

Copyright

September 2011 / Volume 35, Issue #9

Divided 2nd Circuit Panel Rejects Class, Settlement in Database Copyright Case

NEW YORK — The majority in a Second Circuit U.S. Court of Appeals panel on Aug. 17 held that a lower court abused its discretion in certifying a class of freelance writers that objected to use of their works in electronic databases, finding that the named plaintiffs failed to adequately represent the interests of all class members. [SEE PAGE 4.](#)

Musician's Quest For Internet Royalties Is Time-Barred, Judge Rules

LOS ANGELES — Noted funk musician George Clinton saw his claim for alleged underpayment of royalties for Internet downloads of his songs dismissed by a California federal judge on Aug. 9 who held that the musician did not provide the necessary "specific objection" to the royalties within the speed three-year statute of limitations. [SEE PAGE 6.](#)

California Federal Judge Grants Discovery Request in P2P Copyright Case

SAN FRANCISCO — A request by a copyright infringement plaintiff for expedited discovery to learn the identities of 2,500 Doe defendants was granted Aug. 24 by a California federal judge. [SEE PAGE 8.](#)

3rd Circuit Affirms Summary Judgment On Copyright Claims

PHILADELPHIA — A Pennsylvania federal judge did not err in dismissing copyright infringement claims asserted against a publisher, the Third Circuit U.S. Court of Appeals ruled Aug. 12. [SEE PAGE 9.](#)

Judge Finds Online File Storage Service Is Not Just 'A Passive Conduit'

SAN DIEGO — A California federal judge on July 27 rejected an argument by online file storage service Megaupload Limited that it is "merely a passive conduit" on which third parties committed infringing acts, denying its motion to dismiss direct and contributory copyright infringement claims against it. [SEE PAGE 9.](#)

9th Circuit Reverses Jurisdictional Holding in California Copyright Case

SAN FRANCISCO — Although the operation of a celebrity gossip site are not subject to general personal jurisdiction in California, they are subject to specific personal jurisdiction based on their conduct there, the Ninth Circuit U.S. Court of Appeals ruled Aug. 9. [SEE PAGE 11.](#)

Nebraska Federal Judge Transfers Copyright Case To Oregon

OMAHA, Neb. — The upload by a copyright infringement defendants of an allegedly infringing song to YouTube and iTunes "does not give rise to the requisite level of contact necessary to satisfy the constitutional requirements of due process," a Nebraska federal judge ruled Aug. 10. [SEE PAGE 12.](#)

Judge Finds E-Newsletter Dispute Centered in Texas; Denies Dismissal

DALLAS — Because the defendants "deliberately reached out" to the plaintiff in Dallas and established a contractual business relationship that was centered there, a Texas federal judge on Aug. 10 held that jurisdiction in the state was proper and denied a motion to dismiss. [SEE PAGE 13.](#)

9th Circuit Vacates Injunction in Aircraft Stand Copyright Case

SAN FRANCISCO — A Montana federal judge erred in presuming that impermissible terms exist in a copyright infringement case where the plaintiff successfully showed a likelihood of success on the merits of its claim, the Ninth Circuit U.S. Court of Appeals held Aug. 22. [SEE PAGE 15.](#)

Mealeys Litigation Report 1 07

**John H. Mathias, Jr., John D.
Shugrue, Thomas A. Marrinson**

Mealeys Litigation Report 1 07:

Mealey's Litigation Reports, 1994 *Suing the Tobacco and Lead Pigment Industries* Donald G. Gifford, 2010-06-02

The topic how tort law evolved over time into a system that allowed for a moment at least a *parens patriae* form of massive litigation against corporations is exceedingly interesting and important Gifford's treatment of this topic is highly informative engaging insightful very current and wise David Owen Carolina Distinguished Professor of Law and Director of Tort Law Studies University of South Carolina In *Suing the Tobacco and Lead Pigment Industries* legal scholar Donald G Gifford recounts the transformation of tort litigation in response to the challenge posed by victims of 21st century public health crises who seek compensation from the product manufacturers Class action litigation promised a strategy for documenting collective harm but an increasingly conservative judicial and political climate limited this strategy Then in 1995 Mississippi attorney general Mike Moore initiated a *parens patriae* action on behalf of the state against cigarette manufacturers Forty five other states soon filed public product liability actions seeking both compensation for the funds spent on public health crises and the regulation of harmful products Gifford finds that courts through their refusal to expand traditional tort claims have resisted litigation as a solution to product caused public health problems Even if the government were to prevail the remedy in such litigation is unlikely to be effective Gifford warns furthermore that by shifting the powers to regulate products and to remediate public health problems from the legislature to the state attorney general *parens patriae* litigation raises concerns about the appropriate allocation of powers among the branches of government Donald G Gifford is the Edward M Robertson Research Professor of Law at the University of Maryland School of Law [Fulltext Sources Online](#), 2007-07

