



# CPTWG MEETING #124

July 20, 2011

*Legislative/Litigation Update*

Jim Burger

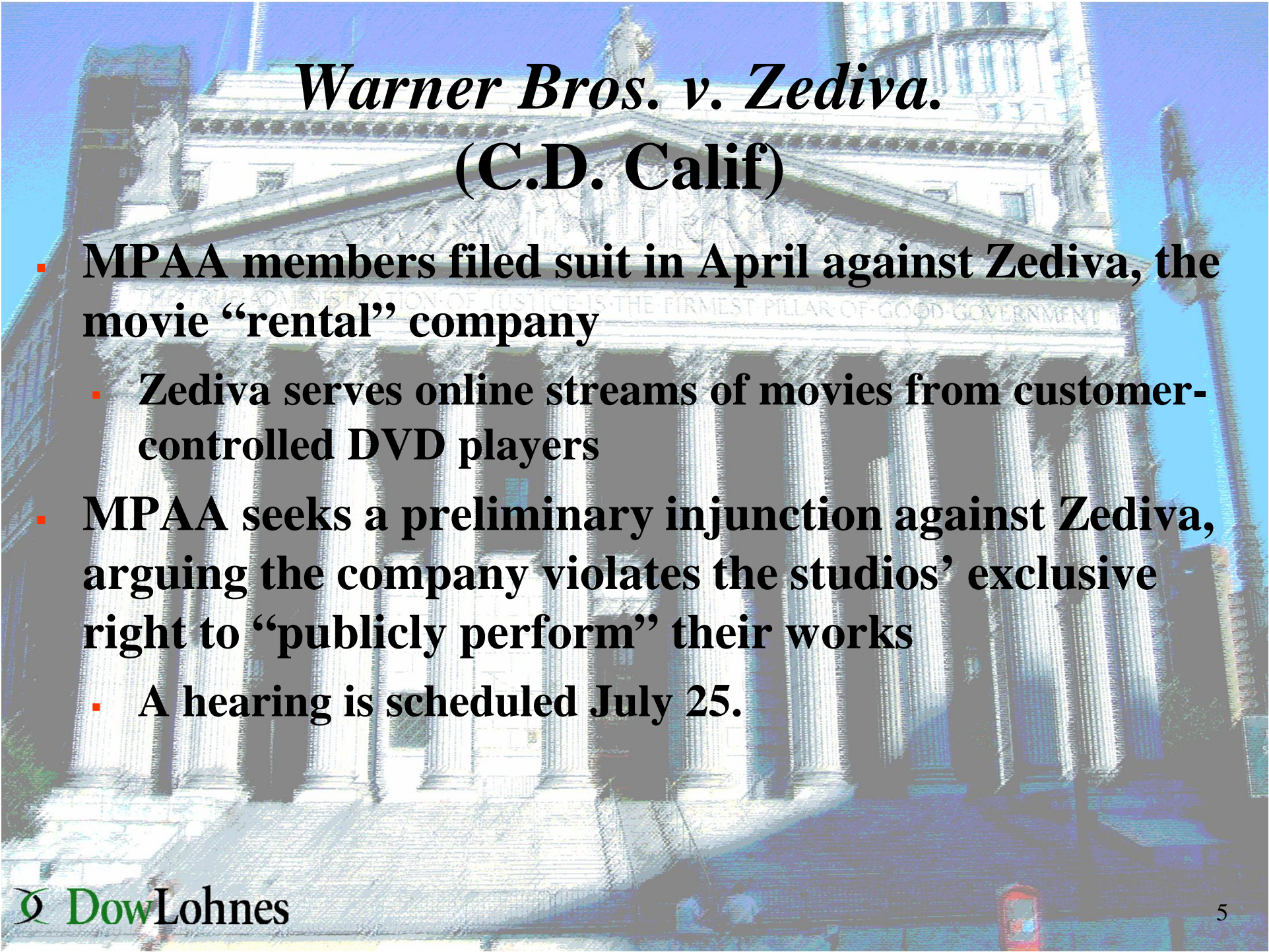
[jbunger@dowlohn.com](mailto:jbunger@dowlohn.com)



# Litigation

- *MPAA v. Zediva*
- *MPAA v. Hotfile*
- *Puerto 80 Projects v. U.S.*
- **Viacom's iPad Streaming Lawsuits**





## ***Warner Bros. v. Zediva.*** **(C.D. Calif)**

- MPAA members filed suit in April against Zediva, the movie “rental” company
  - Zediva serves online streams of movies from customer-controlled DVD players
- MPAA seeks a preliminary injunction against Zediva, arguing the company violates the studios’ exclusive right to “publicly perform” their works
  - A hearing is scheduled July 25.





# *Disney v. Hotfile* (S.D. Fla.)

- ***Facts:*** MPAA filed suit earlier this year against Hotfile, a “cyberlocker” service, alleging both direct and secondary copyright infringement
  - Made five copies to speed service
- ***Holding:*** Florida Federal DC decision:
  - Dismissed claim that Hotfile committed direct copyright infringement
  - Secondary infringement claims will move forward





# ***Puerto 80 Projects v. U.S.***

## **(SDNY)**

- **Rojadirecta.org and Rojadirecta.com**
  - Popular Spanish websites allegedly linked to pirated telecasts;
  - Seized by ICE & DHS in January
- **Petition Seeks Return of Domains, Argues:**
  - No criminal copyright infringement;
  - No contributory copyright infringement;
  - No vicarious copyright infringement;
  - Seizure violates First Amendment



# Viacom iPad Streaming Lawsuits

## ▪ *Time Warner Cable Lawsuit*

- **March:** TWC debuts free iPad app; subscribers able to stream live TV from numerous channels, including Viacom networks
- **April:** Lawsuits filed. TWC sought declaratory order; Viacom sought damages & injunction against streaming of Viacom content through TWC's iPad application
- **June:** TWC & Viacom agree to Standstill Agreement. Lawsuits Stayed

## ▪ *Cablevision Lawsuit*

- **April:** Cablevision launches iPad app giving subscribers ability to stream live TV & On-Demand content from numerous channels, including Viacom networks
- **June:** TWC files suit against Cablevision.
  - Lawsuit still pending



# Legislative Developments

- **PROTECT IP Act Update**
  - Passed Senate Judiciary Committee, BUT
  - Sen. Ron Wyden (D-OR) has placed a HOLD on the bill
- **Commercial Felony Streaming Act**
  - Passed Senate Judiciary Committee



# Administrative Action

- Maria Pallante Appointed Register of Copyrights





# Copyright Alert System

- **Landmark Agreement Between Coalition of Copyright Holders & ISPs Signed in June**
- **“Six Strikes” Copyright Enforcement Plan**
  - Educational warnings
  - Mitigation measures
  - No Internet disconnection



# International

- **WIPO Broadcasting Treaty Update**
- **UK Pirate Site Blocking Case**
- **Philippines Copyright Legislation**
- **Review of EU Copyright Directive**
- **“Three Strikes” Update**
  - **HADOPI Update**
  - **U.N.: Three Strikes Laws Violate Human Rights**
- **New Zealand Warning System: Cash Cow for ISPs?**
- **The End**