

**Presentation
for the Department of Commerce's
Internet Policy Task Force
Second Public Meeting**



Recording Industry Association of America, May 8, 2014

Current Environment Lacks Standardization for Efficient Notice Sending/Processing

- Various providers insist on specific methods unique to their service for receipt and prompt (or any) action concerning infringement/DMCA notices
- Have different forms/requirements for different services operated by the same company
- Forms/process may be changed by provider without notice to repeat notice senders

Problem in Context

A decorative header image featuring a blue background with a white bar chart on the right side. Two white microphones are positioned in front of the chart, one on the left and one on the right, both pointing towards the center.

RIAA noticed:

- Over 5,400,000 infringements in the aggregate in the first 4 months of 2014 to over 250 service providers
- Due to resource constraints, we can monitor only tens of thousands of works, not the millions owned or distributed by our members
- To give you a flavor of the nature of the problem, consider:
 - Last year, RIAA noticed over 760,000 infringements to 4shared (and to Google about 4shared)
 - 686 were for the same track, “The Show” by Lenka
 - 654 were for the same track, “Danz Kuduro” by Don Omar

Hosting Providers



Range from insistence on submission via webform only (i.e., won't accept email submission) to provisions for accepting bulk submissions to use of API tools for taking down infringing content

Twitter's Infringement Submission Form

Help Center

Search



English

Got an account?

Sign in

Welcome to Twitter

Me

Notifications

Discover

Mobile & Apps

Troubleshooting

Report copyright infringement.

Fill out the form below to request help.

- Tell us about yourself?
- I am the copyright owner.
 - I am an authorized representative of the copyright owner.
 - None of the above.

Copyright owner's full name

Your full name

Company

Job title

Your email

This is the email we'll use to contact you. Enter your current address.

Street address

City

State/Province

Postal code

Show hidden icons

To our knowledge, Twitter requires completion of this webform to submit notices, and frequent changes to this webpage make it difficult to automate/efficiently submit bulk notices to Twitter.

Compare with Google's Web Form for Blogger Bulk Notices

Blogger DMCA Bulk Upload

It is our policy to respond to notices of alleged infringement that comply with the Digital Millennium Copyright Act (the text of which can be found at the U.S. Copyright Office Web Site, <http://lcweb.loc.gov/copyright/>) and other applicable intellectual property laws. Responses may include removing or disabling access to material claimed to be the subject of infringing activity and/or terminating subscribers. If we remove or disable access in response to such a notice, we will make a good-faith attempt to contact the owner or administrator of the affected site or content so that they may make a counter notification pursuant to sections 512(g)(2) and (3) of that Act. It is our policy to document all notices of alleged infringement on which we act. As with all legal notices, a copy of the notice may be sent to one or more third parties who may make it available to the public.

Contact Information

Organization Name:	
Representative Name:	
Representative contact email:	<input type="text"/>
Country of Residence:	<input type="text" value="United States"/>
DMCA Complaint File XML:	<input type="button" value="Choose File"/> No file chosen

Sworn Statements

Please check the required field to confirm.

- I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.
- I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or an authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Please note that a copy of each legal notice we receive is sent to a third-party which may publish and/or annotate it. As such, your letter (with your personal information removed) will be forwarded to Chilling Effects (<http://www.chillingeffects.org>) for publication. You can see an example of such a publication at <http://www.chillingeffects.org/dmca512/notice.cgi?NoticeID=861>. A link to your published letter will be displayed in Google's search results in place of the removed content.

Asks for data in XML format

Google also offers its standard blogger notice web form but individual form includes language that may unduly discourage users from submitting notices (see search screen shot later in presentation for example).

Not quite statutory DMCA standard language

Or Google's YouTube Content Verification Tool

With YouTube, Google provides a content verification tool to expedite takedown submissions.

It also has the Content ID system for qualified applicants.

YouTube also offers a web form for submitting notices, and has a policy for accepting notices via email, mail and fax.

