



DEPARTMENT OF COMMERCE

CONSUMER MESSAGING IN CONNECTION WITH ONLINE TRANSACTIONS INVOLVING COPYRIGHTED WORKS

PUBLIC MEETING

April 18, 2017, 1:00 p.m. – 5:00 p.m.

United States Patent and Trademark Office

SPEAKER BIOGRAPHIES

ALLAN ROBERT ADLER: Mr. Adler is General Counsel and Vice President for Government Affairs in the Washington, D.C. office of the Association of American Publishers (AAP), the national trade organization, which represents our Nation's book and journal publishing industries, where he deals with intellectual property, freedom of speech, new technology, and other industry-related issues.

From 1989 until joining AAP in 1996, Mr. Adler practiced law as a member of Cohn and Marks, the Washington, D.C. communications law firm. His practice focused primarily on government relations in areas of federal law, regulation and policy concerning information, telecommunications and technology (e.g., cable and broadcast television, telemarketing, electronic publishing, copyright, postsecondary education and career training programs, and First Amendment interests of the news media).

Prior to joining Cohn and Marks, Mr. Adler served as Legislative Counsel to the American Civil Liberties Union (1981-1989), where he presented testimony before various committees of Congress on a broad range of issues concerning the public's right to obtain and disseminate information. He also represented the ACLU concerning a variety of public policy matters relating to national security, privacy, and the due process rights of employees in the workplace.

During his years as an ACLU attorney, Mr. Adler became well known for his work involving the Freedom of Information Act, the Privacy Act, requirements for classification and safeguarding of National Security Information, the Federal Personnel Security Clearance Program, and polygraph and drug testing in the workplace.

For over sixteen years, Mr. Adler was the editor of annual editions of *Litigation Under the Federal Open Government Laws*, a popular attorney's handbook for which he received the Playboy Foundation's First Amendment Award for Book Publishing in 1991.

Before representing the ACLU, Mr. Adler was a staff attorney with the Center for National Security Studies (1978-1981) and Staff Director for The Reporters Committee for Freedom of the Press (1977-1978).

Mr. Adler holds a B.A. in History from the State University of New York at Binghamton (1974) and a Juris Doctor from the National Law Center of The George Washington University in Washington, D.C. (1978).

Mr. Adler has been a member of the State Department's Advisory Committee on International Communications and Information Policy (ACICIP) since his appointment to it in 1997.

SUSAN ALLEN is an Attorney Advisor in the Office of Policy and International Affairs at the United States Patent and Trademark Office. She provides advice to the U.S. Patent and Trademark Office and other U.S. government agencies on copyright issues in the United States, Europe, and the Middle East/North Africa. Prior to joining OPIA, she worked as a USPTO trademark examining attorney and in private practice helping clients to protect and enforce their trademarks, copyrights, domain names, privacy and publicity rights. She is particularly interested in issues involving the intersection of technology and intellectual property.

BJ ARD is a Ph.D. candidate at Yale Law School. His research focuses on the law's response to technological change, with particular interests in intellectual property, contract law, and the intersections between the two. He is a graduate of the University of Georgia and Yale Law School, where he was Managing Editor of the *Yale Law Journal*. Prior to his doctoral studies, BJ served as a law clerk to the Honorable R. Lanier Anderson III of the Eleventh Circuit, an intellectual property litigator at Irell & Manella LLP, and a Thomson Reuters Fellow at the Yale Information Society Project. BJ will begin teaching at the James E. Rogers College of Law at the University of Arizona this fall.

GREGORY ALAN BARNES currently serves as General Counsel to the Digital Media Association (DiMA). DiMA is a nationally recognized trade association that represents the interests of several digital music and video service providers on a wide range of issues, including matters pertaining to copyright licensing, competition, privacy, the taxation of digital media, and various aspects of communications law and policy. Some of DiMA's more prominent members include companies such as Apple, Pandora, Spotify, Google, Rhapsody, Microsoft and Amazon. Prior to joining DiMA, Mr. Barnes served for seven years as counsel

to Chairman John Conyers, Jr. on the U.S. House Judiciary Committee. In that capacity, he primarily focused on intellectual property, crime and terrorism related matters.

