

# Santa Clara University

## 2015 Internet Law Update

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# Preview of Top Developments

- #5: Privacy
- #4: Privacy
- #3: Privacy
- #2: Privacy
- #1: Privacy



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# INTELLECTUAL PROPERTY

# Defend Trade Secret Act



- “The most important IP development you aren’t paying attention to”
- Ruleset proliferation
- Override of pro-mobility provisions?
- Ex parte seizures

- Defend Trade Secrets Act of 2015, H.R. 3326 & S. 1890
- Eric Goldman, *Ex Parte Seizures and the Defend Trade Secrets Act*, 72 WASH. & LEE L. REV. ONLINE \_\_ (2015)

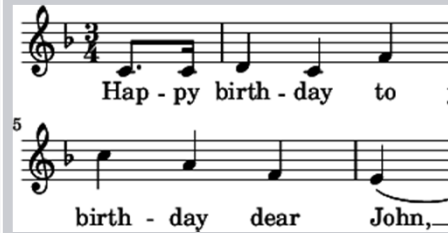
# High Profile Copyright Fights

Copyrighted

Public Domain

Orphan Work

TBD



Williams v. Bridgeport Music,  
2:13-cv-06004-JAK-AGR  
(C.D. Cal. July 14, 2015)

DC Comics v. Towle, 13-  
55484 (9th Cir. Sept. 23,  
2015)

Compendium of U.S. Copyright Office  
Practices, § 313.2

Lorenzana v. South American  
Restaurants, 14-1698 (1st Cir. Aug. 21,  
2015)

Bikram's v. Evolution Yoga, No. 13-  
55763 (9th Cir. Oct. 8, 2015)

Marya v. Warner/Chappell  
Music, Inc., 2015 WL 5568497  
(C.D. Cal. 2015)

# Ownership of Actors' Performances



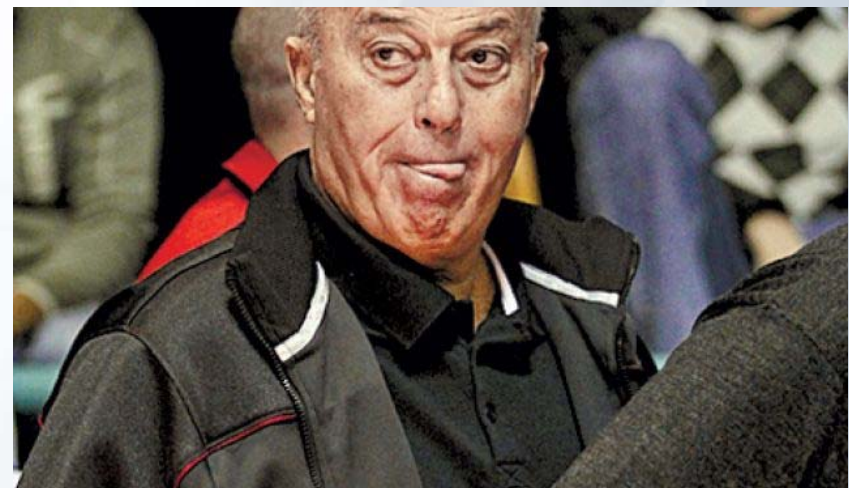
- Garcia v. Google. 12-57302 (9th Cir. en banc May 18, 2015), <https://d3bsvxk93brmko.cloudfront.net/datastore/opinions/2015/05/18/12-57302.pdf>
- Conrad v. AM Community Credit Union, 13-2899 (7th Cir. April 14, 2014), <http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2014/D04-14/C:13-2899:J:Posner:aut:T:fnOp:N:1326031:S:0>
- 16 Casa Duce LLC v. Merkin , 13-3865 (2d Cir. June 29, 2015), <http://j.mp/1MmcmrO>

# Copyright Fair Use



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- Authors Guild v. Google, Inc., 13-4829-cv (2d Cir. Oct. 16, 2015), <http://j.mp/1GUZpbl>
- City of Inglewood v. Teixeira, 2:15-cv-01815-MWF-MRW (C.D. Cal. Oct. 8, 2015), <https://assets.documentcloud.org/documents/2454231/inglewood-v-teixeira-order-on-attorneys-fees-how.pdf>
- Katz v. Google Inc., 2015 WL 5449883 (11th Cir. Sept. 17, 2015), <http://media.ca11.uscourts.gov/opinions/pub/files/201414525.pdf>