Content Verification Tool

- Check the box adjacent to each video that allegedly infringes your copyright
- Click the "Add to List" button at the bottom of the page to add the selected videos to your list
- A popup will appear with the videos you've selected
- You can continue to add videos by paging through the search results

[Complete CVP instructions here](#)

 **Beatles - She Loves You**
by **globalbeatles** • 5 years ago • 8,788,499 views
<http://beatles.thevidblog.com> Lyrics: Chorus: **She loves you, yeah, yeah, yeah She loves you, yeah, yeah, yeah She loves you, ...**



YouTube

Content Verification Tool (Recording Industry Association of America, Inc.)

The Content Verification Tool assists you in submitting multiple copyright removal requests.

This page lists all of the videos which will be included in your notification. Additional videos can be added to this list from a search results page or the watch page of any video.

Please fully review these videos to ensure they are all infringing your copyrights.

Please note that under Section 512(f) of the Digital Millennium Copyright Act any person who knowingly materially misrepresents that material or activity is infringing may be liable for damages.

If you wish to remove a video from the list, you can do so by clicking the corresponding "Remove video from this list" button.

Please use the text field below each listed video to specify the particular copyrighted work to which you own rights that is allegedly infringed. Alternatively, you can use the large text field at the bottom to provide a representative list of such works.

Added from search results for "beatles she loves you"

		
<input type="button" value="Remove video from this list"/>		

Video Beatles - She Loves You (Live!)
Video ID T0YifXhm-Zc [Watch Video](#)
Uploaded by globalbeatles
Length 2:23
Description <http://beatles.thevidblog.com> Lyrics: Chorus: She loves you, yeah, yeah, yeah She loves you, yeah, yeah, yeah She loves you, yeah, yeah, yeah

Or with MediaFire



Help



DMCA

[Submit DMCA Notice](#)

[Notifications](#)

[Settings](#)

[Contact Information](#)

[Automated Access](#)

Please enter the MediaFire URLs of the files you wish to submit DMCA notices for:
URLs and quickkeys must be comma separated.

Next

We believe MediaFire provides email or web submission or an API tool to permit content owners to immediately takedown infringing content and uses other tools to limit dissemination of infringing works.

Search Engines/Indexing Sites



- Require different information in different formats
- Place limits on numbers/format of bulk notices to be submitted

Google Offers at Least 2 Methods to Provide Search Notices (Individual/Limited and Bulk Notices)

+Riaa Search Images Maps Play YouTube News Gmail Drive Calendar More -



Riaa Antipiracy



+ Share



Copyright Removal

Help

Report alleged copyright infringement: Web Search

It is our policy to respond to notices of alleged infringement that comply with the Digital Millennium Copyright Act (the text of which can be found at the U.S. Copyright Office Web Site, <http://www.copyright.gov>) and other applicable intellectual property laws. Our response may include removing or disabling access to material claimed to be the subject of infringing activity and/or terminating subscribers. If we remove or disable access in response to such a notice, we may notify the owner or administrator of the affected site or content so that he or she can make a counter notification. It is also our policy to document all notices of alleged infringement on which we act, including by sending a copy of the notice to one or more third parties or making it available to the public. You can see an example of such a publication at <http://www.chillingeffects.org/dmca512/notice.cgi?NoticeID=861>.

Infringement Notification

To file a notice of infringement with us, you may use the form provided below (you may also use [fax](#) or [mail](#), although processing will be slower).

IMPORTANT: Misrepresentations made in your notice regarding whether material or activity is infringing may expose you to liability for damages (including costs and attorneys' fees). *Courts have found* that you must consider copyright defenses, limitations or exceptions before sending a notice. In *one case* involving online content, a company paid more than \$100,000 in costs and attorneys fees after targeting content protected by the U.S. fair use doctrine. Accordingly, if you are not sure whether material available online infringes your copyright, we suggest that you first contact an attorney.

