back to 560 A.D., where there was a -- 9 in Ireland, there was a bit of a punch-up between 10 Saint Finian and Saint Columba and it ended up with a 11 battle, resulting in the battle of the book. It was 12 all over who would own the illuminated copy of the 13 Bible, which had come all the way from the Middle East 14 somewhere and it was the real McCoy. And so what 15 happened was that Saint Finian brought it over and 16 Saint Columba wanted to take it over and there was a 17 battle of the book. And in the end, they decided the 18 best thing was to remember that it was a sacred book 19 and that really we shouldn't go around killing people 20 about God's word. So it ended up in a sort of more 21 peaceful solution. 22 If I can find the next bits where I'm meant 23 to be going here. Anyway, that was Saint Finian and 24 Saint Columba. They had a big old punch-up, but it 25 was the first sort of dispute because the one who had</p>	<p style="text-align: right;">144</p> <p>1 the much more interesting thing is the attribution 2 data, who is involved in this recording. And there is 3 no way that people kept the recording. The payment 4 was all done in contracts and there's lots of bits of 5 paper and lawyers and all the rest of it. Attribution 6 requires people to note down who was actually at the 7 studio, who played what, keep it in a formal orderly 8 way while taking lots of drugs and lots of drink. 9 So the attribution data has always been a 10 little bit ropery and it will always be a little bit 11 ropery because also people know that the more they can 12 get attributed, the more money they will get. So you 13 have double things going on there. 14 So I will now try to move on to what do I 15 get to next. Voice-activated services. Now, voice- 16 activated services, I think, again, bring us into an 17 even more problematic area. Because how is it going 18 to deal with strange accents, people speaking in 19 foreign languages or speaking a language with a heavy 20 accent? Is it going to make mistakes? Almost 21 certainly. People with voice impediments almost 22 certainly have a problem. Voice-activated services, I 23 think is likely to be very jolly-good and groovy, but 24 I don't think they're going to be entirely accurate. 25 Also, it depends on the instructions you</p>

<p style="text-align: right;">145</p> <p>1 give it. Play me some jazz. What jazz are they going  2 to play me? They are going to play me the jazz which  3 the programmer likes, which the record company has  4 passed some money around or some influence so that  5 gets played. What gets played? Is it just what I've  6 always had before, but maybe I want to hear something  7 new.</p> <p>8 Voice-activated services I am sure are  9 useful, sure going to have a great future, we're all  10 going to use them, but I think they have problems with  11 regards to how far you can rely on them in terms of  12 any form of payment.</p> <p>13 So search and discovery, I think in the  14 streaming world, which we're in at the moment and will  15 probably be for a bit of time yet, is enhancing that  16 search and discovery. So it is more than just giving  17 you what you've always wanted, what you've always  18 heard and just like any other, you know, like the  19 radio or whatever, is exploring. The potential, I  20 think, of something like Spotify is that it's got God  21 knows how many million tracks that you can search and  22 discover in there. You can explore things.</p> <p>23 Oh, God, time is up already and I haven't  24 started. Oh, my God. What am I going to do? Okay.  25 So search and discovery, I think is really extremely</p>	<p style="text-align: right;">147</p> <p>1 is about the speed at which the data is received, the  2 different types of data -- so it's variety, it's  3 veracity -- is a true data or is it just some rubbish  4 data. It's visualization so that we can see it and  5 work with it. The data, the variability of the data,  6 the data whose meaning is constantly changing, you  7 know. Quite what do we mean? What's a jazz record?  8 What's a dance record? What does that mean? The size  9 of the data, the volume, and then the value. So these  10 are very important issues, all of this to do with big  11 data.</p> <p>12 God, they should never let me loose on this.  13 Numeric standards. Here I think, again, that we have  14 to rely on numeric standards as far as we can because  15 we can't rely on language. So we have to rely on  16 numericizing the artist, the performance, the songs,  17 they all need to be numbered in an international world  18 -- which even in a Brexit Britain, we're still going  19 to be in an international world -- we need numbers  20 because language is a big problem.</p> <p>21 So we have got to have numeric structures  22 for the performers, for the songs, for the publishers,  23 for the record companies, for all those things. And  24 developing a structure which can work internationally  25 with many languages is going to be a real challenge</p>
<p style="text-align: right;">146</p> <p>1 important because I think that's what people want to  2 do. And search and discovery is going to rely on good  3 data. And I think that we can be pretty confident  4 that the data won't be very good in terms of, you  5 know, is it precise or is it just approximate, you  6 know. How am I going to say, oh, I really like that,  7 can you can be more like that. That search and  8 discovery is going to be very corrupted I am sure and  9 very influenced by all sorts of things.</p> <p>10 Have I finished? Have you got rid of me  11 now?</p> <p>12 (Laughter.)</p> <p>13 MR. JENNER: Am I still going on? Yeah,  14 yeah, okay, okay. So anyway, we go on and I have a  15 plan here which I find very interesting. Big data is  16 something we all have to go on about. Big data is  17 something that is very important. Everything is about  18 huge data. The more data, the better; the more  19 analytics, the better. That is great. Fine, I'll buy  20 that.</p> <p>21 But there are the seven Vs of big data,  22 which I think data is clearly what's going to be  23 driving the business and big data -- the bigger the  24 data, the better as far as I can gather, speaking as  25 an old man. And so that we have the seven Vs, which</p>	<p style="text-align: right;">148</p> <p>1 for us all, and it is something which I think we have  2 to get to grips with. Numeric standards.</p> <p>3 Do I know what I'm talking about? No, I  4 don't. But I've got a good bulls--. So finally, if  5 I get it -- oh, wrong one, better try the other one.  6 Yeah, we had that.</p> <p>7 No entity without identity. The most  8 important thing in data I think is that you can't get  9 into the database without having an identity, and I  10 think that's something we are taking about a lot.</p> <p>11 Let me finally say -- I think you have to  12 get rid of me, because I have to get rid of myself --  13 is that I'm working with the IPO, with people who know  14 what they're talking about, and we're trying to work  15 out a structure for the data and thank God, I mean,  16 here he is. He's trying to hide because he wants  17 nothing to do with me up at the end there, someone who  18 knows what he's talking about, which it's the accent,  19 Mark Isherwood, who is cringing at the thought of  20 having anything to do with me. And I don't blame him.</p> <p>21 I do know what I'm talking about. I've been  22 doing it for ages. Data is important. Can we however  23 make sure that the bloody artist, the bloody creators  24 get paid, not just the companies. That's what really  25 drives me.</p>

<p style="text-align: right;">149</p> <p>1 Thank you very much. Good evening and good  2 night.  3 (Applause.)  4 MS. ALLEN: Thank you, Peter.  5 Up next is Niclas Molinder, the CEO of  6 Session, formerly Auddly, a global hub for  7 authoritative preregistration music metadata sourced  8 from creators. In the interest of time, I'm just  9 going to turn it over. Welcome.  10 MR. MOLINDER: Thank you. And thank you,  11 Peter, for the warmup because they saved me until  12 after your speech because now we're going to talk  13 about the creators.  14 MR. JENNER: Oh good.  15 MR. MOLINDER: Yeah. So, yeah, my name is  16 Niclas Molinder. I'm from Sweden. I've worked as a  17 songwriter producer for more than 20 years. I found a  18 couple of up-and-coming songwriters and started a  19 publishing company to be able to help them. And for  20 the first time, I was on the other side of the table  21 negotiating with creators, and they were out working,  22 writing songs in the world, and it was my  23 responsibility as a publisher to register all their  24 songs. But they never gave me data. So that's when I  25 realized how dark and deep the whole of metadata is,</p>	<p style="text-align: right;">151</p> <p>1 perspective. For them, as it is for the consumer,  2 it's a song, it's something that comes out of the  3 speakers. And that is the biggest focus in the  4 recording studio is what comes out of the speakers.  5 But what they don't know, the creators, is that it is  6 so much information that is linked to the sound that  7 they hear. And our problem here is that they don't  8 care. They don't care until they get the royalty  9 statements because then they scream and shout and  10 complain that they don't get the money that they are  11 supposed to have. But they don't really understand  12 that it's all based on the data that is born when they  13 create the music.  14 So see it this way. A creator in the  15 studio, how can they keep control of all the different  16 legal roles they have? They will not. They have not  17 historically never been aware of what they're doing  18 from an administration point of view. And they will  19 not in the future. So we must use technology to make  20 it easier for them to not have to think about it, to  21 not bother about it. Maybe once when they set up some  22 kind of an account, hopefully on our platform, then  23 they need to know what they're doing. But from that  24 moment on, it should be done automatically.  25 So in this case, a creator -- let's say that</p>
<p style="text-align: right;">150</p> <p>1 especially from the creator side.  2 I started a company because of my own need  3 of something that solved this problem. I had a great  4 honor to get both Mr. Bjorn Ulvaeus from ABBA and Max  5 Martin as partners because Max Martin had the same  6 problem with all his writers. So we started a company  7 that was called Auddly, and this is five years ago.  8 No one understand the name so we decided to change  9 names. So now, we rebranded the company to Session,  10 which is much more easier for the creators to  11 understand what we do.  12 On South by Southwest a couple of weeks ago,  13 we announced a project called Creator Credits, which  14 is the next step for the company. We have a platform  15 that is out on the market, and we have taken the first  16 steps to solve this problem. But, now, with the name  17 change and this project we will actually -- with the  18 project, we have some of the most important companies  19 and organizations in the industry joining our project  20 to feed the industry with high-quality data from the  21 creators, because we hear a lot of good things going  22 on in the industry all from blockchain to new  23 databases and stuff, but we need to make sure that we  24 feed it with the right information.  25 So let's just get it from a creator</p>	<p style="text-align: right;">152</p> <p>1 this is a songwriter and a guitar player. If that  2 person writes a song, sings a melody or writes a  3 lyric, they have one identifier and one legal role.  4 But the second after they play the same song on the  5 guitar, but will record it with a microphone, then  6 they have a completely different identifier and a  7 completely different legal role. And how can they  8 keep track of all this? No, they can't. So we must  9 help them.  10 And now the do-it-yourself era has started.  11 So more and more artists and producers also act as the  12 record label, they own their own recording, they own  13 their own publishing, they are self-managed. So in  14 other words, one single person can have all these  15 different roles at the same time. And it's impossible  16 to keep track of that for that person.  17 And add to that, an average registration for  18 new compositions today has five songwriters to it.  19 The problem is then that we have silos with five  20 different people that are represented sometimes by a  21 manager or publisher or self-controlled, it doesn't  22 matter. But the most important thing when we do a  23 registration, both for credits and then especially for  24 payment, that everyone has the same opinion about  25 everything.</p>

<p style="text-align: right;">153</p> <p>1 Start with just, do we know who we are? One</p> <p>2 of the first songs that my songwriters got back to me</p> <p>3 when I first was a publisher, they had been in New</p> <p>4 York in the studio and they came back to me with an</p> <p>5 amazing song and asked me to do a registration. And I</p> <p>6 said, who did you write it with? With DJ Pete. I am</p> <p>7 like, yeah, but you need to give me something more</p> <p>8 than DJ Pete. They couldn't because they bumped into</p> <p>9 this DJ Pete in the studio that wrote the song. They</p> <p>10 had a phone number, so yeah, we found out. But how</p> <p>11 many hours did it take and how much did it cost to</p> <p>12 just find out who were they? So identify them, who</p> <p>13 they are. That is one of the most important things.</p> <p>14 So our platform -- and in this proof of</p> <p>15 concept that we're now doing, the Creator Credits,</p> <p>16 we're using our Session platform to collect this</p> <p>17 information, upstream in the studio when the music is</p> <p>18 created. We are the only platform available right now</p> <p>19 on the market that has success both to the IPI and IPN</p> <p>20 identifiers, and we're now also adding ISNI onto this.</p> <p>21 So we will be a platform where all the identifiers are</p> <p>22 gathered under one umbrella, and that together with</p> <p>23 the legal name. The legal name we needed, but the</p> <p>24 most important things are the identifiers because we</p> <p>25 cannot use names in text strings anymore. I mean,</p>	<p style="text-align: right;">155</p> <p>1 client has. We make sure that the data is pushed to</p> <p>2 the right organization that needs it for registration.</p> <p>3 So just for you to understand -- yeah, and</p> <p>4 this -- now we're talking app and web. But from day</p> <p>5 one, I said there is one front end where we need to</p> <p>6 be. We need to be in the recording studio and in the</p> <p>7 softwares that the creators are using on a daily</p> <p>8 basis. So what we announced on South a couple of</p> <p>9 weeks ago was a huge step forward for us. Avid, the</p> <p>10 company that developed Pro Tools, which is one of the</p> <p>11 most used softwares -- so from now on, Session will be</p> <p>12 [music playing over speaker]. This is how it works.</p> <p>13 Maybe you recognize this song. This is unique</p> <p>14 material. This is an ABBA song and this is how the</p> <p>15 creators work in the studio.</p> <p>16 Each track contains a performance of</p> <p>17 something, of someone. This is Bjorn Ulvaeus from</p> <p>18 ABBA that played the guitar. So here we need to</p> <p>19 identify that it's him playing. That is now possible</p> <p>20 to do directly in the program.</p> <p>21 It's nice to just listen. So each track</p> <p>22 will then -- you will be able to add on each track who</p> <p>23 is playing what and that information is captured in</p> <p>24 the studio. So in the end, we get in Pro Tools all</p> <p>25 the identifiers, recording locations, who they were,</p>
<p style="text-align: right;">154</p> <p>1 every keyboard in this room you cannot even write my</p> <p>2 name because I have a funny Swedish letter that you</p> <p>3 don't even have on your keyboard. So how can you</p> <p>4 write my name? It's impossible.</p> <p>5 So all the identifiers, together with the</p> <p>6 title of the composition and the recording, hopefully</p> <p>7 are split between the songwriters. That is -- we need</p> <p>8 it sooner or later, but we need to start with finding</p> <p>9 out who they are. That together with roles and</p> <p>10 recording locations and then the identifiers for the</p> <p>11 composition and the recording of these is -- okay, I</p> <p>12 know. I'm going to hurry up.</p> <p>13 So that's what we do. So the proof of</p> <p>14 concept is get authoritative data in time when it</p> <p>15 happens because creators forget. We need to get this</p> <p>16 data when they do it in the studio, add identifiers</p> <p>17 and then link them to each other. This will end up in</p> <p>18 the next version of our application, which we're going</p> <p>19 to be a white label version. So all companies and</p> <p>20 organizations that want to use our platform can brand</p> <p>21 it as their own app. That is going to be especially</p> <p>22 good for the CMOs because the majority of the CMOs</p> <p>23 don't even have an app. So everything will be branded</p> <p>24 as their own, but just powered by Session. And in</p> <p>25 that case, it doesn't matter what legal role their</p>	<p style="text-align: right;">156</p> <p>1 and we're using an amazing technology with their</p> <p>2 phones so when a creator walks into a studio, Pro</p> <p>3 Tools would automatically recognize that they are in</p> <p>4 the same room as the computer that's recording the</p> <p>5 music and the studio engineer will easily just click</p> <p>6 if that person is doing something. And we will, of</p> <p>7 course, make it very simple and easy to understand UY</p> <p>8 and UX. So the creators don't now even have to take</p> <p>9 the phone out of their pocket. They are recognized as</p> <p>10 soon as they walk into the studio.</p> <p>11 But we, of course, are aware that music is</p> <p>12 written and produced not all the time when everyone is</p> <p>13 in the same room. So of course, they can use the app</p> <p>14 and recognize each other by connecting through the</p> <p>15 app. When everything is done, we print, we let the</p> <p>16 creators or the authoritative source or the</p> <p>17 authoritative person verify the data so we know that</p> <p>18 everyone has approved.</p> <p>19 And when the data is approved and we have</p> <p>20 everything we need, we are going to use the DDEX</p> <p>21 standards to just push this out from our system with a</p> <p>22 format called RIN and the record labels and the PROs</p> <p>23 and all the CMOs will get the information. And in the</p> <p>24 end, the DSP and the consumer that's listening to the</p> <p>25 music will not only get full credits about who did</p>



