CPTWG MEETING #110
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Legislative/Litigation Update

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Overview

- Legislation
  - PRO IP Act
  - Orphan Works
- Litigation
  - Atlantic v. Howell
  - Vernor v. Autodesk, Inc.
  - Content Aggregator Cases
  - Cambridge Univ. Press v. Patton
- Regulatory
  - MPAA Selectable Output Control Petition
- International Developments
  - France
  - Finland
  - New Zealand
  - Japan
Legislative Issues
Legislation

- PRO IP Act (H.R. 4279)
  - Forfeiture provisions
  - “IP Czar”
- Orphan works
  - Orphan Works Act of 2008 (H.R. 5889)
  - Shawn Bentley Orphan Works Act of 2008 (S.2913)
Litigation
Atlantic v. Howell
(D. Ariz. 4/29/08)

- “Making available” debate
- Summary judgment denied
  - Plaintiff must show actual distribution
  - Inference of distribution
  - Structure of p2p systems
- RIAA v. Thomas
Vernor v. Autodesk, Inc.
(W.D. Wash. 5/20/08)

- **Facts**
  - AutoCAD software
  - DMCA notice and takedown
- **First sale doctrine**
- **Sale vs. lease**
- **Conflicting authority**
Content Aggregator Cases

- RIAA v. Project Playlist Inc.
- MPAA v. ShowStash; MPAA v. Cinematube
- MPAA v. PullMyLink.com
- MPAA v. IsoHunt
- MPAA v. TorrentSpy
Cambridge Univ. Press v. Patton (N.D. Ga. 4/15/08)

- Facts
  - E-reserves
- Copyright Infringement
  - Coursepacks
- 11th Amendment
FCC: Selective Output Controls

- Selectable Output Controls
- MPAA petition
  - “New business model”
  - Justification for waiver
International Developments
International Developments

- France
  - Olivennes legislation
    - Filtering
    - Three-strikes law
- Finland
  - CSS case
- New Zealand
  - Copyright reform
- Japan
  - Dubbing 10
  - Fair use proposal