



# CPTWG MEETING

## #126

### January 25, 2012

*Legislative/Litigation Update*

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# Litigation

- *Golan v. Holder*
- *UMG v. Veoh*
- *MPAA v. Zediva*
- *U.S. v. Megaupload*





# *Golan v. Holder* (SCOTUS)

- Facts:

- Group of plaintiffs that rely upon public domain works challenged constitutionality of Section 514 of Uruguay Round Agreements, which reinstated copyright on certain foreign works in the public domain works

- Holding:

- SCOTUS upheld 10th Circuit decision that statute does *not* violate First Amendment





# *UMG Recordings v. Veoh Networks, (9<sup>th</sup> Cir.)*

## ■ Facts:

- Veoh a user-generated video hosting website akin to YouTube
- UMG sued Veoh in 2007 over the presence of copyright infringing videos on the site
- Trial court held that Veoh was protected by DCMA safe harbor in 2009

## ■ Holding:

- 9th Circuit affirmed trial court's ruling that Veoh is protected from liability by DMCA's safe harbor provisions





## *MPAA v. Zediva* (C.D. Calif.)

- MPAA member studios filed suit last April against Zediva, the movie “rental” company that served online streams of movies from customer-controlled networked DVD players
- August 2011: MPAA won preliminary injunction against Zediva
- October 2011: Zediva shuts down permanently after \$1.8m settlement with MPAA and member studios



# *U.S. v. Megaupload, et al. (ED VA)*

- Facts:

- Megaupload.com online “cyberlocker”/file-sharing site that permitted users to share files
- Site seized last week, U.S. gov’t charged company and seven administrators with criminal copyright infringement, conspiracy to commit racketeering, conspiracy to commit copyright infringement, & conspiracy to commit money laundering

- Open issues:

- DMCA notice and takedown compliance?
- Deduplication issues
- November 2011: Megupload settled civil copyright dispute with Perfect 10



## Imagine a World Without Free Knowledge

For over a decade, we have spent millions of hours building the largest encyclopedia in human history. Right now, the U.S. Congress is considering legislation that could fatally damage the free and open Internet. For 24 hours, to raise awareness, we are blacking out Wikipedia. [Learn more.](#)

**Contact your representatives.**

Your ZIP code:

Look up



# Legislative Developments

- **Stop Online Piracy Act (“SOPA”)**
  - U.S. House Bill introduced by Lamar Smith (R-TX) in October and replaced by Manager’s amendment in November
  - House Judiciary Committee hearing held in November
  - Judiciary Committee markup held in December
  - Bill shelved late last week following Internet-wide protests
- **PROTECT IP Act Update (“PIPA”)**
  - U.S. Senate Bill introduced by Patrick Leahy (D-VT) in May; immediately voted out of Judiciary Committee
  - Sen. Ron Wyden (D-OR) placed hold on bill in May
  - Cloture vote postponed late last week following protests



# International

## *Promusicae, et al. v. Soto, et al.*

Spanish court rules that file-sharing company did not violate Spanish copyright laws

## Canadian “Copyright Modernization Act”

Bill reintroduced into Canadian Parliament

Includes prohibitions against circumvention of technical measures

## U.K. Consultation on Copyright

U.K. government seeking public comment on proposals to modernize copyright system

Consultation period ends in March

## OECD “Open Internet” Internet Policy Principles

OECD member governments approved 14 non-binding policy principles aimed at promoting an “open Internet”





**Thank You**

**Jim Burger**