



Digital Millennium Copyright Act: Casebook (Cyber Law Series)

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This casebook contains 57 federal court of appeals decisions that analyze, interpret and apply the provisions of the Digital Millennium Copyright Act of 1998. The decisions are organized by federal circuit.

The DMCA was passed in 1998 to address the perceived need of copyright owners for "legal sanctions" to enforce various technological measures they had adopted to prevent the unauthorized reproduction of their works. See *Microsoft Corp. v. AT & T Corp.*, 550 U.S. 437, 458 (2007). It also served "to conform United States copyright law to its obligations under two World Intellectual Property Organization ('WIPO') treaties, which require contracting parties to provide effective legal remedies against the circumvention of protective technological measures used by copyright owners." *Murphy v. Millennium Radio Group LLC*, (3rd Cir. 2011), citing *MDY Industries, LLC v. Blizzard Entertainment*, 629 F. 3d 928 (9th Cir. 2010).

The most well-known provision of the DMCA, § 1201, grants a cause of action to copyright owners for the "circumvent[ion of] a technological measure that effectively controls access to a work." *Ibid.*

In *Apple Inc. v. Psystar Corporation*, (9th Cir. 2011), Apple brought suit against Pystar for violating the copyright in its operating system software, Mac OS X. Pystar purchased copies of Mac OS X and sold computers with it as the operating system. Pystar argued that the Copyright Act affords Apple protection only against unauthorized copying and distribution of the operating software, but not on its use once it is purchased.

The facts in *Perfect 10, Inc. v. Google Inc.*, (9th Cir. 2011) involve Perfect 10's complaint against Google for its search engine's role in facilitating access to copyrighted photographs of nude models on Perfect 10's website.

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