2010 MLRC Forum
A Tutorial On Apps and Aggregators:
How They Access and Use Media Content
(And What, If Anything, Can Be Done About It)

Wednesday, November 10th, 3:45 - 5:45 p.m.
Grand Hyatt, 109 East 42nd Street, New York, NY

Lead-Off Tutorial:

Michael Young
Creative Technologist in the Research & Development Group,
The New York Times Company

The discussion will be moderated by:

Karole Morgan-Prager
Vice President, General Counsel, and Corporate Secretary,
The McClatchy Company

Robert Penchina
Partner, Levine Sullivan Koch & Schulz, L.L.P.

with panelists

Eric Lieberman
Vice President and Counsel, The Washington Post

Steven Weissman
Deputy General Counsel, Time Inc.
About Michael Young

MICHAEL YOUNG  
Creative Technologist, Research & Development Operations

Michael Young is a Creative Technologist in the Research & Development group of The New York Times Company. He leads a small team of technologists tasked with prototyping and exploring the future of media consumption across multiple platforms: mobile, web, e-readers, tablets and interactive television.

Mr. Young won the award for “Best Hack” at the Yahoo! BBC Hack Day 2007 (with colleague Nick Bilton) for their project ShifD.com. He is also the author of "Beautiful Visualization" (O'Reilly Media, 2010) and "Google Maps Mashups with Google Mapplets" (Apress, 2008).

He received a B.S. degree in computer science and mathematics from Lewis and Clark College (Portland, OR) in 1997.
General Introductory Articles

The Rise of Apps Culture
Pew Internet [Sept 14, 2010]
Along with the widespread embrace of mobile technology has come the development of an “apps culture.” As the mobile phone has morphed from a voice device to a multi-channel device to an internet-accessing mini-computer, a large market of mobile software applications, or “apps,” has arisen.

The Web Is Dead. Long Live the Internet
Wired [August 17, 2010]
Two decades after its birth, the World Wide Web is in decline, as simpler, sleeker services — think apps — are less about the searching and more about the getting.
http://www.wired.com/magazine/2010/08/ff_webrip/all/1

See also:
The Medium: The Death of the Open Web

The Anti-Web Movement Is Gathering Pace
PaidContentUK [June 10, 2010]
It’s created billions in sales, gave media companies their first taste of the internet, encouraged self-expression where there was oppression and caused an explosion in publisher plurality.
http://paidcontent.org/article/419-the-anti-web-movement-is-gathering-pace/#

But see:

Mobile Users Prefer Browsers over Apps
eMarketer [Oct. 27, 2010]
Although about a third of US mobile phone subscribers used a downloaded application in August, according to comScore, and app downloads have shown impressive growth, many mobile device users appear to think browsers offer the better user experience.

Proclaimed Dead, Web Is Showing New Life
The growth in popularity of closed-off Internet zones like applications from Apple is sapping the Web's innovation, some fear. But rumors of the Web's death are premature.
Endangered Gizmos
Electronic Frontier Foundation [accessed Oct. 20, 2010]
Rather than sit back and watch as promising new technologies are picked off one-by-one, EFF has created the Endangered Gizmos List to help identify these threats to fair use and preserve the environment for innovation.
http://w2.eff.org/endangered/

Internet TV and The Death of Cable TV, Really
[Summarizing developments in the cable industry in the past month.]
General Cases

Copyright

Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984). Held: Defendants could not be liable for contributory infringement because the Betamax video recorder was capable of substantial noninfringing uses, including time-shifting copyrighted programs.

Cartoon Network, LP v. CSC Holdings, Inc., 536 F.3d 121 (2d Cir. 2008). Held: Defendants, who offered a “remote storage DVR system” to customers, were not liable for direct copyright infringement because a) if data was only embodied in the buffer for less than 1.2 seconds it was not “fixed” in a tangible medium, b) direct liability requires volitional conduct and here there was none, as Cablevision was similar to a “store proprietor who charges customers to use a photocopier on his premises” and could not be said to “make” any copies where his machines were operated by his customers and c) Cablevision has not created “public performances” by transmitting a recorded copy, to a single subscriber, using a single unique copy produced by that subscriber. The Second Circuit interpreted the “transmit” clause to require the court to identify the potential audience of a given transmission.

