

INTRODUCTION

We thank the Register for the opportunity to comment on this study. Criticism, commentary, and other forms of fair use are central to modern filmmaking, and without lawful access to material on today's digital media, these vital activities would be severely compromised. We are participating in this study because the section 1201(a)(1) exemptions are critically important to the independent filmmaking community.

Several organizations have joined the International Documentary Association, Film Independent, and Kartemquin Educational Films in submitting this Reply Comment. These organizations, which collectively represent over 300,000 filmmakers, artists, and arts institutions, join our Initial Comment¹ and urge the Register to adopt the recommendations made in the Comment.

At the outset, we again urge the Register to recognize the weight of eighteen years of experience with section 1201 of the DMCA: it does little to solve real problems we face with online copyright infringement while making it vastly more difficult for independent filmmakers to make their films. For this reason, in our Initial Comment we recommended a change to section 1201 that would require a connection between the circumvention and infringing conduct in order for a 1201 violation to occur.² In the alternative, we recommend that the Register reduce the burden of the process and administer it more effectively in the ways we discuss below.

The Register should implement a presumption of renewal for previously granted exemptions—but it must be structured effectively. We recommend that the presumption of renewal be implemented in the following ways:

- The presumption of renewal should either be automatic or based simply on an assertion. No evidence should be required to trigger the presumption.
- There need not be a requirement that the presumption can only be applied when there is no opposition. The only “meaningful opposition” necessary is evidence sufficient to rebut the presumption.
- The appropriate showing for rejecting a presumption should be whether there is concrete evidence that there would be no adverse effects if the previously granted exemption were withdrawn. Absent such a showing, the Register should only

¹ See International Documentary Association, et al., Initial Comment on Section 1201 Study: Notice and Request for Public Comment at 2 (Dec. 29, 2015) (hereinafter “Initial Comment”), <http://www.copyright.gov/fedreg/2015/80fr81369.pdf> (recommending that Congress amend section 1201 to include a requirement that circumvention of an access control is not a violation of section 1201 unless there is a connection between the circumvention and infringing conduct, and in the alternative, that the Register (1) establish a presumptive renewal of previously granted exemptions; (2) structure the proceeding as a rulemaking rather than an adjudication; (3) impose a workable standard for what constitutes a likely noninfringing use and ensure that the standard does not interfere with the development of fair use law in the courts; and (4) strongly favor exemptions involving merged access and use controls where the merged control prevents a use such as copying, and the user does not seek to obtain the material unlawfully.).

² See *id.* at 7.

consider concrete evidence that the activities permitted by the previously granted exemption are operating as a market substitute for works being protected by the TPM at issue in the exemption.

We also urge the Register to keep in mind that, in light of the rapid pace of technological development, a presumption of renewal is only part of the solution; as industry practices and TPMs change rapidly, existing exemptions become less and less relevant. Additional reforms to the section 1201 rulemaking process are still urgently needed, whether or not a presumption of renewal is part of the next rulemaking.

The Register should heavily favor exemptions where merged access and use controls are at issue and users do not seek to view or listen to the material unlawfully.

Nothing said in the initial comments undermines the case for a new approach that properly reflects Congress's intent to distinguish between access controls and use controls, and to permit circumvention of use controls.

In light of the enormous time and expense that it takes to participate in the process, the Register should streamline and shorten the exemption process. We strongly urge the Register to account for the unique scheduling needs of participants, including law school clinics, when setting the calendar for the rulemaking. In addition, given that the process is an administrative rulemaking, there is no need for a petition round or designated "proponents" or "opponents."

The Register should clearly define the factors considered for granting an exemption and tie them more closely to the requirements of the statute. If the following conditions are met, an exemption should issue:

1. An activity that a user or group of users seeks to do with regard to a class of copyrighted works is likely to be noninfringing under copyright law.
2. Users legitimately fear that the presence or planned presence of a technological protection measure makes this activity unlawful under 17 U.S.C. § 1201(a)(1)(A).
3. The resulting effect on the activity in question is adverse. "Adverse" should be defined as "more than de minimis," meaning that if real cases exist which are emblematic of a broader impact, an adverse effect has been shown. In addition, if the TPM in question restricts both access and use, and the use sought in the exemption does not involve viewing or consuming copyrighted content without permission, the effect should be presumed to be adverse absent concrete evidence of market substitution or other copyright-related harms that would issue from the exemption.
4. The §1201(a)(1)(C) statutory factors favor the exemption, with special attention to whether merged access and use controls are present.

