

**Comments to the US Department of Commerce Internet Policy Task Force**  
***Copyright Policy, Creativity, and Innovation in the Digital Economy***  
**Docket Number 130927852-3852-01**  
**January 17, 2014**

Stuart N. Brotman

## **I. Introduction: My Interest in This Proceeding**

I am filing these comments in response to the October 3, 2013 *Federal Register* notice requesting public comment on certain issues raised by the Department of Commerce's Green Paper, *Copyright Policy, Creativity, and Innovation in the Digital Economy*. The views expressed herein are individual, and are not intended to reflect those of any other individual or organization.

My interest in this important proceeding is at several levels. Currently, I teach Entertainment and Media Law at Harvard Law School to JD, LLM and SJD candidates, and on an exchange basis, also serve as an annual lecturer in Entertainment Law at Stanford Law School. I supervise student research in this area, including graduate theses that are completed as part of Harvard Law School's LLM degree requirements. I also am a faculty member at Harvard Law School's Institute for Global Law and Policy.

I previously taught the only advanced seminar in Entertainment Law in the United States at the Boston University School of Law, as part of its Intellectual Property specialization for JD candidates. I also taught international communications and copyright law at The Fletcher School of Law and Diplomacy, Tufts University.

During the 2012-13 academic year, I served at the Fulbright-Nokia Distinguished Chair in Information and Communications Technologies in the Faculty of Social Sciences at the University of Helsinki, and as an Honorary Visiting Fellow at the Jindal Global Law School in India.

I also have deep professional roots within the Department of Commerce, having served as Special Assistant to the Assistant Secretary of Commerce for Communications and Information at the National Telecommunications and Information Administration (NTIA) during its formative years. As NTIA's Chief of Staff and a senior member of its policy team, my responsibilities included continuing outreach to the academic community, which was especially fruitful as we developed new--and ultimately durable--policy models for telecommunications and electronic mass media competition and deregulation.

Academic input also was valuable in helping NTIA identify key areas in the emerging field of information policy, including a greater understanding for the

vital role that intellectual property plays in promoting a sustainable marketplace of ideas and our core constitutional values of free expression.

I also served as a Senior Fellow of The Annenberg Washington Program in Communication Policy Studies, which was affiliated with Northwestern University during my tenure. Among my responsibilities were developing and directing a research program on Negotiation in Communications Policymaking. There, my focus was on achieving better policy outcomes through a multi-stakeholder process aimed at narrowing differences and forging a consensus.

Further biographical details are provided in the curriculum vitae that comprises Appendix A.

Given my long-standing interest and involvement in the process and substance of the issues in this proceeding, I thought it would be useful to submit brief comments offering my perspective on the multi-stakeholder process that the Department of Commerce is utilizing in the “Green Paper Policy Process.”

### **I. The Academic Community as Stakeholder**

In the Green Paper, the Internet Policy Task Force announced that it would convene a multi-stakeholder dialogue involving rights holders, consumer representatives and companies in the business of identifying infringing content to explore and address the many problems with the notice and takedown system currently in place. No mention, however, was made of the academic community.

The academic community *writ large* is an important stakeholder that merits a proverbial seat at the table as the Green Paper Policy Process moves ahead. Consequently, the vital role that the academic community can play in the multi-stakeholder process should be emphasized more explicitly with a wider outreach to varied disciplines and different types of higher education institutions.

This recommendation is consistent with the stated goal of the Green Paper Policy Process—namely, to maintain continued engagement with all stakeholders as a critical aspect of evaluating and refining our national copyright policy. Multi-stakeholder dialogue is intended to help the participating parties reach clarity on what their positions are and whether there are options toward consensus.

NTIA has adopted a multi-stakeholder approach in other Internet Policy Task Force proceedings, such as in its work to develop a new framework for protecting consumer data privacy and promoting innovation in the digital economy. There, in identifying stakeholders, it explicitly included the academic sector as a stakeholder, along with government, commercial and civil society stakeholders.

NTIA Administrator Lawrence Strickling has demonstrated constructive leadership in ensuring the application of the multi-stakeholder approach to the Green Paper Policy Process, as well. As he noted in his December 12, 2013 remarks at the full-day public proceeding convened by NTIA and the USPTO: “The multi-stakeholder approach facilitates transparency and promotes cooperation. It allows innovation to flourish while building trust and protecting other rights and interests. It has been key to our approach to Internet policy and we see opportunities to utilize it as we develop our digital copyright policy as well.”... “[I]t is critical that we hear from a wide variety of stakeholders, including those who create content, those who distribute it and those who consume these works—and everyone in between.”