* Required field

Contact Information

First name: *

Last name: *

Company Name:

Copyright holder you represent: *

[Add represented copyright holder](#)

Email address: *

Country/Region: *

YOUR COPYRIGHTED WORK

But web form may discourage submission of notices, and appears to require the submitter to have a Google account to access the form.

Contrast to Google's "Trusted Rights Holder" Method/ Information Requested to Submit Notices Concerning Search (txt Document)

```
# maroon 5-lucky strike
http://hqmp3.ru/music/maroon%25205%2520%2520lucky%2520strike/1/
# maroon 5-makes me wonder
http://mp3vip.org/music/Maroon%25205%2520-%2520Makes%2520me%2520wonder%2520(Sonic%2520Future%2520Nu%2520Deep%2520Remix)/2/
http://mp3vip.org/music/Makes%2520Me%2520wonder%2520maroon%25205/9/
# maroon 5-medley
http://mp3skull.com/mp3/maroon_5_medley_justice_5_5_maroon.html
# maroon 5-misery
http://www.musicaddict.com/mp3/maroon-5-misery-bimbo-jones-remix.html
http://www.nuttymp3.com/download/maroon-5-miserie
http://mp3crow.com/mp3-maroon-5---misery-.html
http://mp3skull.com/mp3/misery_maroon_5_radio_maroon.html
http://www.musicaddict.com/download/1090131-maroon-5--misery-mp3.html
# maroon 5-moves like jagger
http://mp3chief.net/maroon-5-christina-aguilera-moves-like-jagger-dj-310n-demo-no-voice-remix%2Bmp3%2Bdownload.html
http://mp3chief.net/maroon%2B5%2Bchristina%2Baguilera%2Bmoves%2Blike%2Bjagger%2Bdj%2Bshishkin%2Bdj%2Bpitkin%2Brmx%2B128%2Bmp3%2Bdownload.html
http://mp3sc.com/download/vqnHexYk7VM/moves-like-jagger-maroon-5-cpmv.html
http://torrent.cd/290e33fce91fda23e7bb1dffbbba94aabfb41e56/maroon%2B5%2Bmoves%2Blike%2Bjagger%2Bmp3.torrent
http://mp3chief.net/maroon%2B5%2Bchristina%2Baguilera%2Bmoves%2Blike%2Bjagger%2Bsoul%2Bseeker%2Bmix%2Bmp3%2Bdownload.html
http://www.megasearchupload.com/download/8EckT0hr5N2E5Kka0xb2y7/049-Maroon-5-ft-Christina-Aguilera-Moves-Like-Jagger.html
http://torrentz.eu/mar0/064%2520Maroon%25205%2520-%2520Moves%2520Like%2520Jagger%2520(feat.%2520Christina%2520Aguilera).mp3-8189240
http://mp3chief.net/maroon%2B5%2Bchristina%2Baguilera%2Bmoves%2Blike%2Bjagger%2Bfeesfebrik%2Bdj%2Bmichel%2Bremix%2Bmp3%2Bdownload.html
http://mp3vip.org/music/maroon%2B5%2Bmoves%2Blike%2Bjagger%2B
http://www.megasearchupload.com/download/5sk2j14mrvo1711LE9arJE/14-Maroon-5-Feat-Christina-Aguilera-Moves-Like-Jagger.html
http://mp3vip.org/music/%2BMaroon%2B5%2BFt.%2BChristina%2Baguilera%2B-%2Bmoves%2Blike%2Bjagger
http://mp3vip.org/music/Maroon%2B5%2BFeat.%2BChristina%2Baguilera%2B-%2Bmoves%2Blike%2Bjagger%2B
http://mp3chief.net/maroon%2B5%2Bchristina%2Baguilera%2Bmoves%2Blike%2Bjagger%2Bmann%2Bmayhem%2Bremix%2Bmp3%2Bdownload.html
http://www.megasearchupload.com/download/dybxskVwoOX2ncyQ9ISUyw/Maroon-5-Feat-Christina-Aguilera-Moves-Like-Jagger.html
http://mp3chief.net/maroon-5-christina-aguilera-moves-like-jagger-scott-parks-remix%2Bmp3%2Bdownload.html
http://mp3chief.net/moves%2Blike%2Bjagger%2Bmaroon%2B5%2Bfeaturing%2Bchristina%2Baguilera%2Bsteven%2Bange1%2Bre%2Bmake%2Bplayback%2Bmp3%2Bdownload.html
http://mp3chief.net/maroon%2B5%2Bchristina%2Baguilera%2Bmoves%2Blike%2Bjagger%2Bgoose%2Bremix%2Bmp3%2Bdownload.html
http://mp3sc.com/download/Lhe3q7XJcku/maroon-5-ft-christina-aguilera-moves-like-jagger-jk-remix.html
# maroon 5-must get out
http://mp3rehab.com/maroon-5-must-get-out-mp3.html
# maroon 5-never gonna leave this bed
http://mp3sc.com/download/Ii5qbRng5WU/never-gonna-leave-this-bed-maroon-5-itunes-session.html
http://gosong.net/download/r_-GQ0fkjVg/Never_gonna_leave_this_bed-Maroon_5.html
# maroon 5-nothing lasts forever
http://audiko.net/ringtone/Maroon%2B5/Nothing%2BLasts%2BForever%3Fring%3D7220426
# maroon 5-one more night
http://www.mp3vube.com/download/mp3/maroon-5-one-more-night-(dj-hakan-keles-2013-remix.html
http://www.mp3skull.me/dosearch.php%3Fq%3DMaroon-5---One-More-Night-dugem-2012
http://www.searchdepositfiles.com/download/b5sPAjLAMtoyGEoS8puuj/Maroon-5-One-More-Night-2012-Single-sw.html
http://mp3crow.com/mp3-one-more-night%3D-maroon-5.html
```

