CPTWG MEETING #105
July 25, 2007
Legislative/Litigation Update
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Overview

- Litigation
  - Perfect 10 v. Visa
  - Twentieth Century Fox v. Cablevision Systems
  - DeVry v. Elliott
- International Issues
  - Foreign Copyright Levies
  - German Copyright Law Reform
  - SABAM v. Scarlet
  - Promusicae v. Telefonica
Litigation
Perfect 10 v. Visa
(9th Cir. July 3, 2007)

- Background
- Legal Claims
  - Vicarious copyright infringement
  - Contributory copyright infringement
Twentieth Century Fox v. Cablevision Systems
(9th Cir., appeal pending)

- Cablevision sued over Remote Storage DVR system
- District court: RS-DVR is infringing
- Appellee (Studios’) Brief
- Amicus briefs filed
- Progress for Freedom Foundation
- ASCAP/BMI
- Director’s Guild/RIAA/NMPA/Screen Actors Guild
- Oral arguments week of Aug. 6
DeVry v. Elliott
(N.D. Ill., filed June 27, 2007)

- **Background**
- **Legal Claims**
  - Circumvention of technological measures
  - Trafficking in circumvention technology
  - “Contributory circumvention of technological measures”
  - Contributory copyright infringement
International Issues
Foreign Copyright Levies

- Germany
  - Levy part of copyright reforms
  - Shift to self-regulation
- Canada
  - “iPod Levy”
  - Impact
German Copyright Law Reform

- Private Copies
- Copyright Levies
- Research/Education Exemptions
  - Electronic books
  - Electronic document delivery
SABAM v. Scarlet
(Belgium, June 29, 2007)

- Background
  - ISP required to filter
  - ISP arguments rejected
    - E-Commerce Directive
    - "Mere conduit" status
    - Privacy laws
    - Filtering overbroad
- Impact
Promusicae v. Telefonica
(E.C.J., July 18, 2007)

- Background
- Issue
  - Does EU law require disclosure of personal data in civil copyright cases?
- Advocate general opinion
  - Disclosure *not* required in civil cases