## **II. Notice-and-Takedown Research Directions**

A clear message that the panel on the current notice-and-takedown system collectively articulated at the December 12, 2013 public meeting was a need for more and better research regarding how that system is operating now, and what changes may take place in the future. I concur strongly with this observation.

For example, a recent report published by Harvard University’s Berkman Center for Internet and Society, *Internet Monitor 2013: Reflections on the Digital World*, notes that in September 2011, Google had 0.29 DMCA takedown requests per second; by September 2013, that number rose to 8.76 takedown requests per second.

Given this dramatic increase over two years, it would be useful for stakeholders to understand why this has occurred. Is it a function of more rigorous policing by content creators and copyright owners, or more vigorous activity by ISPs, or better available technology, or an increase in the posting of copyrighted content, or of some combination of these factors, or other explanations entirely? Moreover, will this trend continue at the same rate, or at an exponentially faster rate? What are the implications for either scenario?

These answers would be important to understand if any consensus is to develop within the framework of the current DMCA, or if new data and trends emerge to support a different approach to reform.

With academic stakeholders as part of the multi-stakeholder process, they can offer research observations and findings such as these that can help facilitate common understanding and substantive consensus. If the delicate balance being sought in this proceeding is to be achieved generally--and in DMCA notice-and-takedown implementation specifically--it must reflect research, not just advocacy positions. This is where the academic community can play an especially useful role. By providing data, analysis, historical context and comparative perspectives, the quality of the multi-stakeholder dialogue will be improved.

### **III. Utilizing the Multi-Stakeholder Process to Improve the Notice-and-Takedown System of the Digital Millennium Copyright Act (DMCA)**

The next phase of multi-stakeholder engagement will be focused on improving the operation of the notice-and-takedown system for infringing content from the Internet. As it moves forward, I urge the Department to explicitly include the academic community as an identified stakeholder in this vital task, akin to what was done in implementing the Privacy Blueprint referenced above.

It should work with academics to pursue a robust research agenda—including a comprehensive review of existing academic literature on the actual performance aspects of the notice-and-takedown system—that is presented at future multi-stakeholder forums, whether in Washington, DC or in field settings.

Although several individual academics to date have been invited to appear on panels, the level of outreach I am calling for is far wider and deeper than drawing upon the expertise of law professors who teach and write about copyright law and policy. Their insights are valuable, of course, but the academic net needs to be expanded across multiple relevant disciplines and beyond. Equally important, the interests of higher education institutions should be accounted for, given the pivotal role they play in producing, distributing and consuming a range of intellectual property on sophisticated digital platforms.

This “academic community as stakeholder” approach is meritorious for a number of reasons:

- Higher education institutions, including comprehensive research universities, liberal arts colleges and conservatories devoted to the performing and/or applied arts, are playing a unique role in helping to train and nurture the next generation of content creators. As Commerce Secretary Penny Pritzker noted in her Green Paper introduction, “America’s writers, musicians, filmmakers, photographers, sculptors and other creators make up the lifeblood of our culture, build new stores of knowledge, and shape how we see ourselves—and how the world sees us as well.”
- These institutions also have colleges and schools of journalism and mass communication that are serving as training grounds for the next generation of journalists, who aspire to work professionally with media organizations of all sizes and types. As content creators focused on enhancing civic engagement and the democratic process, they serve a separate, but no less important function in American life--as preservers and promoters of a vibrant free press.
- Within colleges, schools and departments of engineering and computer science, academia offers a much-needed understanding of state-of-the art developments in digital transmission and storage. Professors and researchers in these disciplines have broad and deep experience designing and operating advanced broadband networks, and thus are highly conversant with the possibilities and limitations of file uploading, downloading and transmission. They also are knowledgeable about content protection measures such as filters, digital watermarks and other technical means to limit widespread copying and dissemination of copyrighted works. Consequently, they are well positioned to help other stakeholders understand the ramifications of future technology scenarios, so that any consensus which emerges from a multi-stakeholder dialogue meshes with what looming technological realities are likely to be.
- Academics, particularly those with ongoing teaching responsibilities, also have a unique connection to the Millennial generation of “digital natives.” Even more than parents, professors and instructors have constant exposure in

to how students actually use social media, share digital files, and upload download both user-generated and professional content.

In large classrooms and seminar rooms alike, they work with students to access and review a wide range of text, video and audio material downloaded from high-speed campus broadband networks. Around campus, whether in libraries, student centers, residential college settings, outdoor quads—indeed any area where students congregate—faculty serve as constant and careful observers regarding what their students are utilizing on laptops, tablets, smartphones and other digital devices. As such, collectively they are in an excellent position to offer insights into how content actually is consumed by the generation that grew up with digital technology in a manner far different than the experience of older generational cohorts.