Prior to his tenure with the committee, Mr. Barnes had the privilege of serving as Deputy Chief of Staff to Missouri Governor Bob Holden and as an aide to several Members of Congress, including Representatives William "Bill" Clay, Alan Wheat, and Bobby Scott.

Over the course of the past decade or so, Mr. Barnes has written extensively on the topic of intellectual property law and policy in various publications such as the *Huffington Post*, *Roll Call*, and *The Hill* newspaper – where he currently serves as a contributing writer.

He holds a Master in Public Policy degree from Harvard University, a Juris Doctorate from Washington University School of Law and a Bachelor of Arts in Economics from Morehouse College.

JOHN BERGMAYER is Senior Counsel at Public Knowledge, specializing in telecommunications, Internet, and intellectual property issues. He advocates for the public interest before courts and policymakers, and works to make sure that all stakeholders—including ordinary citizens, artists, and technological innovators—have a say in shaping emerging digital policies.

DAVID O. CARSON is Senior Copyright Counsel in the Office of Policy and International Affairs at the United States Patent and Trademark Office. He heads the copyright policy team, which assists in advising the Administration and other Federal Government departments and agencies on domestic and international copyright legal and policy issues. At the international level, the OPIA copyright team provides analysis and advice on foreign copyright laws and the international copyright system, including assistance in negotiating new international copyright norms, their implementation in U.S. law, and the enforcement of international obligations. At the domestic level, the OPIA copyright team provides analysis and advice on copyright developments within the Executive branch and to the U.S. Congress and the courts. As a complement to its international and domestic policy activities, the OPIA copyright team is actively engaged in providing technical assistance and training on copyright-related matters for both U.S. and foreign government officials.

From 2012 to 2014, he was Executive Vice President, Global Legal Policy at the IFPI, the International Federation of the Phonographic Industry, in London, where he represented the recording industry worldwide.

From 1997 to 2006 and 2009 to 2012, he was General Counsel of the United States Copyright Office, a principal legal advisor to the Register of Copyrights, with responsibility for the Office's regulatory activities, litigation, administration of the copyright law, and providing

liaison on legal matters between the Office and Congress, the Department of Justice and other agencies of Government, the courts, the legal community, and other interests affected by the copyright law. The Copyright Office, part of the Library of Congress, administers the U.S. copyright law.

From the end of 2006 until the end of 2008, he was Associate Register for Policy and International Affairs at the Copyright Office. As Associate Register, he was the head of the Office of Policy and International Affairs, which assists the Register of Copyrights in advising Congress and executive branch agencies on domestic and international copyright policy matters. He represented the Copyright Office in U.S. government delegations to meetings at the World Intellectual Property Organization, including its Standing Committee on Copyright and Related Rights, and in relations with other governments and intergovernmental organizations.

From 1981 to 1997, he was in private practice in Beverly Hills, California and then in New York City, where he specialized in copyright and media law.

LORRIE FAITH CRANOR is a Professor of Computer Science and of Engineering and Public Policy at Carnegie Mellon University where she is director of the CyLab Usable Privacy and Security Laboratory (CUPS) and co-director of the MSIT-Privacy Engineering master's program. In 2016 she served as Chief Technologist at the U.S. Federal Trade Commission, working in the office of Chairwoman Ramirez. She is also a co-founder of Wombat Security Technologies, Inc., a security awareness training company. She has authored over 150 research papers on online privacy, usable security, and other topics.

Dr. Cranor has played a key role in building the usable privacy and security research community, having co-edited the seminal book *Security and Usability* (O'Reilly 2005) and founded the Symposium On Usable Privacy and Security (SOUPS). She also chaired the Platform for Privacy Preferences Project (P3P) Specification Working Group at the W3C and authored the book *Web Privacy with P3P* (O'Reilly 2002). She has served on a number of boards, including the Electronic Frontier Foundation Board of Directors, and on the editorial boards of several journals. In her younger days she was honored as one of the top 100 innovators 35 or younger by *Technology Review* magazine.