Requires title and URL.

Has technical limits on format.

And Microsoft Requires Completely Separate Format for Submission of Bulk Notices/Prompt Processing by Bing (Excel Spreadsheet)

Claim Title	Type of Work	Description of Copyrighted Material	Infringing URLs	← Requires different fields of data.
1	Audio	beatles the night before	http://www.downloads.nl/music/The+Beatles+The+Night+Before	
	Audio	outhere brothers boom boom boom	http://www.downloads.nl/music/The+Outhere+Brothers+%2D+Boom+Boom+Boom	
	Audio	rihanna that la la la	http://www.downloads.nl/music/That+La%2C+La%2C+La+Rihanna+Mediafire+Mp3	
	Audio	mariah carey when you believe	http://www.downloads.nl/music/Mariah+Carey+Ft+Whitney+Houston%2D+When+You+Believe	
	Audio	j cole cole world	http://www.downloads.nl/music/J.Cole+Album+Cole+World	
	Audio	u2 beautiful day	http://www.downloads.nl/music/U2+A+Beautiful+Day	
	Audio	lil wayne get something	http://www.downloads.nl/music/Lil+Wayne+-+Get+Something:+Clean+Audio	
	Audio	michael buble can t help falling in love	http://www.downloads.nl/music/I+Can%27T+Help+Falling+In+Love+With+You+Michael+Buble	
	Audio	omarion i m tryna	http://www.downloads.nl/music/Omarion+I%27M+Tryna+Mediafire+Downloa	
	Audio	michael w smith friends	http://www.4shared.com/mp3/O6f2MI_3/michael_w_smith_-_friends.html	
	Audio	mary mary you will know	http://www.downloads.nl/music/Mary+Mary+You+Will+Know	
	Audio	martina mcbride valentine	http://www.downloads.nl/music/Valentine+Song+By+Martina+Mcbride	
	Audio	mike posner cooler than me	http://www.downloads.nl/music/Mike+Posner+%2D+%22Cooler+Than+Me%22	
	Audio	weather girls big girls don t cry	http://www.downloads.nl/music/The+Weather+Girls+Big+Girls+Don%27T+Cry	
	Audio	jennifer hudson no one gonna love you	http://www.downloads.nl/music/Jennifer+Hudson%2DNo+One+Gonna+Love+You	
	Audio	j moss rebuild	http://www.downloads.nl/music/Rebuild+Me+Remix+J+Moss	
	Audio	glee cast time warp	http://www.downloads.nl/music/Glee+Cast+Time+Warp+Mp3+Mediafire	
	Audio	chris young i m over you	http://www.downloads.nl/music/I%27M+Over+You+%2D+Chris+Young	
	Audio	ellie goulding starry eyed	http://www.4shared.com/mp3/Buk5O4wU/Ellie_Goulding_-_Starry_Eyed_.htm	
	Audio	sister sledge he s the greatest dancer	http://www.downloads.nl/music/Sister+Sledge+I+Wonder+Why+He%27S+The+Greatest+Dancer	
	Audio	ice cube fat cat	http://www.downloads.nl/music/Ice+Cube+Fat+Cat	
	Audio	rascal flatts lean on me	http://www.downloads.nl/music/Lean+On+Me+Rascal+Flatts	
	Audio	thug life bury me a g	http://www.4shared.com/mp3/wZEVVgO0/2_pac_thug_life_-_Bury_Me_a_G.html	
	Audio	enrique iglesias somebody s me	http://www.downloads.nl/music/Enrique+Iglesias+Somebody+S+Me+Song+Download	
	Audio	glee cast i look to you	http://www.downloads.nl/music/Glee+Cast%2DI+Look+To+You	