DISCUSSION

The 1201 rulemaking proceeding is too burdensome and costly for all involved; the Register should exercise her discretion to implement changes that will streamline the process.

In the initial round of comments, many commenters pointed out the exceedingly burdensome nature of the section 1201 exemption process.³ Our experience is the same. The complexity of the process and the unnecessarily high burden of proof on a subset of commenters forces participants to retain legal counsel that must spend hundreds of hours seeking exemptions. In the 2015 rulemaking proceeding, the UCI Intellectual Property, Arts and Technology Clinic and pro bono co-counsel Donaldson + Callif LLP, spent nearly 2000 hours advocating for an exemption for filmmakers. The effort required three attorneys, seven Certified Law Students,⁴ and two interns. At market rates, such services would cost hundreds of thousands of dollars, and that figure does not include the time spent by hundreds of filmmakers, organizational staff, and administrative support who also contributed to the effort. Such costs are prohibitively expensive for all but the wealthiest and the lucky few who can find pro bono representation.

Participation in a process as important as this should not be restricted to such a small group. For this reason, the changes that we recommend in this Reply Comment and in our Initial Comment are vitally important. The Register has the authority to implement logistical and scheduling changes to alleviate these burdens without congressional action, and we encourage her to do so in the next rulemaking. We recommend three simple changes that would ease the burden and costs of the rulemaking process on all involved.

First, the initial petition round of comments should be eliminated. During the 2015 rulemaking proceeding, the petition round was an unnecessary and burdensome additional step that had little practical effect on the proceedings. As we discuss in our Initial Comment, the section 1201 exemption process is a rulemaking required by statute and

³ AAU, et al. Initial Comment at 6, 10, 13, 14–15; ACM U.S. Public Policy Council Initial Comment at 2; AIPLA Initial Comment at 2; American Foundation for the Blind Initial Comment at 9; Authors Alliance Initial Comment at 3; Center for Democracy & Technology Initial Comment at 5, 13; Competitive Carriers Association Initial Comment at 3; Consumers Union Initial Comment at 1–2; Entertainment Software Association Initial Comment at 8–9; iFixit Initial Comment at 2; Institute of Scrap Recycling Industries, Inc. Initial Comment at 4; International Documentary Association, et al. Initial Comment at 3, 7, 8; Knowledge Ecology International Initial Comment at 5; Learning Disabilities Association of America Initial Comment at 1–2; Library Copyright Alliance Initial Comment at 30; Maryna Koberidze Initial Comment at 2; Microsoft Corporation Initial Comment at 5; MIT Libraries, et. al. Initial Comment at 3–4; New Media Rights Initial Comment at 3; Organization for Transformative Works Initial Comment at 5; Rapid7 Initial Comment at 4; University of Virginia Library Initial Comment at 3.

⁴ Certified Law Students have special permission to practice under the Rules of the California State Bar, Title 1, Division 1, Chapter 1.

initiated by the Librarian every three years, making petitions unnecessary.⁵ Instead, the Register can make the process easier and simpler by accepting comments from all interested parties sixty to ninety days after issuing the Notice of Inquiry. The Register should also consider identifying proposed classes *sua sponte* in the Notice of Inquiry.

Second, the Register should allow three comment rounds in which anyone can comment. As we emphasized in our Initial Comment,⁶ future section 1201 rulemaking proceedings should be structured as traditional rulemakings, and there is no need to classify commenters formally as proponents or opponents. The Register can simplify the section 1201 proceeding by requesting three rounds of comments and allowing any interested party to submit a comment at any time, which would allow ample opportunity for participants to respond to others' comments.