#### **IV. Conclusion**

Clearer signals to academia about its usefulness to this process, better outreach to this community, and a focus on how academic research can serve as a constructive catalyst in multi-stakeholder dialogue, represent three concrete steps that can help contribute to the tangible outcomes which the Green Paper Policy Process seeks to achieve.

**Appendix A**

**Stuart N. Brotman Curriculum Vitae**



## EDUCATION

J.D. University of California at Berkeley

Note and Comment Editor, California Law Review; Book Review Editor, Federal Communications Law Journal

M.A. University of Wisconsin-Madison

Specialization in Communications Regulation and Policy

B.S. *summa cum laude*, Northwestern University

Majors: Communication Studies and Mass Media; Minor: Sociology; Visiting Student in

International and Comparative Broadcasting, Centre for Communication Studies, London

Professional Certificates in Negotiation and Mediation, Harvard Law School

## TEACHING AND RESEARCH

Harvard Law School (Lecturer on Law, Entertainment and Media Law; Communications Law and Policy; Research Fellow in Entertainment and Media Law; Research Fellow, Berkman Center for Internet & Society; Visiting Expert, Entertainment and Media Law, Lecturer on Law, Entertainment and Media Law, Faculty Member, Institute on Global Law and Policy) 1997–2004, 2005-2007; 2010-

Northwestern University in Qatar, Professor of Communication in Residence (Media Law, Policy and Ethics, Global Broadband Development, Internet Governance, Digital Entrepreneurship), 2012-13

University of Helsinki, Faculty of Social Sciences, Department of Social Research/  
Media and Communication Studies (Fulbright-Nokia Distinguished Chair in  
Information and Communications Technologies, Comparative Broadband Policy),  
2012-13

Salzburg Global Seminar Academy on Media and Global Change, Salzburg,  
Austria, Visiting Scholar, Summer 2013

Harvard Business School (Executive Education Faculty, Intellectual Property and  
Business Strategy), 2010-

Visiting Distinguished Professor of Emerging Media, Center for Information and  
Communication Sciences, Letterman Distinguished Professional Lecturer and  
Senior Fellow, Digital Policy Institute, Ball State University, Spring Semester  
2010

Massachusetts Institute of Technology (Visiting Scholar, Program in Comparative  
Media Studies), 2005-2007

The Fletcher School of Law and Diplomacy, Tufts University (Adjunct Professor  
of International Law, International Communications Law and Policy), 1990-1997

Boston University School of Law (Adjunct Associate Professor, Entertainment  
Law), 1990-98

Academic Fellow, Jaffee Center for Strategic Studies, Tel Aviv University, 2003

Information Technology Fellow, International Communications Studies Program,  
The Center for

Strategic and International Studies (International Telecommunications and Internet  
Regulation), 1999-2000

Senior Fellow, Edward R. Murrow Center for International Communications, The  
Fletcher School of Law and Diplomacy, Tufts University (International  
Communications Law, Regulation and Policy), 1993-1997

Senior Fellow, The Annenberg Washington Program in Communications Policy  
Studies, Northwestern University (Domestic and International Communications  
Policymaking, Communications Technology Developments), 1988-1994

Institute of Politics, Kennedy School of Government, Harvard University  
(Communications Policymaking), 1982

## PROFESSIONAL EXPERIENCE

President, Stuart N. Brotman Communications, Lexington, MA, 1984-2004; 2005-

A global consulting firm serving telecommunications, Internet, media, entertainment and sports clients. Strategic business, financial, regulatory policy and operations counseling, due diligence evaluations and management education for corporate CEOs, presidents and other key executives. Clients include broadcasting and satellite companies; cable television operators and programmers; computer hardware and Internet service companies; home video companies; investment advisers and investment banks; motion picture producers, distributors and exhibitors; professional sports teams; newspaper publishers; wireline and wireless telecommunications companies; trade associations; and telecommunications equipment and service companies.

President and CEO, The Museum of Television & Radio, New York and Los Angeles, 2004-05

The Museum of Television & Radio, with two locations on both coasts, is the premier trust of television and radio's heritage, housing a collection of 140,000 programs and 11,000 commercials from 70 countries, spanning nearly 90 years. Oversight of all Museum operations; a combined staff of 140; a \$60 million endowment and a \$16 million budget. Activities encompassed management; public and industry programming; curatorial and research services; marketing and communications; legal affairs; budget and finance; and development

Counsel, Morrison & Foerster, San Francisco and Washington, DC, 1995-96

Counsel and Founder, Communications, Information and Entertainment Practice Group, Winthrop, Stimson, Putnam & Roberts, New York and Washington, DC, London, Brussels and Tokyo, 1992-95