Field v. Google, 412 F. Supp. 2d 1106 (D. Nev. 2006). Held: Google did not commit direct infringement when its web crawlers automatically responded to plaintiff’s request to archive his site. Google also demonstrated numerous defenses to plaintiff’s claim that it directly infringed copyrighted works by allowing search engine users to access cached pages, including a) implied license due to the absence of a “no-archive” meta tag, b) fair use, and, c) estoppel (given the facts of the case).

Campbell v. Acuff-Rose Music, Inc. 510 U.S. 569 (1994). Held: The commercial nature of a parody is only one factor in assessing whether it was a fair use; the court must also consider whether the use is transformative or if it merely supersedes the original (as well as the nature of the work, and the amount taken).

Kelly v. Arriba Soft Corp., 336 F.3d 811 (9th Cir. 2003). Held: The reproduction of Kelly’s images to create thumbnails – and the use of those thumbnails in a search engine – were fair uses. The court found the use transformative because the originals were “artistic works intended to inform and engage the viewer in an aesthetic experience,” while the search engine “functions as a tool to help index and improve access to images on the Internet and their related web sites.”

Perfect 10, Inc. v. Amazon, 508 F.3d 1146 (9th Cir. 2007). Held: A cached copy of an image is a “copy” within the meaning of the Copyright Act, but is likely a fair use. An in-frame linked image, however, is not a copy because the html link to the image is not a reproduction of the image, merely a pointer to its location. The court held that Google had shown a likelihood of proving its fair use defense because search engines are “highly
transformation” and in the public interest; the court also noted the plaintiff had failed to prove any effect on the market for mobile downloads. The court also noted that it was undisputed that third parties were directly infringing plaintiff’s copyrights by reproducing copyrighted photographs in full, and found that plaintiff had failed to demonstrate Google’s control over the third parties and thus could not show vicarious infringement. However, the court remanded the case to the district court to assess if Google could be contributorily liable, noting that if Google had knowledge of the infringing images, “could take simple measures to prevent further damage to Perfect 10’s copyrighted works,” and failed to take such steps, Google could be contributorily liable.  

See also:


Harper & Row, Publishers, Inc. v. Nation Enters., 471 U.S. 539 (1985). Held: The Nation did not make fair use of plaintiff’s copyrighted work when it published, without permission, an article based on soon-to-be-published memoirs containing no new facts but “lift[ing] verbatim quotes of the author’s original language totally some 13% of The Nation article.” Applying the fair use factors, the court held that (i) while the purpose of the use was news reporting, the intended purpose of the article was to “scoop” Time, which had purchased exclusive first serial rights, (ii) while the nature of the copyrighted work was a historical narrative or autobiography, the Nation “excerpted subjective descriptions and portraits of public figures whose power lies in the author’s individualized expression,” (iii) while the amount taken was small, the “lifted” quotes had a “key role” in the infringing work, and (iv) the effect on the market was great because “a fair use doctrine that permits extensive prepublication quotations from an unreleased manuscript without the copyright owner’s consent” would cause massive problems in the aggregate sense.

1A quick guide to secondary liability:

**Contributory infringement:** “One infringes contributorily by intentionally inducing or encouraging direct infringement. . . Liability . . . may be predicated on actively encouraging (or inducing) infringement through specific acts. . ., or on distributing a product distrubees use to infringe copyrights, if the product is not capable of ‘substantial’ or ‘commercially significant’ noninfringing uses.” MGM Studios, Inc. v. Grokster, Ltd., 545 U.S. 913 (2005) (quoting Sony, 464 U.S. at 442).