Asbestos Litigation Stephen J. Carroll, Deborah R. Hensler, Jennifer Gross, Elizabeth M. Sloss, Matthias Schonlau, 2005-07-07 Asbestos litigation is the longest running mass tort litigation in U S history Through 2002 approximately 730 000 individuals have brought claims against some 8 400 business entities and defendants and insurers have spent a total of 70 billion on litigation Building on previous RAND briefings the authors report on what happened to those who have claimed injury from asbestos what happened to the defendants in those cases and how lawyers and judges have managed the cases

Compensating Asbestos Victims Andrea Boggio, 2016-05-23 This book traces the emergence and transformations of asbestos compensation to explore the wider issue of to what extent legal systems have converged in the era of globalization Examining the mechanism by which asbestos compensation is delivered in Belgium England Italy and the United States as well as the cultural forces and actors which contribute to its emergence and transformations the book advances our understanding of how law operates within cultural norms routines and institutional relations of capitalist societies With material gathered from 50 interviews and from primary and secondary sources the author considers law as a cultural phenomenon national styles of legal culture and the convergence and divergence of legal cultures and law as a form of institutionalized power *How Fraud and Abuse in the Asbestos Compensation System Affect Victims, Jobs, the Economy,*

and the Legal System United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, 2011

Neuropsychology for Psychologists, Health Care Professionals, and Attorneys Robert J. Sbordone, Ronald E.

Saul, Arnold D. Purisch, 2007-06-21 Extensively revised and expanded this third edition of *Neuropsychology for Psychologists Health Care Professionals and Attorneys* provides a clear concise and comprehensive discussion of neuropsychology outlining its purpose use and historical development It covers the anatomy of the brain a wide variety of neurobehavioral disorders compr

Reinsuring Clauses Ozlem Gurses, 2013-07-04 This book provides a comparative English US law study of the operation of facultative reinsurance contracts Most of the reinsurance litigation in England and the US has involved this type of contract and there are regular arbitrations and judicial proceedings in the leading common law jurisdictions to which this book will be relevant The book is concerned with The legal nature of reinsurance agreements The means whereby terms of reinsurance policies can be derived or incorporated from underlying insurances The effect on reinsurance of judgments

awards and settlements against the reinsured The operation of claims provisions [Making a Market for Acts of God](#) Paula Jarzabkowski, Rebecca Bednarek, Paul Spee, 2015 Reinsurance is a market that provides cover for the devastating consequences of unpredictable events such as Hurricane Katrina or the Tohoku earthquake underpinning society's capacity to rebuild after the unthinkable happens This book fleshes out how this important and quirky financial market works

Insurance Coverage Disputes John H. Mathias, Jr., John D. Shugrue, Thomas A. Marrinson, 2024-08-28 A comprehensive guide to the issues that can arise at every stage of a coverage dispute from the initial inquiry to complex questions of law evidence procedure and strategy

Furthering Asbestos Claim Transparency (FACT) Act of 2015 United States. Congress. House. Committee on the Judiciary. Subcommittee on Regulatory Reform, Commercial and Antitrust Law, 2015

Smoke-Filled Rooms W. Kip Viscusi, 2010-02-15 The 1998 out of court settlements of litigation by the states against the cigarette industry totaled 243 billion making it the largest payoff ever in our civil justice system Two key questions drove the lawsuits and the attendant settlement Do smokers understand the risks of smoking And does smoking impose net financial costs on the states With *Smoke Filled Rooms* W Kip Viscusi provides unexpected answers to these questions drawing on an impressive range of data on several topics central to the smoking policy debate Based on surveys of smokers in the United States and Spain for instance he demonstrates that smokers actually overestimate the dangers of smoking indicating that they are well aware of the risks involved in their choice to smoke And while smoking does increase medical costs to the states Viscusi finds that these costs are more than financially balanced by the premature mortality of smokers which reduces their demands on state pension and health programs so that on average smoking either pays for itself or generates revenues for the states Viscusi's eye opening assessment of the tobacco lawsuits also includes policy recommendations that could frame these debates in a more productive way such as his suggestion that the FDA should develop a rating system for cigarettes and other tobacco products based on their relative safety thus providing an incentive for tobacco manufacturers to

compete among themselves to produce safer cigarettes Viscusi's hard look at the facts of smoking and its costs runs against conventional thinking But it is also necessary for an informed and realistic debate about the legal financial and social consequences of the tobacco lawsuits People making 50 000 or more pay 08 percent of their income in cigarette taxes but people with incomes of less than 10 000 pay 1 62 percent twenty times as much The maintenance crew at the Capitol will bear more of the sin tax levied on cigarettes than will members of Congress who voted to boost it Cigarettes are not a financial drain to the U S In fact they are self financing as a consequence of smokers premature mortality The general public estimates that 47 out of 100 smokers will die from lung cancer because they smoke Smokers believe that 40 out of 100 will die of the disease Scientists estimate the actual number of 100 smokers who will die from lung cancer to be between 7 and 13

