

## **Matt Winterroth**

- What WWE is, what it does, what it owns (IP-wise), and what role he plays in that regard
- New and Emerging Piracy threats/challenges
  - Very general overview of most prevalent challenges, to provide context for Live Streaming
  - Live Streaming specifically; e.g., Social media (Facebook, Periscope, Twitter), Gaming platforms (Twitch), and UGC Sites (if applicable)
  - Unique nature of WWE content from a copyright perspective (public performance vs pure sporting event, etc.)
  - Sale and trading of OTT subscription credentials on Internet marketplaces and places like Pastebin
  - Internal decision of what to enforce and what not to enforce (cost implications)
- Factors that he must consider, integrate in devising a strong and aggressive anti-piracy program, esp as it pertains to Live Streaming challenges
  - Evaluation and partnership with vendors
  - Automated and manual approaches to removal
  - Fingerprinting and watermarking technology
  - Strong encryption around legitimate streaming (and broadcast) sources
  - Use of data to supplement internal analytics program
- High-level summary of some of the legal challenges that you face (if time)

## **Karen Thorland**

- Brief Overview of Her Role
- Examples of Live Streaming-Related Issues in the Film/TV Space – KODI/Apps & Addons Overview, Shifting to a Focus on Retransmission Sites/Apps, Expat-Oriented Services
- US Enforcement Legal Developments
  - MPAA/ACE Enforcement Actions
  - TVpad Case
  - Challenges
    - § Direct Infringement vs Secondary Infringement
    - § Criminal Copyright Infringement Laws
- International Enforcement/Legal Developments
  - Site-Blocking Precedent Generally; English Premier League Decision Applying Site-Blocking to Live Streaming
  - CJEU Cases (e.g., Filmspeler)
  - Canada Set-Top Box Order
  - Actions in Australia

### **Dave Caplan**

- Overview of his practice related to enforcement generally, then shift to focusing on live streaming specifically
- Overview of 17 USC s 411(c)
  - Legislative history (as relevant)
  - Overview of some of the seminal cases in this area
  - Specific challenges involved with litigating under that statute;
- Specific examples of cases that he's worked on (e.g., Mayweather/PPV)
- Other legal/policy issues that he confronts in this area (e.g., the inchoate/"pre-crime" argument, jurisdictional issues (if applicable))

### **Bobby Rosenbloum**

- Overview of His Practice
- Specific examples of copyright issues that arise in the context of his work with clients who operate in the live streaming space (public performance vs sync, etc)
- A couple of examples of how the law is unclear and/or evolving in this area (either via legislation/regulation or jurisprudence)
- How these issues in the music space are different from issues that counsel confront in the film/TV/live events space (to the extent it's not obvious or already covered)
- Any practice pointers for attorneys who are not as familiar with this space

## Reference Materials:

- The Football Association Premier League Ltd v British Telecommunications Plc & Ors [2017] EWHC 480 (Ch) (13 March 2017)  
<http://www.bailii.org/ew/cases/EWHC/Ch/2017/480.html> (UK High Court blocks sites from streaming English Premier League football matches)
- Square Ring, Inc. v. Doe, 2015 U.S. Dist. LEXIS 7742, 2015 WL 307840 (D. Del. Jan. 23, 2015) (finding, among other things, that the DMCA can apply to live streaming)
- Fox TV Stations, Inc. v. Aereokiller, LLC, 851 F.3d 1002 (9<sup>th</sup> Cir. 2017)
- Fox TV Stations, Inc. v. Filmon X LLC, 150 F. Supp. 3d 1 (C.D. Cal. 2015)
- From Meerkat to Periscope: Does Intellectual Property Law Prohibit the Live Streaming of Commercial Sporting Events?, Summer, 2016, 39 Colum. J.L. & Arts 469
- DID COPYRIGHT KILL THE RADIO STAR? WHY THE RECORDED MUSIC INDUSTRY AND COPYRIGHT ACT SHOULD WELCOME WEBCASTERS INTO THE FOLD, 2015, 14 J. Marshall Rev. Intell. Prop. L. 291
- LICENSING IN THE SHADOW OF COPYRIGHT, Winter, 2014, 17 Stan. Tech. L. Rev. P397
- COOPERATIVE PLAY: ANTICIPATING THE PROBLEM OF COPYRIGHT INFRINGEMENT IN THE NEW BUSINESS OF LIVE VIDEO GAME WEBCASTS, Fall, 2015, 13 Rutgers J.L. & Pub. Pol'y 52
- Does it have to be a Copyright Infringement?: Live Game Streaming and Copyright, 2016, 24 Tex. Intell. Prop. L.J. 215
- IFPI Connecting With Music, Music Consumer Insight Report, Sept 2017, available at <http://www.ifpi.org/downloads/Music-Consumer-Insight-Report-2017.pdf> (page 10, discussing stream ripping as the dominant method of copyright infringement re music)