<p style="text-align: right;">157</p> <p>1 what, where and when -- and, believe me, I am a nerd,  2 so I have -- in the system, we can also add which  3 microphone it was and which recording console and  4 which guitar. So it will be a completely new  5 experience for the customers that listen to music with  6 full credits. But, most importantly, we now all know  7 who did what, where and when, so when we have money we  8 can push the money to them.  9 So that's what we do. Thank you so much.  10 (Applause.)  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">159</p> <p>1 runs DDEX, Digital Data Exchange. DDEX is a standards  2 organization primarily in the music industry. It's a  3 membership organization. We have multinational  4 companies, startups, and everything in between.  5 Indeed, about 30 percent of our members are companies  6 that have revenue of less than \$2 million. So it's  7 not just the big boys; it's a significant part of the  8 marketplace involved.  9 The standards we focus on are the  10 communication of metadata between all the different  11 players within the music industry. So for example,  12 record companies need to send metadata information to  13 the DSPs so that when we, as consumers, go on to their  14 services, we can see exactly what it is that we're  15 about to play.  16 There are a number of other standards.  17 There are about six families of standards altogether,  18 and they are all dealing with different types of  19 business transactions throughout the entire supply  20 chain.  21 I think the one I would just bring to your  22 attention is this recording information notification  23 standard which was a bit of a departure for DDEX  24 because it's actually not, strictly speaking, a  25 communications standard. It's more a standard way of</p>
<p style="text-align: right;">158</p> <p>1 PANEL DISCUSSION: REGISTRIES AND RIGHTS MANAGEMENT  2 MS. ALLEN: Thank you so much to our  3 panelists. I think we're going to turn the discussion  4 over to be moderated by Paul Sweeting, who I just  5 wanted to take a minute to introduce. Paul Sweeting  6 is a veteran business journalist and industry analyst  7 specializing in the intersecting worlds of media,  8 technology and public policy. He's the founder and  9 principal of Concurrent Media Strategies and also is  10 heavily involved with RightsTech Project, cocreator,  11 which is an annual conference in New York City that  12 involves many of these same issues. So thank you very  13 much.  14 MR. SWEETING: Thank you. We're also  15 starting an annual conference in Frankfurt, Germany if  16 anyone is interested.  17 Well, that was quite a series of  18 presentations. But, Mark, you were a little bit left  19 out of the party. You didn't give a presentation. So  20 I wanted to give you the first opportunity to speak  21 here and, you know, if you wanted to talk about DDEX's  22 involvement in the creative project that Niclas  23 Molinder was just talking about.  24 MR. ISHERWOOD: Hi, everyone. My name is  25 Mark Isherwood. I am part of the Secretariat that</p>	<p style="text-align: right;">160</p> <p>1 collecting metadata in the studio, as Niclas has said,  2 and allowing that metadata to travel around with the  3 actual binary files in its journey through creation.  4 Again, as Niclas said, things don't get  5 created, or at least not in their final version, in  6 one studio or even necessarily in a studio at all.  7 And the ability of RIN and what Niclas and his  8 colleagues are going to be doing enables metadata to  9 travel with the files. Gradually as it goes through  10 each individual activity, you just add more and more  11 metadata.  12 So it is more like a bucket which gets  13 filled up and then once the content has got to the  14 point where it is ready or nearly ready to be  15 released, then it can go forward into the record  16 company supply chain, also into the musical work  17 society and the performance society supply chain so  18 that all that data is already available almost before  19 anything has actually hit the streets. That shows my  20 age. Because things don't hit the streets anymore, do  21 they?  22 And this project, if they can prove it is a  23 proof of concept, is potentially a game changer  24 because, for the first time, we will have all or  25 nearly all of the contributors to each sound recording</p>

<p style="text-align: right;">161</p> <p>1 that gets released listed and, more importantly,  2 linked to their unique identifiers that the industry  3 uses to actually make sure of the two things that  4 Peter was emphasizing, which is making sure they get  5 paid and attributed.  6 And so DDEX is very much in support of the  7 project that Niclas is doing. Our only kind of  8 proviso, if there was one, was make sure that it's an  9 open and not proprietary solution. The nanosecond it  10 becomes a proprietary solution, people won't use it  11 because people need to trust, and the only way in this  12 particular space where it's sort of pretty competitive  13 is by using standards rather than proprietary  14 solutions.  15 So Peter and Niclas are very much in the  16 same place in terms of what they're trying to achieve,  17 and DDEX very much supports that. I can't really talk  18 to anything Stuart said because it's not my area of  19 expertise.  20 MR. SWEETING: So thank you.  21 Niclas, so Mark indicated that this is at  22 the proof of concept stage right now. Can you give us  23 a little bit of a sense of what you hope the timetable  24 will look like?  25 MR. MOLINDER: Yeah. I mean, to say it's a</p>	<p style="text-align: right;">163</p> <p>1 MR. MYLES: So I think IPTC is really the  2 photo metadata where it's the case that it's software  3 and hardware that's doing capturing of the metadata.  4 And we try to, the agencies such as AP, try to  5 encourage journalists and photographers to enter  6 metadata at the point of creation of the items,  7 although often that isn't the case. It's often later  8 that metadata has to be added.  9 In terms of how long, it's been a long, long  10 process. So the photo metadata standard of IPTC is  11 over 10 years old. And it was a lot of negotiations  12 and meetings with the camera manufacturers to get them  13 to agree to adopt the IPTC photo metadata standards  14 embedded into their digital cameras and negotiations  15 with different software vendors and so on.  16 As more camera manufacturers and software  17 manufacturers adopted the standard, it becomes easier  18 to get other people to adopt it, too. But it's also  19 the case that just because it's possible to enter  20 metadata accurately, does not mean that metadata gets  21 entered accurately. So it's not unusual to see -- so  22 AP aggregates photos from lots of different producers  23 both in our own content and in other people's content.  24 It's not unusual to see people who have typed things  25 into fields because they had to, but it didn't make</p>
<p style="text-align: right;">162</p> <p>1 proof of concept, the platform is already built. So  2 we have the platform from our side. It's there. So  3 the proof of concept is to get all the other players  4 in the industry to really adopt our platform. And we  5 need to get the workflow, how the information is going  6 to flow from the studio into Pro Tools, in this case,  7 but there are other DAWs waiting also to join the  8 project. So there will be more than just Pro Tools,  9 of course. And then how it flows through a record  10 label, a publisher, a PRO, and then to the ESP. And  11 we will present the proof of concept in November in  12 Stockholm when the big DDEX meeting is in November.  13 So that is the time frame for the proof of concept.  14 And, hopefully, we will see the first releases in  15 production early next year.  16 MR. SWEETING: Stuart, so IPTC has already  17 traveled at least some way down this same path in that  18 you have developed the means to capture metadata at  19 the source, at the point of creation, and have, at  20 least to some extent, managed to get that capture into  21 the software and even, I gather, the hardware, DSLRs.  22 Can you tell us a little bit about how -- well, first  23 of all, how long has that been the case and what are  24 the sort of lessons learned from trying to implement  25 something like that?</p>	<p style="text-align: right;">164</p> <p>1 any sense what they typed in. Equally, it's not  2 unusual to see people looking for a place to type in  3 metadata and they pick a field that is not the right  4 one.  5 So one of my favorite examples of that  6 within AP is people are required to -- we require a  7 journalist to identify who are the people who are in  8 the photo. There was a number of misunderstandings  9 and somebody created a tool that -- within AP that  10 encouraged the journalists or the photographers to  11 type into the headline field the name of the person  12 depicted because on the grounds that they forget,  13 like, well, it's a person, they have a head, so we'll  14 put them into the headline. Unfortunately, that's  15 left us with a legacy -- rather than the person  16 featured field. So that's left us with a legacy of  17 bad metadata that we have to clean up.  18 So it's great to have the metadata, it's  19 great to have the manufacturer support it, but it's  20 the people who have to deal with it and have to work  21 with it. It's also the case that there's twin demands  22 of we need more and more and more metadata, but that  23 becomes overwhelming. So I appreciate the idea of  24 being able to tag the mics that we use, and that's not  25 necessarily a bad idea, but if you have hundreds or</p>

<p style="text-align: right;">165</p> <p>1 thousands of fields that people could use, it becomes 2 overwhelming. So I would be a bit cautious about that 3 as well. 4 MR. ISHERWOOD: I think that story could be 5 said or told in any media industry. And, actually, 6 that is one of the hardest things. I think the 7 important thing about what the Creator Credits is 8 doing is it's more automated, at least about the 9 people. But it also points to the fact that there is 10 still a need for creator education about why these 11 things are important. What is an ISWC? What is an 12 ISRC? Why do I need one? 13 I was at a conference in January where there 14 were a bunch of songwriters, and they were talking 15 about the importance in data. They knew what an ISRC 16 was. And somebody said, well, do you know what an 17 ISWC was? None of them knew. And, yet, every work 18 they've created should have an ISWC. So if they don't 19 even know what it is, they're not going to think it's 20 important in terms of trying to capture that data at 21 the creation point. So there is definitely an 22 education need right across the board, not just in 23 music, but in every other media type as well. 24 MR. SWEETING: Yeah, I was thinking, Stuart, 25 as you were talking from my days as a working</p>	<p style="text-align: right;">167</p> <p>1 the fields and the names of the field. Of course, I 2 mean, our plan is to -- how we structure our platform 3 is that all fields are not available for everyone. So 4 if we're talking microphones, then it is only the 5 studio engineer that has that opportunity to fill that 6 in. But as you had your header thing, I had a crazy 7 thing -- I got contacted through our support. It was 8 a songwriter from London that called me or wrote on 9 the support and was so upset that our system didn't 10 work because it said that that person was a songwriter 11 CA. I'm in London, not in California. But CA stands 12 for composer and author, so that's lack of knowledge. 13 So we need to educate. 14 And based on that, Max Martin, Bjorn Ulvaeus 15 and I, we picked up on that and we've been talking so 16 much about it. So one and a half years ago, we 17 started a foundation called Music Rights Awareness 18 Foundation and we started a project in Africa, in 19 Rwanda, Malawi and Tanzania, where we educate music 20 creators. But the African product is just one start. 21 We want to do this globally. 22 So I am kindly reaching out to everyone. If 23 you're interested to be part of this, we have a great 24 idea how music rights education should be done. We 25 should, of course, use technology. It should be app-</p>
<p style="text-align: right;">166</p> <p>1 journalist, you hated having to collect the 2 information on who was depicted in the photo. And I 3 was going to ask, but I think Mark just sort of 4 answered it, you know, what is the human factor here? 5 And to what extent can you take that ambiguity out of 6 the system? Do you even want to take it out of the 7 system? 8 MR. MYLES: I think a couple things. One 9 is, yes, the human factor, the people still matter a 10 lot. I think that one thing that's helpful is if 11 people feel that there's a point in adding all of this 12 metadata. So for us, in the news industry, I think 13 Adobe adopting the standards and, more recently, 14 Google adopting certain ways of extracting metadata, 15 it makes it clearer what the point is I think. 16 But in terms of whether you want to take 17 people out of the equation, my view is that automation 18 can help, but my experience as a technologist is that 19 automation is never 100 percent accurate and so -- 20 automation is definitely good for consistency and 21 scale, but you still want people to be overseeing the 22 work to make sure that it's relevant and accurate and 23 so on. I think there's a balance to be struck. 24 MR. MOLINDER: So I'm going to pick up on 25 the education part, but I want to refer to Stuart, to</p>	<p style="text-align: right;">168</p> <p>1 based and I want it -- I know that strong influential 2 are the creators. It would be good to listen to Ed 3 Sheeran when he tells why you need to keep control or 4 what you need to learn about a specific code or what 5 you need to do or if like Max Martin telling other 6 producers through the app that you need to do this and 7 that. 8 So we're working on this platform right now 9 for -- you know, to scale we need to use that 10 technology. So I reach out my hand. If you want to 11 be part of this work, please let me know. 12 MR. SWEETING: Jim, did you have a question? 13 JIM: I have a question. You have discussed 14 a lot about creator data, but I'm wondering about 15 audience data and how it factors into rights 16 management. So if you're looking at a particular work 17 and how it's been used, surely one component of 18 payment must be its value to the audience or to the 19 publisher. And I'm wondering about the flow of data 20 back up the chain about how the work was used, how 21 many people it was exposed to, perhaps how much value 22 it carried. 23 I mean, I know as a member of a collective 24 rights licensing board, we struggle with how to 25 allocate money in a pool, and without data about the</p>

<p style="text-align: right;">169</p> <p>1 value of the work and how much it generated, it's just  2 a guess as to how much money ends up in the hands of  3 the creator, as Pete points out. So there really is a  4 two-way data flow, but we haven't discussed data back  5 up the chain.  6 MR. ISHERWOOD: I mean, just speaking with  7 purely my DDEX hat on, one of our standards is what we  8 call the Digital Sales Report, which enables DSPs to  9 report all of the uses to various types of copyright  10 owners. And I was in New York for three days this  11 week doing just that, going through working with  12 rights owners and licensees about how we structure  13 this report and what data is needed.  14 I know just, you know, to reassure you,  15 these files are huge. So, you know, that is happening  16 certainly in terms of where that standard is being  17 used. That's just, say, purely with my DDEX hat on.  18 AUDIENCE MEMBER: [Off microphone] By the  19 way, you needn't reassure people that it's huge. When  20 it arrives on paper, it seems to have taken an entire  21 tree, but it's not that anyone can make sense of it or  22 figure out how that justifies the meager check.  23 MR. MOLINDER: You're right. What I wanted  24 to say about that, I mean, we said we need to educate  25 creators to do something and learn. But exactly as</p>	<p style="text-align: right;">171</p> <p>1 that if you work somewhere and you have no idea how  2 much salary you're going to get. This is a guess  3 every time. So pipeline preview of your income, that  4 is a huge need in the music industry.  5 MR. SWEETING: Bill?  6 AUDIENCE MEMBER: You talked about the  7 application and the way it allows creators to insert  8 information about their creations. In fact, the  9 application already has some awareness of its own in  10 terms of being geolocation aware to the studio, for  11 example. Is there any mechanism for the Session app  12 for third parties to contribute data to the record of  13 the song? For example --  14 MR. SWEETING: Such as who?  15 AUDIENCE MEMBER: Well, the first person  16 might be the recording engineer who's there. You  17 mentioned they click to say who is particularly  18 recording on a track, but what about the manager who's  19 standing outside the studio or the fan that's out on  20 the street or someone else who has information about  21 that recording session that they want to contribute to  22 that picture? For example, someone who's interested  23 in microphones wants to fill in the field, although no  24 one else has the time to do that.  25 MR. MOLINDER: It's nothing that we're</p>
<p style="text-align: right;">170</p> <p>1 you said, if creators in our Session app, for example,  2 or in any app could, on a daily basis or weekly, get  3 an overview of how many streams they had on Spotify,  4 where in the world, especially if we're talking self-  5 made artists, they know where they need to go on tour,  6 where they see where their music is used.  7 So you are right, I think that is a key.  8 But then we, as an industry, need to work because the  9 data is there, and I know that the files are big, but  10 I don't believe that that's going to be a hurdle for  11 us because there other industries -- take credit card  12 companies, for example. Now, we're talking big  13 amounts of data. So say that the music industry  14 handles big data, I am not so sure. Then we need to  15 build our systems better because there are other  16 industries that handle way much bigger data flows than  17 we do. So you're right. That is something we work  18 really hard to get that information to the creators.  19 Last about that, as a songwriter, a couple  20 days ago, I just received my statement from STIM, my  21 copyright society in Sweden. And as a songwriter --  22 and this is no critique to STIM, but there is no  23 pipeline preview. Every time I do this, I have a  24 procedure. I slowly, slowly scroll down because I  25 have no idea how much money I'm going to get. Imagine</p>	<p style="text-align: right;">172</p> <p>1 working on right now, but it's very interesting  2 because the subject has been on the table. So we have  3 discussed how much data can we add to this. But,  4 again, what I was told now is actually just for  5 composition and the recording, who did what, where and  6 when. That is the first step that the proof of  7 concept is going to solve. Then these ideas -- I love  8 that -- you know, to get more and more information.  9 So, yeah, it's definitely an option.  10 MR. SWEETING: This is the easiest  11 moderating gig I've ever had because there are so many  12 questions.  13 Paul?  14 AUDIENCE MEMBER: Just to add to that, if  15 these things use standard identifiers, then the data  16 on the microphone doesn't need to live in that app, it  17 can live somewhere else and be cross-referenced  18 because they have the same identifier in them, and  19 that's true of the Copyright Office's database, it's  20 true of SoundExchange, it's true of libraries. If  21 you've got a common underlying firm foundation, the  22 data aggregates and adds value to all the others as  23 well.  24 MR. MOLINDER: And that is important to say  25 that the Session database, we don't hold the</p>

