

USA: Fox Television Stations, Inc. v. AereoKiller, LLC, United States Court of Appeals, Ninth Circuit, No. 15-56420, 21 March 2017

Kluwer Copyright Blog

April 9, 2017

Jody Coultas (CCH)

Please refer to his post as: Jody Coultas, 'USA: Fox Television Stations, Inc. v. AereoKiller, LLC, United States Court of Appeals, Ninth Circuit, No. 15-56420, 21 March 2017', Kluwer Copyright Blog, April 9 2017,

<http://kluwercopyrightblog.com/2017/04/09/copyright-fox-television-stations-inc-v-aereokiller-llc-united-states-court-of-appeals-ninth-circuit-no-15-56420-21-march-2017/>

A Pasadena, California, district court ruling that FilmOn X, LLC, was a “cable system” and thus eligible for compulsory licenses under the Copyright Act has been reversed by the U.S. Court of Appeals in San Francisco. In a ruling in favor of broadcasters such as Fox Television Stations, Inc., the court held that, based on guidance from the Copyright Office, a service that captures copyrighted works broadcast over the air, and then retransmits them to paying subscribers over the Internet without the consent of the copyright holders, is not a “cable system” eligible for a compulsory license. Therefore, streaming television service provider FilmOn X, LLC, was not entitled to a compulsory license under Section 111 of the Copyright Act (Fox Television Stations, Inc. v. AereoKiller, LLC, March 21, 2017, O’Scannlain, D.).

A full summary of this case has been published on [Kluwer IP Law](#)

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