**Vicarious infringement:** One “infringes vicariously by profiting from direct infringement while declining to exercise a right to stop or limit it.” The test for the control element is “the defendant’s right and ability to supervise the direct infringer.” Grokster, 545 U.S. at 930 & 930 n.9.
Ticketmaster LLC v. RMG Techs. Inc., 507 F. Supp. 2d 1096 (C.D. Cal. 2007). When a user’s computer automatically creates cached copies of websites viewed by the user, that is a copy within the meaning of the Copyright Act, and copyright owners may license such direct copying through Terms of Use. Here, plaintiffs had a likelihood of success on their claim that the defendants breached the Terms of Use by using automated devices to purchase tickets, as well as applications designed to thwart plaintiff’s access control through technologies that hid the user’s IP address and circumvented the CAPTCHA system. The court also found that plaintiff had shown a likelihood of success at proving defendants were indirectly liable because their “[d]esigning and marketing a device whose purpose is to allow unauthorized access to, and thus to infringe on, a copyrighted website is sufficient to trigger contributory liability for infringement committed by the device’s immediate users.” The court also found that plaintiffs were likely to prevail on DMCA claims (§§ 1201(a)(2) and 1201(b)(1)), breach of contract claims, but found that plaintiff had not quantified its harm as required by statute to prove its claims under the Computer Fraud and Abuse Act.

Hot News

International News Service v. Associated Press, 248 U.S. 215 (1918). Held: Between competitors, a quasi-property right exists in the news, and it is unfair competition to “tak[e] material that has been acquired by complainant as the result of organization and the expenditure of labor, skill, and money, and which is salable by complainant for money, and that defendant in appropriating it and selling it as its own is endeavoring to reap where it has not sown, and by disposing of it to newspapers that are competitors of complainant’s members is appropriating to itself the harvest of those who have sown.” The Court noted that this did not give a monopoly right to the news gatherer, but rather “postpone[d] participation . . . in the processes of distribution and reproduction of news that it has not gathered.”

National Basketball Ass’n v. Motorola, Inc., 105 F.3d 841 (2d Cir. 1997). Held: A state law “hot news” misappropriation claim based on International News Service v. Associated Press survives preemption by § 301 of the Copyright Act because a hot news claim involves “extra” elements, not required for a copyright claim, including (i) the time-sensitive value of factual information, (ii) the free-riding by the defendant, and (iii) the threat to the very existence of the product or service provided by the plaintiff. The claim is limited to cases where “(i) a plaintiff generates or gathers information at a cost, (ii) the information is time-sensitive, (iii) a defendant’s use of the information constitutes free riding on the plaintiff’s efforts, (iv) the defendant is in direct competition with a product or service offered by the plaintiffs, and (v) the ability of other parties to free-ride on the efforts of the plaintiff or others would so reduce the incentive to produce the product or service that its existence or quality would be substantially threatened.”

Barclays Capital Inc. v. TheFlyOnTheWall.com, 2010 WL 1005160, No. 06 Civ. 4908 (DLC) (S.D.N.Y. Mar. 18, 2010). Held: The defendant, who published summaries of investment banks’ analyst recommendations, was liable for hot news misappropriation
because i) the plaintiffs employed hundreds of skilled analysts and spent hundreds of millions of dollars each year to produce their equity research reports, ii) the recommendations were timely in that Firms’ clients used them to execute trades in anticipation of stock price movement, iii) the defendant did no equity research of its own, nor did it undertake any original reporting or analysis – and it was no excuse that the defendant was selective about which reports it summarized, or that the reports were already available to the public at large by the time it published them, iv) the parties were in “direct” competition because the production and dissemination of equity research reports was one of the “primary” businesses for each of the Firms, and the dissemination of the reports was the “primary business” of Fly (and loudly touted by Fly’s advertising materials), and v) the court found that left unrestrained, the defendant’s free-riding would so reduce the incentive to produce the product or service that its existence or quality would be substantially threatened. The court enjoined the defendant from a) publishing recommendations released when the market was closed until one-half hour after the opening of the New York Stock Exchange or 10 AM, whichever is later; and b) publishing recommendations released while the market was open until two hours after their release by the firms. The court granted Fly the right to apply in one year “to modify or vacate the injunction in the event that it can demonstrate that the Firms have not taken reasonable steps to restrain the systematic, unauthorized misappropriation of their Recommendations, for instance, through the initiation of litigation against any parties with whom negotiation proves unsuccessful.”