President, Communication Strategies Incorporated, Cambridge, MA, 1981-1984

A national research, planning, and venture development firm for new communication technologies and services. Strategic business planning, investment counseling, executive management training, regulatory policy analysis and government relations

Special Assistant to the Assistant Secretary of Commerce for Communications and Information, National Telecommunications and Information Administration, Washington, DC, 1978-1981

Chief of Staff to the President's principal adviser on communications policy. Legal and policy activities including broadcast, cable television and common carrier regulation; communications industry structure; copyright; antitrust law; public broadcasting; regulatory reform; and federal and state communications legislation

Liaison to the White House, Congress, the FCC, Department of Justice, other government agencies, private industry, the legal community, research and academic institutions and the press

## HONORS

Who's Who in America

Who's Who in American Law

Who's Who in the East

Who's Who in Finance and Industry

Who's Who in the World

Fellow, Salzburg Global Seminar, 2013-

Honorary Visiting Fellow, Jindal Global Law School, India, 2013

Eisenhower Fellowship, 2000-

University of Wisconsin-Madison Distinguished Alumni Award  
Northwestern University Alumni Merit Award

Twentieth Century Fund-Matthew H. Fox Fellow in Law and Journalism, National News Council

## Northwestern University Senior Interdisciplinary Studies Honor Award

### BOOKS

Communications Law and Practice, American Lawyer Media, Law Journal Press, 1995 and continuing with semi-annual updates

Broadcasters Can Negotiate Anything, National Association of Broadcasters, 1988

Telephone Company and Cable Television Competition, Artech House, 1990  
(Editor)

The Telecommunications Deregulation Sourcebook, Artech House, 1987 (Editor)

### REPRESENTATIVE ARTICLES, BOOK CHAPTERS, MONOGRAPHS AND REVIEWS

"The New Era," in P. Cook, D. Gomery and L. Lichty, eds. American Media: The Wilson Quarterly Reader, The Wilson Center Press, 1988

"The Art of Tough Negotiating in Tougher Times," Boston Business Journal, March 2, 1992 "Creating a Competitive Edge," Boston Business Journal, April 22, 1991

"Dealing Without the Phone," Boston Business Journal, August 19, 1990

"Redefining the Postal Service," Boston Business Journal, May 14, 1990

"Tinkering with Bell," Boston Business Journal, February 24, 1986

"Why Jobs Went Back to College," Boston Business Journal, October 14, 1985

"A New Recipe for TV Success," The Boston Globe, December 31, 1991

"Telecommunications in a Global Market," Boston University International Law Journal 144 (1993)

"Strategic Trends in Theatrical Exhibition: The Independent Exhibitor's Survival Guide," BoxOffice, July 1989

"Better Planning for Productive Negotiations," Broadcast Financial Journal, May/June 1988 "Making a Marriage: The Keys to a Successful Media Business Joint Venture," Broadcast Financial Journal, November/December 1989

"The Importance of Good Negotiating," Broadcasting, April 4, 1988

"Telecommunications," in World Trade Executive, Inc., How to Profit from NAFTA, Business & Legal Reports (1994)

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"Broadband Reform: Jobs, Not Download Speed," Business Week, February 12, 2010

"Domestic and International Cable Developments: A Two-Way Street," Cable TV and New Media Law & Finance, October 1988

"The Home Video Challenge," Cable Television Business, May 1, 1988 "Screen Test," Cable Television Business, June 1, 1989

"What Bush Might Do To Cable," Cable Television Business,

"Closed-Captioned Television Finally Comes Into Its Own," Christian Science Monitor, December 23, 1991

"Create the Digital Dividend," Christian Science Monitor, July 20, 2001 "Curbing Violence on TV," Christian Science Monitor, July 9, 1993

"Hearing-Impaired Have Right to Read Springer," Christian Science Monitor, April 30, 1998 "Teledemocracy Should Outlive Perot's Candidacy," Christian Science Monitor, July 30, 1992

"The US Postal Service: Fish or Fowl?," Christian Science Monitor, August 29, 1989

"We Need a National Television Policy," Christian Science Monitor, October 6, 1989

"Financial Self-Sufficiency for the Public Interest Communications Law Movement: The Road Ahead," CLIENT, Fall 1975

Closed-Captioned Programming: Changing Developments in the Television Landscape (Rapporteur's Summary), The Annenberg Washington Program, Communications Policy Studies, 1991

"Cable Television and Copyright: Legislation and the Marketplace Model," 3 Comm/Ent: Hastings Journal of Communications and Entertainment Law 101 (1980), reprinted in Publishing, Entertainment, Advertising and Allied Fields Law Quarterly, Winter 1981

