

NEW TECHNOLOGIES & THE LEGAL CHALLENGES POSED

5th August 2010

Deepak Pillai
Partner
Haryati Deepak

Technology Is Disruptive!!

RIAA Sues Music Startup Napster for \$20 Billion

By Rich Menta- 12/09/99

See links to our most recent Napster stories below -- editor

The Recording Industry Association of America (RIAA) filed suit yesterday against MP3 community software maker Napster for copyright infringement. The suit, filed in US District Court, Northern District of California, has been long threatened by the RIAA who feel the product facilitates the growth of a black market for illegal copies of digital music.



The Rio Volt SP250 has an FM tuner and is available on [Amazon](#)

"We love the idea of using technology to build artist communities, but that's not what Napster is all about," said Cary Sherman, senior executive vice president counsel of the RIAA (Recording Industry Association of America). "Napster is about facilitating piracy, and trying to build a business on the backs of artists and owners."

In its suit, the RIAA is seeking damages of \$100,000 for each copyright-protected song swapped to date. With over 200,000 songs available presently, that a unrealistic 20 billion dollars.

Napster CEO Eileen Richardson seemed caught off guard by the suit. "This came as a surprise, we've been spending so much time trying to figure out ways to RIAA," said Richardson.

Napster claims its software was developed to save users the time consuming effort of wading through site after site to find a particular artist. Napster warns its transmitting copyright material and have actively encouraged unsigned bands to use the technology to increase their exposure.

Also in Napsters defense, they do not host any any content, they simply offer a trading network and do not monitor what files are transacted. This may be a key amounts to shooting the messenger over the message. The RIAA suit against Diamond's Rio player was thrown out of California court earlier this year on rough premise.

But the point of the RIAA's lawsuit is less about damages and more about control. Funded by the major music labels, the RIAA has very deep pockets. Start like Napster, on the other hand, have to count their VC funded pennies. Any form of litigation not only sucks up money, but distracts them from normal business courts by Napster could be phyrnic if the case drags on long enough.

Search: News [Advanced search](#)

[Today on CNET](#) [Reviews](#) [News](#) [Downloads](#) [Tips & Tricks](#) [CNET TV](#) [Compare Prices](#) [NEW ON CNET](#) [2007 Geneva Auto Show](#) [prev](#)

[Today on News](#) [Business Tech](#) [Cutting Edge](#) [Access](#) [Threats](#) [Media 2.0](#) [Markets](#) [Digital Life](#) [Blogs](#) [Extra](#) [My News](#) [RSS](#)

Australian court rules against Kazaa

By Steven Deare

Special to CNET News.com

Published: September 5, 2005, 2:50 AM PDT

Last modified: September 5, 2005, 7:26 AM PDT

[TalkBack](#) [E-mail](#) [Print](#) [del.icio.us](#) [Digg this](#)

SYDNEY--An Australian court on Monday ruled that the managers of peer-to-peer software Kazaa had authorized users to infringe on music copyrights and directed them to modify the application to reduce the practice.

Justice Murray Wilcox of Australia's Federal Court ruled largely in favor of music labels, including Universal, Sony, Warner and Festival Mushroom, which had argued that the Kazaa software--owned by Australian-based Sharman Networks--was used to undertake copyright infringement on a massive scale. The labels had also targeted United States-based Altnet, which provides a search technology for Kazaa and is a close partner of Sharman.

Wilcox also ordered respondents Sharman Networks, LEF Interactive, Sharman CEO Nicole Hemming, Altnet and Brilliant Digital Entertainment boss Kevin Bermeister to pay 90 percent of the music industry's court costs.

The judge dismissed the music industry's claims the Kazaa parties



Business Communications E-Commerce Enterprise IT Hot Topics Security SMB White Papers | Re August 5, 2010

E-Commerce Times > Business > Law | [Read Next Article in Law](#)

Judge Nixes Viacom's Mammoth YouTube Lawsuit

By Sidney Hill
E-Commerce Times
06/24/10 10:36 AM PT

[Print Version](#)
[E-Mail Article](#)
[Reprints](#)

Google won a big victory in court Wednesday when a judge ruled in favor of YouTube in its battle with Viacom. The media corporation's billion-dollar lawsuit against the video-sharing site claimed YouTube knew users were posting copyrighted videos before Viacom contacted the site. The judge ruled, however, that YouTube obeyed the DMCA by removing the videos shortly after being notified by Viacom.

advertisement
IT Resellers Earn 25% Monthly Commission
With KineticD Award Winning Backup Solution Perfect for SMB Clients. Try It Now

A judge has ruled in YouTube's favor regarding the video-sharing site's three-year battle with Viacom (NYSE: VIAB) over alleged copyright infringement.

On Wednesday, the U.S. District Court in New York ruled that YouTube had complied with the take-down provisions of the Digital Millennium Copyright Act (DMCA) in its handling of Viacom content and thus was not guilty of copyright infringement.

Google (Nasdaq: GOOG), the parent company of YouTube, hailed the ruling as a victory for "the billions of people around the world who use the Web to communicate and share experiences." Viacom vowed to appeal.

