CPTWG MEETING #124
July 20, 2011

Legislative/Litigation Update

Jim Burger
jburger@dowlohes.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 ill 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

♀ DowLohnes
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