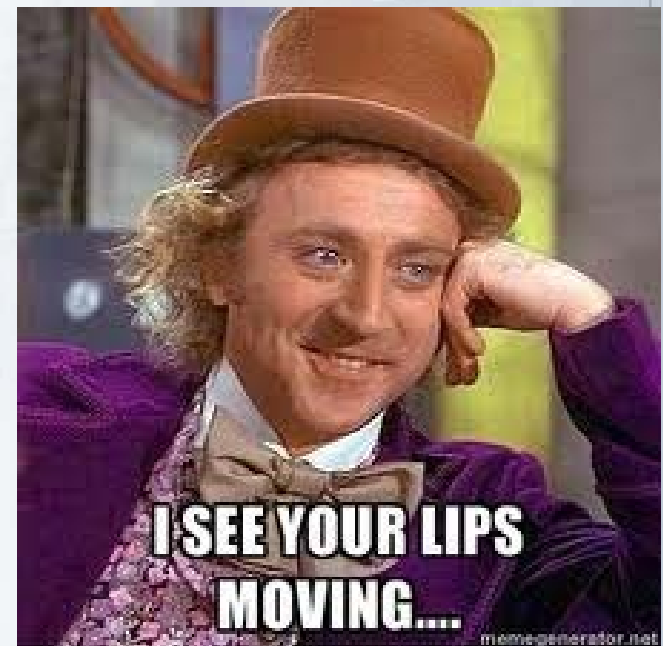


# Trans-Pacific Partnership (TPP)



- Corporate sovereignty
- One-way ratchets
- Anti-democratic process

- TPP Full Text: <https://ustr.gov/trade-agreements/free-trade-agreements/trans-pacific-partnership/tpp-full-text>
- Mike Masnick, Full Text Of TPP Released: And It's Really, Really Bad, Techdirt , Nov. 6, 2015, <https://www.techdirt.com/articles/20151106/07051932731/full-text-tpp-released-really-really-bad.shtml>.



# FREE SPEECH



# 47 USC 230

- 230 Under Fire

- "did more than simply maintain neutral policies prohibiting or limiting certain content"
  - J.S. v. Village Voice Media Holdings, 2015 WL 5164599 (Wash. Sup. Ct. Sept. 3, 2015), <http://cases.justia.com/washington/supreme-court/2015-90510-0.pdf?ts=1441293691>
- "not a neutral publisher"
  - Vision Security LLC v. Xcentric Ventures LLC, 2:13-cv-00926-CW-BCW (D. Utah Aug. 27, 2015), <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=2036&context=historical>

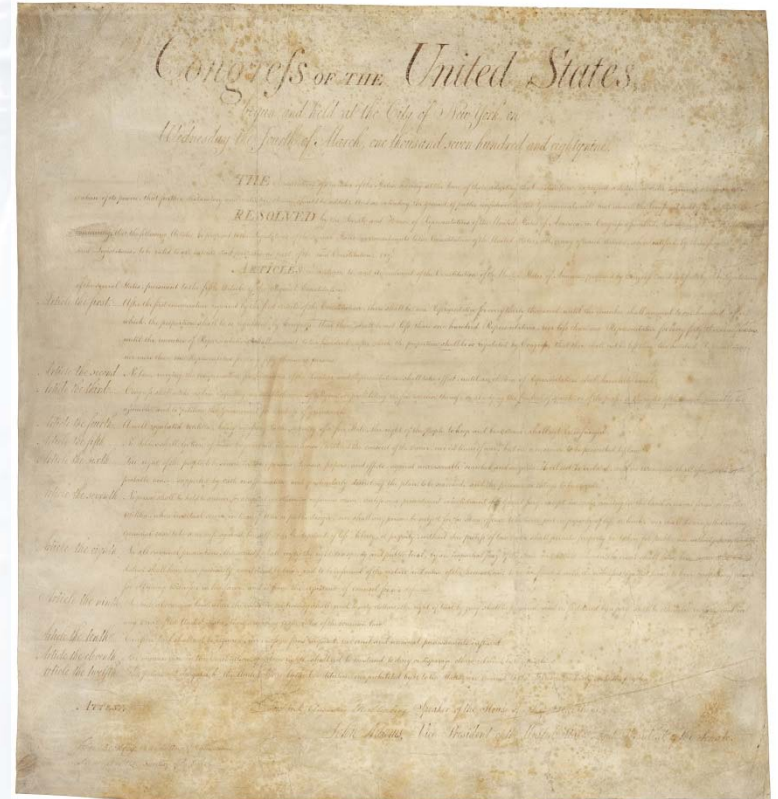
- But reports of 230's death are greatly exaggerated...

