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February 2008 Meeting Announcement:

***Universal Milk Group v. MooTube:
Does Every Cow Have Her Day?***

February's program will discuss the complex intersection among copyright law, the DMCA, the use of filtering technology, and rights of content owners. The changing landscape of website owner liability, as seen through the lens of *Viacom v. Google* and *Universal Music Group v. Veoh*, will be discussed through an entertaining set of vignettes.

Panelists:

Renee DuBord Brown	<i>Day Casebeer</i>
Karen Canaan	
I. Neel Chatterjee	<i>Orrick</i>
Stephen Dartt	<i>Fenwick & West</i>
M. Scott Donahey	
Shirish Gupta	<i>Mayer Brown</i>
Darryl Woo	<i>Fenwick & West</i>
Stan Young	<i>Heller Ehrman</i>

Time and Location: February 20, 2008 at 6:00pm
Morrison & Foerster
755 Page Mill Road, Palo Alto
650.813.5600

Dinner to Follow at: The Fish Market
3150 El Camino Real, Palo Alto
650.493.8862

Universal Milk Group v. MooTube: Does Every Cow Have Her Day?

Universal Milk Group has a number of copyrighted videos demonstrating the happiness of its cows in beautiful, sunny pastures. These videos are a core asset of Universal Milk Group in promoting its brand through advertising and in licensing the content to companies seeking to promote the healthy, safe, and humane aspects of taking care of cows in a particular way.

MooTube is an internet startup. MooTube is a website venue for the cow-lover community. It is a fan site, allowing for blogging, uploading of content, and discussion related to bovine issues. MooTube supports the uploading of videos related to cows.

Recognizing the sometimes active nature of bovine fans (sometimes referred to as "Cheeseheads"), MooTube has a substantial concern about the uploading of content from those producers of copyrighted content related to cows. Shortly after launch, MooTube received an "expression of concern" from the California Milk Advisory Board that videos were being posted with the "Happy Cows make good cheese" logo at the bottom.

Following this expression of concern, MooTube decided to develop a program that, in its view, was a cutting edge content rights program. Specifically, MooTube instituted a DMCA program. In addition, MooTube began a program where it would review screen shots of uploaded videos to determine if, on its face, the videos had an indication that the content may be owned by a rights holder. The guidelines for these determinations, as well as fair use, have been very difficult to frame and implement. Notwithstanding the efforts, MooTube believes a lot of content likely comes up on its website that have been obtained and/or modified from third party sources. MooTube has also heard about a software called, "Digital Hoofprint," that apparently reviews content for unauthorized cow content and will filter it. MooTube has chosen not to use it because they have heard it does not work very well.

The client counseling session will focus on various strategies that MooTube is employing or considering to more effectively reduce the unauthorized content that may get uploaded to its site.

The client counseling session with UMG will be about what can be done to help address the situation of its videos regularly and repeatedly showing up on the MooTube website.