

Elkin Comments on Viacom vs. Google Copyright Infringement Case

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Michael Elkin, managing partner of Winston & Strawn's New York office, was quoted in Law360's article titled "Viacom Claims YouTube Ruling Imperils Copyrights." On December 3, 2010, Viacom International Inc. argued in the U.S. Court of Appeals for the Second Circuit that Judge Louis Stanton of the U.S. District Court of New York misconstrued Section 512(c) of the Digital Millennium Copyright Act (DMCA). In July, Judge Stanton ruled that Google Inc. is not liable for infringement of Viacom programs on YouTube because of its policy of removing infringing content when notified. Mr. Elkin, who has been following the case, believes the Second Circuit will affirm the decision for Google, stating: "The DMCA specifically states that you need not take any affirmative action to discover things that are otherwise not presented to you."

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