- App stores and infringing app name
  - Free Kick Master LLC v. Apple Inc., 2015 WL 6123058 (N.D. Cal. Oct. 19, 2015), <http://business.cch.com/ipld/freeVapple.pdf>
- Message board and death due to illegal drug sale
  - Witkoff v. Topix, LLC, 2015 WL 5297912 (Cal. App. Ct. Sept. 10, 2015), <http://www.courts.ca.gov/opinions/nonpub/B257656.PDF>
- Gripe site tweeting excerpts of consumer reviews
  - Roca Labs v. Consumer Opinion, 8:14-cv-02096-VMC-EAJ (M.D. Fla. Oct. 21, 2015), <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=2068&context=historical>



# Pro-Free Speech Legislation

- SPEAK FREE Act of 2015 (H.R. 2304), <https://www.congress.gov/bill/114th-congress/house-bill/2304>
- Consumer Review Freedom Act of 2015 (S. 2044 and H.R. 2110)



*PRIVACY!*

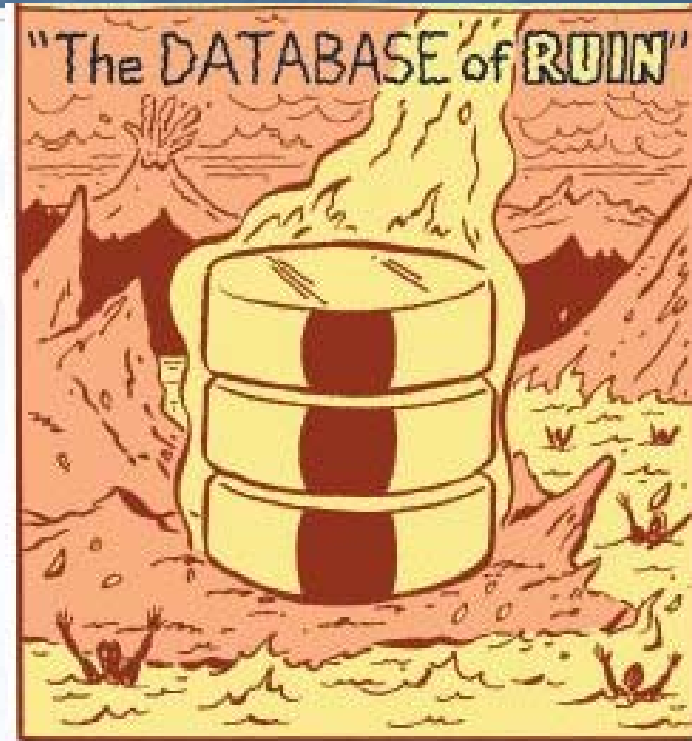
# EU-US Safe Harbor



By Fraser Mummery—from Flickr  
<https://www.flickr.com/photos/73014677@N05/8254866462/>



# Data Security



# Time-Fillers

- **Keyword ad cases are over**
  - Multi-Time Machine v. Amazon, No. 13-55575 (9th Cir. Oct. 21, 2015), <https://d3bsvxk93brmko.cloudfront.net/datastore/opinions/2015/10/21/13-55575.pdf>
- **ITC can't regulate digital content**
  - ClearCorrect Operating, LLC v. International Trade Commission, No. 2014-1527 (Fed. Cir. Nov. 10, 2015), <http://admin.aipla.org/resources2/reports/AIPLA%20Direct%202015/Documents/ClearConnect.PDF>
- **Employment Law In the Digital Age**
  - Uber/Lyft
  - Yelp
- **Ad Blocker Wars of 2015**