Last, in setting up the section 1201 rulemaking's calendar, the Register should account for the fact that law school clinics represent a significant number of participants in the rulemaking proceedings. In fact, because so few user groups can otherwise afford to participate in the process, in the most recent rulemaking law clinics or pro bono counsel constituted the vast majority of outside counsel representing proponents. The Register should acknowledge this unique characteristic of the rulemaking and should work to accommodate the academic schedule. For example, in addition to doing away with the petition requirement, the Register should build in extra time for comment periods that span the winter holidays, should commence the process in late early September, and should wrap up the process by April or early May. In addition, the second and third comment periods can be shorter than the first round.

The Register should include a presumption of renewal for previously granted exemptions, but such a presumption must be structured effectively.

Most initial commenters agree with the Register that a presumptive renewal for previously granted exemptions is both necessary and appropriate.⁷ We also agree, and we urge the

⁵ See 1 CHARLES H. KOCH, JR., ADMINISTRATIVE LAW AND PRACTICE § 4:31 (3d ed. 2016).

⁶ See International Documentary Association, et al. Initial Comment at 11–12.

⁷ See AAU, et al. Initial Comment at 3, 14; ACM U.S. Public Policy Council Initial Comment at 2; AIPLA Initial Comment at 2; American Foundation for the Blind Initial Comment at 3; Authors Alliance Initial Comment at 2; Center for Democracy & Technology Initial Comment at 5–6; Competitive Carriers Association Initial Comment 5–11; Consumer Technology Association Initial Comment at 7; Consumers Union Initial Comment at 4; DIYAbility Initial Comment at 5; iFixit Initial Comment at 3; Institute of Scrap Recycling Industries, Inc. Initial Comment at 8-9; International Documentary Association, et al. Initial Comment at 2, 3, 9–10, 17; Knowledge Ecology International Initial Comment at 4; Learning Disabilities Association of America Initial Comment at 1–2; Maryna Koberidize Initial Comment at 2–3; MIT Libraries, MIT Press, and MIT Office of Digital Learning Initial Comment at 3–4; New Media Rights Initial Comment at 17–18; Organization for Transformative Works Initial Comment at 2; Public Knowledge Initial Comment at 4; Rapid7 Initial Comment at 3–4; R Street Initial Comment at 7; R Street Institute, FreedomWorks, and

Register to implement such a presumption in a way that simplifies and streamlines the process—and that provides real relief to the participants. The presumption should either be automatic or based simply on an assertion; no new evidence should be required to trigger the presumption.⁸

The Register has recommended a presumption of renewal on more than one occasion, sometimes recommending that it apply when there is no “meaningful opposition” and other times when there is no “opposition.”⁹ Although we agree that there should be a presumptive renewal, we do not agree that it should be restricted to cases in which there is no “opposition” or “meaningful opposition.” Such a requirement is unnecessary, because the appropriate form of “meaningful opposition” is evidence sufficient to rebut the presumption. More importantly, an opposition requirement any more lenient than that would likely render the presumption ineffectual, because anyone could extinguish a presumption merely by expressing opposition.¹⁰

We urge the Register to support a presumption of renewal that can only be overcome with concrete evidence that no adverse effects would result if the previously granted exemption were withdrawn. This standard would also solve a significant flaw in the exemption proceeding: as most recently implemented, proponents of exemption renewals must show that adverse effects continue, despite the fact that the previously granted exemption is often mitigating those adverse effects.¹¹ Thus, without a presumption, proponents are required to show that adverse effects not currently felt would likely return—a showing for which the Copyright Office imposed a higher burden in the last rulemaking.¹²

Niskanen Center Initial Comment at 7; USC Intellectual Property and Technology Law Clinic Initial Comment at 2–9; University of Virginia Library Initial Comment at 2.

⁸ We also agree with other commenters that the presumption should apply regardless of whether the contemplated exemption is a flat renewal of an existing exemption, or a modification of one. *See* Microsoft Corporation Initial Comment at 6. Where a modification is contemplated, all aspects of the proposed new exemption that preserve existing exemptions should be presumptively renewed. For example, in 2015 the Librarian granted exemptions for documentary filmmaking that applied to TPMs on DVDs and Blu-ray. In 2018, filmmakers may seek to renew this exemption and modify it to include other TPMs; in that case, the portion of the proposed exemption that applies to DVDs and Blu-ray should be presumptively granted.

