Law professor testifies on copyright

An SIU law professor testified before the U.S. House of Representatives regarding potential changes to copyright law.

The House hearing in Washington on Jan. 14 is one of a series of hearings on the scope of copyright. Associate Professor Mark Schultz specializes in copyright law and was an expert witness at the hearing.

“I think the scope of copyright is well crafted and works,” he said in an interview. “It is appropriate in its current state. There are, however, current issues pending in the courts that could lead to unfortunate decisions, and then we may have to revise the law to ensure the rights of creators.”

Schultz said in his testimony two issues the committee may want to consider were loopholes companies could potentially take advantage of and protection against illegal online streaming.

One company at the center of the online streaming argument is Aereo, Schulz said.

Aereo, a company based out of New York, allows subscribers to view live television as well as reruns on Internet connected devices.

The company was founded in February, 2012, and was sued by major broadcasters including CBS, Comcast, NBC, Disney, ABC and 21st Century Fox for profiting from content they did not own or create.

In April of 2013, a federal appeals court ruled streams to subscribers were not public performances and did not infringe copyright.

This has caused companies like Fox, Univision and CBS to contemplate switching to cable-only.

“We need to be able to be fairly compensated for our content...” News Corp’s Chief Operating Officer Chase Carey told Bloomberg News. “We can’t sit idly by and let an entity steal our signal. We will move to a subscription model if that’s our only course.”

As of Jan. 10, the Supreme Court said they would hear the broadcasters who are still challenging Aereo.

William Freivogel, director of the school of journalism and a media lawyer, said the group of broadcasters have a favorable case.

“If the Supreme Court agrees with the broadcasters, then the scope should not be revised,” he said. “As Schultz said in his testimony, ‘there is no such thing as a free lunch.’ The broadcasters who created the content should make the money, not Aereo.”

Shultz said the hearings are not out of the ordinary, as the courts revisit copyright law every few years. He said Chairman of the House Judiciary Committee Bob Goodlatte of Virginia wanted to revisit the copyright issue to bring it up-to-date.

“He decided it would be a good idea to review the Copyright Act,” Shultz said. “The purpose of the review is to determine whether there are provisions that need to be modernized. It happens every several years.”

The hearings for the revision of the scope of copyright will be held through the summer, but have not yet been announced.
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