

Elkin Comments on Veoh Hearing

MAY 6, 2011

Michael Elkin, managing partner of Winston & Strawn's New York office and a member of the litigation practice group, was quoted in the *Law360* article titled "UMG to 9th Circ.: Veoh DMCA Ruling Kills Web Content."

In September 2009, a California district court judge ruled that Veoh Networks Inc., a video-sharing company, was entitled to safe harbor protection under the Digital Millennium Copyright Act (DMCA) and was not liable for copyright or injunctive relief to Universal Music Group (UMG). On May 6, 2011, UMG argued before the Ninth Circuit that the lower court's ruling of DMCA protection to Veoh threatened licensed online content providers.

Mr. Elkin, who represents Veoh, stated that the DMCA's safe harbor provisions not only protected Veoh's activities, but were absolutely vital to the growth of the Internet.

In a statement after the hearing, Elkin highlighted the case's importance to Internet-based businesses and their customers, saying that "[t]he growth of the Internet and related e-commerce is dependent on upholding the safe harbors of the DMCA, and today's appeal is vitally important to the entire online community," he said.

The case is being closely watched as a test of how courts will apply the DMCA to user-generated video sites.

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