105-1 Hearings: Confirmation Hearings On Federal Appointments, S. Hrg. 105-205, Pt. 2, September 5, 30; October 28, 29; November 12, 1997, 1998 *Confidentiality in International Commercial Arbitration* Ileana M. Smeureanu, 2011-01-01

After neutrality and international enforcement the next most valued feature of international commercial arbitration is confidentiality For reasons easy to imagine businessmen do not want their trade secrets business plans strategies contracts financial results or any other types of business information to be publicly accessible as would commonly happen in court proceedings Yet the case law of arbitration shows that in practical terms confidentiality is not to be taken for granted in fact it has become one of the most undetermined matters in international arbitration Although the emperor of arbitration may have clothes as one scholar has quipped his raiments of secrecy can be torn with surprising ease This book deciphers the current degree of confidentiality in international commercial arbitration as reflected by the most important arbitration rules national laws other arbitration related enactments and practices of arbitral tribunals and domestic courts globally Drawing on this data and analysis the author then sets forth criteria to assess the breach of confidentiality in international arbitration and the proper rules for protecting or sanctioning such breaches What do we understand by confidentiality in arbitration What are its limitations Who is bound to observe it How can we quantify its breach In addressing these questions the book engages such issues as the following reasons for disclosure e g for the establishment of a defence for the enforcement of rights in the public interest or in the interests of justice disclosure by consent express or implied circumstances triggering statutory obligation of disclosure recent trends towards greater transparency in investor State arbitration court measures in support of arbitral confidentiality such as award of damages for breach of confidentiality and categories of persons bound by confidentiality including third parties such as witnesses and experts Structured along the main stages of the arbitral process the analysis covers the duty of confidentiality from the initiation of arbitral proceedings through their unfolding to the issuance of the award and after The scope of confidentiality is reviewed in the practice of arbitral tribunals and domestic courts and from the perspective of international arbitration institutions with detailed attention to various arbitration rules and numerous significant cases In its elucidation of the

amount of confidentiality that veils each phase of the arbitral process and its ground breaking identification of patterns of disclosure this book is sure to raise awareness about the various facets and problems posed by confidentiality in arbitration Although its scholarly contribution to the law of international commercial arbitration cannot be gainsaid corporate counsel worldwide will quickly prize its more practical value **Annotated Commercial Crime Policy** Cole Stephen Kain, Lana M. Glovach, 2006 **ESIGN, Encouraging the Use of Electronic Signatures in the Financial Services Industry** United States. Congress. House. Committee on Financial Services. Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth, 2001 **Applications of Management Science** Kenneth D. Lawrence, Gary Kleinman, 2018-08-06

Volume 19 of Applications of Management Science focuses on the application of management science methodologies data envelopment analysis and multi criteria decision making Private Capital Markets, + Website Robert T. Slee, 2011-05-31

Praise for Private Capital Markets Valuation Capitalization and Transfer of Private Business Interests SECOND EDITION In the years since publication of the first edition of Private Capital Markets the concepts and ideas that it presents have been widely accepted by progressive members of the business valuation community Now with the Second Edition author Rob Slee has included empirical data on capital markets for midsized businesses This book remains a must for everyone involved in appraising buying selling or financing privately owned businesses Raymond C Miles founder The Institute of Business Appraisers The Graziadio School of Business has used the Private Capital Markets book for several years with great success This course along with the Pepperdine Private Capital Markets Survey project has helped our students better prepare for careers in middle market companies Linda Livingstone Dean of the Graziadio School of Business and Management Pepperdine University Our international association of independent M A professionals recommends this text as the most comprehensive foundation for understanding the private capital marketplace This book is essential reading for middle market M A advisors investors and other decision makers in the private capital markets Mike Nall founder Alliance of M A Advisors A practical road map for making sound investment and financing decisions based on real experiences and market needs Now fully revised and in a second edition Private Capital Markets provides lawyers accountants bankers estate planners intermediaries and other professionals with a workable framework for making sound investment and financing decisions based on their own needs and experiences This landmark resource covers Private business valuation Middle market capital sources The business ownership transfer spectrum And much more Private Capital Markets Second Edition surveys the private capital markets and presents the proven guidance you need to navigate through these uncharted waters *New Serial Titles* , 1999 A union list of serials commencing publication after Dec 31 1949 *New York Court of Appeals. Records and Briefs*. New York (State).,

Reviewing **Mealeys Litigation Report 1 07**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**Mealeys Litigation Report 1 07**," an enthralling opus penned by a very acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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