

A photograph of the White House at night, illuminated by warm lights. The building is white with a dark roof and a central portico with columns. The windows are lit up, and there are Christmas trees in front of the building. The sky is dark blue. The text is overlaid in yellow.

CPTWG MEETING #114

January 13, 2009

Legislative/Litigation Update

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Legislation Overview

- House IP Subcommittee Dissolved
- Copyright Office Considers Petitions for DMCA Circumvention Exceptions

House IP Subcommittee Dissolved

- **IP Issues Will be Heard by Full Judiciary Committee**
- **Conyers: IP Subcommittee Had Grown too Large**
- **Boucher Consolation Prize**

A photograph of the U.S. Capitol building in Washington, D.C., featuring its iconic neoclassical architecture with columns and a dome, set against a clear blue sky. The building is partially obscured by the text overlay.

Copyright Office Conducts Triennial DMCA Review

- 19 Submissions
- “Interesting” Proposals:
 - Expand Film Prof exemption
 - EFF: remixing and “jailbreaking”
 - “Rootkit” expansion
 - Others...
- Responses Deadline: Feb. 2, 2009



Litigation Overview

- **RIAA Strategy Change**
- **Sony/BMG v. Tenenbaum**
- **Valentine v. NebuAd**
- **Football Ass'n et al. v. YouTube**
- **UMG v. Veoh**
- **MPAA v. Campusist.com et al.**

RIAA Changes Litigation Strategy

- **Background**
 - **Litigation goal: show P2P users they are not anonymous on the web**
 - **Litigation method**
 - **Bad PR**
- **New Strategy: ISP “cooperation”**
 - **No new litigation, but pursue ongoing cases**
 - **Agreements “in principle” for ISPs to forward warning letters to subscribers, slow connection, and perhaps terminate connection entirely**



Valentine v. NebuAd, et al. ***(C.D. Cal.)***

■ **Facts**

- **NebuAd service**
- **Congressional Inquiry**
- **Claims**

■ **Issues**

- **Interception of electronic communication**
- **Acceptable Use Policies**
- **Consent/Opt-out**



Football Ass'n Premier League Ltd. et al. v. YouTube (S.D.N.Y.)

- **Original Complaint**
- **YouTube Partnerships to Monetize User-Posted content**
- **Amended complaint**
 - **Deals to monetize content show:**
 - **Technical feasibility of filtering**
 - **YouTube's willingness to profit from infringement**



UMG Recordings v. Veoh Networks (C.D. Cal.)

- **Facts**
- **Issue: Scope of DMCA Safe Harbor**
- **Court's Order**



Universal City Studios v. Campusist (et al) (C.D. Cal.)

- **Complaints filed Dec. 17, 2008**
- **How sites work**
- **Consent orders with similar sites**



International Overview

- **Multi-National Bodies Act**
- **Australia – filtering plan + lawsuit**
- **French law rebuked; French courts rule**
- **Circumvention in Singapore, New Zealand, the UK**
- **Miscellaneous Others**



International: Multi-national Bodies

- **ACTA Meeting in Paris**
 - Meeting Dec. 15-17
 - Statement released by Canada, Japan
- **EU Telecom Ministers Remove 138**
 - Led by France
 - Conciliation Process
- **WIPO Broadcast Treaty**
 - SCCR November Meeting
 - No expansion of SCCR Portfolio



Australia

- Nationwide Filtering Plan
- Proposal
- Test
- Studios Sue ISP iiNet



France

- EU Commission blasts HADOPI
- French Court allows suit against foreign P2P vendors
- Online PVR Wizzgo Enjoined From Recording French Networks

Circumvention

- Singapore
- UK Consultation



International: Miscellaneous

- Swedish bill
- Finland: CSS is "Effective" TPM