

Viacom's YouTube case thrown out twice

SAN FRANCISCO, USA: A judge dismissed for the second time a billion-dollar lawsuit by entertainment giant Viacom in which it claimed that YouTube was "knowingly" profiting from pirated video clips.



US District Judge Louis Stanton stood by his original decision in the case after being instructed by an appellate court to take another look at his findings.

"There is no evidence YouTube induced its users to submit infringing videos, provided users with detailed instructions about what content to upload or edited their content, pre-screened submissions for quality, steered users to infringing videos or otherwise interacted with infringing users to a point where it might be construed to have participated in their activity," Stanton said in his ruling.

Viacom sued Google and YouTube in March 2007, arguing that they condoned pirated video clips at the website to boost its popularity.

The lawsuit was merged with a similar complaint being pursued by the English Premier League, which said football clips were also routinely posted on YouTube without authorisation.

Viacom's suit charged that YouTube was a willing accomplice to "massive copyright infringement" and sought more than a billion dollars in damages.

The suit was dismissed in June 2010 by Stanton on the grounds that YouTube was protected against Viacom's claims by provisions of the Digital Millennium Copyright Act.

The 1998 law protects Internet firms from copyright violations by their users and the judge ruled that YouTube's actions, such as quickly removing infringing videos when requested, were in line with the Act.

Viacom's film and television empire includes many youth-oriented networks like MTV and VH1, popular comedy shows such as Jon Stewart's "The Daily Show" and the Paramount movie studio.

The Viacom copyright case was closely watched at the time as film and television studios grappled with adapting to the ease with which digital content could be shared on the Internet.

Online streaming of shows and movies has since become common, with creators finding new sources of revenue from online delivery, including through alliances with services such as Netflix, Hulu, YouTube and Xbox Live.

An appellate court directed Stanton last year to hear renewed arguments on key aspects of the suit. He

dismissed the case in response to a motion by Google for a summary judgment.

In a statement published on its website, Viacom vowed to appeal Stanton's latest decision.

"This ruling ignores the opinions of the higher courts and completely disregards the rights of creative artist it said.

"We continue to believe that a jury should weigh the facts of this case and the overwhelming evidence that YouTube willfully infringed on our rights," Viacom added.

Google general counsel Kent Walker countered that Stanton correctly rejected Viacom's lawsuit and back Congress when it comes to copyright on the Internet.

"This is a win not just for YouTube, but for people everywhere who depend on the Internet to exchange ideas and information," Walker said.

YouTube co-founder Chad Hurley fired off a message on Twitter inviting Viacom chief executive Philippe Dauman to join him for a beer to celebrate the ruling.

Source: AFP via I-Net Bridge

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