



CPTWG MEETING #117

October 28, 2009

Legislative/Litigation Update

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Litigation

- *DVD Copy Control Association, Inc. v. Kaleidescape, Inc.*
- *RealNetworks, Inc. v. DVD Copy Control Association, Inc.*
- *UMG Recordings, Inc. v. Veoh Networks, Inc.*
- *Blackwell Publishing, Inc. v. Excel Research Group, LLC*



DVD Copy Control Association, Inc. v. Kaleidescape, Inc.


(Cal.App.6th)

- **Facts:**

- **Kaleidescape system:** permits users to copy DVDs to a server for future disc-less playback
- **Breach of contract suit filed against Kaleidescape,** alleging it did not comply with the CSS General Specifications.
- **Trial court entered judgment for Kaleidescape**

- **Holding:**

- **Trial court reversed: General Specs part of the CSS License Agreement**



RealNetworks, Inc. v. DVD Copy Control Association, Inc. (N.D. Cal.)

- **Facts:**

- **RealDVD software allows copying of DVDs to computer hard-drives; resulting copy is encrypted**
- **MPAA, Real file simultaneous lawsuits Sept. 30, 2008**

- **Holding:**

- **Violation of DMCA**
- **Breach of CSS License Agreement**
- **Ninth Circuit Appeal Planned**



UMG Recordings, Inc. v. Veoh Networks, Inc. (N.D. Cal.)

- **Facts:**

- Veoh is a video hosting website akin to YouTube
- UMG sued Veoh in 2007 over the presence of infringing vides on the site.

- **Holding:**

- Veoh is protected from liability by DMCA Safe Harbor provision.



Blackwell Publishing, Inc. v. Excel Research Group, LLC (E.D. Mich.)

- **University of Michigan copy shop guilty of direct copyright infringement although students physically made copies of the coursepacks in question.**
- **Is it in conflict with *Cablevision* decision?**

An aerial photograph of the Federal Communications Commission (FCC) building in Washington, D.C. The building is a large, modern structure with a complex, multi-tiered roof and a curved facade. It is surrounded by other buildings, parking lots, and a highway with several cars. The text "The FCC" is overlaid in large, bold, orange letters at the top center of the image.

The FCC

- **The FCC & Net Neutrality**
 - FCC announced draft network neutrality rules

The White House

- Intellectual Property Enforcement Coordinator
 - Victoria Espinel nominated as IP Czar



Legislative Developments

- **Higher Education Opportunity Act: DoE proposed P2P Rulemaking**
- **Informed P2P User Act (HR 1319)**
 - **Bill was marked up and passed by the House Committee on Energy and Commerce on September 30, 2009.**

France

- France Passes Three Strikes (Graduated Response)





A satellite view of Earth from space, showing the continents of Africa, Europe, and Australia. The Earth is curved, and the background is the blackness of space with some stars visible. A small portion of the Moon is visible in the top right corner. The word "Australia" is written in large yellow letters over the continent. A red arrow points to the western coast of Africa, with the text "iiNet case" next to it.

Australia

➤ iiNet case