⁹ *Compare* 80 Fed. Reg. 81,371 (“the Register has recommended that Congress amend the rulemaking process to create a presumption in favor of renewal when there is no meaningful opposition to the continuation of an exemption.”) *with* 80 Fed. Reg. 81,369 n.7 (“We are therefore recommending a legislative change to provide a presumption in favor of renewal in cases where there is no opposition.”).

¹⁰ In addition, a “meaningful opposition” standard would invite more uncertainty and expense due to the ambiguity of the term “meaningful.”

¹¹ *See* American Foundation of the Blind Initial Comment at 10 (“Embracing presumptive renewal and burden shifting would resolve the paradox at the heart of the current 1201 process: commenters seeking renewal of an existing exemption have to meet the adverse impact criteria anew every three years, even as the existing exemption is succeeding in facilitating non-infringing use of copyrighted works. In other words, it becomes more difficult to empirically demonstrate adverse impact resulting from a technological protection measure when an existing exemption is succeeding in addressing that very problem.”).

¹² *See* U.S. Copyright Office, Section 1201 Rulemaking: Sixth Triennial Proceeding to Determine Exemptions to the Prohibition on Circumvention, Recommendation of the Register of Copyrights 16 (2015), <http://copyright.gov/1201/2015/registers-recommendation.pdf> (“2015 Recommendation”) (limiting

In the alternative, if the Register believes that this requirement is unworkable, the appropriate standard for overcoming a presumption should be concrete evidence that uses permitted by a previously granted exemption are operating as a market substitute for works protected by the TPM at issue in the exemption. Mere assertions, such as those regarding perceptions, feelings, or fears, should not be sufficient to overcome the presumption.

Finally, we urge the Register to keep in mind that, while a presumption of renewal is important, additional reforms to the section 1201 rulemaking process are still necessary in light of the rapid development of technology. Between 2012 and 2015, industry standards changed so quickly that by the time the Librarian granted documentary filmmakers an exemption for Blu-ray and other technologies in 2015, Blu-ray was on its way to becoming an obsolete standard and 4K was on its way to becoming the new norm.¹³ Similarly, TPMs also change often and are rendered obsolete by newer TPMs.¹⁴

The Register should revise the rulemaking process to ensure that it does not subvert Congress’s clear intent to prohibit circumvention of access controls but not use controls: where merged access and use controls are at issue, and the user seeking an exemption does not seek to view, listen to, or otherwise consume the material without permission, the Register should find an adverse effect and issue the exemption.

In our Initial Comment, we argued that the Register should strongly favor exemptions involving merged access and use controls where the merged control prevents a use such as copying and the user does not seek to access the material unlawfully. This approach is necessary in order to avoid subverting Congress’s clear intent to prohibit the circumvention of access controls but not use controls.¹⁵ Nothing submitted in the initial round of comments contradicts this argument. In fact, the comments of the Association of American Publishers (“AAP”), Motion Picture Association of America (“MPAA”), and Recording Industry Association of America (“RIAA”) support our assertion that “access controls” are properly understood as controls that limit a user’s ability to obtain, consume, or perceive

exemptions based on anticipated impacts to “extraordinary circumstances” and requiring evidence that is “highly specific, strong, and persuasive”).

¹³ See 2015 Joint Filmmakers Comment, at app. B (Feb. 6, 2015), http://copyright.gov/1201/2015/comments-020615/InitialComments_LongForm_IDA_Class06.pdf (“2015 Joint Filmmakers Comment”) (“Many documentary filmmakers are now shooting and editing programs in the new Ultra High Definition (UHD) 4K (3840x2160) format.”).

¹⁴ *Id.* at app. J (encryption mechanisms used in digitally transmitted videos vary across platform, device, browser, and provider, and are constantly changing.).