See also:

‘Hot News’ and the ‘Duty to Police’ It
Law.com (Op-Ed by Andrew L. Deutsch, Srinandan Kasi and Riyad A. Omar) [May 18, 2010]
http://www.law.com/jsp/article.jsp?id=1202458321278


See also:

Feist Publications, Inc. v. Rural Telephone Service Co., Inc., 499 U.S. 340 (1991). Held: Defendant, who copied telephone directory white pages compiled by plaintiff, was not liable for infringement because the only copied parts (the listings) were uncopyrightable facts, and the Court found that plaintiff’s selection, coordination and arrangement of the listings was “entirely typical” and lacked the minimum originality.

Trespass to Chattels / Computer Fraud and Abuse Act

Register.com, Inc. v. Verio, Inc., 126 F. Supp. 2d 238 (S.D.N.Y. 2000). Held: Plaintiffs showed a likelihood of success at proving that defendants’ activities (having a robot crawl through the plaintiff’s WHOIS database and then contacting everyone who had recently registered a domain name through plaintiff) constituted breach of contract of a click-through terms of use agreement. The court also held that plaintiffs had demonstrated a likelihood of success on a trespass to chattels claim (under New York law) because 1) they could show unauthorized access and 2) could show damage because “the fear that its servers would be flooded by search robots deployed by competitors;” the plaintiff also showed a likelihood of success under the Computer Fraud and Abuse Act because it could show 1) unauthorized access and b) $5000 of economic damage because “if the strain on Register.com’s resources generated by robotic searches becomes large enough, it could cause Register.com’s computer systems to malfunction or crash.” The court granted a preliminary injunction.

EBay, Inc. v. Bidder’s Edge, Inc., 100 F. Supp. 2d 1058 (N.D. Cal. 2000). Held: EBay had shown a likelihood of success on its trespass to chattels claim against an auction aggregation site because it could show a) unauthorized access because the Terms of Use require users to not use robots, as well as b) damage, on the theory that if many aggregators engaged in this activity, then eBay would suffer a “substantial impairment of condition or value.”

Intel Corp. v. Hamidi, 71 P.3d 296 (Cal. 2003). Held: Defendant, a former Intel employee, was not liable for trespass to chattels after sending e-mail to thousands of current Intel employees criticizing the company, because the claim for trespass to chattels does not include electronic communications that neither damage the computer system nor impairs its functioning, and damage to the company (lost productivity) does not equate with damage to the system.

Recent Cases

All Headline News

AP, AHN Media Settle Suit; AHN Pays, Admits Some ‘Improper Use’

paidContent.org [July 13, 2009]
The Associated Press and AHN Media have agreed to settle an intellectual property lawsuit filed by the wire service in early 2008. In the settlement, announced in a joint statement, AHN agrees to pay an “undisclosed” sum, admits to some improper use of AP content and—the part that may wind up helping AP most—“acknowledge the tort of ‘hot news misappropriation’ has been upheld by other courts and was ruled applicable in this case.”

http://paidcontent.org/article/419-ap-ahn-media-settle-suit-ahn-pays-admits-some-improper-use/
See also:


Ivi

See below for articles and papers.

FilmOn

See below for articles and papers.

