



December 15 & 16, 2004

Conference will begin at 9 am.

**FTC Conference Center
601 New Jersey Avenue, NW
Washington, DC 20001**

DAY ONE

9:00 Opening Remarks – Chairman Deborah P. Majoras

Congressional Remarks – Senator Gordon Smith (Oregon)

9:15 Panel One – Introduction: P2P and How it Works

- What is P2P? How does it work?
- What are its uses?
- What are different file-sharing models? What are the differences between P2P and a central server?
- Who uses P2P? Is it possible to quantify the number or percentage of teens and children who use P2P versus adults? What types of files are most commonly shared? (Music, video, games, software, public domain)
- What must consumers do to uninstall P2P file-sharing programs? Are some programs more difficult to uninstall than others?

Moderator: Mary K. Engle
Associate Director, Division of Advertising Practices
Bureau of Consumer Protection

Panelists:

1. Keith Ross, Professor of Computer Science, Polytechnic University
2. Mark Ishikawa, Chief Executive Officer, Bay TSP
3. Adam Toll, Chief Executive Officer, Big Champagne

10:15 Break

10:30 Panel Two – Risks to Consumers Related to P2P File-Sharing Activities

- What risks do consumers face when downloading and using P2P file-sharing programs (e.g., data security issues, unwanted exposure to porn/child porn, spyware and adware, viruses, copyright infringement liability)?
- Can these risks be quantified?
- How are risks now being disclosed to consumers? Who should the audience for these risk disclosures be (i.e., teens or their parents and other adults)? Are these risk disclosures adequate and/or effective?

Moderator: Elizabeth Delaney
Division of Advertising Practices, Bureau of Consumer Protection

Panelists:

1. Linda Koontz, Director, Information Management Issues, Government Accountability Office
2. Michelle Collins, Director, Exploited Child Unit, National Center for Missing and Exploited Children
3. John Hale, Associate Professor of Computer Science and Director, Center for Information Security, University of Tulsa
4. Nathaniel Good, University of California, Berkeley, School of Information Management and Systems, and Aaron Krekelberg, Software Architect for the Office of Information Technology, University of Minnesota
5. Marty Lafferty, Chief Executive Officer, Distributed Computing Industry Association
6. Stanley Pierre-Louis, Senior Vice President, Legal Affairs, Recording Industry Association of America

11:30 Panel Three – Technological Responses to Protect Consumers Using P2P File-Sharing Programs

- How can the architecture of P2P file-sharing software be improved to protect consumers and reduce risks (e.g., shared folder configuration, anti-virus software, improvements to filtering technology, centralization)?
- What filtering and blocking mechanisms exist to protect consumers and reduce risks?

Moderator: Beverly Thomas
Division of Advertising Practices, Bureau of Consumer Protection

Panelists:

1. Vance Ikezoye, Chief Executive Officer, Audible Magic Corporation

2. Jerald Block, Co-Founder, SmartGuard Software
3. Jules Polonetsky, Vice President, Integrity Assurance, America Online
4. Marc Freedman, President and Chief Executive Officer, RazorPop
5. Bob Kessinger, Operations Director, Cyber Patrol Division of SurfControl

12:30 Lunch

1:45 Panel Four – Government and Private Sector Responses to Protect Consumers Using P2P File-Sharing Programs

- What is the government’s role in protecting consumers from risks related to file-sharing?
- What is the private sector’s role in protecting consumers from risks related to file-sharing?
- What role can consumer education by government or the private sector play in protecting consumers from risks related to file-sharing?

Moderator: Thomas Pahl
Assistant Director, Division of Advertising Practices
Bureau of Consumer Protection

Panelists:

1. David Israelite, Chairman of the U.S. Department of Justice’s Intellectual Property Task Force
2. Jerry W. Kilgore, Attorney General of Virginia
3. James C. Miller, Chairman, CapAnalysis Group, LLC
4. Adam Eisgrau, Executive Director, P2P United
5. Lydia Parnes, Acting Director, Bureau of Consumer Protection
6. Parry Aftab, on behalf of Wiresafety.org

2:45 Break

3:00 Panel Five – The Future of P2P Technology: Effects on Efficiency and Competition

- What are the current and future commercial, scientific and/or industrial uses for P2P file-sharing technology?
- Does P2P file-sharing technology hold the promise to enhance business and industrial efficiency? If so, how? How are the benefits different from those available under a central server model?
- What is the likely future competitive and/or economic impact across the economy as P2P file-sharing technology improves (speed, amount of data that can be cost-effectively

transmitted, etc.) and as the number and variety of P2P file-sharing applications expand over time? What effects can be expected on the nature and extent of competition in the economy?

- Which industries/markets will be most likely affected? How will they be affected? How will P2P file-sharing technology change competition in affected industries in the future?
- What will be the impact of P2P file-sharing on the way information is employed as a factor of production? In what ways will P2P file-sharing technology affect the manufacture, inventorying, and delivery of goods and services?