¹⁵ International Documentary Association, et al. Initial Comment at 15.

copyrighted material without authorization¹⁶—not those that limit a user’s ability to copy the material.¹⁷

The Register should strongly favor an exemption where: (a) the user group does not seek to obtain or consume the material unlawfully; (b) the user group cannot engage in a lawful use such as copying for fair use purposes without violating a merged access and use TPM; and (c) there is not substantial evidence that the proposed exemption will cause significant copyright infringement.¹⁸

The Register should more clearly define the factors considered for granting an exemption and tie them more closely to the requirements of the statute.

We agree with many commenters who suggested a more straightforward and clearly defined inquiry for granting an exemption.¹⁹ In the Notice of Inquiry commencing the rulemaking, the Register should define and spell out the inquiry necessary for granting an exemption. Such a framework could easily be implemented in the context of a rulemaking proceeding, where all interested parties are given the opportunity to comment without being categorized as proponents and opponents.

For new exemptions (or aspects thereof) that would not be renewals of previous exemptions, the Register should recommend that an exemption issue if the following conditions are met:

1. Users seek to undertake an activity with regard to a class of copyrighted works that is likely to be noninfringing under copyright law.

As we discuss in our Initial Comment, the standard for “likely to be noninfringing” should be whether there is some likelihood that a desired use is noninfringing.²⁰ It is not necessary to show by a preponderance of the evidence that the desired use is in fact noninfringing because an unduly restrictive standard runs counter to Congress’s intent not to disturb the natural development of case law with respect to fair and other lawful uses.²¹

¹⁶ AAP, et al. Initial Comment at 10 (describing access controls as controls designed to prevent “enabling a person to listen to music, watch a movie, or read a book only after the consumer has properly paid for access to such content, and consistent with the terms on which access is granted”).

¹⁷ Large rightsholder groups readily acknowledge in their initial comments that many common TPMs prevent both access and use. AAP, et al. Initial Comment at 10 (“AAP, MPAA and RIAA use access controls for purposes that relate to ‘core copyright concerns.’); *see also* DVD CCA and AACS LA Initial Comment at 2 (“CSS allowed content owners to protect their copyrighted works from unauthorized access (and . . . from unauthorized copying or other uses.”); *id.* at 9 (“[S]ection 1201 provides legal protections in connection with the use of technological protection measures like CSS and AACS to protect motion picture content from unauthorized access and uses.”).

¹⁸ International Documentary Association, et al. Initial Comment at 16–17.

¹⁹ *See, e.g.*, Cyberlaw Clinic at Harvard Law School Initial Comment at 8.

²⁰ International Documentary Association, et al. Initial Comment at 14.

²¹ *Id.* at 13–15.

2. Users reasonably fear that a technological protection measure makes or will make the activity in question unlawful under 17 U.S.C. § 1201(a)(1)(A).

Here, the inquiry should be whether it may be necessary to circumvent a TPM that “effectively controls access” to copyrighted material in order to conduct the activity in question. For example, filmmakers frequently seek to criticize or comment on other copyrighted works, which is lawful under the fair use doctrine, but are prevented from doing so because the copyrighted works are protected by TPMs that effectively control access to such material.

3. The resulting effect on the activity in question is adverse.

Consistent with both her statutory authority and the legislative history, the Register should define “adverse” as “more than de minimis,”²² meaning that if real cases exist which are emblematic of a broader impact, an adverse effect has been shown. This is clearer and more administrable than “adverse effects” standards applied in previous rulemakings, given that it is difficult to quantify how many examples are sufficient to show a nationwide adverse effect.

In addition, if the TPM in question restricts both access and use, and the use in question does not involve viewing or consuming copyrighted content, the effect should be presumed to be adverse absent concrete evidence of market substitution or other copyright-related harms that would issue from the exemption.

4. The §1201(a)(1)(C) statutory factors favor the exemption.

We urge the Register to consider the factors set forth in the statute²³ in light of our collective experience over the past eighteen years with the DMCA. In that time, it has become quite clear that section 1201 has had little to no effect on copyright infringement; instead, section 1201 has consistently obstructed fair use and other lawful uses. The section 1201(a)(1)(C) statutory factors intentionally give the Register ample discretion to consider this reality.

