

# United States

As a signatory to the Berne Convention, TRIPS Agreement and WIPO Copyright Treaty, the United States' [Copyright Act](#), Chapter 17 of the United States Code, provides protection to owners of audiovisual works against the unauthorized reproduction and/or public performance of the work, including the transmission or other communication of the work to the public. [Chapter 5](#) of the Copyright Act provides remedies for enforcement of copyright, including criminal and civil liability.

Under the [Digital Millennium Copyright Act](#) 1998 (17 U.S.C. §512) ("DMCA"), ISPs are protected from liability for copyright infringement in cases where: (1) The ISP acts merely as a conduit for Internet transmissions, unknowingly transferring copyright infringing material; (2) The ISP temporarily stores or caches infringing material for future access by its users; (3) The ISP stores infringing material at the user's request, unless the ISP knows or should know, or financially benefits from, the infringing material; or (4) The ISP provides users access to websites that contain infringing material by using "information location tools" such as hypertext links, indexes, and directories, unless the ISP is on notice of the infringing materials. These protections only apply to ISPs who do not have knowledge of the infringement, or promptly remove the infringing material upon proper notice from the rights holder.

[Section 512\(c\)\(3\)](#) of the DMCA provides a list of the information that a written notice of alleged infringement submitted to an ISP must contain in order to trigger the obligation to take down the material.

In April 2015, the U.S. Department of Commerce's Internet Policy Task Force (IPTF) released a document titled, "[DMCA Notice-and-Takedown Processes: List of Good, Bad, and Situational Practices](#)" designed to improve the DMCA's notice and takedown system. The document was developed as part of a [multistakeholder forum](#) aimed at identifying best practices and/or produce voluntary agreements for improving the operation of the DMCA notice and takedown system.

The [Copyright Alert System](#) is a voluntary program developed by the MPAA, RIAA, and five major U.S. ISPs which monitors online peer-to-peer infringement of submitted titles in the United States on platforms such as BitTorrent, Gnutella, eDonkey and Arez/Warz and is aimed at alerting U.S. Internet subscribers when their Internet service accounts may have been used improperly to download copyrighted content. Under the Copyright Alert Program, a series of up to six (6) Copyright Alerts are electronically deployed by the Participating ISP to its Internet subscriber whose account has been linked to infringing activity. Internet subscribers who persistently fail to respond to such Copyright Alerts will be subject to "mitigation measures" individually imposed by each Participating ISP. The range of actions may include a temporary reduction of internet speed, a temporary step-down in the subscriber's Internet service tier, or reduction to a landing page for a period of time or until the subscriber contacts their ISP or completes an online copyright education program.

YouTube's [Content Verification Program](#), designed specifically for large copyright-holding companies to issue multiple takedown requests, allows users to search for infringing material and provide YouTube with sufficient information to locate and remove it.

YouTube's [Content ID Program](#) provides copyright owners with a dashboard to assist in fingerprinting their content and tracking unauthorized uses of the content. This program allows users to mute, block, monetize, and track unauthorized content on YouTube.

eBay's [Verified Rights Owner](#) (VeRO) Program allows rights holders to request eBay to remove certain listings that contain infringing content. eBay requires that rights owners be registered as a VeRO before reporting listings as infringing.

In response to a process facilitated by the [U.S. Intellectual Property Enforcement Coordinator](#), five major U.S. payment processors (American Express, Discover, MasterCard, PayPal and Visa) signed on to a voluntary agreement to respond to reports from rights holders that certain vendor websites are engaged in the sale of pirated or counterfeit goods and established [the Best Practice for Voluntary Measures in Addressing the Sale of Counterfeits on the Internet](#). Specifically, upon proper notification by a rights holder that a vendor website distributes illegal content or products, the participating payment processor will take action to investigate and in certain circumstances cut-off the financial services to the infringing website. Under the voluntary agreement, the participating payment processors each will maintain a website containing a clearly identifiable complaint mechanism for rights holders, including a point of contact for the payment processor, and policies prohibiting the sale of illegitimate products using the payment processors' services. However, the specific procedures employed by each participating payment processor may vary.