Redlasso

Redlasso Shuts Down Video Clipping Site
Wired [July 25, 2008]
Boy, that didn’t take long — just a couple days after NBC and Fox filed a lawsuit against Redlasso — alleging copyright infringement — the company shut down its video search and clipping site.

http://www.wired.com/epicenter/2008/07/redlasso-cries/#ixzz12vtzLscj

Updates:

Redlasso Relaunches With Clippable, Shareable Videos From Over 100 TV Stations
paidContent.org [Oct. 15, 2009]
News video-sharing and clipping service Redlasso has relaunched, giving bloggers access to video and audio clips from over 100 TV stations. The company secured licensing deals with Meredith Broadcasting, Journal Broadcasting Local Television, Gray Television and Barrington Broadcasting; RedLasso brokered its first new licensing deal with Fox, for content from the company’s owned-and-operated local TV stations, in March.

http://paidcontent.org/article/419-redlasso-relaunches-with-clippable-shareable-content-from-over-100-tv-s/

Redlasso named in the AlwaysOn Global 250
Redlasso Blog [July 20, 2010]
"The AlwaysOn Global 250 represent the top emerging companies in the Global Silicon Valley that are demonstrating significant market traction and pursuing game-changing technologies in on-demand computing, digital media, and greentech."
http://corp.redlasso.com/?p=1192

**Mygazines**

EXCLUSIVE: Publishers Reach Quiet Settlement with Mygazines
FolioMag.com [Oct. 2, 2008]
A copyright lawsuit brought against a Web site launched earlier this year allowing users to share digital copies of hundreds of magazines has been settled.
>> Application for TRO, Preliminary Injunction, and Expedited Discovery:

See also:
Mygazines Offers a Look at the Future While Testing Copyright Law
Mashable.com [July 19, 2008]
Want to read a wealth of magazines without spending a dime on subscriptions or one-time transactions? A website by the name of Mygazines is promising just that.
http://mashable.com/2008/07/19/mygazines/

**NYT v. Kachingle**

NYT Slaps Micropayment Service Kachingle With Trademark Suit
PaidContent [Oct. 18, 2010]
The New York Times Co. (NYSE: NYT) is suing micropayments system Kachingle after the service maintained several of the flagship newspaper’s blogs without permission. But as the Trademark Blog points out, the suit is not over copyright infringement. Instead, the NYTCO is accusing Mountain View-based Kachingle of violating its trademarks.
>> Complaint, The New York Times v. Kachingle:
The Apps and Aggregators
(in alphabetical order)

Apollo

Apollo
... It is an up-to-the-minute, mobile newspaper. See top headlines and follow your own favorite blogs. You can add unlimited blog feeds and see unlimited articles in each category and for every blog. As you use the application, the Apollo algorithm learns what articles and sources you enjoy and helps you discover new content based on your personal preferences and viewing history.
http://itunes.apple.com/lv/app/apollo-news/id378397114?mt=8#

Ex-Google News, Bing Engineers Set Out To Build ‘Newspaper Of The Future’
TechCrunch [July 16, 2010]
Delivering news digitally in a personalized manner is a nut many a startup – as well as many established Internet companies and publishers – are desperately trying to crack.

BitTorrent

(Although BitTorrent is a standard and protocol rather than a site, we’re including it on the list because there are many (many) purveyors of the technology, including PirateBay, isoHunt, and Mininova.)

What is BitTorrent?
BitTorrent
BitTorrent is the global standard for delivering high-quality files over the Internet. With an installed base of over 160 million clients worldwide, BitTorrent technology has turned conventional distribution economics on its head. The more popular a large video, audio or software file, the faster and cheaper it can be transferred with BitTorrent. The result is a better digital entertainment experience for everyone.
http://www.bittorrent.com/btusers/what-is-bittorrent

BitTorrent census: about 99% of files copyright infringing
ArsTechnica [Jan 29, 2010]
Most users share what's in demand, and what's in demand right now is heavily-DRMed movies, movies, TV, and movies.