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"Trading Free: The GATT and U.S. Trade Policy and North American Free Trade: Assessing the Impact," (Book Review), 27 Commentaries 76 (1993-1994)

"Fact and Fancy in Television Regulation," (Book Review) 3:1 Communications and the Law 57 (1981)

"Informal Rulemaking Procedures at the Federal Communications Commission: Judicial, Administrative, and Legislative Reform," 1:3 Communications and the Law 3 (1979)

"Electronic Alternatives to Postal Service," in G. Robinson, ed., Communications for Tomorrow: Policy Perspectives for the 1980's, Praeger, 1978 (with H. Geller); reprinted as "The Electronic Mailman," in Across the Board: The Conference Board Magazine, June/July 1979

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"The Conundrum of Setting Standards: FCC Policy Options for New Communication Technologies," *Communications Lawyer*, Spring 1984

"Personally Attacking the Personal Attack Rules," *Communications Lawyer*, Summer 1992

"The Potential Role of Mediation in Settling Comparative Broadcast Cases," *Communications Lawyer*, Summer 1989

"Why Not a Unified Approach to Telecommunications?" *Communications Lawyer*, Summer 1985

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"Bell's Dream, At Last," *Communications Week*, July 1, 1991

"Building Up in Eastern Europe," *Communications Week*, June 3, 1991 "A Look at the Cable Debate," *Communications Week*, August 6, 1990

"Make NTIA an Executive Council," *Communications Week*, July 17, 1989

"State Regulation Hampering BOC's New Services," *Communications Week*, January 27, 1986

"Disabilities Act Goal: Reach Out and Touch Everyone," *The Connecticut Law Tribune*, August 26-September 2, 1991

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"Public TV Must Again Address Must-Carry," *Current*, October 30, 1989

"Cable Television: Congress Should Refrain from Action," *The Denver Post*, October 9, 1989 "Heading for a Collision on TV Censorship," *The Des Moines Register*, September 26, 1989

"Expanding Internet Freedoms in Arab States," *The Edge*, January 2013

"Benchmarking for Better Business," *Electronic Media*, July 19, 1993

"Best Deals are Struck in Person," *Electronic Media*, July 1, 1991

"Maneuvering in the Global Market," *Electronic Media*, April 9, 1990

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"Trying to Phone Home," International Business, June 1992

“Financial, Political, Legal and Regulatory Elements of Telecommunications Privatization: Achieving a Balance Among Competing Interests,” *International Law and Business in a Changing World*, American Bar Association Section of International Law and Practice, 1993

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"Equal Time for the Forums?," The National Law Journal, June 30, 2008

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"Clinton Has Chance to Play Leading Role in Communications," Network World, December 14, 1992

"Let Vendors Know How You Feel about Privacy Protection," Network World, June 3, 1991

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The New Frontiers of Information in the Digital Age, Aspen Italia Seminar for Leaders, November 1999 (Editor)

"Copyright Principles in the Digital Revolution," New York Law Journal, March 22, 1994 "Telecommunications Aspects of the 1990 ADA," New York Law Journal, September 3, 1993

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"The Role of the Asia-Pacific Economic Cooperative," Pacific Currents: Charting Developments in the Americas and the Far East, American Bar Association Section of International Law and Practice, October 1991

“Firms Should Set Policies to Prevent Breaches of Employee’s E-mail Privacy,”  
Prevention of Corporate Liability, July 18, 1994 (with M. Minister)

"The Economics of the Postal System," (Book Review), Policy Studies Journal,  
Spring 1981

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Television Stations, 1987

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"If You Can't Beat 'em, Join 'em: Forming Joint Venture Media Businesses,"  
Satellite Communications, June 1983 (with L. Levine)

"Broadband Networks: Assessing Supply and Demand," Spectrum  
Telecommunications Industry, Decision Resources, May 12, 1992 (with Patricia  
M. Martin)

"Cooperation or Competition: Telephone Companies and the Cable Television  
Industry," Spectrum Telecommunications Industry, June 4, 1993

"PCS Experimental Licensees in the United States," Spectrum  
Telecommunications Industry, Decision Resources, September 16, 1992, reprinted  
in The Emergence of Personal Communications Networks, DR Reports (1991)

"The Uses of Cable Television and Telephone Company Video Trials," Spectrum  
Telecommunications Industry, April 12, 1994

“How the Postman Almost Owned E-Mail,” Technology Review, July 29, 2002

"US Communications Policymaking," Telecommunications Policy, December  
1989

“ ‘Rough Justice’ and the FCC: ENFIA in Retrospect,” 5:3 Telematics 8 (1988)