More recently Dr. Cranor was named an ACM Fellow for her contributions to usable privacy and security research and education, and an IEEE Fellow for her contributions to privacy engineering. She was previously a researcher at AT&T-Labs Research and taught in the Stern School of Business at New York University. She holds a doctorate in Engineering and Policy from Washington University in St. Louis. In 2012-13 she spent her sabbatical as a fellow in the Frank-Ratchye STUDIO for Creative Inquiry at Carnegie Mellon University where she worked on fiber arts projects that combined her interests in privacy and security, quilting,

computers, and technology. She practices yoga, plays soccer, and runs after her three children.

MARK FISHER: After nearly 30 years of retailing experience at store-level, field-level, and corporate-level, and thirteen years on the executive team of EMA, Fisher now serves as EMA's President and chief executive officer.

Fisher joined EMA (then VSDA) as VP/Membership in 1999. He was named Executive Vice-President in 2009. Over the years, Fisher had been responsible for expanding the scope of EMA's membership, for identifying and supporting the needs of this evolving membership, as well as EMA's overall strategic planning and direction.

Prior to EMA, Fisher served as Senior Vice-President/Retail Operations for West Coast Entertainment, where he was responsible for in-store and field management as well as warehousing and distribution for the 240-store chain.

Fisher started his career in 1975 as a store manager for a large supermarket chain. In 1982, he held responsibility for the field operations of all general merchandise and health and beauty care departments in Stop & Shop Supermarket Company's Connecticut Division. In 1985, Fisher developed the video rental division of Stop & Shop, which, under his direction, grew to 60 stores at its peak. Fisher held responsibility for store operations, purchasing, marketing, and profitability for over ten years.

Fisher studied Business Administration at the State University of New York/Albany and at Rensselaer Polytechnic Institute. He grew up in Troy, New York and spent most of his adult years in the Boston area prior to moving to Studio City, CA in 1999, where he now resides with his wife Julie Harris Fisher.

ROBERT W. GOMULKIEWICZ is the UW Foundation Professor of Law at the University of Washington School of Law. He serves as Director of the Intellectual Property Law & Policy Graduate Program and the Faculty Advisor for the *Washington Law Review* and *Washington Journal of Law, Technology & Arts*. Professor Gomulkiewicz's scholarship focuses on intellectual property licensing and legal protection for software. His publications include both a treatise and a textbook on licensing law, as well as numerous articles on mass market licensing and open source software. In 2008-2009 he was a visiting scholar at Oxford University's Intellectual Property Research Centre and in 2014 he was a Senior Engelberg Fellow at New York University School of Law. Prior to joining the faculty, he was Associate General Counsel at Microsoft, where he led the group of lawyers providing legal counsel for development of Microsoft's major systems software, desktop applications, and developer tools software (including Windows and Office). He also served as chair of the Uniform Computer Information Transactions Act (UCITA) working group of the Business Software

Alliance. He joined Microsoft from the law firm of Preston, Gates & Ellis (now K&L Gates), where he represented developers and users of software and information products. While at Preston, Gates & Ellis, he worked on the *Apple v. Microsoft* case.

DEBORAH LODGE is a Partner in the law firm Squire Patton Boggs (U.S.) LLP, specializing in Internet, advertising, branding and privacy law. Among her diverse clients are communications and media companies, advertisers, and technology pioneers. With her broad legal experience and practical business perspective, Deborah helps clients achieve their strategic goals while complying with the legal regulations that govern privacy, e-commerce and advertising.

Deborah advises clients concerning social media, cybersquatting and e-commerce issues. She assists companies to combat Internet fraud and cybersquatting, and to implement effective privacy and data protection practices and procedures. Deborah also counsels clients concerning the legal aspects of brand management and marketing, including sweepstakes, contests, user-generated content, and promotions, as well as traditional advertising and unfair or deceptive practices (UDAAP) issues. She represents clients in proceedings and investigations brought by the FTC, FDIC, and other government agencies. In the trademark area, Deborah helps clients to create brands, market and license their brands, and protect them from encroachment by others. In its 2017 rankings of leading trademark professionals, the World Trademark Review noted that Deborah was “versatile” and “takes a level-headed, holistic approach to the protection of brand assets, assisting with prosecution, enforcement and marketing concerns.” Deborah also has significant experience with infringement litigation, domain name proceedings, Lanham Act suits and TTAB proceedings.