<p style="text-align: right;">173</p> <p>1 identifiers. We're just mirroring what's going on at 2 the original source. But if something changes through 3 the APIs, we update. 4 It was interesting to see the Copyright 5 Office, how you are now planning to do your 6 modernization. One thing that hit me when you did the 7 presentation was that what I think that we need to get 8 away from is human retyping. The information gets 9 retyped over and over and over and over again. So I 10 think what the Copyright Office should do is see how 11 you can, through APIs or CWRs or any format, get the 12 information without people retyping, because that is a 13 huge risk for error. 14 MR. SWEETING: Yeah, in front? 15 AUDIENCE MEMBER: So I think that one thing 16 that's been left out, and I see this industry going 17 kind of in a direction where there will be a conflict, 18 oddly enough, having to do with privacy. We're 19 talking about getting all of this data, more data, 20 putting it out. The ability to process that data is 21 so great today that I think you're going to have 22 privacy problems or unintended consequences. We could 23 just look at it in that way. And by not being aware 24 that that will be a risk, I think that awareness 25 should start now. I guess is my...</p>	<p style="text-align: right;">175</p> <p>1 doing it. 2 MR. SWEETING: Okay. 3 MR. ISHERWOOD: I'm sorry. So the other 4 thing is that it's not about monetizing the data, it's 5 about using the data to make sure that money flows for 6 the creation. And I know from talking to my members, 7 they've all spent -- and I'm talking about copyright 8 societies, record companies, all these kinds of guys 9 have spent a fortune around GDPR and how they use the 10 data they get. So I think it is already in people's 11 consciousness. 12 MR. SWEETING: You brought up a point that I 13 have been wanting to get to. Do we have any other 14 questions on this before I change the subject? 15 AUDIENCE MEMBER: Just a quick question. 16 You just said you're a data hub, not a database. How 17 are you not a database because you're collecting the 18 data and then you may distribute it downstream, but 19 there must be some repository there. Thanks. 20 MR. MOLINDER: I mean, of course, we choose 21 to say "data hub" because we're a hub that distributes 22 the data to the receiver that needs it. But, of 23 course, the data comes to our platform first. And 24 we're deeply into discussions how we're legally going 25 to -- if we're going to delete data when it's gone</p>
<p style="text-align: right;">174</p> <p>1 MR. MOLINDER: Yeah, I don't know if that 2 was a question or just a -- 3 AUDIENCE MEMBER: Sure. 4 MR. MOLINDER: Of course, we are aware of 5 that. But since we're not a database, we're a data 6 hub, we don't own data. We just collect the data and 7 push it forward to the organization or company that 8 needs the data for the clean registrations. 9 AUDIENCE MEMBER: Right. Well, monetizing 10 the data is such a large part of the revenue stream of 11 all -- 12 MR. MOLINDER: Yeah. 13 AUDIENCE MEMBER: This is a difficult 14 conversation and a big one. 15 MR. MOLINDER: Yeah, I know. 16 AUDIENCE MEMBER: But I think the idea that 17 we can solve this by data alone is very problematic. 18 MR. MOLINDER: I know. But I don't -- I 19 should not see it from that angle because then I would 20 just close everything down and just go home. I try to 21 stay positive. We have a big need of solving the data 22 collection in the studio and I know how it is to be 23 there. So I'm going to work for that, and then we 24 need to solve the legal issues with privacy issues and 25 so on. But I believe that this is the only way of</p>	<p style="text-align: right;">176</p> <p>1 from our platform. But we also see the requests, 2 especially from the CMOs, to keep the data on our hub 3 as a reference point if something goes wrong later on. 4 You can always go back and see it. So see it more as 5 a reference point, not a database. So that's how we 6 see it. 7 AUDIENCE MEMBER: Thank you. 8 MR. SWEETING: Okay. So Mark just touched 9 on something and Peter touched on this earlier in his 10 presentation. We've been talking about capturing 11 metadata on the participants in the creation and 12 making sure works can be properly attributed to them 13 or their work and other works can be attributed to 14 them. And earlier there was a panel on specifically 15 the question of attribution. 16 The thing I would like to get to in 17 deference to the name of this panel is, you know, how 18 do you connect data on who did it with data on who 19 owns it? Because those are not obviously the same 20 thing and there is an air gap it seems that we still 21 haven't really addressed as to how collecting this 22 data can be used in the process of paying the 23 appropriate people since who did it is not necessarily 24 the same as who owns it or who's entitled to some 25 piece of it.</p>

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1 MR. ISHERWOOD: Well, a simple answer to  
2 that question is there are already processes and  
3 systems in place that actually make that connection.  
4 But what I would say is that that's been very, very  
5 difficult up until now because very often you only  
6 have, you know, one piece of cloud in the jigsaw and  
7 maybe one corner and you've got to somehow fill in all  
8 the other pieces of the jigsaw in order to determine  
9 who owns the rights. I think what these sorts of  
10 projects do actually is at least give you 90 percent  
11 of the pieces of the jigsaw and you've got a much,  
12 much better chance of getting the right data right  
13 thereafter.

14 MR. JENNER: One thing that I've been  
15 recently seeing is that there's a new copyright act in  
16 South Africa which includes an obligation to pay the  
17 creators, and I think that's really important.  
18 Because on the whole, the obligation is to pay the  
19 owner or the owner gets paid by the user and the  
20 relationship between the company and the individual  
21 performers is often down to contract, whereas the top  
22 thing is down to legislation usually. There is a  
23 legislative backup on it.

24 I think that that's really a very important  
25 issue going forward we should be thinking about is

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1 whether there shouldn't be a similar obligation on the  
2 record companies or the publishers to fairly pay the  
3 performers and the writers in the same way that the  
4 users of the material are obliged to pay the owners of  
5 the material.

6 MR. SWEETING: That should be a fun fight.

7 MR. JENNER: Yeah. Oh, I don't think I'll  
8 be very popular with that one, but I think that's one  
9 which I shall be hitting my head against the wall for  
10 some time.

11 MR. SWEETING: Stuart, did you want to add  
12 something?

13 MR. MYLES: Yeah, just as, I guess, the  
14 nonmusic representative on the panel, I think it is a  
15 very complicated question because even who is the  
16 right owner for a given work varies depending on what  
17 jurisdiction you're in and so on. So probably it has  
18 to do with distribution agreements, but it also varies  
19 over time. And, yes, I think the trend is, in some  
20 places, is to ensure that the original -- what we call  
21 the original creator, because there can be multiple  
22 creators, the original creator, there's a trend  
23 towards trying to make sure they get some kind of  
24 compensation no matter who the various rights owners  
25 are.

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1 MR. SWEETING: So speaking of legislation,  
2 there was -- it's not legislation, but there was --  
3 obviously, earlier this week, the European Union or  
4 the European Parliament passed the long gestating  
5 copyright directive. And it introduces a number of  
6 new mandates regarding licensing and filtering or  
7 monitoring at any rate. That, to me, apart from the  
8 merits of the case, is a monumental data issue. Do we  
9 have the data infrastructure in place to actually  
10 implement those requirements?

11 I mean, Stuart, Article 11, which I  
12 understand is now Article 15, essentially seems to  
13 envision that platforms, online platforms, would have  
14 some sort of licensing agreement in place with every  
15 publisher imaginable. Or there needs to be some  
16 automated system for those rights clearances. Are we  
17 anywhere near that?

18 MR. MYLES: No.  
19 (Laughter.)

20 MR. MYLES: I mean, I think it will be  
21 really interesting to see how that legislation in the  
22 EU works out. There is worry that it means that only  
23 the biggest platforms can, in fact, comply and only  
24 the biggest publishers for news and media can comply,  
25 which I'm sure is not the intent of that legislation,

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1 to squeeze out smaller players -- small and medium-  
2 sized players. But even with the large organizations,  
3 it's not clear to me that you can instantaneously  
4 determine that a given piece of content belongs to a  
5 particular rights holder or a particular creator.

6 There are techniques that are available in  
7 terms of fingerprinting and so on. Clearly, platforms  
8 like YouTube have implemented a certain amount of  
9 automated detection of copyright holders. So it's not  
10 totally impossible, but the implication seemed very  
11 significant. On the other hand, though, I think it's  
12 encouraging because it requires people to and  
13 companies and organizations to work towards being able  
14 to support those things.

15 MR. SWEETING: Yeah.

16 MR. ISHERWOOD: Having said that, one would  
17 hope, given how hard the rights owning community  
18 pushed for Article 13, at least some thought has gone  
19 into how we actually administer it if they are  
20 successful. Maybe I'm being a little naive, but one  
21 would hope so.

22 MR. SWEETING: I wanted to follow up on  
23 something Rob said earlier in his presentation  
24 regarding the new registration system. I was struck  
25 that nobody thought, apparently in the public comments

<p style="text-align: right;">181</p> <p>1 that have come in, nobody seems to think that  2 including unique identifiers, numeric identifiers  3 should be mandatory in the registration process. I  4 was wondering if anybody up here, anybody on the panel  5 had any thought about that. Would that be, you know,  6 a useful system in terms of trying to manage rights  7 and making sure that you could properly identify the  8 people involved?  9 MR. ISHERWOOD: There are elements of that  10 going on within DDEX because of the way we structure  11 the messages. There will be certain things that the  12 organization agrees, certain items that the  13 organization agrees has to be mandatory in any given  14 business transaction and, in some cases, that will  15 include identifiers.  16 It may not be the international -- the  17 global ones that we've all been talking about, but it  18 will make -- for example, in the Digital Sales Report  19 I was talking about earlier, the DSP release  20 identifier is mandatory in the message. Because it's  21 the only thing, as things stand, that the musical work  22 rights owner certainly can hold onto in order to be  23 able to do their matching and charge the relevant  24 fees. So there are little tentative steps towards  25 that. I know your question goes broader than that,</p>	<p style="text-align: right;">183</p> <p>1 The ISRC/ISWC link thing is actually a  2 bigger conversation because that's needed globally.  3 That's not just needed in the US. And whilst that may  4 be a requirement within the legislation -- and I have  5 not learned it off by heart by any sense of the  6 imagination -- but it must not be forgotten that that  7 is a global requirement and there are projects going  8 on that are looking at that. Some of them are quite  9 advanced.  10 My concern always is with these sorts of  11 things that those companies who are actually involved  12 in those projects are actually doing it as a land  13 grab, and I think something like an ISWC/ISRC link  14 system, let's just call it that, should be a utility  15 that is supported by the industry in some way or  16 another and not kept behind closed doors because that  17 -- it comes back to the proprietary solution, the  18 point I was making earlier on.  19 MR. SWEETING: Time. Oh, I'm getting the  20 look. One more quick question.  21 AUDIENCE MEMBER: I would just point out  22 that there is, although not in the US, there's a  23 treaty and law requirement for an identifier in the  24 Berne Convention, one, in the moral right of  25 attribution. So if you have a system that doesn't</p>
<p style="text-align: right;">182</p> <p>1 but just from my little world, that is where we are.  2 AUDIENCE MEMBER: Paul, it's worth nothing  3 that MMA requires that to the degree they're  4 available.  5 MR. SWEETING: That's the other piece of  6 recent legislation that is important. MMA. We were  7 discussing this briefly over lunch, Jim. We're not  8 even -- it's not even 100 percent clear to me, at  9 least, how exactly this database is supposed to be  10 compiled, whether or not it has to be an entirely new  11 sui generis effort or whether it can build on work  12 that has already been done.  13 Any thoughts on the best approach to  14 actually compiling -- and pardon me, Stuart, this is  15 basically a music question. What is the best approach  16 from an industry perspective to matching ISRC and  17 ISWC? And if Bill wants to weigh in on this, please  18 go ahead as well.  19 MR. ISHERWOOD: Well, in terms of the MLC,  20 my understanding is that there are no proposals that I  21 am aware of about building this from the ground up  22 because that, frankly, would be madness. And there is  23 a process going on at the moment where current vendors  24 are offering their services to provide and meet the  25 requirements that are set out in the law.</p>	<p style="text-align: right;">184</p> <p>1 pass on attribution, it's clearly a Berne violation.  2 And, second, in Article 10 of the Berne  3 Convention, which requires that news summaries  4 contain both the publisher and author, now obviously  5 the clearest violation is Google News, which doesn't do  6 that because it doesn't have to because the US has  7 never implemented that, but if you're working  8 internationally, especially with news, you should be  9 looking at fulfilling the Berne requirements for  10 attribution identifiers.  11 MR. MOLINDER: Yeah, just about the  12 ISRC/ISWC link, back to that, from Session, we have  13 offered CISAC that is operating the ISWC assignment  14 system to -- because everything is about time. ISWCs  15 are assigned way too late in the process. So we are  16 offering them to start assigning ISWCs already in  17 Session when we -- in the creation process. Early,  18 early. And Session is already an ISRC agent for those  19 that are doing it themselves. We also provide them  20 with ISRCs when they bounce the tracks in Pro Tools  21 directly.  22 So my view here is that if we just can get  23 the assignment of ISWC earlier, we can match the  24 ISRC/ISWC before it even leaves the studio.  25 MR. SWEETING: I think the ax is falling on</p>

<p style="text-align: right;">185</p> <p>1 us, folks. Thank you very much.  2 (Applause.)  3 MS. ALLEN: Thank you all for your time and  4 your contributions.  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">187</p> <p>1 occurs.  2 In the world of technology and in the world  3 of our modern world, everything is about frictionless  4 experiences. So today what we're going to do is we're  5 going to have Dick do a brief demo. But we're going  6 to talk a bit about where the creator fits into this,  7 what the changes in the value chain are in respective  8 industries and how the thinking has evolved and then  9 how technology is impacting the licensing and  10 monetization process.  11 So why don't we start out and do some quick  12 introductions. Start with Ken and then Dick. Dick is  13 representing a company that's got a new user  14 experience and a new use of data coming out. So why  15 don't we start with you and then, Dick, you can give  16 an introduction and do a quick demo.  17 MR. HUEY: Sure.  18 MS. NAUMAN: Okay.  19 MR. UMEZAKI: Hi, I'm Ken Umezaki. Some of  20 you saw me earlier. I'm the CEO of Dot Blockchain  21 Media. We are a rights management solution that  22 leverages the blockchain, currently focused on the  23 music industry.  24 MS. DAVIS: Hi, I'm Cheryl Davis. I'm the  25 General Counsel of the Authors Guild.</p>
<p style="text-align: right;">186</p> <p>1 PANEL DISCUSSION: LICENSING/MONETIZATION  2 MS. ALLEN: So we're going to turn to the  3 next panel on monetization and licensing. I will need  4 just a minute to set up a demo from Jaxsta with Dick  5 Huey.  6 In the meantime, I will go ahead through a  7 little bit of an introduction of two of the panelists.  8 Vickie Nauman, our moderator, who already spoke  9 earlier today. She is from CrossBorderWorks.  10 (Pause.)  11 MS. ALLEN: And Ken Umezaki also presented  12 this morning. Hello, welcome.  13 (Pause.)  14 MS. ALLEN: Okay, I think we're ready.  15 Vickie, over to you.  16 MS. NAUMAN: Excellent. Thank you,  17 everyone, for staying awake through all of these very  18 detailed panel discussions, and now we're going to  19 have yet one more. This is on licensing and  20 monetization.  21 I would like to just set the stage of saying  22 that we all know in any kind of licensing between the  23 licensor and licensee there is always tension because  24 one side wants the most money and the other side wants  25 the best deal. So there is a natural tension that</p>	<p style="text-align: right;">188</p> <p>1 MR. HUEY: Hi, I'm Dick Huey. I'm the Head  2 of Partnerships for Jaxsta, and I'm going to show you  3 a demo.  4 MS. NAUMAN: Yeah, great.  5 MR. HUEY: So forgive me for leaning over  6 while I'm doing this. What I want to present today,  7 I'm going to do this quickly. Because some of you  8 have seen this before. Our official Music Credits  9 beta preview, it's a product that's not launched yet,  10 will be launching in the first half of this year. It  11 has the support of three major labels at the moment.  12 The data deal is concluded. The idea is to present  13 the first ever official music credits platform.  14 So the idea behind this is in contrast to  15 the other solutions that are out in the marketplace,  16 which many of which are user-sourced, to actually take  17 data feeds from the music community, both from sound  18 recording owners and publishers, from PROs, to  19 duplicate them and assemble them into one database and  20 then present that as a sort of IMDb for music.  21 So here's what it looks like. We allow the  22 search of music, according to a number of criteria or  23 by organization, so that could be a publisher, that  24 could be a label, by performer, or by participant,  25 music industry participants, so producer, engineer,</p>