Public advocacy groups also applauded the ruling, saying it preserves the Internet's status as a participatory medium and will encourage continued development of innovative services.

Billion-Dollar Lawsuit

The fight began in 2007 when Viacom filed a US\$1 billion lawsuit claiming YouTube had violated federal copyright laws by facilitating

Shortcuts

- [Get Business and Technology News](#)
- [Most Popular | Spotlight Features](#)
- [This Week on ECT News Network](#)
- [Online Retail Transaction Performance](#)
- [Inside E-Commerce Times](#)

5X
more shopping e

TechNewsWorld

- [Are Motorola and Verizon Building](#)
- [Kaspersky: Sham Certificates Pose for Windows Security](#)
- [Testing the Waters Before Taking VoIP Plunge](#)
- [RIM Carries BlackBerry Torch Into Fray](#)
- [Droid X: More Athlete Than Aesthet](#)

CRM Buyer

- [In the Cloud, Multitenancy Matters](#)
- [Supply Chain Performance: Beneat](#)



SEARCH ENGINE JOURNAL

Subscribe via [RSS](#) or email:

subscribe now

Are You Fishing Where The Fish Are?



Extensive Reach And Distribution



Google News Sued by Agence France Presse

March 19th, 2005 by [Loren Baker, Editor](#) | [5 Comments](#)



Google News Sued by Agence France Presse

Google News, Google's news aggregation service which recently added new personalization features, has been sued by Agence France Presse. Agence France Presse alleges that Google includes AFP's photos, stories and news headlines on Google News without permission from Agence France Presse. AFP is seeking damages of around \$17.5 million and an order barring Google News from displaying its copyrighted material.

The law suit was filed this week on Thursday in the U.S. District Court for the District of Columbia. The basis around the law suit is that Agence France Presse sells subscriptions to its new content. Google News however crawls photos and news stories from AFP, posts the stories on Google News, and then Google News readers click over to the AFP site. Although this may sound good for traffic to AFP and the possibility of selling new subscriptions, one problem seems to be that Google News indexes the entire news story from a site, unlike RSS syndication which only indexes an excerpt.

"Without AFP's authorization, defendant is continuously and willfully reproducing and publicly displaying AFP's photographs, headlines and story leads on its Google News web pages," Reuters reported that Agence France Presse charged in its lawsuit.

JOURNAL SPONSORS



Text Link Ads



Looksmart



Dynamic Software



SEO Inc.



Text Link Brokers



Allshort Directory

Advertise on Search Engine Journal

SEARCH THE JOURNAL

To search, type and hit enter

Today on CNET
Reviews
News
Downloads
Tips & Tricks
CNET TV
Compare Prices

NEW ON CNET ▶ 2007 Geneva Auto Show preview

Today on News
Business Tech
Cutting Edge
Access
Threats
Media 2.0
Markets
Digital Life
Blogs
Extra
My News
RSS

Google's battle over library books

By [Elinor Mills](#)
Staff Writer, CNET News.com
Published: October 24, 2005, 4:00 AM PDT

TalkBack
 E-mail
 Print
 del.icio.us
 Digg this

Ten months ago, Google announced that it planned to scan, digitize and make searchable the collections of five of the largest libraries in the world. At first, it seemed like one of those nifty ideas that regularly percolate out of the young search giant.


But there's a big catch: Many of those books are protected by copyrights, and Google is requiring copyright holders to opt out of the scanning process if they don't want their books in libraries to be searchable.

That's raised plenty of hackles among publishers, who argue that they—not Google—should control who can see and search the books. And last week, five leading publishers filed suit against Google to stop the program.

"It's a commercial use" of the books and therefore a copyright violation, said Ralph Oman, a lawyer and former Register of Copyrights for the U.S. Copyright office. "This is masquerading as an educational use (which wouldn't be an obvious violation), but from Google's point of view this is a money-making exercise."

But not every copyright expert is so sure Google is on thin ice. Truth is, there's no consensus in the legal community on this one-of-a-kind case. The fight comes down to a simple question: Is the search king setting itself up to be a copyright violator of epic proportions, or is it a champion of learning

advertisement



Check out

business

MOBILE Asia

Asia's resource for mobile implementation in business

Featured gallery
Photos: Top 10 reviews of the week

Here are CNET Reviews' 10 favorite items from the past week, including the new Ford Shelby and two competing tax programs. View this gallery..

RELATED STORIES

Related news

- [Publishers sue Google over book search project](#)
October 19, 2005

Archives | Reviews | Resources | List of Lists | Age of Conversation Book | Polls | Advertise | About | Terms Of Service

« FDIC Insurance Permanently Increased For Your Bank Accounts | Main | New, Higher Fees And Traps From The Big Banks »

Monday, August 02, 2010

Google Apologizes to Australians For Its WiFi Data Collection By StreetView Cars

In July, Karen Curtis, the [Australian Privacy Commissioner](#) announced the conclusion of her office's investigation into the collection of consumer WiFi data in Australia by Google Street View cars:

"... I am satisfied that any collection of personal information would have breached the Australian Privacy Act... Collecting personal information in these circumstances is a very serious matter. Australians should reasonably expect that private communications remain private."

