

# Overview

- **Legislation**
  - PRO IP Act
  - Orphan Works
  - Internet Freedom Preservation Act
- **Litigation**
  - “Making Available” decisions
  - *A.V. v. iParadigms*
  - *MDY v. Blizzard*
- **Regulatory**
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- **International Developments**



A photograph of the United States Capitol building in Washington, D.C. The building is a large, white, neoclassical structure with a prominent dome topped by a statue. The dome is surrounded by a circular colonnade. The building's facade features numerous windows and columns. In the foreground, there are trees with autumn-colored leaves (yellow and orange) on the left and a green tree on the right. The sky is blue with some light clouds. The text "Legislative Issues" is overlaid in the center of the image.

# Legislative Issues



# Legislation

- **PRO IP Act (H.R. 4279)**
  - **Disaggregation of damages**
- **Orphan Works Legislation**
- **Internet Freedom Preservation Act (H.R. 5353)**





# Litigation



# **“Making Available” Cases**

- ***RIAA v. Barker* (S.D.N.Y.)**
  - **“Distribution” vs. “publication”**
  - **Pleading requirement**
- ***RIAA v. Brennan* (D. Conn.)**
- ***London-Sire v. Doe* (D. Mass.)**
  - **“Distribution” vs. “publication”**
  - **Inference of distribution**





# *A.V. v. iParadigms*

*(E.D. Va. March 11, 2008)*

- **Facts**

- **Turnitin**

- **E-Contracts**

- **Fair Use**

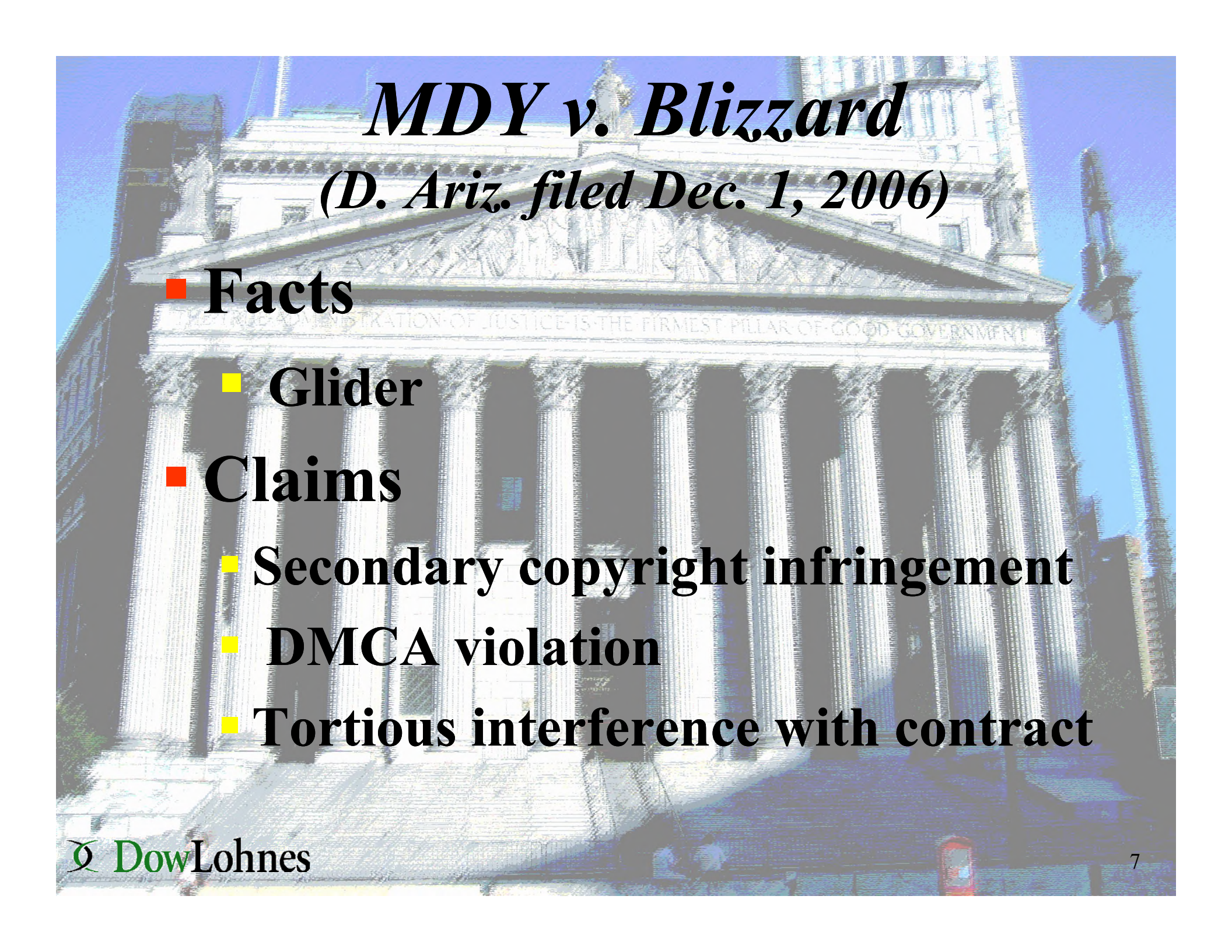
- **Purpose/Character of Use**

- **Nature of Copyrighted Work**

- **Substantiality of Amount Copied**

- **Effect on Potential Market for Work**





# ***MDY v. Blizzard***

***(D. Ariz. filed Dec. 1, 2006)***

- **Facts**

- **Glider**

- **Claims**

- **Secondary copyright infringement**

- **DMCA violation**

- **Tortious interference with contract**





# Regulatory Issues



# **FTC Complaint Regarding Anti-Piracy Warnings**

- **FTC Complaint**
  - ◆ **Unfair and deceptive trade practices**
  - ◆ **Misrepresent consumers' rights**
- **Alleged culprits**
  - ◆ **Sports leagues (NFL, MLB)**
  - ◆ **Motion picture studios**
  - ◆ **Book publishers**
- **FTC will not investigate**





# International Developments



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- EU “Guy Bono Report”
- Irish Eircom lawsuit
- Japanese filtering efforts
- Italian “Peppermint case”
- EU copyright levies
- EU copyright term



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