The [Association of National Advertisers](#) (ANA) and the [American Association of Advertising Agencies](#) (4A's) have issued a [Statement of Best Practices to Address Online Piracy and Counterfeiting](#), which has also been supported by the [Interactive Advertising Bureau](#) (IAB). These best practices provided sample terms for advertisers to use in their

media placement contracts in order to help prevent advertisers from providing financial support to, or otherwise legitimizing, Internet sites whose primary and apparent purpose is online copyright infringement.

The [Best Practices Guidelines for Ad Networks to Address Piracy and Counterfeiting](#), provides guidelines for Ad Networks to follow, including maintaining and posting their own internal procedures for accepting and processing valid, reasonable, and sufficiently detailed notices from rights holders regarding websites alleged to be principally dedicated to piracy, to prevent these websites from participating in the Ad Network's advertising programs.

The [Trustworthy Accountability Group](#) (TAG) has established the [Brand Integrity Program Against Piracy](#) to help address issues of malware, fraud, piracy, and lack of transparency, and reduce the air of legitimacy given to websites carrying counterfeit products, including pirated films and television programming, by removing advertisements of legitimate brands from those websites. The program allows brands to select advertisers who have been validated and Digital Advertising Assurance Providers (DAAPs), those which provide, to ensure that their advertisements do not appear on pirate websites, and help cut off the funding to these websites.

The [National Intellectual Property Rights Coordination Center \(IPR Center\)](#) is led by [U.S. Immigration and Customs Enforcement \(ICE\) Homeland Security Investigations \(HSI\)](#). IPR Center engages in investigations to identify, disrupt and prosecute criminal organizations involved in the manufacture and distribution of counterfeit products; interdiction to keep pirated goods out of U.S. markets; and outreach and training for domestic and international law enforcement to build stronger enforcement capabilities. It is important to notify IPR Center of any security breaches or film leaks so that they can be involved in the investigation and prosecution of the infringers.

Notices of online copyright infringement may be sent directly to each ISP in the United States, some of which are: [Cablevision](#), [Charter Communications](#), [Comcast](#), [Cox Communications](#), [Time Warner Cable](#), [AT&T U-verse](#), [Verizon](#), [Google](#), [YouTube](#), [eBay](#), and [Yahoo](#).

**With respect to camcording in theaters**, [18 U.S.C. § 2319B](#) (Unauthorized recording of Motion pictures in a Motion picture exhibition facility), establishes that it is a criminal offense to knowingly use or attempt to use an audiovisual recording device to transmit or make a copy of an audiovisual work in a motion picture exhibition facility.

The MPAA [Best Practice to Prevent Film Theft](#) provides guidance for conducting anti-camcorder theater security, including specific policies for theater owners, how to identify camcording activity, and prevention tips.

The [Federal Bureau of Investigation \(FBI\) Anti-Piracy Warning Seal](#) (APW) aims to help detect and deter criminal violations of U.S. intellectual property laws by educating the public about the existence of these laws and the authority of the FBI to enforce them. A federal regulation regarding the APW Seal took effect on August 13, 2012, providing a general authorization of all U.S. copyright holders to use APW Seal, subject to specific conditions of use. Those seeking to use the APW Seal must obtain the image directly from the FBI's official public Internet website and display it directly adjacent to the authorized warning language.

Government resources include:

- [U.S. Copyright Office](#)
- [National Intellectual Property Rights Coordination Center \(IPR Center\)](#)
- [U.S. Immigration and Customs Enforcement \(ICE\)](#)
- [Homeland Security Investigations](#)
- [Federal Bureau of Investigation \(FBI\)](#)

Local resources include:

- [International AntiCounterfeiting Coalition \(IACC\)](#)
- [United States Strategy Targeting Organized Piracy \(STOP!\)](#)
- [Motion Picture Association of America \(MPAA\)](#)
- [MPAA 24-Hour Piracy Tip Line](#)
- [Digital Citizens Alliance](#)
- [Center for Copyright Information \(CCI\)](#)
- [Creative Future](#)
- [National Association of Theater Owners \(NATO\)](#)

Legal Online Content Offering: [Where to Watch](#)