Other Australian government agencies are still investigating the data collection. The Commissioner wants to ensure that this type of personal data collection does not happen again. So, Google has agreed with the Commissioner's request to comply in four ways to the investigation:

- Perform a Privacy Impact Assessment (PIA) on future Street View data collection activities in Australia,
- Provide a copy of these PIAs to the Commissioner's office,
- Consult regularly with the Commissioner about personal data collection activities with future Google product launches in Australia, and
- Publish an apology to Australians in the official Google Australia blog

Portions of the [apology](#) in the [Google Australia blog](#):

"We're sorry. A couple of years ago, Google started collecting WiFi network information via our Street View cars to improve location-based services like search and maps. In May, we [announced](#) that we had also mistakenly been collecting publicly broadcast payload data (information sent over the network)... and as soon as we discovered our error, we [announced](#) that we would stop collecting all WiFi data via our Street View vehicles and removed all WiFi reception equipment from them... In Australia, we have been working with the Privacy Commissioner to support

Follow

Advertisement

Search

Recent Comments
[George](#) on [New, Higher Fees And Traps From The Big Banks](#)
[Samantha](#) on [Just Energy: A Good Deal?](#)
[Michelle Wilson](#) on [New, Higher Fees And Traps From The Big Banks](#)
[George](#) on [Just Energy: A Good Deal?](#)
[Vigil Ante](#) on [Just Energy: A Good Deal?](#)
[Charles Jeter](#) on [The Benefits Of Being An Identity-Theft Victim](#)
[Build Credit Fast](#) on [FTC Delays "Red Flag" Enforcement Again](#)
[Build Credit Fast](#) on [FTC Postpones Red Flag Enforcement Date \(Again\)](#)
[George](#) on [Consumer Reports On LifeLock](#)
[George](#) on [Kroll's Offering From IBM Deserves Scrutiny](#)

Donate

haryatideepak
advocates & solicitors | trade mark agents

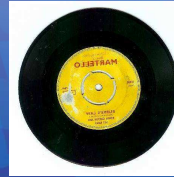
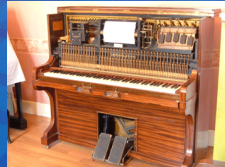
Disruptive Effect Of Technology

- Changes the rules of the game
- Disrupts the status quo
- Upsets existing rights owners
- Creates new sources of income
- Alters the marketplace
- Changes things for the better

HARYATI DEEPAK ADVOCATES & SOLICITORS § TRADEMARK AGENTS

12

This Was New Tech Once Too



Computer/Internet Crime

- Hacking
- Phishing
- Online fraud
- Identity theft
- Personal data theft
- Spam
- Obscene or offensive content.

Malaysian Cyberlaws

- Computer Crimes Act 1997
- Telemedicine Act 1997
- Copyright (Amendment) Act 1997
- Digital Signature Act 1997
- Communications and Multimedia Act 1998
- Electronic Commerce Act 2006
- Electronic Government Activities Act 2007
- Personal Data Protection Act 2010

Personal Data Protection Principles

- The processing of personal data by a data user shall be in compliance with the following Personal Data Protection Principles:
 - the General Principle
 - the Notice and Choice Principle
 - the Disclosure Principle
 - the Security Principle
 - the Retention Principle
 - the Data Integrity Principle
 - the Access Principle

PDP - General Principle

- A data user shall not:
 - process personal data about a data subject unless the data subject has given his consent to the processing of the personal data
 - in the case of sensitive personal data, process sensitive personal data about a data subject unless the data subject has given his explicit consent
- Personal data shall not be processed unless:
 - the personal data is processed for a lawful purpose directly related to an activity of the data user
 - the processing of the personal data is necessary for or directly related to that purpose; and
 - the personal data is adequate but not excessive in relation to that purpose.

PDP - Security Principle

- A data user is required to take practical steps to protect the personal data from any loss, misuse, modification, unauthorised or accidental access or disclosure, alteration or destruction by having regard:
 - to the nature of the personal data and the harm that would result from such loss, misuse, modification, unauthorized or accidental access or disclosure, alteration or destruction
 - to the place or location where the personal data is stored
 - to any security measures incorporated into any equipment in which the personal data is stored
 - to the measures taken for ensuring the reliability, integrity and competence of personnel having access to the personal data
 - to the measures taken for ensuring the secure transfer of the personal data

Principles

- Know the law of the area you are operating in
- Be aware of the Cyberlaws and how they may serve to assist you
- If you have a ground breaking technology and you are about to roll it out, be aware of the response you are likely to get from the status quo
- There is money to be made from providing tools to protect users from cyber criminals and/or cybercrime for the foreseeable future

Thank You

Deepak Pillai
Messrs Haryati Deepak
Advocates & Solicitors
Unit L-5-3A, Solaris Mont' Kiara
No. 2 Jalan Solaris
50480 Kuala Lumpur

Tel: 03-62030760 Fax: 03-62030761
E-Mail: deepak@hdlaw.com.my
Web: www.hdlaw.com.my