<p style="text-align: right;">189</p> <p>1 mastering engineer, band member. You can type in any 2 of this information in the product and have a result 3 in return. 4 We'll look at the artist tab. So the basic 5 idea here is to be able to present information in a 6 friendly user -- I guess in a user-friendly way, but 7 then also to be able to drill down further and explore 8 music and sort of explore the provenance of music. 9 So let's start with David Bowie. So the 10 basic idea here is that I can go in and I can look at 11 David Bowie's catalog by album, for instance, or by 12 single or by recordings. I can present the 13 information in a number of different ways. And I can 14 also look at relationships. This is one of the really 15 fun and exciting parts of this project. So if I click 16 on collaborators, I will see all the entities who are 17 associated via the actual liner notes with David Bowie 18 in one capacity or another. And I can click on any of 19 those and drill down further. 20 I can also look at a presentation of news. 21 So this is scraped news from a specific variety of 22 sources related to David Bowie. And then I can also 23 look at award certifications. So I can look at RIAA 24 Gold &amp; Platinum and the full history of the Grammy 25 Awards.</p>	<p style="text-align: right;">191</p> <p>1 MS. NAUMAN: Thank you, Dick. 2 (Applause.) 3 MS. NAUMAN: So let's talk first about the 4 creator and where the individual creator sits within 5 your purview. A lot of the times who we license the 6 data from, that's the rights holder. But maybe, 7 Cheryl, we could start with you and just talk a little 8 bit about the Guild and who you represent and in what 9 manner does the actual writer have a role in your org. 10 MS. DAVIS: Well, I'm very pleased to be 11 here representing the Authors Guild, which is an 12 organization of approximately 10,000 professional 13 authors, which is currently partnering with New York 14 Public Library to develop a rights holder author data 15 program, as Greg Cram mentioned earlier today. And 16 essentially our mission is to support working writers. 17 We advocate for the rights of writers by supporting 18 free speech, fair contracts and copyright. 19 As part of that advocacy, we will be issuing 20 our updated model trade publishing later this year, 21 and we have listed a number of legislative priorities 22 for 2019 on our website, some of which request changes 23 in the copyright law to reflect the authors' changing 24 needs in the digital marketplace. 25 In our 2018 income survey, we learned that</p>
<p style="text-align: right;">190</p> <p>1 Go back to catalog. If I pick an album, 2 let's pick Blackstar. This is how we are surfacing 3 the information. So you'll see that not only do we 4 have a track listing and an ability to play, and by 5 the way, two things I should mention, any of the 6 links, audio links within the product or affiliate 7 links, we're not actually licensing music for this and 8 we're also not displaying any splits information. So 9 we're not a payment solution. This is showing off the 10 actual information related to the project. And then 11 we have all the provenance of the music. 12 So where Sessions, for instance, would be 13 very early in the process of the creation of music, 14 we're a little further on in the process. So we're 15 after the labels have already received and the 16 publishers have already received data and that are 17 pushing that out. We would be one of the entities 18 they would push it out to. 19 So there is all the information. And I can 20 go further as well and drill down directly to the 21 track level and see lyrics as well as the specific 22 provenance of this particular track. And that's it. 23 I wanted to keep this quick. So now, you've seen 24 Jaxsta and look for it in the first half of this year. 25 Thanks.</p>	<p style="text-align: right;">192</p> <p>1 the median incomes of all published authors who 2 answered our survey, who were surveyed for all writing 3 related activities, was \$6,080. That's annually. 4 Down 3 percent from four years ago. This is down from 5 a \$10,000 median income in 2009, which is already not 6 that great. More book authors, even those who 7 consider themselves full-time writers, and that number 8 is shrinking, are forced to hold down multiple jobs to 9 earn enough money to survive. This includes authors 10 who have written books for decades and have been 11 fortunate enough to be able to survive on their 12 writing in the past. 13 Even though this is the case according to 14 our income survey, some authors are still thriving in 15 this current marketplace, and a good number of those 16 are self-published. According to our income survey, 17 self-published authors were the only group to 18 experience a significant increase in income. However, 19 self-published authors, as a whole, still earn 58 20 percent less than traditionally published authors in 21 2015. So it's not a fix for all the many changes in 22 the current marketplace. 23 Two of our key goals as a Guild are to 24 create community and fight for a living wage. 25 Obviously, the writing community and writers' incomes</p>

<p style="text-align: right;">193</p> <p>1 have been greatly affected by what's going on in the 2 digital marketplace. Two major changes have been the 3 increase in self or hybrid publishing and the need for 4 libraries to get access to digitized versions of older 5 works, which is why we're working with New York Public 6 Library. 7 The rise in self-publishing is due in large 8 part to the relative ease of it. Any author can 9 essentially enter the digital marketplace these days. 10 And when publishers decide to stop exploiting the 11 traditionally published work, which may be around two 12 or three years down the road depending upon the 13 popularity of the work, authors can sometimes -- I say 14 "sometimes" because being a lawyer, I have to have 15 disclaimers in here -- depending upon the contract, et 16 cetera, can sometimes recover rights and reissue their 17 books digitally, for example, through the Authors 18 Guild Books-In-Print Program. 19 Vickie, your statement about the importance 20 of the connection between the artist and the audience 21 in the music industry is becoming ever more important 22 in the publishing industry, especially where self- 23 published works are concerned. Because of the 24 prevalence and desire of authors to release their own 25 works digitally, reversion of rights to the author has</p>	<p style="text-align: right;">195</p> <p>1 Ken, you mentioned STOLAR in the 2 presentation earlier and he controls all of his 3 rights, sound recording and publishing. Is that 4 correct? 5 MR. UMEZAKI: Apparently, that's correct. 6 He's actually working towards a publishing deal right 7 now. 8 MS. NAUMAN: Okay. So talk a little bit 9 about your platform because I think blockchain is -- 10 because of the decentralized nature and because of the 11 permanence of data, it does lend itself to the self- 12 published and self-released artist who wants to be an 13 entrepreneur and not spend all of their time managing 14 their ISRC and ISWC codes, but rather creating music. 15 So talk a bit about where the individual artist fits 16 into that blockchain. 17 MR. UMEZAKI: Sure. So we gave the example. 18 We showed a video earlier which kind of describes him. 19 He is a performer as well as a songwriter for his own 20 works. He also writes and cowrites with other 21 songwriters as well. So he has sort of multiple 22 personalities, which I think Peter talked a little bit 23 about earlier as well. 24 So for him and his management company or 25 management team, it's really, really important that</p>
<p style="text-align: right;">194</p> <p>1 become even more critical these days and clarification 2 of Section 203 -- we've asked for clarification of 3 Section 203 to allow authors to get early termination 4 of their publisher licenses. That is one of our 2019 5 legislative priorities, to pull back from the concerns 6 of the single author in the digital marketplace and 7 working with the NYPL to collect a collective 8 platform. 9 Bill Colitre mentioned earlier that 10 individual authors right now are left without a means to 11 identify themselves in their works, and that's exactly the 12 gap we are trying to fill here. We're reaching out to 13 others to assist us in this effort. 14 Where rights are owned by publishers or where there's 15 uncertainty, the Guild is reaching out to publishers 16 to try to collaborate with them to clarify those 17 issues on behalf of our members. Ultimately, we would 18 like to have a platform where authors cannot only 19 identify their work and license it to libraries, we 20 would like for them to benefit from an e-commerce 21 platform in that way. We need partners to help us 22 develop that platform, including people who write the 23 software to create a usable identification licensing 24 platform. We are writers; we are not coders. 25 MS. NAUMAN: That's amazing.</p>	<p style="text-align: right;">196</p> <p>1 they essentially don't lose track of the work as it 2 sort of flies through the digital world. And I think 3 that's a pretty representative example of a 4 songwriter's sort of dilemma, which is, as some people 5 have put it, there is no surface from which I can 6 ensure that my association with the work that's out -- 7 generally in the music world, it shows up as a 8 recording. So as a composer, you're actually one step 9 removed from the thing that's flying around the 10 universe. So it's twice as hard if you will. So I 11 think that's a pretty common dilemma. 12 I think as the independent music community 13 has grown and will continue to grow and as sort of the 14 ability to create music becomes cheaper or easier and 15 the connections to the globe on the consumer side gets 16 bigger, we talked about the global music world, I 17 think it's even more relevant that the surface exists. 18 Where I think the blockchain -- well, 19 there's a lot of solutions. A bunch of them have been 20 shown today. So I think it's really fascinating to 21 see the different approaches that are being thought 22 through and experimented with. Where the blockchain 23 fits into this, potentially, is at scale, it does 24 actually allow for the broadcast of this information 25 and for changes to actually be recorded. So when</p>

<p style="text-align: right;">197</p> <p>1 STOLAR, for example, ends up in a publishing deal,  2 half of his rights are essentially assigned to the  3 publisher in the way a typical songwriter deal would  4 work, for some period of time after which it reverts.  5 So that type of contractual arrangement can  6 actually be essentially broadcast immediately as  7 opposed to STOLAR or his management team having to go  8 through CISAC over here and BMI over there and notify  9 Spotify somehow, which, you know, as we know -- some  10 of us know is rather complicated. I think there is  11 stuff like that around efficiency of association of  12 the media, the data, that I think is -- could be very  13 empowering to the individual artist community.  14 MS. NAUMAN: And with both of your  15 statements, I think it's really fascinating because in  16 the world where revenues are flowing, and they are  17 flowing in micro payments and it's a machine-readable  18 world, you have metadata and you have a small payment,  19 and when you have a change of ownership or change of  20 control, over that work, that is also where, very  21 commonly, things end up in suspension or they end up  22 in some sort of conflict resolution, which is one of  23 the ways that money kind of spills out of the value  24 chain.  25 Dick, I can't imagine an artist, writer,</p>	<p style="text-align: right;">199</p> <p>1 certainly of crucial importance to really any record  2 label or publisher, and that has been, if not  3 completely addressed, at least it certainly is at the  4 forefront of everybody's mind with such a large  5 percentage of revenue coming from digital sources.  6 Now, the challenge is, how do you  7 incentivize those same entities to go back, you know,  8 before iTunes for instance, and fill in all the rest  9 of the data. So many of you have probably worked at  10 labels or publishers. You would know, as I do -- I  11 worked at the Beggars Group for about six years,  12 running their new media -- things like artist images,  13 bios, et cetera -- they're not all in the DDEX  14 database. They're not all in an easily transmittable  15 form to get that information out into the world. And  16 even if they were, there is no particular incentive  17 for labels or publishers to do it, I mean, other than  18 it would be a great thing to have all this information  19 in one place.  20 So what Jaxsta has done -- and I'm going to  21 get around to the back of your question in about one  22 second here -- what Jaxsta has done is incentivize  23 that by when we feed this data out via an API to, for  24 instance, a digital music service, the monetization of  25 that is shared back with the data creator. So to the</p>
<p style="text-align: right;">198</p> <p>1 producer, mixer who wouldn't absolutely be thrilled  2 that Jaxsta has organized all of the contributors.  3 MR. HUEY: I haven't found one yet.  4 MS. NAUMAN: Exactly. So talk a little bit  5 about that. You have to license from the entities,  6 the labels, publishers and PROs that have the data,  7 but this has to be something that all those rights  8 holders are also considering the importance of taking  9 what essentially used to be liner notes and making  10 them into a searchable, browsable database.  11 MR. HUEY: That's true. And it won't be any  12 surprise to anybody in this room that the transition  13 from physical media to digital media, which started in  14 the late '90s, but really took off with the advent of  15 the iTunes Store, just really left the liner notes in  16 the dust. There were a number of products that sort  17 of sprung up to fix that, Discogs, Wikipedia and  18 MusicBrainz. Again, many of you in the room know the  19 individuals that were involved with those very  20 worthwhile initiatives. But most of the emphasis  21 around metadata was around transactional metadata. So  22 the music industry had to get that piece right first,  23 and that's what everybody focused on.  24 And the challenge for the music industry has  25 been, okay, now that transactional metadata is</p>	<p style="text-align: right;">200</p> <p>1 extent it was a label or an artist individually who  2 created the information, part of the money that we  3 generate from that sale goes back to the creator.  4 That's something brand new. That hasn't  5 happened before. And, you know, it's egalitarian in  6 the sense that it applies to everybody. So that  7 incentivizes this problem of how you get somebody to  8 monetize assets that aren't really transactional in  9 nature.  10 And that's one of the reasons -- now,  11 finally getting to your question -- that's one of the  12 reasons why producers and artists and entities that  13 are sort of at the start of the value chain are really  14 excited about a product like Jaxsta because not only  15 does it provide attribution in an area that today has  16 been pretty weak, certainly in official attribution,  17 but, also, it creates a revenue stream on top of it.  18 So the answer is yes, and I have yet to meet  19 a producer, in particular, who has not seen this  20 product and wanted to become an ambassador for it.  21 MS. NAUMAN: Well, that's a great segue into  22 the value chain because if we think of the creator at  23 one end and the consumer at the other end, there's a  24 lot of people in the middle, a lot of entities in the  25 middle. Clearly, distribution for all media types has</p>

