



CPTWG MEETING #110

June 4, 2008

Legislative/Litigation Update

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Overview

- **Legislation**
 - ◆ **PRO IP Act**
 - ◆ **Orphan Works**
- **Litigation**
 - ◆ *Atlantic v. Howell*
 - ◆ *Vernor v. Autodesk, Inc.*
 - ◆ **Content Aggregator Cases**
 - ◆ *Cambridge Univ. Press v. Patton*
- **Regulatory**
 - ◆ **MPAA Selectable Output Control Petition**
- **International Developments**
 - ◆ **France**
 - ◆ **Finland**
 - ◆ **New Zealand**
 - ◆ **Japan**



Legislative Issues

Legislation

- **PRO IP Act (H.R. 4279)**
 - ◆ **Forfeiture provisions**
 - ◆ **“IP Czar”**
- **Orphan works**
 - ◆ **Orphan Works Act of 2008 (H.R. 5889)**
 - ◆ **Shawn Bentley Orphan Works Act of 2008 (S.2913)**



Litigation

Atlantic v. Howell

(D. Ariz. 4/29/08)

- “Making available” debate
- Summary judgment denied
 - ◆ Plaintiff must show actual distribution
 - ◆ Inference of distribution
 - ◆ Structure of p2p systems
- *RIAA v. Thomas*

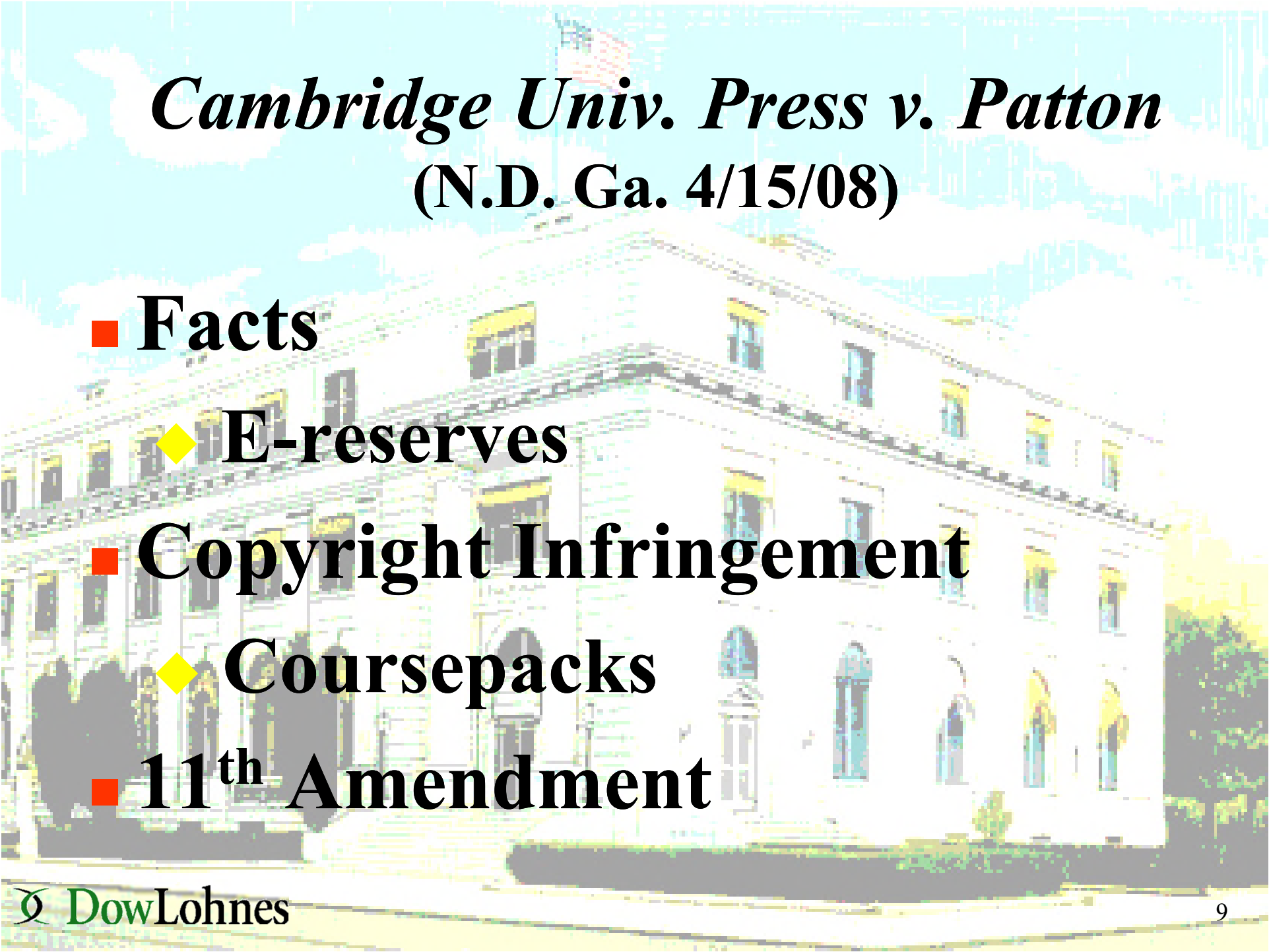
Vernor v. Autodesk, Inc.

(W.D. Wash. 5/20/08)

- **Facts**
 - ◆ **AutoCAD software**
 - ◆ **DMCA notice and takedown**
- **First sale doctrine**
- **Sale vs. lease**
 - ◆ **Conflicting authority**

Content Aggregator Cases

- *RIAA v. Project Playlist Inc.*
- *MPAA v. ShowStash; MPAA v. Cinematube*
- *MPAA v. PullMyLink.com*
- *MPAA v. IsoHunt*
- *MPAA v. TorrentSpy*



Cambridge Univ. Press v. Patton
(N.D. Ga. 4/15/08)

- **Facts**

- ◆ **E-reserves**

- **Copyright Infringement**

- ◆ **Coursepacks**

- **11th Amendment**



Regulatory Issues

FCC: Selective Output Controls

- **Selectable Output Controls**
- **MPAA petition**
 - ◆ **“New business model”**
 - ◆ **Justification for waiver**



International Developments

International Developments

- **France**
 - ◆ **Olivennes legislation**
 - ☞ **Filtering**
 - ☞ **Three-strikes law**
- **Finland**
 - ◆ **CSS case**
- **New Zealand**
 - ◆ **Copyright reform**
- **Japan**
 - ◆ **Dubbing 10**
 - ◆ **Fair use proposal**