

Michael Elkin Quoted in *Law360* on YouTube Copyright Case

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Michael Elkin, managing partner of Winston & Strawn's New York office and a member of the intellectual property group, was quoted in *Law360*'s August 17, 2011 article titled "YouTube Settles Copyright Feud With Music Publishers." The article discussed the recent settlement between YouTube and a group of music publishers who claimed that by allowing users to upload music videos, YouTube was illegally posting copyrighted material.

In 2007, Viacom accused Google and YouTube of willfully infringing the copyrights of the company's properties. In June 2010, U.S. District Judge Louis Stanton concluded that because YouTube had a policy of removing infringement content when notified, Google and YouTube were not liable for infringement under the Digital Millennium Copyright Act (DMCA). The plaintiffs appealed the ruling to the Second Circuit in August 2010.

On August 17, 2011, NMPA dropped their appeal after agreeing on a settlement that would enable publishers to enter into licensing agreements with YouTube, thus allowing music publishers and the songwriters they represent to receive royalties for the use of their work in videos uploaded by fans.

Elkin, who is representing the video sharing website Veoh Networks in a similar dispute, said: "I believe the only reason why YouTube settled was because of a business reason, because it wanted to use the content. Maybe it wanted to have the actual music videos to feature and sponsor them in an active way."

The appeal brought by Viacom against Google and YouTube is still pending.

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