<p style="text-align: right;">201</p> <p>1 been disrupted because of our connected world. But  2 talk a little bit about your views on licensing and  3 monetization and how that value chain for each of your  4 respective industries has really changed.  5 And, Ken, maybe you could talk a little bit  6 about this with regard to blockchain because in the  7 world where we have kind of built industries around  8 these physical objects, a book or a CD, and that  9 everything was geared toward that, the entire value  10 chain was set up around how to create a transaction at  11 a brick and mortar, you're operating really a few  12 rings out of that. How have your conversations  13 evolved with stakeholders in the value chain?  14 MR. UMEZAKI: Sure. So we not only work  15 with independent artists, but our primary sort of  16 client base is actually the larger content owners and  17 users, so the licensors, licensees that I think many  18 of you in the room are very familiar with.  19 Again, in the video I showed this morning,  20 for one of the major publishers and one of the major  21 label groups, it was actually looking at two problems  22 and trying to reevaluate at a very high level. The  23 first one is recognition that cleaning our own data,  24 just our own data, is insufficient in this  25 democratized or disrupted consumption world.</p>	<p style="text-align: right;">203</p> <p>1 you're a DSP today like a Spotify, if a piece of music  2 changes hands, meaning it goes from one label to  3 another, the old label needs to take that down --  4 that's the traditional practice anyways -- and then  5 the new label needs to put it back up. Same metadata  6 except for, if you will, the P line, for lack of a  7 better summary.  8 Now, there's lots of mechanisms within many  9 of these organizations to actually deal with that in a  10 pretty efficient way. But we have been speaking to  11 some of the DSPs about their willingness to try out a  12 more comprehensive data set that's essentially  13 innately dynamic or innately updating to actually sort  14 of shorten that time.  15 So I think there are sort of both  16 operational benefits, for lack of a better term, that  17 people are looking at in sort of this type of  18 solution, as well as this general understanding that I  19 think by collaborating on data we can do a better job  20 of getting the right data and, therefore, the right  21 attribution and the right payments and all that kind  22 of stuff.  23 MS. NAUMAN: Yeah, it's --  24 MR. UMEZAKI: That might have been apple-pie  25 at some level, but that's kind of what I'm hearing</p>
<p style="text-align: right;">202</p> <p>1 MS. NAUMAN: Meaning universal cleansing  2 their own data isn't enough because it goes into the  3 wild.  4 MR. UMEZAKI: When it goes into the wild --  5 and as most of us know creative IP in a music sense is  6 actually multiparty almost inherently because there's  7 a composer and a performer at a minimum and we just  8 talked about how there are four or five actual  9 composers for a pop song these days, et cetera. I  10 think because it's inherently multiparty in nature,  11 there's a very, very good chance that the other side  12 of your information belongs to or is the  13 responsibility of someone else.  14 So a major label here may have all ten big  15 publishers involved with their recorded work, so  16 recognition of that. So therefore, the idea of  17 somehow figuring out a safe place without ruining the  18 control of ownership versus data, a safe place to  19 actually collaborate on that -- I think that's one of  20 the things that the people that we're working with  21 look at.  22 The other side, which is the licensee side,  23 has a sort of spillover benefit to this. The best  24 example, which I was speaking to someone about earlier  25 today, is actually on takedowns and reposts. So if</p>	<p style="text-align: right;">204</p> <p>1 from my seat with the people that we're working with.  2 MS. NAUMAN: And it's fascinating listening  3 to you talk about it because of the takedowns that it  4 almost does harken back to the old days of, you know,  5 there's records on a shelf and there's a physical good  6 that has to be removed and replaced with a different  7 physical good, even though the sound recording is  8 exactly the same, all the metadata is exactly the same  9 except for that one field. It seems like  10 technologically we should be able to address that one  11 field in a different way.  12 Cheryl, with your work, I would imagine  13 there's probably a lot of running interference and  14 helping authors understand how the value chain has  15 changed, who's their advocate, who are their  16 retailers, where are they going to extract value out  17 of that. Talk a little bit about bridging that gap  18 between the old world where there still are books sold  19 and this new world of digital books and self-  20 publishing.  21 MS. DAVIS: Well, one thing that we've found  22 a little reassuring, in terms of old-school people  23 like me who still like books, is that people still  24 like books. Millennials are out there buying hard  25 copy books. So to some extent, the 20th century, 19th</p>

<p style="text-align: right;">205</p> <p>1 century, 18th century model of you print a book, you 2 put it in a store, you sell it, still does exist to 3 some extent. 4 However, the fact of the internet and the 5 digital marketplaces change the way people buy books. 6 There's no way around that. Even if people go into 7 bookstores and find books that they like, odds are 8 they're going to go and order it off the internet. 9 It's also very different in terms of shopping for 10 books because on the internet, e-commerce websites can 11 steer you to a particular variety of book. I mean, on 12 Kindle, you see that customers who have bought this 13 book also bought these books. It's kind of targeted 14 as opposed to when you go into a bookstore and you can 15 look around and browse. 16 And one of the things that we've been 17 dealing with our members about in terms of the self- 18 publishing area is the need to go out and market your 19 own work. Even though publishers are doing less 20 marketing for non-bestsellers these days, they still 21 do some level of marketing. At the very least, they 22 put your book into their catalog, they take the 23 catalog to conferences and that has a certain 24 marketing value. 25 For those authors who are either self-</p>	<p style="text-align: right;">207</p> <p>1 that. You don't have to go hybrid publishing to get 2 assistance. You still retain the services of a 3 professional company that will help you put together 4 who is going to design your book cover, who is going 5 to format your book, who is going to put it in the 6 appropriate e-formatting for you. You can hire people 7 to help you do that. But if an author wants to make a 8 practice of self-publishing, then we recommend that 9 they learn those skills. And we have webinars and 10 people to help to do that. 11 MS. NAUMAN: That's fascinating because 12 that's very parallel to music. And I think in the 13 early days, everyone talked about how there is no use 14 for labels anymore, there's no use for publishers, no 15 one is going to need any middlemen anymore. And that 16 has been -- that has just been proven false. There is 17 a purpose to the teams that labels and publishers have 18 assembled to have someone who can market and someone 19 who can help release and create the artwork. 20 But what has happened in music is that there 21 was this myth of the DIY artist who was doing 22 everything him or herself and now it's evolved into an 23 unbundling of the services that a label would 24 traditionally offer into small teams that have the 25 appetite and the knowledge to be able to work with</p>
<p style="text-align: right;">206</p> <p>1 publishing first off or who have had their rights 2 reverted from traditional publishers and are now self- 3 publishing, they've got to take on the burden of 4 setting up their own website, setting up their own 5 marketing, getting their own audience out there for 6 their books, and we have a number of websites -- we 7 have a number of webinars come, excuse me, and 8 presentations that we do on precisely those topics to 9 help educate our members on what this new marketplace 10 is and how they can best benefit from it. 11 MS. NAUMAN: Do the writers whose work has 12 reverted to them, do they tend to have a team around 13 them that are helping and doing marketing or is this 14 truly a DIY? 15 MS. DAVIS: It truly depends upon the 16 writer. Particular genre writers have teams out 17 there. Romance, I believe sci-fi, I think erotica, 18 are some genres in which there are authors who have 19 this immediate connection to their audiences. And 20 they do a lot -- they have a very significant brand 21 identification. They do a lot of their own marketing. 22 They've got this all down pat. 23 People who are new will often take perhaps 24 the hybrid publishing route where you can go to a 25 hybrid publishing house and get more assistance with</p>	<p style="text-align: right;">208</p> <p>1 different artists and light up their catalog and help 2 them take care of all the business side of it. 3 And, Dick, you talked a bit about how the 4 value chain is changing and how Jaxsta has been 5 perceived by rights holders. Talk a bit about just 6 the user experience of bringing all of this back 7 together. Is that something that creates some fear of 8 rights holders of loss of control of their data, or is 9 it something that they see as empowering and 10 reflecting the artistry of the works they represent? 11 MR. HUEY: So that's a great question and 12 I'm glad you raised it, Vickie. Really, I think to 13 start that conversation you need to look at the 14 different data pathways, if you will, from the rights 15 owner, whoever that is, through the system and sort of 16 winding up at the DSP, for instance. 17 So the data channel that Jaxsta is working 18 on is very much additive data and it's very much 19 outside the flow of the actual rights information. So 20 if you think of it maybe as layers, at the top layer, 21 you have your rights information that would flow 22 directly from label or a publisher to DSP and back. 23 So music is consumed, information flows back, payment 24 is effectuated. That's sort of the top level of it. 25 Then below that level sits another element</p>

<p style="text-align: right;">209</p> <p>1 of it, if you will, where some of the same information  2 is flowing down to a company like Jaxsta and being de-  3 duplicated without the rights information because  4 we're not collecting rights information. Information  5 is added to it.  6 We're assembling other information, like  7 artist images and bios, that are not currently part of  8 the transactional space at the top, and then sort of  9 adding that all in, if you will, sort of at the end of  10 the pipeline, which then winds up or could wind up in  11 a digital music service interface, it could wind up as  12 part of the process by which playlist choices are  13 determined, it could wind up in voice-activated  14 services. So it winds up in the output, but it's  15 actually separated from.  16 Another interesting part -- and I hope I'm  17 not stepping on the question that you're going to ask  18 in a minute here -- but I have an interesting  19 perspective on this whole process of licensing because  20 I wear a couple different hats. For those who know  21 me, you know that I have a couple different  22 engagements. One of the ones that I have besides  23 Jaxsta is being the front line sort of digital  24 licensing person for Merge Records. So I get to sit  25 on both sides of the table to some --</p>	<p style="text-align: right;">211</p> <p>1 possible.  2 I can tell you right now the most efficient  3 way possible is not going individually to each record  4 label and each publisher. I mean, you don't have to  5 think about that too hard. So there is still a lot of  6 tension in the marketplace and there are entities  7 like, on the independent end of things, Merlin that  8 are changing the equation, but have not changed it  9 totally.  10 So you know, it's easy to look at an entity  11 like Merlin as an entity that can sort of fix  12 everybody's problems. Oh, great, there's a central  13 place that everybody can go to to license from.  14 Perfect. You don't have to do individual deals with  15 800 different record labels. But it is more  16 challenging than it. It's not -- first of all, Merlin  17 is a relatively small organization. And it's not a  18 compulsory -- you know, you're not talking about a  19 compulsory license. You're talking about needing to  20 have a push from the licensor base that sits behind  21 Merlin.  22 So that interjects attention to the  23 marketplace because entities come to Merlin expecting  24 to be able to just sort of say, here's my project, can  25 you please present this to all your members. And it's</p>
<p style="text-align: right;">210</p> <p>1 MS. NAUMAN: So you're negotiating with  2 yourself for Jaxsta.  3 (Laughter.)  4 MR. HUEY: Exactly correct.  5 MS. NAUMAN: I see no conflict there.  6 MR. HUEY: You know how that went. Yes,  7 yes, great. If only it worked that way for the whole  8 music industry, it would be great. But what's  9 interesting about it is seeing the -- and I was  10 thinking about some of what we talked about before the  11 panel about sort of the friction that's happening  12 inside the music industry as far as licensing is  13 concerned, and I really do see this from both sides.  14 Because on one side, I feel like I'm part of the  15 friction.  16 You know, we have a small record label --  17 influential small record label that gets a lot of  18 deals thrown at it, and there is always a tension  19 between getting those deals done and trying to focus  20 on the deals that you think are going to generate some  21 realistic income. And then on the other side, there  22 are startups, like Jaxsta, who are trying to access,  23 for instance, the entire metadata output of an  24 industry, the music industry back, and in order to do  25 so are trying to do it the most efficient way</p>	<p style="text-align: right;">212</p> <p>1 actually the other way around. You need to present it  2 first to the members and get them to push Merlin to do  3 this. So there's a lot of tension still in this space  4 that is problematic still.  5 MS. NAUMAN: And on the licensing and  6 monetization, for all three of you, you know, the  7 business models of yesteryear of, you know, selling a  8 physical good at a retail price, there's wholesale,  9 retail, the money passes back, there were some  10 standards and some basic norms around how much a  11 consumer would pay for a book or for a CD. But in all  12 of the worlds that you're operating in right now,  13 you're kind of having to make up how what your revenue  14 model is, what you are pitching to oftentimes a  15 stakeholder that is many, many times larger than you  16 are.  17 What is the receptivity to creating  18 monetization models out in the marketplace? And,  19 Cheryl, I'm thinking a little bit about, you know, the  20 individual, the self-released author and Amazon. And,  21 you know, is there always just price pressure on the  22 consumer side to offer the free or the lowest price  23 possible, but yet the creator always wants the most  24 they can because it's their baby? How do you balance  25 that?</p>

<p style="text-align: right;">213</p> <p>1 MS. DAVIS: Well, there is a balancing  2 process necessary and there are different pricing  3 structures depending upon if you're a self-published  4 and you're going through KDP or you're going through  5 Kindle Unlimited or how you are doing it. There are  6 different sort of price points that you can agree upon  7 in which you get different royalty rates. But there  8 is also the need to bear in mind that Amazon, while  9 it's the 800-pound gorilla -- 800 million-pound  10 gorilla in the room -- is not the only way out there.  11 For example, we'll have people if they're  12 interested in self-publishing, I'll ask them, what is  13 it that you want to get out of this? If you want to  14 see your book on bookshelves, then you're not going to  15 go through Amazon because a lot of booksellers aren't  16 going to have hard copies of Amazon books available.  17 You might want to go through someplace like  18 IngramSpark, which is going to give you a different  19 royalty rate. If you want medals and public notice,  20 you may not want to necessarily go through the e-  21 publishing Amazon model. You may want to, again, go  22 through a hard copy publishing service  23 So it's a question going back and looking at  24 not just monetarily, but, psychologically, what is it  25 the author wants to achieve here.</p>	<p style="text-align: right;">215</p> <p>1 this double whammy of how do I actually get monetized  2 on that part of the curve. I think that's actually  3 the most interesting part.  4 And a lot of the work that seems to be being  5 done is kind of addressing that part and that's micro  6 licensing, that's sync licensing. You've got  7 companies like Song Trader that are trading  8 distribution for sync rights. There's a lot of  9 experimentation going on that's trying to address how  10 to better monetize that part of the curve. For them,  11 for that part, I do think technology can be super  12 helpful. It's about making the asset itself smarter  13 about ownership information and, ultimately, allowing  14 those people who own it, but it could be a publisher,  15 of course, it could be an individual, to actually get  16 out there and take advantage of this cast-a-wide-net  17 thing that you can now do with the music.  18 So that's kind of the approach that I  19 believe. That's where a lot of the interesting tech  20 stuff is probably most useful not up here in the 1  21 percent of the world, because that's not going to  22 change. I think it's down here in UGC and in the sort  23 of longer part of the tail, if that's helpful.  24 MS. NAUMAN: And Jim is --  25 JIM: [Off microphone] Just a quick</p>
<p style="text-align: right;">214</p> <p>1 MS. NAUMAN: Right. And, Ken -- that's  2 fascinating because it's -- I think everyone in the  3 music industry, especially on the publishing side  4 where we have regulation, we haven't necessarily been  5 able to enable people, except like in a sync licensing  6 world, to really have a free market.  7 Ken, can you talk just a little bit about,  8 you know, in a blockchain environment what does that  9 look like for monetization?  10 MR. UMEZAKI: Sure. So maybe not about the  11 chain, per se, but I do think the sort of historical  12 sort of what I call bulk licensing arrangements that a  13 lot of the players actually participate in are here to  14 stay. I actually think of the music as many people  15 do. You've got this kind of everyone wants to listen  16 to what everyone else is listening to version and then  17 you've the long tail, right?  18 I actually think what is interesting about  19 what's happening is the long tail is where you have  20 almost like a double whammy of an issue. You've got  21 very low payouts. Just pick on YouTube if you want,  22 or anyone else per stream or per spin as I call it  23 sometimes. At the same time, the growth and content,  24 whether it's UGC or formal content, continues to grow  25 at roughly 15 to 20 percent a year. So you've got</p>	<p style="text-align: right;">216</p> <p>1 question.  2 MS. NAUMAN: Yeah.  3 JIM: [Off microphone] Could you draw a  4 distinction between licensing and monetizing content  5 and licensing and monetizing the data related to the  6 content? Is there pressure on you to pay for the data  7 you get and to license the data you get or is there an  8 acknowledgment they are facts that are available to  9 anybody, like a phonebook in the United States?  10 MS. ALLEN: Can you repeat the question at a  11 microphone for the people in the back? Sorry.  12 MR. HUEY: Right. So it's a question about  13 sort of the difference between music assets and music  14 data and, you know, how that's sort of viewed from the  15 perspective of -- actually, Jim, would you restate  16 just one more time exactly where you're headed with  17 that?  18 MS. ALLEN: Wait, wait, wait.  19 JIM: [Off microphone]. From my point of  20 view, these are facts that you don't have to license  21 because there may be those that you -- from my POV,  22 these are facts that you don't have to license.  23 MR. HUEY: Right, fair enough.  24 JIM: Like a phonebook. But there may be  25 those who shake you down and say, no, you should pay</p>

