

## Elkin Discusses Two Landmark Copyright Cases

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Litigation partner [Michael Elkin](#), who serves as managing partner of Winston & Strawn's New York office, was quoted in the *Daily Journal's* December 8 article titled "Two-Front War Declared on Web Videos."

Content owners Viacom and Universal Music Group have appealed lower court decisions in an effort to reverse the rulings that dismissed their copyright infringement claims against YouTube and Veoh, respectively. Under the Digital Millennium Copyright Act, content owners must identify specific instances of copyright infringement and send take-down notices to the offending website operators, who must then remove the works. Content owners argue that this "safe harbor" from liability provides websites with the opportunity to gain traffic to their sites and increase advertising revenue with the infringing materials.

Although the issue of safe harbor has reached the appellate level before, Mr. Elkin, lead attorney for Veoh, states that neither the 2nd or 9th U.S. Circuit Courts of Appeals have heard arguments on the precise merits at play, explaining that these cases present an opportunity to do just that. "The legal precedent set will have far-reaching implications in the digital media world."

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Michael Elkin