Deborah also assists clients with protecting their trademarks through registration in the ICANN Trademark Clearinghouse and in Uniform Dispute Resolution Policy (UDRP) proceedings. She recently assisted clients with obtaining and protecting Top Level Domains in ICANN’s new gTLD program. Such efforts included dispute resolution proceedings before the World Intellectual Property Organization (WIPO), International Centre for Dispute Resolution (ICDR), and the International Center of Expertise of the International Chamber of Commerce (ICC).

Deborah served as Chair of the Trademark Practice Group and was a founder of the Women’s Forum. In 2006, she was honored as Patton Boggs Pro Bono Partner of the Year. Early in her career, she was a trial attorney with the Antitrust Division of the Department of Justice in Washington, D.C.

During law school, Deborah served as articles editor of the *Boston College Law Review*. She is a member of the Order of the Coif and graduated magna cum laude from Boston College

Law School. From 2007 to 2008, Deborah served as an adjunct professor of copyright law at the Columbus School of Law, Catholic University of America.

FLORENCIA MAROTTA-WURGLER is a Professor of Law at New York University School of Law and the Director of the NYU Law School Study Abroad Program in Buenos Aires. Her teaching and research interests are contracts, consumer privacy, electronic commerce, and law and economics. Her published research has addressed various problems associated with standard form contracts online, such as the effectiveness of disclosure regimes, delayed presentation of terms, and whether people read the fine print. She is currently working on a large empirical project on consumer privacy policies online and on the effectiveness of current consumer privacy protections. In 2009, she testified before the U.S. Senate Committee on Commerce, Science, and Transportation at a hearing titled "Aggressive Sales Tactics on the Internet and Their Impact on American Consumers." She is a co-reporter of the American Law Institute's Restatement of the Law of Consumer Contracts, a board member of the American Law and Economics Association, and a fellow at the Engelberg Center for Information Law and Policy at NYU School of Law. She has held visiting appointments at Columbia Law School and Harvard Law School. She received a B.A. magna cum laude from the University of Pennsylvania and a J.D. Cum Laude from NYU School of Law.

JOHN MORRIS is the Associate Administrator in charge of the Office of Policy Analysis and Development at the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA), where he works on the full range of communications policy issues, including cybersecurity, privacy, and intellectual property.

SHIRA PERLMUTTER is the Chief Policy Officer and Director for International Affairs at the USPTO. In that position, Ms. Perlmutter serves as a policy advisor to the Under Secretary of Commerce for Intellectual Property, and oversees the USPTO's domestic and international IP policy activities; legislative engagement, through the Office of Governmental Affairs, education and training, through the Global Intellectual Property Academy (GIPA), global advocacy, through the IP Attaché Program, and economic analysis, through the Office of the Chief Economist.

Before joining the USPTO, Ms. Perlmutter was Executive Vice President for Global Legal Policy at the International Federation of the Phonographic Industry (IFPI). Prior to that, she held the position of Vice President and Associate General Counsel for Intellectual Property Policy at Time Warner.

Ms. Perlmutter previously worked at the World Intellectual Property Organization (WIPO) in Geneva as a consultant on the copyright issues involved in electronic commerce. In 1995, she was appointed as the first Associate Register for Policy and International Affairs at the

U.S. Copyright Office. She was the copyright consultant to the Clinton Administration's Advisory Council on the National Information Infrastructure in 1994–1995.