<p style="text-align: right;">217</p> <p>1 for this data. It's ours, we own it.</p> <p>2 MR. HUEY: Great question and exactly right.</p> <p>3 So really there are two kinds of data that exist in</p> <p>4 the marketplace. There is what we refer to as capital</p> <p>5 D, Data, which are, in fact, facts, the name of a</p> <p>6 producer, the name of the band members. Those are</p> <p>7 incontrovertible facts. They're listed on the liner</p> <p>8 notes typically and they are just information. You</p> <p>9 can't own that information. You can disseminate it,</p> <p>10 but you can't own it.</p> <p>11 Then there's copyrighted information. So</p> <p>12 copyrighted information is a little bit different</p> <p>13 animal. Typically, this might be images, it might be</p> <p>14 bios. They're generated. They're created by somebody</p> <p>15 as work product and that, in fact, does have an owner,</p> <p>16 typically one owner in a territory. And these two</p> <p>17 things sort of exist side-by-side.</p> <p>18 So there are absolutely entities who feel</p> <p>19 that the data side of the equation, so the information</p> <p>20 side of the equation that you can't own, because it's</p> <p>21 assembled in a particular collection of metadata, that</p> <p>22 they own that. And, you know, for instance, I don't</p> <p>23 know, salsa music, let's say that you had assembled</p> <p>24 the world's biggest collection of salsa metadata.</p> <p>25 Let's say you had assembled the world's biggest</p>	<p style="text-align: right;">219</p> <p>1 boundaries because there's a database right in Europe,</p> <p>2 which might well apply to that collection of salsa</p> <p>3 data. I'm not quite sure what the smallest size of</p> <p>4 database that it would apply to. So does the metadata</p> <p>5 from an album, the collection of 12 tracks, constitute</p> <p>6 a database, right, to which (inaudible) database that</p> <p>7 was sui generis (inaudible)? I'm not sure how small</p> <p>8 you need to be for it to be atomic data rather than a</p> <p>9 database.</p> <p>10 MS. NAUMAN: Do we have another question</p> <p>11 here?</p> <p>12 AUDIENCE MEMBER: I should wait for the</p> <p>13 answer to Paul if there was a question.</p> <p>14 MS. NAUMAN: No, go ahead.</p> <p>15 AUDIENCE MEMBER: Or was that an</p> <p>16 observation?</p> <p>17 MR. HUEY: Observation.</p> <p>18 AUDIENCE MEMBER: One thing I've noticed and</p> <p>19 it's something -- I've been a copyright lawyer for</p> <p>20 years now, but I've also worked with the internet</p> <p>21 community as general counsel to folks that really</p> <p>22 brought you the internet, and going back in the '90s,</p> <p>23 we were moving beyond simply IP addresses for</p> <p>24 information units in digital form. They were called</p> <p>25 digital objects.</p>
<p style="text-align: right;">218</p> <p>1 collection of salsa metadata. You might take the</p> <p>2 position that that database that you've assembled is</p> <p>3 something that you own and we've heard this theory</p> <p>4 sort of put out there. And, in fact, you do own the</p> <p>5 technology underneath it, but the information that's</p> <p>6 in it is a way more gray area.</p> <p>7 MS. NAUMAN: So if you wanted to go and find</p> <p>8 all of your own salsa information, you could do that.</p> <p>9 But if you want it conveniently packaged in one data</p> <p>10 set with consistent and standard fields, there is</p> <p>11 value to be extracted.</p> <p>12 MR. HUEY: Yeah, and there's an element of</p> <p>13 wanting to treat that collection of data as though it</p> <p>14 was copyrighted content, which it isn't. But that</p> <p>15 exists in the marketplace, so there is a tension</p> <p>16 there.</p> <p>17 AUDIENCE MEMBER: Paul just said in the US.</p> <p>18 MS. NAUMAN: Right.</p> <p>19 MR. HUEY: Thank you.</p> <p>20 AUDIENCE MEMBER: [Off microphone].</p> <p>21 (Inaudible).</p> <p>22 MR. HUEY: Microphone, do you have a</p> <p>23 microphone?</p> <p>24 AUDIENCE MEMBER: [Off microphone]. It gets</p> <p>25 complicated when you're working across national</p>	<p style="text-align: right;">220</p> <p>1 One of our early adopters -- and they are</p> <p>2 quite important today -- was the publishing when they</p> <p>3 went from the print on paper, the physical to the</p> <p>4 digital object. Now, you can have information in all</p> <p>5 kinds of forms, whether it is a collection, metadata,</p> <p>6 the actual information itself, if it is represented in</p> <p>7 digital form as a digital object, generically a</p> <p>8 digital entity, it's possible in the entity you can</p> <p>9 have metadata going along with it that actually has</p> <p>10 the permissions information.</p> <p>11 So a lot of the software today and the</p> <p>12 software systems you can actually have automated</p> <p>13 programming so you wouldn't even have to go back to a</p> <p>14 human. So the object itself, if you ingested it, it</p> <p>15 would know what to do, but there would also be a way</p> <p>16 to reach out if you didn't have sufficient permissions</p> <p>17 to do what you wanted to do.</p> <p>18 It's a very dynamic area. And I just point</p> <p>19 this out that it might be something you want to look</p> <p>20 at because it has a global outreach. There is</p> <p>21 actually a foundation in Geneva called the DONA</p> <p>22 Foundation, which is managing this interoperability</p> <p>23 globally for the system right now. So if anybody's</p> <p>24 interested, I could provide further information.</p> <p>25 MS. NAUMAN: Ken, do you have any comments</p>



<p style="text-align: right;">221</p> <p>1 because that is kind of the Holy Grail of --</p> <p>2 MR. UMEZAKI: Sure.</p> <p>3 MS. ALLEN: Could I ask you to give us your</p> <p>4 name and --</p> <p>5 AUDIENCE MEMBER: Oh, I'm sorry. I'm</p> <p>6 Patrice Lyons, and I'm general counsel to the</p> <p>7 Corporation for National Research Initiative. The</p> <p>8 principal, Bob Kahn, and his former vice president,</p> <p>9 Vint Cerf, did the original TCP/IP. We've been</p> <p>10 pioneering the digital object architecture, and I'm</p> <p>11 especially interested because one of our early groups,</p> <p>12 because I'm a copyright lawyer perhaps, has been in</p> <p>13 the copyright industry. So I just wanted to introduce</p> <p>14 that. I thought it might be helpful, because when you</p> <p>15 talk about data and data sets, they kind of float</p> <p>16 around. But if you have a concept that could be</p> <p>17 persistently identified, it could be more helpful.</p> <p>18 MS. NAUMAN: That's great.</p> <p>19 MR. UMEZAKI: I think in terms of an</p> <p>20 instance of that that sort of is embedded in our</p> <p>21 approach is actually private versus permission data.</p> <p>22 If you think about it, where we're focused on, which</p> <p>23 is more on the ownership data side of things, it's</p> <p>24 extremely important that I think two things are real.</p> <p>25 One is that it has to be from an authoritative source</p>	<p style="text-align: right;">223</p> <p>1 them as our approach.</p> <p>2 AUDIENCE MEMBER: Ken, if you would just</p> <p>3 permit me just briefly to follow up on what you're</p> <p>4 saying. It comes out mostly like in the financial</p> <p>5 industry. If you have a bundle derivative and you</p> <p>6 identify that as the digital object with all the</p> <p>7 associated metadata for management purposes, you could</p> <p>8 have a million different separately identifiable</p> <p>9 digital objects within it and with various levels of</p> <p>10 granularity for controls.</p> <p>11 So it's possible to have an independent</p> <p>12 writer working with some group that would manage that,</p> <p>13 and here's where you get into the software management</p> <p>14 part, which introduces the element of the derivative</p> <p>15 work. And so you have to just look at it in various</p> <p>16 aspects. But I won't go any further.</p> <p>17 MS. NAUMAN: I think there were -- I don't</p> <p>18 know if we have time, but there were a couple more</p> <p>19 questions.</p> <p>20 MS. ALLEN: One more. Bill had advice on</p> <p>21 something earlier.</p> <p>22 MS. NAUMAN: Bill had his hand up.</p> <p>23 MS. ALLEN: So let's just finish with him.</p> <p>24 MR. UMEZAKI: Bill, I'm so glad you're</p> <p>25 here.</p>
<p style="text-align: right;">222</p> <p>1 and you have to be able to look at the data set</p> <p>2 because it's a lot of data at the end of the day and</p> <p>3 actually try to evaluate how good or bad it is.</p> <p>4 Now that's kind of like the wouldn't that be</p> <p>5 great if we could have everybody do that. The</p> <p>6 flipside is we also want to reduce friction in the</p> <p>7 monetization and licensing side of things which means</p> <p>8 you do need a registry or, if you will, a yellow page</p> <p>9 like thing where you can at least point to the people</p> <p>10 that you need to go to if you need to figure something</p> <p>11 out.</p> <p>12 So our approach is that's the public layer</p> <p>13 of the data, which is so that you can identify all of</p> <p>14 the relevant parties. And then some of the more</p> <p>15 important data around monetization, perhaps even</p> <p>16 licensing, like percentage ownership, you saw that in</p> <p>17 the video today, would actually be behind this kind of</p> <p>18 gate, if you will, that would require the owner to</p> <p>19 provide or owners to provide access to the relevant</p> <p>20 parties.</p> <p>21 So it's a kind of complicated way to explain</p> <p>22 it maybe, but there is that inherent, if you will,</p> <p>23 tension between sharing and, if you will, controlling,</p> <p>24 right, and that balancing act I think the industry</p> <p>25 ultimately needs to adopt something that works for</p>	<p style="text-align: right;">224</p> <p>1 MR. ROSENBLATT: I made it. No thanks to</p> <p>2 American Airlines. I'm Bill Rosenblatt from</p> <p>3 GiantSteps Media Technology Strategies. Dick Huey,</p> <p>4 you said something that really intrigued me and I</p> <p>5 apologize because I walked in on the middle of it.</p> <p>6 MR. HUEY: Sure.</p> <p>7 MR. ROSENBLATT: You know, us metadata geeks</p> <p>8 have various different ways of slicing and dicing the</p> <p>9 wonderful world of metadata, and the terminology I</p> <p>10 will use I will not claim to be universal in any way,</p> <p>11 but we call it discovery metadata, merchandising</p> <p>12 metadata, as opposed to transactional metadata.</p> <p>13 MR. HUEY: Mm-hmm.</p> <p>14 MR. ROSENBLATT: And you know many of us</p> <p>15 have seen various attempts over the years to try and</p> <p>16 make money off of nontransactional metadata, none of</p> <p>17 which have succeeded with a couple of exceptions like</p> <p>18 Gracenote and what have you or arguable monopolies on</p> <p>19 the market like Rovi.</p> <p>20 MR. HUEY: Yep.</p> <p>21 MR. ROSENBLATT: How is that ever going to</p> <p>22 make money for anybody? You know, there's no money in</p> <p>23 Wikipedia. There's no money in MusicBrainz. Discogs</p> <p>24 is there for the buying and selling of physical</p> <p>25 artifacts.</p>

<p style="text-align: right;">225</p> <p>1 MR. HUEY: There's money in IMDb.  2 MR. ROSENBLATT: Okay, fair enough.  3 MR. HUEY: And, I mean, to go right to the  4 heart of your question, so we have a free product,  5 which is IMDb. We have a pro product which is IMDb  6 Pro, not exactly, but on the music side. You know, we  7 have access to the same data sales pipeline that  8 Gracenote or TiVo does, I think with different focus.  9 Those entities seem to be highly focused right now on  10 interpretive data. So on mood data, for instance,  11 where we're more focused on the actual information  12 itself.  13 MR. ROSENBLATT: But mood data, for example,  14 is something that's going to feed into sync licensing,  15 for example, transactions, right?  16 MR. HUEY: Okay.  17 MR. ROSENBLATT: Isn't that the primary  18 motivation for it?  19 MR. HUEY: Playlists do.  20 MR. ROSENBLATT: Okay, okay.  21 MR. HUEY: Yeah. So there are revenue  22 streams inside this and I think there are -- I mean,  23 we haven't really even talked about voice-activated  24 yet or not much, but that's potentially a huge revenue  25 stream. I mean, it's highly likely -- and Peter</p>	<p style="text-align: right;">227</p> <p>1 notes. We are running a little behind, but we planned  2 for that. So we are going to start the breakout  3 sessions at 3:35.  4 A couple of notes on that. There are  5 Chatham House rules, which means there is no  6 identification publicly of who is saying what. What  7 we will have is a facilitator for each breakout  8 session will come up, as we've done in the past  9 meetings, and give a readout generally with no  10 identifying names of who said anything, but just  11 general key points of whatever was said just to share  12 with the plenary. This will be offline for those who  13 are online, so you have a break.  14 One question that came in from the video  15 audience was whether slides would be available  16 afterwards, and the answer is we have a transcript  17 that will be available afterwards and the video of  18 this will be available afterwards, too. To the extent  19 someone is interested in a particular slide deck, you  20 can contact us and we can see whether or not the  21 individual slide owner is interested in sharing.  22 And so with that -- I'm at Susan.Allen@  23 uspto.gov. And with that, we can break for a quick  24 coffee break, but I have one statement from John  25 Morris regarding the breakout sessions.</p>
<p style="text-align: right;">226</p> <p>1 Jenner brought this up -- that we're all headed in  2 that direction sort of inexorably, this idea that  3 there's going to be something around you at all times  4 sort of listening to you talking until it hears a cue  5 word of some kind or another and then tries to answer  6 a question. So to answer that question it has to have  7 the information or it can't answer the question.  8 MS. NAUMAN: So it's an enabling technology.  9 MR. HUEY: It's an enabling technology,  10 that's right.  11 MR. ROSENBLATT: Right. But having an  12 answer to that that's just sort of freely available  13 versus having an answer that is verifiably correct and  14 attributable, my question is who cares?  15 MR. HUEY: The services care for one.  16 MR. ROSENBLATT: Google doesn't care.  17 MR. HUEY: We could probably have an offline  18 conversation about this, but I think, respectfully, I  19 would take a different side on that argument.  20 MS. ALLEN: And with respect to offline  21 conversations, I think it is time for our coffee  22 break. So I do thank everyone here and our panelists  23 and Vickie for moderating.  24 (Applause.)  25 MS. ALLEN: I have a couple of housekeeping</p>	<p style="text-align: right;">228</p> <p>1 MR. MORRIS: I'm up here to discourage you  2 from coming to my breakout session. No, no, I am  3 leading the breakout session on the role of US  4 Government and I understand that a lot of you have  5 expressed interest in that and I'm thrilled, come on  6 ahead. But I do want to make clear that if the only  7 reason you're going to that is to make sure that we're  8 not planning something and going to surprise you,  9 we're not planning anything and going to surprise  10 you.  11 So, I mean, we really are interested. We  12 have, over the last couple of years, you know, kind of  13 gotten the message that holding these meetings has  14 been a very productive thing to bring people together.  15 We've really enjoyed this one so far and we'll  16 probably continue to do it in the future. But so, I  17 mean, feel free to come and let's discuss what the  18 Government can do to help, but there are a lot of  19 other breakout sessions, too, that also are  20 interesting topics. So I just want to kind of  21 encourage folks to come if you would like to talk  22 about that, but also feel free to go elsewhere.  23 MS. ALLEN: Just logistically, we'll have  24 the facilitators at two tables in here and two next  25 door with table numbers so you know where to go.</p>

