

Copyright

The firm's Copyright Practice has broad experience in copyright and content protection technology; copyright litigation; and software, music, and sound recording litigation and licensing.

Copyright Infringement Enforcement and Litigation

- Developing and implementing intellectual property enforcement campaigns for media companies and consumer product and luxury goods manufacturers – which involves filing numerous federal district actions across the country based on claims of copyright infringement and related IP, tort, and computer fraud claims.
- Obtaining broad injunctive relief on behalf of a media clients to disable sites and services used for unauthorized distribution of publications and programming.
- Conducting software audits, software copyright litigation, and deployment resolution negotiations on behalf of software copyright owners.
- Advising third-party payment processors, internet service providers (ISPs), and technical service providers regarding compliance with injunction orders, subpoenas, and Digital Millennium Copyright Act (DMCA) takedown requests, as well as pirate practices and tendencies for host and domain name “hopping.”
- Defending radio stations, political associations, and other media and technology clients accused of infringing copyrighted works.
- Advising clients regarding anti-circumvention provisions of the DMCA, 17 U.S.C. § 1201.
- Obtaining a judgment in the maximum amount of available “statutory damages” against a website operator for unauthorized “scraping” and replication of our client’s website. Advising clients with respect to statutory copyright licensing issues relating to cable and satellite carriage or broadcast signals.
- Obtaining a jury verdict of willful infringement and an award of “statutory damages” in the amount of almost \$20 million in favor of our publisher client for repeated intranet and email infringement of its financial newsletter by a major brokerage house, and engaging in ongoing enforcement of the copyright rights of newsletter publisher clients.

Copyright Policy, Legislative and Regulatory Activities

Our lawyers are in regular contact with the U.S. Copyright Office and have been at the center of the major digital technology and copyright policy debates, among other things – playing a leading role in negotiations leading to legislation, and subsequent policy studies, regarding the liability of ISPs under the DMCA. They also have participated in many of the multi-industry efforts to develop technological approaches to content protection and digital rights management.

Representative experience includes:

- Preparing comments for submission to the Copyright Office as part of the Office’s Section 512 Study on behalf of numerous organizations whose members create and disseminate a wide variety of copyrighted musical compositions and sound recordings.
- Preparing comments for submission to the Copyright Office on behalf of a wide range of organizations including the National Association of Manufacturers, CTIA, and USTelecom.
- Filing arguments against proposed exemptions to the DMCA’s anti-circumvention provisions as part of the Copyright Office’s triennial rulemakings under Section 1201 of the DMCA.
- Drafting Fourth Circuit *amicus* briefs for leading trade associations in relation to copyright cases against service providers.

Copyright Counseling and Registration

- Providing copyright counseling, registration, clearance, and protection.
- Expedited processing of applications for registration of a claim to copyright, or for the recordation of a document pertaining to copyright.
- Determining the availability of a title, satisfying Errors and Omissions insurance requirements, and identifying litigation risks.
- Providing opinions on copyrightability, fair use, infringement, ownership and title, notice, security interests, and foreign protection.
- Efficient and consistent strategic group registration to take advantage of statutory damages.

Contact Us

David E. Weslow
202.719.7525 | dweslow@wiley.law

Ari Meltzer
202.719.7467 | ameltzer@wiley.law