

Elkin Discusses DMCA Recognition in Ringtone Copyright Case

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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*, the *AmLaw Litigation Daily*, and *Law360* for his representation of Myxer, an online music ringtone provider, in a case of copyright infringement filed by Universal Music Group Records, Inc. (UMG).

UMG's request for summary judgment was denied by the Central District of California, qualifying Myxer for safe harbor provisions under the Digital Millennium Copyright Act. This act protects websites that host user-generated material, so long as the sites take down infringing material when notified by copyright holders.

Mr. Elkin was quoted as being, "very pleased" with the outcome. "I think this was the first time [DMCA safe harbor provisions] have been applied to a situation in which a service permits a third party to upload a sound recording and have it converted to a ring tone on a mobile device," he said. "We fought to have that DMCA recognition, and we're pleased to be able to go to trial and hopefully prevail on that."

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