"The Strategic Importance of Programming in Broadband TV," TeleStrategies  
Insight, August 1993

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Television/Radio Age, March 7, 1988

"Toward Better Politics on the Tube," Texas Lawyer, November 25, 1991

"Coordinating U.S. Government Communications Interests: A Case Study of Pay  
Cable Television Policy Development, " in Claus-Dieter Ehlermann and Louisa  
Gosling, eds., Third Competition Law Annual 1998: Regulating  
Telecommunications, Hart Publishing, 1999

"Before You Sign on the Dotted Line..." Today's Office, October 1988

"Telecom Privatization: Key Issues," Transnational Data and Communications  
Report, November/December 1993

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U.S.-Mexico Free Trade Reporter, February 4, 1994

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1988

"Online Justice," The Washington Post, November 19, 1997

"The Brave New World of Enterprise Television," Xconomy, April 21, 2011 ( with  
M. Fredrickson and R.D. Sahl)

## REPRESENTATIVE PRESENTATIONS

Salzburg Global Seminar Academy on Media and Global Change, Salzburg,  
Austria, 2013(Media and Freedom of Expression)

Nokia Research Center, Espoo, Finland, 2013(Enhancing Public Engagement in  
National Broadband Plans)

Jindal Global University, New Delhi, India, 2013 (Competition Law Trends in  
India)

Centre for Media and Communications Law, University of Melbourne Law  
School, Melbourne, Australia, 2013(National Broadband Plans in Australia and the  
United States)

Northwestern University, Doha, Qatar, 2012 (Developing National Broadband Plans)

Stanford Law School, Palo Alto, California, 2012 (Current Legal Issues of Converged Media)

University of Tennessee College of Law, Knoxville, Tennessee, 2012 (Media Concentration in a Global Digital Universe),

Harvard Law School Committee on Sports and Entertainment Law Symposium, Cambridge, Massachusetts, 2011 (Recent Labor Disputes in the Entertainment Industry)

The Conference Board Customer Loyalty Conference, New York, New York, 2011 (Social Media Planning)

Telecommunications Policy Research Conference, George Mason University School of Law, Arlington, Virginia, 2011 (Data Protection and Duties of Care)

Digital Policy Institute Forum, Ball State University, Muncie, Indiana, 2011 (Broadband's Role in Growing the Economy)

Harvard International Law Journal Symposium, Cambridge, Massachusetts, 2011 (Intellectual Property and International Trade)

Stanford Law School, Palo Alto, California, 2011 (The Digital Transformation of Entertainment Law)

Massachusetts Institute of Technology, Cambridge, Massachusetts, 2011 (Perspectives on the Legal Profession in Science and Technology Practice Areas)

Emerging Enterprise Center, Foley Hoag LLP, Waltham, MA, 2011 (Cyberterrorism, Cybersecurity and Online Privacy)

Digital Policy Institute Conference, Indianapolis, Indiana, 2010 (National Broadband Plan Implementation; Emerging Workplace Issues for Digital Media; Economic Impact of Emerging Media Developments)

Telecommunications Policy Research Conference, Arlington, Virginia, 2010 (The Future of Online Video)



Broadcast Education Association Annual Conference, Las Vegas, Nevada, 2010  
(FCC implementation of the national broadband plan)

International Telecommunications Education and Research Association Annual  
Telecommunications and Information Technology Conference, Nashville,  
Tennessee, 2010 (The national broadband plan)

Letterman Distinguished Lecture, Ball State University, Muncie, Indiana, 2010  
(International broadband developments)

Department of Communication Faculty Colloquium, Rochester Institute of  
Technology, Rochester, New York, 2010 (New directions in communications  
education)

Wireless Communications Association International, Washington, DC, 2009  
(Public-private broadband partnerships)

Marketers/09, Montevideo, Uruguay, 2009(Navigating the new media marketing  
roadmap)

National League of Cities, Washington, DC, 2009 (The Broadband Technology  
Opportunities Program of the American Recovery and Reinvestment Act)

MIT Media Lab-Eisenhower Fellows Seminar, Cambridge, Massachusetts, 2009  
(Digital media and political campaigning)

Harvard Law School, Cambridge, Massachusetts, 2009 (Technology and  
communications policy)

Executive Council, American Bar Association Section of Science & Technology  
Law, Boston, Massachusetts, 2009 (The digital television transition)

Campaign Colloquium, Regis College, Denver, Colorado, 2008 (Media utilization  
in the Presidential election)

Harvard Law School, Cambridge, Massachusetts, 2007 (Training tomorrow's  
entertainment and media lawyers)

Executive Council, American Bar Association Section of Science & Technology Law, Boston, Massachusetts, 2009 (The digital television transition)