Moderator: Alden Abbott
Associate Director for Policy & Coordination, Bureau of Competition

Panelists:

1. Michael D. Smith, Assistant Professor of Information Technology and Marketing, Carnegie Mellon University
2. Johan Pouwelse, Faculty of Information Technology and Systems, Delft University of Technology, The Netherlands
3. Eli Noam, Professor, Columbia Business School and Director, Columbia Institute for Tele-Information
4. Michael Einhorn, Economist and Consultant, Consor Intellectual Asset Management
5. Clay Shirky, Professor, Interactive Telecommunications Program, New York University
6. Andrew Chin, Professor, Antitrust and Intellectual Property, University of North Carolina School of Law
7. J. Gary Augustson, Vice Provost, Information Technology, Penn State

5:00 Closing Remarks – Lydia Parnes, Acting Director, Bureau of Consumer Protection

DAY TWO

9:00 Opening Remarks – Commissioner Pamela Jones Harbour

9:15 Panel Six – P2P File-Sharing and Its Impact on Copyright Holders

- What have the courts held in the recent litigation concerning copyright interests and P2P file-sharing? (Survey of recent litigation.)
- What is the impact of P2P file-sharing on copyright holders? Short-run economic impact (e.g., lost sales revenue)? Longer-run impact (e.g., reduced incentives to be creative and create copyrightable material)?
- Can P2P file-sharing program providers effectively protect against copying in violation

of copyright laws? Can P2P file-sharing program providers protect against content degradation? Use of the courts? Technology solutions? Standard-setting solutions?

- What effects is P2P having on competition and consumers with respect to copyrighted material?
- Would consumers and competition benefit from or be harmed by industry-wide standards for the protection of copyrighted materials (e.g., encryption or other digital rights management)? What, if any, information should consumers be given about the effect of these standards on their use of copyrighted materials and electronic equipment?
- How might copyright law be amended to accommodate P2P file-sharing or otherwise balance the property right interests that are at stake with other social, business, or consumer interests? Could licensing solutions strike such a balance? Are copyright holders willing to negotiate licensing solutions?

Moderator: John Delacourt
Chief Antitrust Counsel, Office of Policy Planning

Panelists:

1. Stanley Besen, Vice President, Charles River Associates
2. Peter Menell, Professor of Law, University of California at Berkeley School of Law, and Executive Director, Berkeley Center for Law & Technology
3. Dean Garfield, Vice-President and Director of Legal Affairs, Worldwide Anti-Piracy, Motion Picture Association of America
4. Andrew Moss, Director Worldwide Technical Policy, Microsoft
5. Fred von Lohmann, Senior Staff Attorney, Fair Use and Intellectual Property, Electronic Frontier Foundation
6. David Carson, General Counsel, U.S. Copyright Office
7. Bennett Lincoff, solo practitioner, former Director of Legal Affairs for New Media at ASCAP
8. Mark Bohannon, General Counsel & Senior Vice President Public Policy, Software & Information Industry Association

11:00 Break

11:15 Panel Seven – P2P File-Sharing and Music Distribution

- What are the current business models for P2P file-sharing software companies? What are the anticipated business models for the future?
- How is P2P file-sharing technology different from single server downloading sources such as Walmart.com?
- To what extent do P2P file-sharing software programs currently compete with pay-per-download file servers such as iTunes? Would existing or future technology enable copyright holders to be compensated when users of P2P file-sharing software programs

- transfer copyrighted files? If so, what would be the effect on competition?
- Does P2P file-sharing technology lower the cost of music dissemination? If so, how much? What do the data show?
- Is there empirical support for P2P file-sharing technology increasing music sales through sampling or greater awareness of artists? What do the data show?
- Are music files on P2P file-sharing networks being intentionally “polluted” or “corrupted”? What effect does the intentional pollution or corruption of files have on P2P file-sharing software as an evolving technology?
- What lessons can be learned from the experience of P2P file-sharing in music distribution for other content (e.g., video)?

Moderator: Hajime Hadeishi
Bureau of Economics

Panelists:

1. Cary Sherman, President, Recording Industry Association of America
2. Koleman Strumpf, Department of Economics, University of North Carolina, and Felix Oberholzer-Gee, Harvard Business School
3. Stan Liebowitz, Director, Center for the Analysis of Property Rights and Innovation, and Professor of Managerial Economics, University of Texas at Dallas
4. Jonathan Potter, Executive Director, Digital Media Association
5. Les Ottolenghi, President, INTENT MediaWorks LLC, and Member, P2P Revenue Engine Project
6. Sam Yagan, President, eDonkey/Metamachine
7. Wood Newton, Songwriter, Nashville Songwriters Association International
8. Michael Bracy, Co-Founder and Policy Director, Future of Music Coalition

1:00 Closing Remarks – Susan Creighton, Director, Bureau of Competition