The Most Popular Torrent Sites Of The Last Five Years
Despite many legal battles and pressure from anti-piracy outfits, the lists of the most visited torrent sites through the years show very little change.
http://torrentfreak.com/the-most-popular-torrent-sites-of-the-last-five-years-100822/

BitTorrent preps live streaming technology - make your own YouTube
ZDNET [Sept 29, 2010]
BitTorrent is trying to clean up its image and find commercial uses for its peer-to-peer file-sharing technology including a new streaming capability.
http://www.zdnet.com/blog/foremski/bittorrent-preps-live-streaming-technology-make-your-own-youtube/1515

See also:

Apple accepts, then removes BitTorrent app from iTunes
Edible Apple [Oct. 6, 2010]
. . . Earlier this week, Apple approved an iPhone app called IS Drive, which lets users check and manage downloads from ImageShack.us, while also offering users the option to use the company’s BitTorrent service to download files to their ImageShack account.
http://www.edibleapple.com/apple-accepts-then-removes-bittorrent-app-from-itunes/

RIAA and MPAA Can’t Stop BitTorrent, Study Finds
TorrentFreak [Oct. 14, 2009]
For years RIAA and MPAA members have hired companies to attack popular BitTorrent swarms in an attempt to interfere with their downloads. According to a recently published paper by New York University researchers, these attacks are highly ineffective. At best, they slow downloads for a few minutes, something most users don’t even notice.
>> Paper: http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6TYP-4WS2HX7-2&_user=10&_coverDate=11%2F15%2F2009&_rdoc=1&_fmt=high&_orig=search&_origin=search&_sort=d&_docanchor=&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=09ac68cb08b649bba4edd2f8de68a893&searchtype=a

Boxee

Boxee is the best way to watch movies, TV shows and clips from the Internet on your TV. Basically, you install our free software on an affordable computer, like a Mac Mini or Acer Revo, and connect it to your TV with an HDMI or DVI cord (depending on the computer you use). To navigate Boxee from your couch, you can use an Apple Remote or one of several PC-remotes available.
http://www.boxee.tv/faq
NBC's Jeff Zucker talks about Boxee with congress, Boxee talks about The Facts with Jeff Zucker

Engadget [Feb. 4, 2010]
[Discussing Hulu-Boxee spat]

Boxee sees Google TV as complementary in bringing Web to your TV

VentureBeat [May 20, 2010]
. . . One of the most promising TV-Web players is the New York-based Boxee, which has been working on software that lets users bring Web content to their televisions for the past few years. According to a recent tweet by the company’s founder, Avner Ronen, he sees Google TV as more complementary than competitive, and he seems interested in developing a Boxee Android app for TVs.

The Early Edition

Finally - your own personal, daily newspaper! The Early Edition takes all of the news sources that you enjoy and presents their content in a format which is familiar, stylish and intuitive. And now now in 1.1 you can import feeds from Google Reader or OPML file, discover feed URLs by entering web links and even categorize your news feeds into sections, just like a traditional newspaper! Each time you collect news, articles from your source list are collected and assembled into a daily edition and stored in Archives for later reference.

The Early Edition

Mac|Life [Apr. 29, 2010]
Call me old-fashioned (or just old--I can take it), but there’s something about the look of a newspaper that just feels right when it comes to taking in the news of the day. Problem is, newspapers today bring you the news of yesterday and sometimes the day before that. RSS feeds are the answer, I know, but something in me dies at the thought of reading even more words in an email-like interface.
Extra! Extra!

Extra! Extra! app may be scraping news museum's feed of front pages
AOL [Nov. 2, 2010]
TUAW came across the US$3.99 app Extra! Extra! when developer Finbarr Brady solicited a review. Extra! Extra! bills itself as an app that will supply you with the daily front pages of more than 800 newspapers from around the globe.

FilmOn.com

FilmOn unveils high definition film and television download service
BrandRepublic [Dec. 22, 2008]
A new video-on-demand service, which makes viewing high definition streams of film and television as easy as downloading a song, has gone live this week.
http://www.brandrepublic.com/News/870382/FilmOn-unveils-high-definition-film-television-download-service/

Meet the billionaire the entire TV industry is suing
THR, Esq. [Oct. 5, 2010]
. . . On Friday, CBS, NBC, ABC and Fox filed a copyright infringement lawsuit against FilmOn.com, which offers subscribers who pay $9.99 a month access to live high definition feeds of TV online. The suit follows a battle with another online streaming outfit ivi, Inc., dual moves that indicate the major broadcast networks are starting to get aggressive in policing the Internet for unauthorized transmissions.