Campaign Colloquium, Regis College, Denver, Colorado, 2008 (Media utilization in the Presidential election)

Harvard Law School, Cambridge, Massachusetts, 2007 (Training tomorrow's entertainment and media lawyers)

Harvard Law School, Cambridge, Massachusetts, 2006 (Digital music and video distribution)

Australian Centre for the Moving Image, Sydney, Australia, 2006 (Digital preservation of media culture)

MIT Communications Forum, Cambridge, Massachusetts, 2005 (The Future of News)

William S. Paley Annual Lecture, The Museum of Television & Radio, New York, New York, 2005 (Moderator)

China International Television Forum, Shanghai, 2005 (American Journalism Practices)

John H. Mitchell Annual Seminar, The Museum of Television & Radio, Los Angeles, California, 2004 (Tribute Presenter)

William S. Paley Annual Lecture, The Museum of Television & Radio, New York, New York, 2004 (Moderator)

Annual Meeting, International Council of the Museum of Television & Radio, Cape Town, South Africa, 2004 (African communications developments)

Technion Institute of Management, New England Annual Symposium, Boston, Massachusetts, 2003 (Structuring US-Israel joint ventures)

Aspen Institute Italia Seminar for Leaders, Cernobbio, Italy, 2001 (Seminar Moderator) Central European University, Budapest, Hungary, 2000 (International telecommunication regulation)

Budapest University of Economic Sciences, Budapest, Hungary, 2000  
(Telecommunications market development)

International Management Development Centre, Budapest, Hungary, 2000  
(Strategic planning in telecommunications)

Aspen Institute Italia Seminar for Leaders, Cernobbio, Italy, 1999 (Seminar moderator)

Knight-Bagehot Program in Economics and Business Journalism, Columbia University Graduate School of Journalism, New York, New York, 1999-2005  
(Internet law)

Aspen Institute Roundtable on International Telecommunications, Aspen, Colorado, 1999 (Seminar moderator)

European University Institute, Florence Italy, 1998 (Competition policy in communications markets)

Knight-Bagehot Program in Economics and Business Journalism, Columbia University Graduate School of Journalism, New York, New York, 1998 (Antitrust law)

Media Studies Center, New York, New York, 1998 (The White House role in communications policymaking)

Transregional Center for Democratic Studies, New School for Social Research, New York, New York, 1998 (Comparative communications law and policy research)

Aspen Institute Roundtable on International Telecommunications, Aspen Colorado, 1997 (International telecommunications regulation)

Aspen Institute Roundtable on International Telecommunications, Berlin, Germany, 1996 (Global telecommunications policy)

International Institute of Communications Telecommunications Forum, Washington, DC, 1995 (Emerging patterns of strategic alliances in the communications industry)

Satellite & Space Project Finance Conference, Euromoney, New York, New York, 1995 (International and domestic policy and regulatory issues)

Annual Review Conference, Institute for Information Studies, Queenstown, Maryland, 1995 (International cellular telephone developments)

Sloan School of Management, Massachusetts Institute of Technology, Cambridge, Massachusetts, 1995 (Strategic planning for global telecommunications ventures)

The Trans-Atlantic Dialogue on Broadcasting and the Information Society, Waterloo, Belgium, 1995 (American and European responses to the development of a Global Information Infrastructure)

Center for Information Industry Research, Temple University, Philadelphia, Pennsylvania, 1995 (The changing role of the broadcasting industry in an era of deregulation)

State Commissions on Long-Range Planning and Science and Technology, People's Republic of China, Beijing, 1994 (American perspectives on the National Information Infrastructure initiative)

Ninth Annual Aspen Institute Conference on Telecommunications Policy, Aspen, Colorado, 1994 (Business alliances and strategic positioning in telecommunications) National Public Radio, Morning Edition, 1994 (The political impact of talk radio)

Dodge Hall Symposium, College of Business Administration, Northeastern University, Boston, Massachusetts, 1994 (Global trends in the communications marketplace)

Megamedia Workshop, Edward R. Murrow Center for International Communications, The Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts, 1994 (Redefining universal service)

Annual Spring Meeting, Section of International Law and Practice, American Bar Association, Washington, DC, 1994 (International communications policymaking in the Clinton Administration)

Annual Winter Meeting, Section of International Law and Practice, American Bar Association, Denver, CO, 1994 (Structuring multinational telecommunications joint ventures)

Annual Spring Meeting, Section of International Law and Practice, American Bar Association, Washington, DC, 1993 (Telecommunications privatization and liberalization)

Winter Faculty Workshop, The Annenberg Washington Program, Northwestern University, Washington, DC, 1993 (Charting the course of international communications in the next decade)

