

Partner David Halberstadter Comments on *Aereo* Ruling in Law360

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David Halberstadter, a partner in the Entertainment and Media Practice, spoke with Law360 regarding Aereo Inc.'s June 25 loss in the US Supreme Court. The Court ruled that the online streaming service functioned like a cable company, making it subject to the Copyright Act of 1976 which bars a cable company from rebroadcasting over-the-air-content unless it qualifies as a "cable system" and pays set fees to gain a legal copyright license to the material. Aereo has now asked for access to the compulsory licensing system, claiming the ruling means it qualifies for the "benefits of the statutory license" which will allow the company to keep functioning legally. David said that the district court will probably allow Aereo to argue that it qualifies as a cable system, but added that "Aereo's own court filings and public statements, in which they have expressly stated that Aereo does not consider itself to be a 'cable system,' seriously undermine its current attempt to now assert that it does qualify as a cable system under the Copyright Act." ("[Aereo's Last Stand: The Compulsory License](#)," July 10, 2014)

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



David Halberstadter

+1.310.788.4408

david.halberstadter@katten.com

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