<p style="text-align: right;">229</p> <p>1 Those table numbers correspond to the topics on the  2 agenda, so thank you.  3 (Coffee break.)  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">231</p> <p>1 -- two areas, both of which represented tensions about  2 metadata. So the first one I want to talk about is  3 the tension between needing to collect comprehensive  4 metadata about people and so on involved in creative  5 work and the tension between that detailed metadata so  6 that you can license and properly archive and so on  7 the work and the privacy implications of collecting  8 that kind of metadata.  9 So how do you, on the one hand, allow people  10 to be anonymous, but on the other hand, respect the  11 rights of creators without them necessarily being  12 identified? We talked about a lot of different things  13 to do with that, but we came up with a slight laundry  14 list of possible ways forward for that, including  15 crypto for the bitcoin fans out there. We talked a  16 fair amount about what roles legislation and  17 regulation might play in terms of requiring people to  18 register, but perhaps being able to -- as part of that  19 registration being able to say that they wanted to  20 remain anonymous.  21 We also talked about what would be the  22 incentives then to be able to create that kind of  23 metadata in a way that protects people's privacy. We  24 felt that a couple of things. One is market pressure.  25 So if there is large organizations that are requiring</p>
<p style="text-align: right;">230</p> <p>1 AFTERNOON PLENARY DISCUSSION  2 MS. QUIGLEY: If we could take our seats.  3 All right. Good afternoon, everyone. My name is  4 Linda Quigley. I'm a copyright attorney with the  5 USPTO Office of Policy and International Affairs.  6 Technically, I worked with Susan Allen on putting this  7 program together, but I should note that Susan really  8 bore the weight of putting this together and I think  9 she did a good job and I would just like to give her a  10 thank you.  11 (Applause.)  12 MS. QUIGLEY: And she's not even here.  13 We'll tell her about it later.  14 All right. So we're going to move right  15 into having our facilitators present what occurred in  16 the breakout sessions. I am going to remind Chatham  17 House rules, so please don't identify any speakers of  18 what occurred, just give us the general tenor of what  19 went on. We're going to go slightly out of order than  20 the tables were labeled. We're going to start with  21 metadata embedding, deleting, locating, and  22 optimizing. Stuart Myles?  23 MR. MYLES: Thank you. So a pretty broad  24 topic, and we had quite broad discussions. Just to  25 quickly summarize, we ended up focusing on two sort of</p>	<p style="text-align: right;">232</p> <p>1 that kind of information, but enabling you to retain  2 your privacy, that would help. And then we talked a  3 little bit about it also would make it easier if we  4 had more interoperable standards that would support  5 exchange of information, but in a way that doesn't  6 require you to de-anonymize if you don't want to.  7 The second set of tensions that we talked  8 about was, on the one hand, the sort of snowballing  9 demand for metadata and more and more kinds of  10 metadata, not just identification of people, but also  11 information to help you discover works or to capture  12 technical information and so on. On the one hand,  13 there is this snowballing demand for metadata, but on  14 the other hand, one of the people on my group  15 described it as metadata is just not fun. So for  16 creative people, it's not their dream to be typing  17 information into web forms and so on.  18 How do you resolve that demand for lots and  19 lots of metadata, increasing types of metadata,  20 increasing precision of metadata, and then the fact  21 that it's not really what people want to do? So a  22 couple of things that we came up with there. One is  23 to do with increased automation to make it so that  24 it's easier for people with less work to add increased  25 amounts and increased precision of metadata, so</p>

<p style="text-align: right;">233</p> <p>1 meaning creating apps that people can use on their  2 phone or building things into WordPress and so on.  3 And also, again, better standards there to make it so  4 it's easier to have interoperable information that if  5 you enter it in one place, it's not going to get lost  6 in the transmission of the works from creation to  7 publication and beyond.</p> <p>8 There were also a couple of interesting  9 things there about creating incentives for people. So  10 somebody mentioned that when people create work and  11 see their own name associated with a work, then that  12 can be a great incentive or an explanation about why  13 you should be putting accurate metadata onto your  14 work. And, also, there was an interesting discussion  15 about how, in some parts of some industries, having a  16 really tightknit community can help with encouraging  17 people to create the metadata because they know that  18 it's going to be used and they know other people are  19 using the metadata and so on. So that seemed like an  20 interesting thing that may be improving standards,  21 creating automation, and encouraging community, and  22 industries could help with those things.</p> <p>23 MS. QUIGLEY: Thank you.  24 Now, Bill Rosenblatt is going to fill us in  25 on an update on blockchain technology.</p>	<p style="text-align: right;">235</p> <p>1 when you're trying to ingest 30,000 tracks per day and  2 you're a streaming DSP and you're trying to clear all  3 the rights for those 30,000 tracks a day and you're  4 doing 99.99 percent the same job as all the other  5 streaming DSPs, but you have to do it on your own,  6 that's a little bit silly and redundant and leaves all  7 kinds of room for errors.</p> <p>8 So the idea of blockchain technology there  9 is instead of each DSP having to do all of this huge  10 job by itself or having to hire some company to do it  11 on its behalf, there can be a common notion of what  12 all this data is and who needs to get paid when what  13 rights are exercised to remove the burden and the risk  14 from individual actors in this value chain.</p> <p>15 This is just something that would benefit  16 everybody and there is a notion that if you set up the  17 access rights to data on the blockchain properly,  18 which is a tricky issue, and you come up with another  19 tricky issue, ways to resolve disputes, discrepancies  20 of data given that blockchain is an environment where  21 you can't erase things, you can only add to things,  22 how do you do that when someone decides that the  23 splits on a composition need to be changed or some  24 composer comes out of the woodwork or a catalog gets  25 bought and sold or what have you? There are ways of</p>
<p style="text-align: right;">234</p> <p>1 MR. ROSENBLATT: Okay, thank you.  2 So we covered a lot of stuff and I guess  3 what we focused on is potential areas where blockchain  4 technology can help in developing the digital  5 marketplace for copyrighted works. It's an early --  6 we're in the early days. There are people like Ken  7 Umezaki and his company that are working on solutions.  8 There are others who have ideas about how the  9 technology can apply and there are certainly various  10 startups, various initiatives going on. So I think  11 the most useful way that I could summarize our  12 discussion would be to talk about what the potential  13 areas for applications are and what the benefits would  14 be.</p> <p>15 Some of this you have heard from  16 presentations earlier today that, unfortunately, I  17 wasn't able to be here for. So at the risk of being  18 repetitive, here we go. In the music industry, there  19 is a big problem with rights and royalty transaction  20 data. This problem has come to the fore particularly  21 with respect to mechanical licensing for compositions  22 because you've got this track-by-track or recording-  23 by-recording licensing requirement that worked fine.</p> <p>24 If you just wanted to do a cover of a Stones  25 song or whatever, you'd go get a license for it. But</p>	<p style="text-align: right;">236</p> <p>1 doing that; they're just different from the ways that  2 people have historically dealt with it.</p> <p>3 So there's a lot of activity around that  4 notion in the music space brought on by the amount of  5 pain that is being suffered from the magnitude -- the  6 growing magnitude of the problems, lawsuits being  7 filed and whatnot. So that's one thing that we  8 discussed.</p> <p>9 Another thing that we discussed has to do  10 with kind of zooming out several levels. How do you  11 identify entities that participate in transactions on  12 a blockchain? Companies, let's say. What kind of  13 company do you use for them? Do you use their name?  14 Do you use their DUNS number, whatever? And one idea  15 is to use their domain name because it's all internet  16 business and so they're doing transactions over the  17 internet. The domain name is sort of the fairly  18 straightforward choice to use as an identifier.</p> <p>19 So there is a potential role for domain  20 registries to fulfill a function as trusted sources of  21 domain info and entities that can verify the identity  22 and the true nature of a domain rather than someone  23 trying to cyber squat or someone trying to imposter.  24 Is there a verb form of imposter? Imposterize?  25 Impersonate, thank you. Impersonate a</p>

<p style="text-align: right;">237</p> <p>1 domain. I can talk English real good.  2 (Laughter.)  3 MR. ROSENBLATT: So that is -- you know, if  4 companies are going to do business on a blockchain,  5 how do they identify themselves and who vouches for  6 those identities? Well, in the existing world, you've  7 got public key cryptography and you have things like  8 certificate authorities, and this is very common in  9 the e-commerce world. There is an opportunity to have  10 some rough equivalent of that functionality in a  11 blockchain world when you are transacting and, of  12 course, here we're talking about transacting anything,  13 not necessarily content or rights, but certainly it  14 can apply in this world.  15 And then, finally, we talked about  16 blockchain applications in book publishing, which  17 we're not allowed to name names, but one of us just  18 wrote an article about this in Publishers Weekly.  19 MR. GRIFFIN: I think I read your article.  20 MR. ROSENBLATT: Did you?  21 MR. GRIFFIN: Yeah, I did, definitely.  22 MR. ROSENBLATT: It was published about two  23 days ago.  24 MR. GRIFFIN: It was good, too.  25 MR. ROSENBLATT: Thank you. It was one</p>	<p style="text-align: right;">239</p> <p>1 Paul, then Paul would own it, and I would no longer be  2 able to access it. And there's a mechanism to make  3 sure that all that happens correctly and that would be  4 a DRM-related mechanism. And the reason why this is  5 of interest in the e-book community is because e-  6 books, by and large, at least in this country still  7 use DRM. So people expect that to be the case, unlike  8 in other countries such as the Netherlands and Germany  9 and various other places where they've moved away from  10 DRM and so this would not work.  11 So there are a few startups that are doing  12 this kind of thing and we'll see where they go. It's  13 early. They're just starting out. We'll see what  14 happens.  15 The two other applications are -- there is a  16 vague notion that blockchain technology can be useful  17 for rights and royalties in the same way that it has  18 been discussed and acted on in music, but the book  19 industry is -- essentially there are a number of  20 reasons why the book industry is not as advanced as  21 the music industry is in its thinking and  22 consideration of these ideas. But the fact remains  23 that the book industry is only just starting to look  24 at this. So no one has really done anything yet.  25 And then the third application in this area</p>
<p style="text-align: right;">238</p> <p>1 page. It's easy to read.  2 Anyway, now that we have broken Chatham  3 House rules --  4 (Laughter.)  5 MR. ROSENBLATT: -- I didn't say now that  6 Jim has broken Chatham House rules; I said now that we  7 have broken Chatham House rules.  8 MR. GRIFFIN: I'm going to break more  9 Chatham House rules here.  10 MR. ROSENBLATT: All right, there we go.  11 Jim is ready to go. So there are essentially three  12 areas that the book publishing industry, at least that  13 one of us is aware of, has looked at for blockchain  14 application, and the area with the most  15 entrepreneurial activity is in e-book distribution on  16 the blockchain. So the way this works is a publisher  17 or an author wants to sell copies of his or her e-  18 book. So when you buy one, you aren't buying it under  19 a license agreement as you would on Amazon or Nook or  20 Apple or Kobo. You are essentially getting more of a  21 simulacrum of ownership of that e-book. You get the  22 right to resell, to lend, to give away, too alienate,  23 among other things. And the author has an indelible  24 record of authorship that cannot be changed.  25 If I were to sell my copy of the book to</p>	<p style="text-align: right;">240</p> <p>1 is to take advantage of the lowered cost of POD or  2 print on demand technology and --  3 MS. QUIGLEY: Bill, we have two more to go,  4 so --  5 MR. ROSENBLATT: Okay, so I'll finish very  6 quickly. So to basically use a form of anti-  7 counterfeiting technology to do piracy track and trace  8 on a blockchain instead of through a centralized  9 database owned by a single counterfeiting detection  10 vendor, that's an interesting area in book publishing.  11 And I will stop there.  12 MS. QUIGLEY: Thank you very much.  13 Now, Jim Griffin with voice recognition  14 technology.  15 MR. GRIFFIN: Yeah, we had a good  16 discussion, a focused discussion, there weren't that  17 many of us. I blame John Morris for inciting the  18 audience to engage in government insurrection, and he  19 drew quite a crowd over there that I was envious of.  20 But we had a very high-quality group and I'll tell you  21 that right up-front.  22 We noted the growth of voice interactive  23 devices and their new role in society. We discussed  24 how there were 10,000 people working at Amazon on  25 voice interactivity alone, 100 million Amazon devices</p>

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1 installed around the world. Google claims a billion  
 2 because they include their software installs only.  
 3 There's certainly a lot of activity.  
 4 We took note of surveys that showed that  
 5 those with the devices, 90 percent of them say it has  
 6 come to dominate their music listening. And they're  
 7 not in the car yet. So they're coming to the car this  
 8 year. Amazon has a program that will let you sign up  
 9 to be one of the first. I signed up. They didn't  
 10 give me one, but I bought one separately for like \$17.  
 11 It works fantastic. So we discussed their arrival in  
 12 the car and how that might change things coming into  
 13 the future.  
 14 Clearly, there is growth in this area and  
 15 there is a lot of competition with Microsoft, Apple,  
 16 and others competing. If there is one winner, there  
 17 will be antitrust issues ahead. We didn't talk too  
 18 much about that, though. We spent most of our time on  
 19 the issue of string contention, on the idea that what  
 20 is triggered in a voice interactive conversation with  
 21 the technology is what's called an utterance, and an  
 22 utterance is essentially the equivalent of a domain  
 23 name in this world. If someone has an utterance, if  
 24 they've registered that utterance with Amazon, no one  
 25 else can register that particular utterance on the

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1 public level.  
 2 So the idea of a race to be the first to own  
 3 a utterance -- so for example, if you were to say,  
 4 Alexa, how much money do I have in the bank, only one  
 5 bank could own that at least at the beginning, and  
 6 there would then be a submenu status where you had to  
 7 say, ask PNC how much money I have in the bank and you  
 8 would have to add something else and that would delay  
 9 you a bit and be a second mover thing that -- and so  
 10 on down the list that would lead to essentially the  
 11 resolution of string contention.  
 12 This is a lot like domain names except  
 13 tougher because if you give me 100 law firms, I can  
 14 give them 100 URLs that will get you to the 100 law  
 15 firms, but only one can own "Alexa, tell me how to  
 16 register a copyright." When I asked Alexa that, she  
 17 said I didn't know anything about it. So I personally  
 18 went to the developer portal to register a skill  
 19 around how do I register my copyright, and I  
 20 immediately felt guilty that I was taking it from its  
 21 proper owner, the Government, and I called a few  
 22 people at the Copyright Office and said, look, if you  
 23 try to do this, just let me know, I'll give it to you.  
 24 And it is a place that we can go and it can work.  
 25 I think what we began to question was

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1 whether there were property rights in the ownership of  
 2 an utterance, much as if there were property rights in  
 3 a domain name. And one particularly skilled Commerce  
 4 Department attorney -- again, we are under Chatham  
 5 House rules -- pointed out that I should read the  
 6 terms and conditions at Amazon, that I had probably  
 7 already given that up. So that was quite smart.  
 8 We moved on a bit past its impact on the  
 9 media field. We thought somewhat about privacy and  
 10 people's concerns about privacy. We thought about the  
 11 public policy implications of "send me an ambulance,  
 12 send me a fire truck, send me the police department."  
 13 Which police department does it go to, which fire  
 14 department does it go to? Does the Government have an  
 15 interest in that?  
 16 And then we quickly concluded with one old  
 17 reprobate with a British accent -- and I will not go  
 18 further with that -- asked if you could summon a  
 19 prostitute or pornography with Alexa.  
 20 (Laughter.)  
 21 MR. GRIFFIN: And at that point -- and I  
 22 will break Chatham House rules -- Susan Allen  
 23 suggested the time for us to assemble up here was now.  
 24 (Laughter.)  
 25 MR. GRIFFIN: So we came here quickly. And

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1 that is a full report from the fourth committee on  
 2 voice interactive. And I will remind you that these  
 3 things are not just voice-interactive audio devices.  
 4 They've gone to video now, too. But their impact in  
 5 the car is audio devices. I have one now in my car.  
 6 It's huge just that I don't have to take my hands off  
 7 the wheel or look somewhere else, but I can summon  
 8 music. It's terrific, and I can see why it will come  
 9 to dominate the audio listening space in the future.  
 10 MS. QUIGLEY: Thank you very much.  
 11 Now, we're going to hear from our Pied  
 12 Piper, John Morris, on the role of the US and other  
 13 governments in facilitating online licensing.  
 14 MR. MORRIS: Well, I've just added something  
 15 to the listing that we're going to need to start an  
 16 investigation, Jim Griffin, you know, taking things --  
 17 MR. GRIFFIN: Please do.  
 18 MR. MORRIS: -- from the Copyright Office.  
 19 All that stuff.  
 20 MR. GRIFFIN: I would like it if there were  
 21 just one government group investigating me, so I  
 22 encourage that.  
 23 MR. MORRIS: So I have had the good fortune  
 24 over the last -- this is the third meeting I've had  
 25 the good fortune to work on the issue of government,

