

THE ROLE OF STANDARDIZED NOTICE FORMS IN IMPROVING THE DMCA NOTICE-AND-TAKEDOWN PROCESS

MOTION PICTURE ASSOCIATION OF AMERICA

APRIL 30, 2014



MOTION PICTURE ASSOCIATION OF AMERICA

- ▣ **Volume of infringement simply too large to keep up**
 - March 2013 – Feb 2014, 6 MPAA members: 30.3M notices to non-UGC sites (e.g., cyberlockers) and 22.6M to search
- ▣ **Infringing material quickly re-posted (the “Whac-a-mole” problem)**
 - Fox sent 33,048 DMCA notices re “The Wolverine” just to cyberlocker Rapidgator.net from July 2013 to Feb. 2014— an average of 173 notices per day—and yet additional copies still posted daily
 - Disney sent 24,505 DMCA notices for “Iron Man 3” to the cyberlocker Uploaded.net from May-October 2013— an average of 134 notices per day – and yet additional copies still posted daily.

- ▣ Reduce infringement to help promote an online environment that encourages creativity and legitimate commerce and promotes a safe and positive experience for users
- ▣ **Not** (just) generate lots of standardized notices

Effective, not just efficient

- ▣ Just one means to help reduce infringement
- ▣ Valuable only to the extent it results in faster, more permanent takedowns
- ▣ Not an end in itself

Benefits of standardization of forms and communications protocols:

- Reduces burden on notice-senders
- Reduces burden on notice-recipients
- Quicker sending and processing
 - ▣ Immediate feedback to poster
 - ▣ Enables faster takedowns
- Improved measurement
 - ▣ Facilitates analysis of notice data and recognition of patterns, problems, and progress
 - ▣ Helps identify repeat infringers

□ Automated Copyright Notice System

- Standardized machine-readable notice forms and communications protocol
- Today used primarily in peer-to-peer context, including Copyright Alert System
 - But designed for and adaptable to other notice contexts
- Developed 2003 by NBCU, UMG, Disney
- Now administered by MovieLabs
- Open-source, royalty free
- Available under Creative Commons Attribution-No Derivative Works 3.0 license
- www.acns.net

- After verification of work, notice sent via .xml directly from vendor to ISPs without additional human involvement
- Subscriber may receive notice within minutes of infringement being detected
- Facilitates analysis of data used to measure efficacy of CAS

CASE STUDY: YouTube Content Verification Program

8

- Tool that enables trusted content owners readily to notify YouTube electronically of large volumes of infringing material
- Can submit multiple URLs at once
- Instant removal of infringing content
- Other sites have similar systems: Blogspot, Justin.tv, 56.com, eBay, DailyMotion, etc.