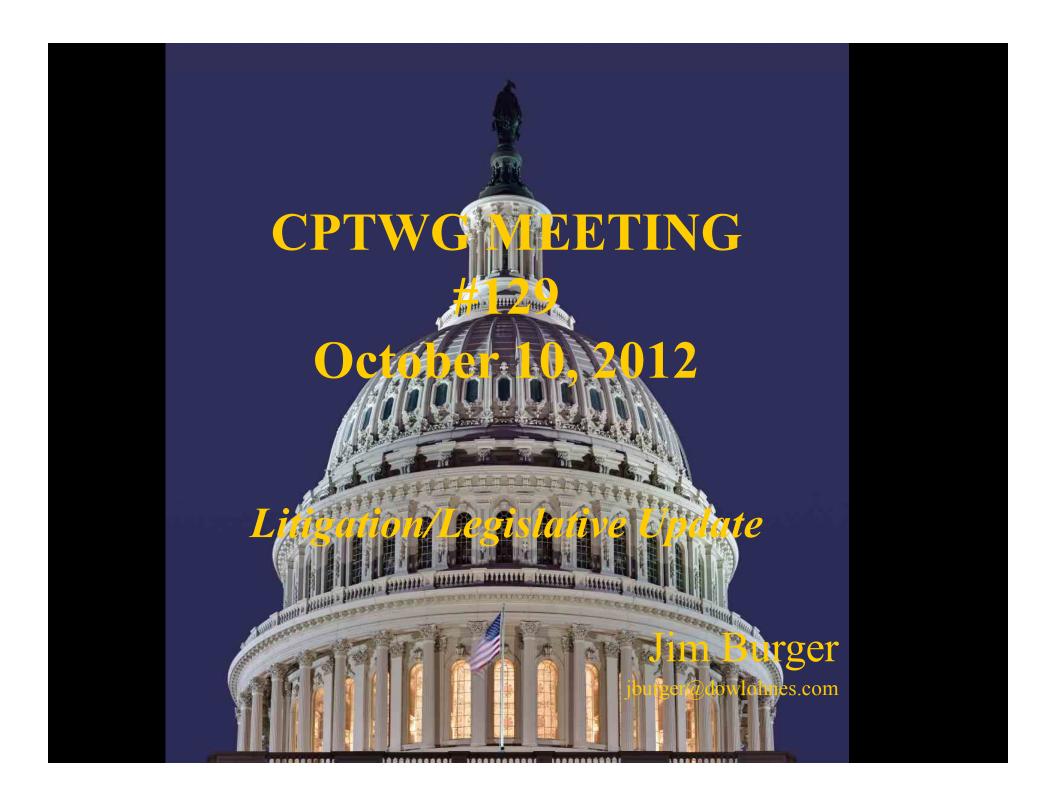
In Memory Scott J. Fierstein

C Representative



Litigation

Kirtsaeng v. John Wiley & Sons, Inc.

WPXI, Inc., et. al. v. ivi, Inc.

American Broadcasting Companies, Inc., et al. v. Aereo, Inc.

The "Auto Hop" Litigation Update

Sony BMG Music Entertainment, et al. v. Joel Tenebaum

Megaupload Update



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Kirtsaeng v. John Wiley & Sons, Inc.

Cert. Granted SCOTUS to decide whether first sale doctrine applies only to copyrighted items made and distributed in the US SG's amicus brief asks Court to affirm 2nd Circuit's decision holding that first sale doctrine doesn't apply to books published

outside the US: allows publishers to prohibit importation of those works

WPXI, Inc., et al. v. ivi, Inc. (2d Cir.)

- ivi –retransmitted broadcast TV signals to subscribers over the Internet – claimed it was cable system entitled to compulsory license under §111(c) of the Copyright Act
- Second Circuit affirmed District Court's decision granting broadcasters a preliminary injunction against ivi
- Impact on *Aereo* appeal?



Aereo (2d Cir.) Update

- U.S. District Court Judge Alison Nathan dismissed networks' motion for preliminary injunction on the ground Aereo's services did not violate the public performance right
- Networks appealed the decision to the 2nd Circuit on September 14th
- Cablevision files amicus brief siding with broadcasters



The "Auto Hop" Litigation Update

- Networks filed copyright infringement lawsuits by against "Auto Hop," feature allows Dish Network subs to automatically skip all commercials during prime-time shows
- Fox filed Motion in Support Preliminary Injunction Dish filed Amended Compliant Dish wrapped itself in the *Sony* flag in opposition motion



Sony BMG Music Entertainment v. Joel Tenebaum (D. Mass.)

- District Court upheld \$675,000 damages award against former Boston University student for willful infringement by downloading 31 songs from filesharing Web site and distributing them
 - Damages award found not to be excessive both on common law and constitutional grounds



Megaupload Update

- Megaupload asked US District Court judge to dismiss the criminal case
 - DOJ seized assets without serving charges
 - Didn't even attempt to serve
 - Oct. 9th Judge O'Grady rejected motion
 - Doubt Congress would approve procedural rule permitting intentionally violating the law but evade jurisdiction
 - May be able to serve officers



Megaupload Update



Legislative Developments

HECORERes 127

Stakeholder Internet governance model

Legislation: International

Autoralian Law Reform Commission released consultation paper entitled, "Copyright and the Digital Economy," as part of the to-bottom review of the

March 2012 Video Law filed petition with HADOPL for advisory opinion regarding VLC media play a and Blu-Ray AAC PD-+ protection measures still pending – press reports of Video Lan-HADOPL meeting

Ranama's Congress votes to pass strong new copyright law (Bill 510)

DOW

International

- **Pirst person convicted under France's antipiracy, three-strikes law** Blamethe wife
- Judge ruled that Alain Grevost must pay £150 fine Dutch Supreme Court, isked LCJ whether downloading pirated material for personal use is legal, it is currently considered acceptable in the Nether and
 - Can a private copy only be legal if carried out from a legal source under the EU Copyright
- Antendo requested preliminary ruling by the Rel in case involving scope of technological measures covered by the EU Copyright
 Dow Directore