For example, the first factor, “the availability for use of copyrighted works,” allows the Copyright Office to consider the ubiquity of TPMs on copyrighted works, and the fact that

²² H.R. REP. NO. 105-551, pt. 2, at 37 (1998) (“Commerce Comm. Report”).

²³ 17 U.S.C. § 1201 (a)(1)(C) (“In conducting such rulemaking, the Librarian shall examine—(i) the availability for use of copyrighted works; (ii) the availability for use of works for nonprofit archival, preservation, and education purposes; (iii) the impact that the prohibition on the circumvention of technological measures applied to copyrighted works has on criticism, comment, news reporting, teaching, scholarship, or research; (iv) the effect of circumvention of technological measures on the market for or value of copyrighted works; and (v) such other factors as the Librarian considers appropriate.”).

a massive proportion of the content that dominates current events, culture, civic life, and our most pressing national debates is protected by TPMs.²⁴

The fourth factor, “the effect of circumvention of technological measures on the market for or value of copyrighted works,” calls for the Register to assess whether the circumvention of technological measures presents a real threat of market substitution. To qualify as a real threat of market substitution, there should be concrete evidence to that effect; mere assertions²⁵ should not be sufficient. Furthermore, this inquiry should not include effects on the licensing market, because it is well-established that rights holders have no claim to the derivative market for criticisms of their works.²⁶

Finally, under the fifth factor, “such other factors as the Librarian considers appropriate,” the Register must pay special attention whether merged access and use controls are present.

CONCLUSION

We again thank the Register for inviting comments on section 1201 and its exemption process. Through this study, the Register has an opportunity to revise and revamp the 1201 rulemaking proceeding in accordance with Congress’s intentions. As rightsholders ourselves, we utilize many distribution mechanisms that employ digital rights management and technological protection measures—and our own TPM-protected works are subject to the exemptions we have sought. Digital rights management systems can be useful, but their usefulness has little to do with section 1201. Instead, the anticircumvention provisions have inhibited countless lawful uses. We therefore urge the Register to adopt the recommendations in this Reply Comment and our Initial Comment.

²⁴ See 2015 Joint Filmmakers Comment, at 2, 4, 18.

²⁵ See 2015 Advanced Access Content System Licensing Administrator Comment at 15, http://copyright.gov/1201/2015/comments-032715/class%201/AACS_LA_class01_1201_2014.pdf (“[A]ny weakening of AACS could do great harm to the use-facilitating business model and damage efforts to bring further high definition media formats to market.”); 2015 Entertainment Software Association Comment at 15, http://copyright.gov/1201/2015/comments-032715/class%2019/Entertainment_Software_Association_Class19_1201_2014.pdf.

²⁶ See *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569 (1994); U.S. Copyright Office, Section 1201 Rulemaking: Fifth Triennial Proceeding to Determine Exemptions to the Prohibition on Circumvention, Recommendation of the Register of Copyrights 131 (2012), http://www.copyright.gov/1201/2012/Section_1201_Rulemaking_2012_Recommendation.pdf (“2012 Recommendation”) (citing *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569 (1994)) (“[R]equiring a creator who is making fair use of a work to obtain a license is in tension with the Supreme Court’s holding in *Campbell v. Acuff-Rose Music, Inc.* that rightsholders do not have an exclusive right to markets for commentary on or criticism of their copyrighted works.”).

APPENDIX

ABOUT THE COMMENTERS

The International Documentary Association (IDA) is a non-profit 501(c)(3) organization that promotes nonfiction filmmaking, and is dedicated to increasing public awareness for the documentary genre. At IDA, we believe that documentary storytelling expands our understanding of shared human experience, fostering an informed, compassionate, and connected world, and we exist to serve the needs of those who create this art form. Our major program areas are: Advocacy, Filmmaker Services, Education, and Public Programs and Events. For over 30 years, IDA has worked to support documentary filmmaking as a vital art form. We continue to seek ways to ensure that the artists, activists and journalists who make documentaries receive the resources that they need and deserve.

