



the making available right: what went wrong?

Woodcock Washburn, LLP

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5:00 pm

Please join us for a scintillating presentation featuring MSK partner Eric Schwartz and Prof. Justin Hughes of the Cardozo School of Law.

Is placing music in a shared P2P folder a copyright violation? What about hyperlinking to a music file? In the Jammie Thomas case in Minnesota, the judge instructed the jury that Ms. Thomas could be found liable of copyright infringement if she was making copyrighted sound recordings available over a peer-to-peer network regardless of whether actual distribution had been shown. The jury found Thomas guilty of willful copyright infringement. But then the judge ordered a mistrial for "manifest error of law" based on this instruction. In other courts, the rulings are just as inconsistent.

This program will consider the obligations of U.S. law under international copyright treaties and the several U.S. courts (many in 2008) that have been called upon to rule on "making available" scenarios by P2P users and websites. In addition to covering the current state of the law, the panel will discuss practical applications - and evidentiary rules - for plaintiff and defense counsel in digital copyright cases.

attorneys

Eric J. Schwartz

practice areas

entertainment & ip litigation