	Audio	avenged sevenfold afterlife	http://www.downloads.nl/music/Avenged+Sevenfold+Afterlife+Alternate+Version	
	Audio	george strait baby your baby	http://www.downloads.nl/music/George+Strait+Better+Baby+Your+Baby	
	Audio	britney spears drop dead beautiful	http://www.downloads.nl/music/%28Drop+Dead%29+Beautiful+%2D+Britney+Spears+Feat.+Sabi	
	Audio	thompson twins doctor doctor	http://www.downloads.nl/music/Thompson+Twins+%2D+%22Doctor+Doctor%22	
	Audio	iron maiden aces high	http://www.downloads.nl/music/Iron+Maiden+The+Aces+High	
	Audio	usher slow jam	http://www.downloads.nl/music/Usher+Ft+Monica%2D+Slow+Jam	

App Distributors



Similarly require different information/format for submitting notices

Google: App Submission Form, Also Accepts Email Bulk Notices

Report alleged copyright infringement

Google Play

It is our policy to respond to clear notices of alleged copyright infringement. This page describes the information that should be present in these notices. It is designed to make submitting notices of alleged infringement to Google as straightforward as possible while reducing the number of notices that we receive that are fraudulent or difficult to understand or verify. The form of notice specified below is consistent with the form suggested by the United States Digital Millennium Copyright Act (the text of which can be found at the U.S. Copyright Office Web Site, <http://www.copyright.gov>) but we will respond to notices of this form from other jurisdictions as well.

Regardless of whether we may be liable for such infringement under local country law or United States law, our response may include removing or disabling access to material claimed to be the subject of infringing activity and/or terminating subscribers. If we remove or disable access in response to such a notice, we may notify the owner or administrator of the affected site or content so that he or she can make a counter notification. It is also our policy to document all notices of alleged infringement we receive, including by sending a copy of the notice to one or more third parties or making it available to the public. You can see an example of such a publication at <http://www.chillingeffects.org/dmca512/notice.cgi?NoticeID=861>.

IMPORTANT: Misrepresentations made in your notice regarding whether material or activity is infringing may expose you to liability for damages (including costs and attorneys' fees). Courts have found that you must consider copyright defenses, limitations or exceptions before sending a notice. In one case involving online content, a company paid more than \$100,000 in costs and attorneys fees after targeting content protected by the U.S. fair use doctrine. Accordingly, if you are not sure whether material available online infringes your copyright, we suggest that you first contact an attorney.