Flipboard

Flipboard Introductory Video
http://www.flipboard.com/video

The Inside Story: Flipboard's Crazy Launch And Its Plan To Save Media
Business Insider [July 29, 2010]
... The consumer reaction to the app since its launch last week has been nothing short of completely nuts.
http://www.businessinsider.com/flipboard-ceo-mike-mccue-2010-7#ixzz10TixzSyy
**Fluent News**

Fluent News aggregates made-for-mobile versions of top news sources into a single, intelligently organized, fully customizable mobile newspaper. It allows you to create up to 3 of your own custom sections based on keyword searches.


**Fluent Mobile’s New iPhone App—An Elegant, Multi-Source News Reader**

*Xconomy [June 30, 2009]*

... Fluent News is basically a mobile multi-source newspaper—like a gussied-up RSS reader. The interface is reminiscent of dedicated iPhone apps published by individual news organizations such as the Wall Street Journal and the New York Times, but the app combines stories from a range of major news feeds, all pre-optimized for viewing on mobile devices.


**FreshSlicedNews**

Fresh Sliced News is a simple desktop application that lets you create a personalized newspaper from your favorite news sites, blogs, and other sources of information on the web.

http://www.freshslicednews.com/faq.html

**Google TV**

Google TV lets you search across every channel, every app, and the entire web, simultaneously.

http://www.google.com/tv/

**Google TV Is a Tough Sell Among Would-Be Partners**

*Wall Street Journal [Aug. 18, 2010]*

Google Inc. is launching a campaign to line up TV networks' support for its new Google TV software, but many remain reluctant to partner with a service they believe encroaches on their turf.

http://online.wsj.com/article/SB10001424052748703824304575435791128775412.html#ixzz0wyAtV5xu

**Instapaper**

Instapaper facilitates easy reading of long text content. We discover web content throughout the day, and sometimes, we don’t have time to read long articles right when we find them.
Instapaper allows you to easily save them for later, when you do have time, so you don’t just forget about them or skim through them. 
http://www.instapaper.com/faq

See also:
**Instapaper Goes From Hobby to Start-Up**

**ivi, Inc.**

Download ivi TV and watch TV on your computer. The ivi TV player delivers a traditional television viewing experience online. Open ivi TV and enjoy continuous live TV, without delays, buffering, or waiting. We do Internet television right.
http://www.ivi.tv/

**Watch out, Hulu. Meet the new Napster of television**
THR, Esq. [Sept. 21, 2010]
. . . Allow us to introduce ivi, Inc., which has raised $1 million in venture funding with a self-proclaimed "legal strategy" to rebroadcast television online without the permission of broadcasters or content-owners. . . . The company is utterly confident about its legal position. After launching a few weeks ago, ivi was immediately hit with cease-and-desist letters from NBC, CBS, Fox, Disney, MLB and others. However, the company isn't rolling over. Instead, ivi and its lawyers filed a lawsuit yesterday against those companies, seeking a declaratory judgment from a federal judge in Washington that its service is legitimate.

>> Complaint for Declaratory Judgment: Ivi, Inc. v. Fisher Communications, Inc.: 
>> Complaint for Damages: WPIX, Inc. v. Ivi Inc.: 

    >> Motion for Preliminary Injunction: 
    http://www.medialaw.org/Content/NavigationMenu/Publications1/MLRC_MediaLawDaily/Attachments2/ivi_PI_Motion.pdf
    >> Reply: 

MLRC 2010 Forum Reading List - 17
**Kylo**

Sit back and get ready for big-screen browsing. Kylo brings your TV and computer together to create the ultimate content experience. Enjoy your favorite online shows, videos, music, games and news. Take your HDTV anywhere on the web.

http://kylo.tv/features/

**Kylo TV web browser revamped with improved search, integration with Windows Media Center**

*ZD Net [Oct. 4, 2010]*

There are a growing number of TV web browsers these days, but here’s one you might not know much about. Hillcrest Labs has revamped its Kylo web browser, and the best thing about this software is that it’s free.


