

## Partner David Halberstadter Quoted in *Daily Journal* on Veoh Ruling

April 10, 2013

David Halberstadter, a partner in the Litigation and Dispute Resolution Practice, commented on the US Circuit Court of Appeals for the Ninth Circuit's decision in the online video-sharing site Veoh's dispute with Universal Music Group. UMG had sued Veoh for copyright infringement, claiming that Veoh was aware that users were posting and sharing music owned by UMG on its site. The court again sided with Veoh in ruling that the site was protected from copyright liability under the safe harbor Congress created for online services in the Digital Millennium Copyright Act (DMCA), finding that copyright holders are “better able to efficiently identify infringing copies than service providers” and that Veoh did not meet the DMCA's “red flag test,” which holds that service providers' awareness of infringing material makes them liable. Mr. Halberstadter, who represents studios but was not involved in this case, says that “studios have argued under the red flag provision that general awareness of rampant infringement disqualifies the service providers from safe harbor.” (“Veoh Ruling Helps Establish Rules on Posting of Copyrighted Content,” March 25, 2013)

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