Complainant's Information: Please provide us with information about yourself.

Contact Information

Name *

Enter your first and last names

Company name

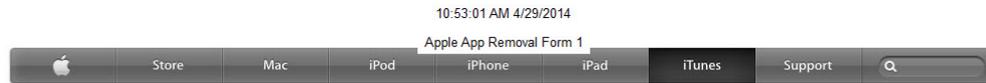
Full legal name of the copyright holder you represent (e.g., if you are a legal agent, etc.) *

Web form doesn't require screen captures but these are often requested with bulk form submissions.

Web form also includes language that may deter notice submission.

Apple: App Submission Form

Rather than “take down,” often Apple refers issue to app developer for resolution.



iTunes Content Dispute

Choose your language: English

Contact Information

Please enter your contact information below. The name and email address you enter will be supplied to the provider(s) of the disputed app(s) and by submitting this information, you consent to Apple sharing this information with the provider. We will email both parties so that you can work directly with each other to resolve the dispute. When we notify the provider of the claim, we will identify you by the company name entered below. If you do not provide a company name, we will identify you by the first and last name provided. Your phone number will not be shared with the developer and will be treated in accordance with our privacy policy (<http://www.apple.com/privacy/>).

Company

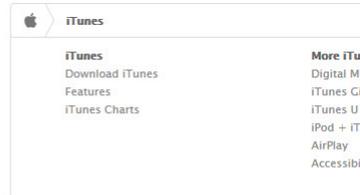
Phone REQUIRED

First Name

Last Name

Email Address

+ Add an additional contact you would like to be notified



11:01:52 AM 4/29/2014



iTunes Content Dispute

Choose your language: English

Select Disputed Content

The most accurate way to let us know exactly which app you are disputing is to provide a link to the app from the App Store. Alternatively, you may use the search tab below to search for the app at issue. If there is more than one app you wish to dispute, you will be able to add additional apps after completing the next step. Note that if an app is available on more than one platform (e.g. iPhone/iPad/Mac) you may need to identify each version.

If you choose the search option, the country name drop-down menu will allow you to search iTunes storefronts throughout the world. It is not necessary to select the same content in multiple countries. You will have the ability to specify all territories where you are disputing the app on the next page.

Provide Links

Search

[How do I find a link? >](#)

Microsoft: App Submission Form

Reporting Infringement

- Step 1: Contact information
- Step 2: Product/Service/App information
- Step 3: Infringement information
- Step 4: Upload supporting files, sign and submit

Step 1: Contact information

*First name:

*Last name:

*Physical address:

0 of 450

*E-mail address:

Name of intellectual property owner (if not you):

*Country or region:

*Please select one of the following that best describes your role:

* Required Statements

Good Faith Belief:

- By typing my name (electronic signature), I have a good faith belief that the use of the material is not authorized by the intellectual property owner, its agent, or the law (e.g., it is not fair use).

Authority to Act:

- I represent that the information in the notification is accurate, and under penalty of perjury, that I am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

512(f) Acknowledgement:

- As applicable under 17 U.S.C. 512(f), I acknowledge that I may be subject to liability for damages if I knowingly materially misrepresent that material or activity is infringing.

Includes language that may deter notice submission. No alternate form for bulk submission.

I understand the information I provide on this form may be shared with third parties, including the developer of the application about which I am filing this complaint.

Other Methods



- A standard has emerged among ISPs/University networks for accepting p2p notices.
- RIAA has used this standard, known as the Automated Copyright Notice System (ACNS – info available at <http://www.acns.net>), to send p2p notices to universities and commercial ISPs since the mid-2000s.

Possible Solutions for Discussion



- Two-pronged approach for notice submission/ingestion
 - Web form (and email?) notices for manual entry that use the same format across multiple service providers +
 - Simplified ACNS like xml format for bulk notices?
- Adoption of another bulk process used by a service provider?
- Other?