Film Independent is a non-profit arts organization and our mission is to champion the cause of Independent film and support a community of artists who embody diversity, innovation and a uniqueness of vision. We help independent filmmakers tell their stories, build an audience for their projects and diversify the voices in the film industry, supporting filmmakers at every experience level with a community in which their works can be appreciated and sustained. With over 200 annual screenings and events, Film Independent provides access to a network of likeminded artists who are driving creativity in the film industry. Our free Filmmaker Labs for selected writers, directors, producers and documentary filmmakers and year-round educational programs serve as a bridge from film school to the real world of filmmaking – one with no defined career ladder. Project Involve is Film Independent’s signature program dedicated to fostering the careers of talented emerging filmmakers from communities traditionally underrepresented in the film industry. We also produce the weekly Film Independent at LACMA film series, the Los Angeles Film Festival in June and the annual awards programs for the finest independent films of the year—the Film Independent Spirit Awards.

Kartemquin Educational Films is a not-for-profit collaborative center for documentary media makers who seek to foster a more engaged and empowered society. In 2016, Kartemquin will celebrate 50 years of sparking democracy through documentary. Best known for producing *Hoop Dreams* and *The Interrupters* among over 50 other documentaries that examine and critique society through the lives of ordinary people, Kartemquin has won every major almost every available prize for documentary filmmaking, including multiple Emmy, Peabody, duPont-Columbia and Robert F. Kennedy journalism awards, Independent Spirit, IDA, PGA and DGA awards, and an Oscar nomination. A revered resource on issues of ethics and storytelling, Kartemquin is internationally recognized for crafting quality documentaries backed by comprehensive audience engagement, and for its innovative programs and advocacy designed to elevate the documentary community.

Founded in 1979, the **Independent Filmmaker Project** (IFP) champions the future of storytelling by connecting artists with essential resources at all stages from development to distribution. The organization fosters a vibrant and sustainable independent storytelling community through its year-round programs, which include IFP Film Week, IFP Labs, Filmmaker Magazine, the IFP Gotham Awards and the Made in NY Media Center by IFP, a new incubator space developed with the Mayor's Office of Media and Entertainment and EDC. IFP represents an ever-growing network of 10,000+ storytellers around the world and plays a key role in supporting over 350 narrative and documentary features, as well as new series, each year.

Indie Caucus is a national, independent group of filmmakers who believe in the public mission of public media. It is dedicated to strengthening our collective voice both within and outside of the public media system. As a group we keep tabs on events related to indies and public media, and can quickly activate the national community when a crisis arises. We aim to be a voice that represents independent filmmakers to our broadcast, programming and funding partners in public media. Members of the Indie Caucus Steering Committee are independent producers who meet regularly, who can intervene behind the scenes, and who are pledged to activate their networks when a large outcry and action is needed.

The National Alliance for Media Arts and Culture (NAMAC) consists of 225 organizations that serve over 335,000 artists and media professionals nationwide. Members include community-based media production centers and facilities, university based programs, museums, media presenters and exhibitors, film festivals, distributors, film archives, youth media programs, community access television, and digital arts and online groups. NAMAC's mission is to foster and fortify the culture and business of the independent media arts. NAMAC believes that all Americans deserve access to create, participate in, and experience art. NAMAC co-authored the Documentary Filmmakers' Statement of Best Practices in Fair Use and has long been an advocate for orphan works reform.

New Media Rights (NMR) New Media Rights is a non-profit program that provides preventative, one-to-one legal services to creators, entrepreneurs, and internet users whose projects require specialized internet, intellectual property, privacy, media, and communications law expertise. These legal services include counsel regarding section 1201 of the DMCA. NMR is an independently funded program of California Western School of Law, a 501(c)(3) non-profit. Further information regarding NMR's mission and activities can be obtained at <http://www.newmediarights.org>.

Women in Film & Video (WIFV) of Washington, DC is dedicated to advancing the career development of professionals working in all areas of screen-based media and related disciplines. WIFV supports women in the industry by promoting equal opportunities, encouraging professional development, serving as an information network, and educating the public about women's creative and technical achievements. WIFV, a 501(c)(3) non-

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profit community benefit organization founded in 1979, is the premier professional resource for people who want successful media careers in the DC-metro region. Our resources, connections, and advocates support a vibrant, creative media community.