Tenth Anniversary Symposium, Institute of Communications Law, Columbus School of Law, Catholic University of America, Washington, DC, 1992 (Future trends in telecommunications and intellectual property)

En Banc Hearing on Telephone Toll Fraud, Federal Communications Commission, Washington, DC, 1992 (Alternative dispute resolution of toll fraud issues)

Freedom Forum Media Studies Center National Conference, Columbia University, New York, NY, 1992 (Evaluating demand for a national information service)

World News This Morning, ABC News, 1992 (Cable television legislation)

Aspen Institute Conference on the Impact of Information Technology on Society, Workplace and the Individual, Aspen, Colorado, 1992 (Privacy regulation)

Annual Convention, American Bar Association, San Francisco, California, 1992 (Virtual reality and intellectual property; Regional telecommunications developments in the Pacific Rim)

Global Senior Managers Program, The Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts, 1991-1992 (International communications law, policy and transnational businesses)

Federal Communications Bar Association, Washington, DC, 1991 (Alternative dispute resolution at the FCC)

The Annenberg Washington Program, Northwestern University, Washington, DC, 1991 (Title IV of the Americans with Disabilities Act of 1990)

Aspen Institute Conference on Telecommunications Regulation Policy, Aspen, Colorado, 1991 (Developing consensus on American telecommunications policy)

American Bar Association Section of International Law and Practice and the Federal Communications Bar Association, Washington, DC, 1991 (Developing a framework for negotiating international communications business transactions)

Cordless '91 Conference and Exposition, Tysons Corner, Virginia, 1991 (Regulation, the financial community and personal communications services)

National Engineering Consortium, Worldwide Personal Communications Forum, Dallas, Texas, 1990 (Privacy and personal communications)

Aspen Institute Conference on the Role of Copyright in the Development of Interactive Video Publishing and New Computer Software for Personal Use, Wye Woods, Maryland, 1988 (Achieving consensus within the private and public sectors)

The Annenberg Washington Program, Northwestern University, Washington, DC, 1988 (Content regulation in electronic mass media)

Boston University Broadcast Administration Program, College of Communication, Boston, Massachusetts, 1988 (Negotiation and the broadcast manager)

## AFFILIATIONS

Bar of the United States Supreme Court (admitted to practice, 2012)

State Bar of California (admitted to practice, 1978)

Bar of the United States Court of Appeals for the District of Columbia Circuit  
(admitted to practice, 1979)

American Bar Association (Chairman, International Communications Committee,  
1992-95, Co- Chairman, International Legal Education Committee, 1995-96,  
Section of International Law and Practice)

Federal Communications Bar Association (Member, Law Journal and Interactive  
Media Practice Committees)

Editorial Advisory Board, BNA Electronic Information Policy & Law Report  
(1995-97)

Editorial Advisory Board, EuroWatch (1992- )

Editorial Advisory Board, Federal Communications Law Journal (1980-84, 1988-  
1994)

Editorial Advisory Board, International Journal of Communications Law and  
Policy (1999- ) Editorial Advisory Board, Journal of Science and Technology Law  
(1995- )

Editorial Advisory Board, Transnational Data and Communications Report (1991-  
Executive Advisor, The Journal of Biolaw & Business, (2003- )

Advisory Board, Program on International Information and Communication, The  
Fletcher School of Law and Diplomacy, Tufts University (1992-97)

Academic Advisory Committee, Civic Education Project, Central European  
University, Budapest and Yale University (1992-2000)

National Advisory Council, School of Communication, Northwestern University  
(1990- )

Advisory Board, Program on Telecommunications Science, Management and  
Policy, Northwestern University (1990-2000)

Educational Overseers Council, National Engineering Consortium (1992-2002)

Member, Communications Society, Institute of Electrical and Electronics Engineers (1994-01)

Member, Copyright Arbitration Royalty Panel, U.S. Library of Congress (1994-98)

Member, Harvard University Faculty Seminar on Information Infrastructure and Governance (1998-02)

Judge, Oberman Memorial Prize in Entertainment Law, Harvard Law School, (1998)

Senior Mentor, Henry Crown Fellowship Program, The Aspen Institute (1999-2000)

Broadband Ambassador, Internet Innovation Alliance (2011- )

National Broadband Plan Steering Committee, State of Qatar (2012-13)

Adviser, Price Media Law Moot Court Program, Oxford University (2012- )

Editorial Board, Journalism and Mass Communication (2013- )

International Advisory Board, Jindal Global University School of Liberal Arts and Humanities (2013- )

Advisory Board, Future of Privacy Forum (2013-)

Arbitrator and Mediator, World Intellectual Property Organization (2013-)