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ivi TV Update: ivi Files Complaint for Declaratory Judgment

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As we recently reported [here](#), a new Internet-connected software application, called "ivi tv", was just released that allows pc, mac and linux end users to stream live feeds from over-the-air television stations to their computers anywhere in the world. Unlike other online content distributors, however, the start-up recently confirmed that it has elected not to negotiate with the copyright holders for the license of its programming, and has instead elected to wager its future on a seemingly liberal interpretation of certain provisions of [the Copyright Act \(the "Act"\)](#), which permit qualifying "cable systems" to rebroadcast over-the-air television signals upon the payment of certain statutorily mandated revenues (see [Section 111](#)). As we suspected, the response from the entertainment community has been swift, and the company has since received a barrage of cease and desist letters from television networks, movie studios, sports leagues, broadcasters, syndicators and others in the entertainment industry alleging that the operation of the service as currently conducted amounts to copyright infringement. In response, the company has now filed a complaint for declaratory judgment in Seattle district court alleging that by complying with the Act's compulsory licensing scheme in Section 111 "it has not infringed any of the copyrights owned by the any of the Defendants." We will obviously keep an eye on future developments as this complaint now moves its way through the court system and the entertainment industry's forthcoming response.

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