Ms. Perlmutter is a Research Fellow at the Oxford Intellectual Property Research Centre at Oxford University. From 1990–1995, she was a law professor at The Catholic University of America, teaching Copyright Law, Trademarks and Unfair Competition, and International Intellectual Property Law. Previously, she practiced law in New York City, specializing in copyright and trademark counseling and litigation. She is a co-author of a leading casebook on International Intellectual Property Law and Policy, and has published numerous articles on copyright issues.

Ms. Perlmutter received her A.B. from Harvard University and her J.D. from the University of Pennsylvania.

AARON PERZANOWSKI is Professor of Law at Case Western Reserve University School of Law where he teaches courses in intellectual property, telecommunications and innovation. Previously, he taught at Wayne State University Law School, as a lecturer at the University of California Berkeley School of Information, and as a visitor at the University of Notre Dame Law School. Prior to his teaching career, he served as the Microsoft Research Fellow at the Berkeley Center for Law & Technology and practiced law at Fenwick & West in Silicon Valley.

His research addresses topics ranging from digital copyright to deceptive advertising to creative norms within the tattoo industry. With Jason Schultz, he is the author of *The End of Ownership: Personal Property in the Digital Economy* (MIT Press 2016), which argues for retaining consumer property rights in a marketplace that increasingly threatens them. His book with Kate Darling, *Creativity Without Law: Challenging the Assumptions of Intellectual Property* (NYU Press 2017), explores the ways communities of creators operate outside of formal intellectual property law.

CATHERINE R. ROWLAND is Senior Advisor to the United States Register of Copyrights. She was appointed to the position effective February 23, 2015. In her position, Rowland assists the Register on a full range of policy, legal, and governance issues relating to the United States Copyright Office and its agency responsibilities.

Rowland joined the Office in 2010 as Attorney-Advisor for the Office of the General Counsel. From 2012 to 2015, she served as Senior Counsel for Policy and International Affairs. Before joining the Office, she spent several years in private law practice in Washington, DC, where she represented a variety of companies in intellectual property matters. Rowland began her legal career as a law clerk for the Hon. N. Carlton Tilley Jr. of the U.S. District Court for the Middle District of North Carolina.

Rowland earned her J.D. from William and Mary Law School, where she was elected to the Order of the Coif. She earned her B.A. in political science from American University.

BRIAN SCARPELLI is Senior Policy Counsel at ACT | The App Association, where he works on a diversity of legal and policy issues impacting mobile app development companies, such as privacy, cybersecurity, intellectual property rights, accessibility, and connected health. Previous to joining ACT, Brian worked for over five years at the Telecommunications Industry Association, a trade association representing telecommunications equipment manufacturers and vendors. He has also spent time with the Federal Communications Commission, the District of Columbia Public Service Commission, and the Alliance for Telecommunications Industry Solutions.

BEN SHEFFNER is Senior Vice President & Associate General Counsel, Copyright & Legal Affairs, at the Motion Picture Association of America, Inc., where he specializes in copyright and other intellectual property policy and runs the MPAA's amicus brief program. Ben previously held in-house legal positions at NBCUniversal and Twentieth Century Fox, and worked as an associate in the Century City office of O'Melveny & Myers LLP, where he litigated copyright and other cases for major movie studios, television networks, and record labels. In 2008, Ben served as Special Counsel on Senator John McCain's presidential campaign, where, among other responsibilities, he handled the campaign's copyright, trademark, and other intellectual property issues. Ben served as a law clerk for the Hon. M. Margaret McKeown on the US Court of Appeals for the Ninth Circuit from 2000-2001. Prior to attending law school, Ben worked as a political reporter in Washington, D.C., where he covered congressional elections, the term limits movement, campaign finance reform, and various other issues related to Congress' internal politics and administration. Ben received an A.B. from Harvard College in 1993 and a J.D. from the University of California, Berkeley School of Law (Boalt Hall) in 2000.

LUIS E. ZAMBRANO RAMOS is a Policy Analyst at the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) focusing on intellectual property, online intermediary liability, trade, and digital economy policy. He previously worked in the Wireless Telecommunications Bureau at the Federal Communications Commission. Luis received his A.B. from Harvard University and his J.D. from the University of California, Berkeley School of Law (Boalt Hall).