<p style="text-align: right;">245</p> <p>1 the role of government in each of the three meetings, 2 and it's been kind of an interesting evolution. 3 I think the group that we had agreed with 4 what we've heard every time, which is that this type 5 of meeting is a very valuable exchange and, you know, 6 I think it's particularly valuable to have the 7 different stakeholders who hadn't been here before in 8 terms of print -- you know, some of the print authors 9 and the like. So that was certainly still a 10 consensus. But it's also interesting that I think 11 that the conversation we had, you know, perhaps 12 suggested there may be a point in time where the 13 government could be helpful in some other ways. 14 One of the conversations -- a very 15 interesting conversation that a number of the 16 participants in the conversation, you know, were fresh 17 off the MMA tussles and conversations over the last 18 few years, and they were kind of reporting that in 19 that process the Congress and the Government, in 20 general, you know, what they often did was to force 21 the stakeholders to go back and try to work harder to 22 work it out, to work out their differences, to really 23 come up with a unified set of requests or needs that 24 perhaps Congress could help. 25 And that kind of led in part to a</p>	<p style="text-align: right;">247</p> <p>1 in conversations early on, not only just the rights 2 holders and technology platforms, but also users and 3 advocates for users, public interest organizations, 4 and just make sure that -- you know, I think in the 5 MMA, there was a lot of agreement, but then some of 6 the holdups were -- you know, could have perhaps been 7 avoided or some of the delays could have been avoided 8 by getting people involved in the conversation a 9 little bit earlier. 10 There were some assertions -- and I'm not 11 going to pick any names -- of, you know, there are 12 still some power imbalances. Three music labels 13 really kind of think they control everything, but, of 14 course, there are lots of artists who are not 15 affiliated with those music labels and, you know, we 16 need to kind of make sure -- you guys need to make 17 sure that solutions can also work for folks who are 18 not with the most powerful of the companies. 19 You know, a brief conversation of Article 13 20 or what used to be Article 13 in Europe, and I'm kind 21 of putting aside the question of whether, you know, 22 that's a good thing or a bad thing or whether it went 23 too far. There is one observation that -- you know, 24 that it's interesting that it really kind of forced 25 both the technology platforms and the rights holders</p>
<p style="text-align: right;">246</p> <p>1 conversation about what could the Government, short of 2 legislation up on the Hill, you know, can we help in 3 helping stakeholders get through some difficult 4 issues? So is there an opportunity for the Government 5 to host a meeting, not as general as this, but a more 6 specific meeting that helps to shine a spotlight on a 7 particularly difficult issue that private stakeholders 8 are not yet -- I mean, there's a lot of interest in 9 getting over a hurdle, but they haven't yet really 10 gotten over that hurdle. 11 So are there issues where, you know, a 12 government-convened meeting could help to shine 13 spotlights or to help break logjams? I am not here to 14 announce we have something in mind and we're going to 15 host one of those meetings; I'm actually here to 16 encourage all of you to think about that possibility 17 as you go forward. And to the extent that, you know, 18 you actually think that there may be, you know, see if 19 other people agree and certainly come back and talk to 20 us in the future. 21 You know, there were some then specific 22 discussions about, well, how to make some of the 23 cross-stakeholder conversations more effective, more 24 efficient. One of the proposals simply was to make 25 sure that the full range of stakeholders are involved</p>	<p style="text-align: right;">248</p> <p>1 to really collaborate in both directions and, you 2 know, is there a need for that in some circumstances? 3 Again, that's really a question for you guys to think 4 about. 5 And then the final last couple of points, a 6 discussion of interoperability. You know, that's 7 obviously a very desirable goal, to have as an 8 ecosystem and certainly there are some circumstances 9 where the Government can be useful in seeking 10 interoperability. I can kind of think of a few 11 possibilities. But, again, it's really kind of an 12 encouragement to all of you. You know, if there are 13 real interoperability problems that you see not 14 getting resolved, come talk to us. Maybe there is 15 something that we could do. 16 And then my last point to read out is 17 actually not a readout of the conversation that we had 18 just 20 minutes ago, but a readout of the exact same 19 conversation we had a year ago. Because it was a 20 point that wasn't the focus of our conversation here 21 today, but it really was underlying a lot of the 22 points that were made. It was a big topic a year ago 23 and that's the international kind of angle that, 24 obviously, folks in the room -- and many of you are 25 not from the United States, not focused only on the</p>

<p style="text-align: right;">249</p> <p>1 United States, but to the extent that there is value  2 or a need in trying to get interoperability around the  3 world or, you know, just kind of the ability of things  4 to sync up, governments are, in fact, pretty well  5 placed to try to discuss the issues with other  6 governments.  7 So again, that's really more a request for  8 you to think about if, as you continue to work through  9 these issues, if there are things that a government or  10 the United States Government coming in and trying to  11 promote solutions that work in other countries as  12 well, you know, that's certainly something I think  13 that we would be very interested in hearing from you  14 about. So that's really kind of the quick readout  15 that I have from our group.  16 MS. QUIGLEY: Thank you very much.  17 Now, I would like to put it to the floor for  18 any questions for our facilitators. Questions about  19 what you've heard on the readout or if you have  20 comments on anything they said. Anybody?  21 (No response.)  22 MS. QUIGLEY: Well, I'm going to ask a  23 question. So I'll keep you here for just a little bit  24 more.  25 One thing that came up at the table that I</p>	<p style="text-align: right;">251</p> <p>1 acceptable. You've got to go.  2 And I'll just fast forward through that.  3 Today, it's the same thing. A CFO says, our corporate  4 data is not going to other companies, we're not  5 sharing that data. Now, the internet one obviously  6 fell. People saw the advantages of interchanging  7 email between companies and industries and sharing  8 communications and having a facility for using TCP/IP  9 and others to route data between companies.  10 So while I don't think that the blockchain  11 is going to make a huge difference short-term, because  12 I think those feelings are strong that our data is our  13 data and we do not share it with other companies, but  14 that Walmart guy coming out and saying, the future of  15 our company is sourcing quality goods at good prices  16 and willing to interchange data with others like that,  17 that tells me it's coming down the road, that others  18 will see the advantages of interchanging their data.  19 MR. MYLES: I guess what I would say is that  20 when it comes to things like the blockchain and other  21 technologies, it's actually misleading to think that  22 there are different industries. What I mean  23 specifically is that the idea that there's a music  24 industry versus Hollywood versus news versus radio and  25 so on, or versus cultural heritage institutions. In</p>
<p style="text-align: right;">250</p> <p>1 was at was we discussed how blockchain was being used  2 in different industries and how it was at a different  3 point in those industries in terms of its adoption.  4 Did that come up at any of the other tables and is it  5 helpful to our discussion to find out what is  6 happening in other industries?  7 MR. GRIFFIN: Well, I'll say I think it's  8 critical that we look at that. My own feeling about  9 blockchain was absolutely changed when I heard that  10 the head of marketing at Walmart walked in one day and  11 popped an apple down on a table and said, I bought  12 this at a gas station and I want you to develop a  13 program where I can find out where any piece of food I  14 put on this table came from. And I thought here's a  15 guy who gets that Walmart's future depends upon being  16 able to source quality goods from all over and that  17 he's willing to put their stuff into the database in  18 order to get everybody else to put their stuff into a  19 database that would bring his company great advantage.  20 And I say this because this particular issue  21 I feel like I've lived through. I arrived at Geffen  22 Records in 1991 and they were outraged that we put in  23 an internet connection. Outraged. And, in fact, the  24 parent company was furious. We do not connect our  25 corporate network to other networks. That is not</p>	<p style="text-align: right;">252</p> <p>1 fact, from a technological point of view, all of those  2 different industries are really trying to solve very  3 similar problems and also we all interact with each  4 other.  5 So is it important to try to coordinate  6 between the different industry uses of things like  7 blockchain? Yes, I think it's necessary because,  8 otherwise, you'll actually entrench problems between  9 them.  10 MS. QUIGLEY: Okay. I've got the mic. I'll  11 give it back.  12 I'm actually going to the blockchain meeting  13 in Madrid. They have this focus group for ITU on it  14 and I've been following it for the last couple of  15 years because a block essentially -- back in the '90s,  16 there were 50 companies in the United States that  17 agreed containers, packages, blocks, IBM had  18 Cryptolopes, they were all kinds of digital objects.  19 And the management of the digital object architecture  20 grew out of that.  21 Now, the particular way of configuring it,  22 there are multiple ways of configuring what they call  23 a blockchain, but essentially from an interoperability  24 perspective, there are all types of digital objects,  25 more generically. So I'm saying in the copyright-</p>



<p style="text-align: right;">253</p> <p>1 dependent industries, the early adopters were in the 2 publishing industry for the DOI. They developed their 3 system. There's now the EIDR, which is very, very 4 helpful I understand. 5 So, yes, there are different ways of doing 6 it, but I guess it's mostly an awareness of what the 7 basic technology is that I think you're advocating 8 here, which is good. 9 MR. ROSENBLATT: So as someone who actually 10 was involved in the creation of the DOI system with 11 CNRI, that's an interesting observation. You know, 12 the DOI was the -- it's a bit of an exception in the 13 sense that the book and journal publishing industries 14 under the aegis of the AAP, which initiated that 15 activity, operated under the self-delusion that they 16 thought of it first. They didn't. Your folks did, 17 among others. They didn't. But it was a useful 18 fiction. 19 AUDIENCE MEMBER: Can I interrupt a second? 20 MR. ROSENBLATT: Yeah. 21 AUDIENCE MEMBER: I come from the Copyright 22 Office and I had left and I knew several people in the 23 copyright industry, the publishing industry, who were 24 very concerned about losing their business when things 25 were going digital. They came to meetings at CNRI,</p>	<p style="text-align: right;">255</p> <p>1 cares about them, they're different, they're not us. 2 We all need -- that is just meant to be an 3 illustrative and not exclusive description. We all 4 need to do a better job of importing ideas from other 5 industries in order to advance this field. 6 MS. QUIGLEY: And I think we had one other 7 comment here. One more. 8 AUDIENCE MEMBER: I guess this is more of a 9 suggestion than a question, but with respect to the 10 role of blockchain within the context of this 11 discussion around the market for copyrighted works, I 12 think if we're going to focus on that or you are going 13 to focus on that in the future, we really need to get 14 the video game folks in the room, because they are 15 actually, in many ways, the most advanced in at least 16 their thinking about actual consumer-facing blockchain 17 applications because last year somewhere between \$50 18 and \$60 billion worldwide were spent on in-game 19 purchases of virtual goods, which is a huge market 20 obviously, but it's also a constrained market because 21 that virtual good is tied to that game. And once you 22 stop playing that game, your virtual good is 23 worthless. 24 But there are a lot of people in the game 25 industry right now who are working on separating the</p>
<p style="text-align: right;">254</p> <p>1 now that you mention it. First, it was in the context 2 of what we called NoBots, the mobile programs, since 3 I'm mentioning -- 4 MR. ROSENBLATT: Yes. I know that Bob Kahn 5 paper. 6 AUDIENCE MEMBER: So basically the digital 7 -- 8 MS. QUIGLEY: We need to make sure we -- 9 AUDIENCE MEMBER: -- the block at that time, 10 it was not that they were the first and that somehow 11 we were the first. No, we were helping them 12 understand the technology that had been developed and 13 they were early adopters. I think I would prefer that 14 way. 15 MS. QUIGLEY: Thank you. 16 MR. ROSENBLATT: Well, the point about -- 17 the question about learning from other industries, 18 which is what we're getting back to here, is the book 19 and journal industry does a horrible job of this and 20 was only able to do it in the DOI context because it 21 convinced itself that it thought of the idea first. 22 Whenever I raise these issues with book publishing 23 people and talk about how the music industry is a 24 couple years ahead with regard to the rights and 25 royalties aspect of it, they go, oh, you know, who</p>	<p style="text-align: right;">256</p> <p>1 item, the ownership of the item from the game in which 2 it was acquired using blockchain. That opens up the 3 possibility that virtual goods could become portable 4 across different games or you could develop a 5 secondary market around those items. You know, you 6 don't need it anymore for this game, you bought it for 7 this game, you don't play it anymore, you could trade, 8 sell it on a secondary exchange in a secondary market. 9 And I think that that model is an important 10 model to think about with respect to the other 11 industries as well. Here I disagree a little bit with 12 Bill with respect to e-books. I think there are a lot 13 of behaviors within the book industry that have been 14 mediated by things like the first sale doctrine. 15 MS. QUIGLEY: And I'm sorry, we're going to 16 have to cut you off and have you finish that argument 17 at the happy hour. I feel very bad. It's a good day 18 to be a copyright geek. I enjoyed it, too. 19 MR. ROSENBLATT: I'll talk your ear off on 20 that, Paul. 21 MR. GRIFFIN: When's the last time somebody 22 told you you should be drinking to have this 23 discussion? 24 (Laughter.) 25 MS. QUIGLEY: We're going to let John Morris</p>

<p style="text-align: right;">257</p> <p>1 do our closing remarks. Thank you so much.  2 (Applause.)  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">259</p> <p>1 thanks to all the attendees who came who weren't  2 speakers and moderators. I certainly hope that you  3 got as much out of it as I did.  4 And then I want to thank the staff who  5 really kind of made this happen. First, with the  6 Global Intellectual Property Academy, the folks who  7 really kind of did a lot of the logistical work to get  8 this meeting together and pulled together. I want to  9 thank Kortney Hammonds, Jamie Day, John Ward and  10 Teresa Verigan. So thanks very much for all of your  11 help.  12 (Applause.)  13 MR. MORRIS: And I really do want to call  14 out Shira's staff in the Office of Policy and  15 International Affairs here at PTO, Linda Quigley,  16 Brian Yeh and Neil Graham. But, Susan, you avoided  17 Linda's earlier calling you out. So I'm going to  18 specifically call you out to say Susan Allen really  19 was the moving force behind this. And I have been on  20 many conversations with her over the last many, many  21 months as to kind of how would this work and when  22 should we do it and all of that stuff. So I just want  23 to particularly call out and say thanks to Susan, but  24 also all of our other colleagues at PTO.  25 (Applause.)</p>
<p style="text-align: right;">258</p> <p>1 CLOSING REMARKS  2 MR. MORRIS: The schedule says I have 15  3 minutes for closing remarks and I will try to do it in  4 something closer to 15 seconds.  5 My main role here is on behalf of Shira  6 Perlmutter from PTO and on behalf of NTIA to really  7 give thanks. But I do want to -- before saying  8 thanks, I do want to just kind of acknowledge what I  9 perceive as kind of significant progress. In the  10 first iteration of this meeting, you know, most of the  11 discussion was really focused on identifying the  12 problems and, you know, kind of recognizing the full  13 scope of the problem. And in the second iteration,  14 there was a lot of discussion of some prototypes of  15 ideas and some, you know, beginning things.  16 This time I think there were things that are  17 much closer to operationally plausible. Obviously,  18 not kind of sweeping the entire ecosystem in, but at  19 least I think there is progress being made. So, I  20 mean, I really kind of applaud all of you.  21 But my main goal is to give thanks to  22 everybody here. First, thanks to all of the speakers  23 and moderators and folks who have actually come here  24 and prepared slides and really tried to educate all  25 of us. It was really tremendously valuable. And then</p>	<p style="text-align: right;">260</p> <p>1 MR. MORRIS: And that's it. So thanks very,  2 very much. We will end here. So thanks very much.  3  4  5  6  7  8  9  10  11  12  13  14  15 (At 5:07 p.m., the meeting was adjourned.)  16  17  18  19  20  21  22  23  24  25</p>

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