

ABA Attendees Learn That “The Whole World is Watching!”

Professor of Law Peter S. Menell, of the Berkeley Center for Law & Technology, began the recent continuing legal education showcase program, “The Whole World is Watching!” Privacy, Copyright and Parental Control in the Age of YouTube, MySpace and Beyond,” by telling the audience that they couldn’t have learned much in law school about the current legal implications surrounding copyright because of the field’s rapidly changing landscape.



From left to right: Tanya Greig, Universal Music Group; David Anderman, LucasFilm Ltd.; Prof. Peter Menell, Berkeley Center for Law & Technology; David Given, entertainment and intellectual property lawyer; Fred von Lohmann, Electronic Frontier Foundation; Zahavah Levine, YouTube; Chris Kelly, Facebook

While technological platforms have changed and evolved over the years, it was some 10 years ago that the environment changed drastically with the technology that allowed everyone to be a distributor of content.

Fred von Lohmann, of the Electronic Frontier Foundation, explained that in the past – with technologies such as television -- there were strict liability restrictions on copyright and there was a “clearance culture.” Essentially that meant that distributors of content served as gatekeepers. Now, for online service providers, Digital Millennium Copyright Act safe harbors allow for limited monetary and injunctive relief for copyright infringement. Now when there’s infringement, there’s a “notice-and-takedown” culture

Joining von Lohmann and Menell at the program were Tanya Greig, Universal Music; David Anderman, LucasFilms Ltd.; Zahavah Levine, YouTube; and Chris Kelly, Facebook. David Given, a San Francisco lawyer specializing in entertainment and intellectual property law and commercial litigation, served as moderator.

The session was sponsored by the ABA Forum Committee on Entertainment and Sports Industries. Additional sponsors included the Section of Intellectual Property Law, Section of Science and Technology Law, the Forum Committee on Communications Law and the Center on Children and the Law.