**Meehive**

. . . Here’s how it works: List the topics and issues you’re passionate about, and then MeeHive will scour thousands of news outlets and millions of blogs to find stories about your interests. You can share articles with others, see what friends read, and even use your iPhone to get MeeHive on-the-go.

http://www.meehive.com/hive/about.html

**MeeHive wants to deliver smarter news aggregation**

*VentureBeat [Mar. 11, 2009]*

Kosmix, the company that automatically generates informational pages about any topic, is using its technology to improve the news-reading experience with a new product called MeeHive.


**Kosmix Kills Off MeeHive’s Custom News Service As It Focuses On TweetBeat**

*TechCrunch [Oct. 8, 2010]*

. . . Alas, it looks like things haven’t worked out for MeeHive after all: Kosmix has emailed users to inform them that it will be shutting down later this month.


See also:

**Tweetbeat: What’s Playing Now!**

Tweetbeat is a real-time source for what people are saying about any major event.

http://tweetbeat.com/about

MLRC 2010 Forum Reading List - 18
**NewsRack**

NewsRack is a full-featured RSS reader for your iPhone with an intuitive interface. Skim over the latest headlines on a beautiful rack of newspapers (only iPhone/iPod touch) or use the powerful classic view to read and organize feeds.  
[http://www.omz-software.de/newsstand/](http://www.omz-software.de/newsstand/)

**NewsRack vs Pulse News Reader: 2 RSS apps for iPad**  
*Just Another iPad Blog [July 27, 2010]*

. . . Let’s look at NewsRack. In a word, it’s great. It syncs with Google reader. It’s visually appealing – a neat left feeds column is flanked by a larger content window, which lets you view in Safari, or share to various sources. It’s as good as browsing feeds on a laptop, superior to the same activity on an iPhone, where I’ve always felt that the small screen size was less than inviting.  

**paper.li**

paper.li organizes links shared on Twitter into an easy to read newspaper-style format. Newspapers can be created for any Twitter user, list or #tag.  

**Paper.li Lets You Read Twitter In Daily Newspaper Form, Raises More Funding**  
*TechCrunch [June 30, 2010]*

SmallRivers, a fledging Internet startup based out of Switzerland that has developed a Web app called Paper.li that basically lets you turn Twitter streams, tags and lists into daily online newspapers, has landed more cash after inking a $1 million seed funding deal back in 2008.  

**PlayOn**

PlayOn is a software program that runs on your Windows PC, giving you access to a wide range of Internet content on your TV -- Hulu, Netflix, YouTube, Amazon VOD, and many others.  
[http://www.playon.tv/playon](http://www.playon.tv/playon)
**Pulse News Reader**

Introducing Pulse 2.0 - Catch up on all your news in this highly acclaimed reader - so good it was featured by Steve Jobs himself in the WWDC keynote!


**The iPad Pulse Reader Scales the Charts**

*New York Times [June 1, 2010]*


**Times Company Objects to News-Reader App**

*New York Times [June 8, 2010]*


**Read It Later**

**Read It Later Launches New iPhone App (But if You Don't Like It, You Can Build Your Own!)**

*ReadWriteWeb [June 24, 2009]*

Read It Later, a cross-platform browser extension for saving online articles for later reading, has just debuted their newly updated iPhone application. This latest version introduces a number of useful features for voracious mobile readers including support for articles spanning multiple pages, support for sites requiring logins (like WSJ or NYT), new sharing features, and a lot more.


See also:

**Read It Later turning bookmarks into news pages**

*CNET [Feb. 25, 2010]*

Read It Later's new trick is one that long-time users with little time to waste are likely to enjoy. The bookmarking service, which was designed to help people organize and view bookmarks from multiple computers, is launching (in beta) a "digest" that will convert a person's bookmarks into a news page that's sorted by category.

http://news.cnet.com/8301-27076_3-20000096-248.html#ixzz12BM5QUBI

**Digest: The Reading List: Reinvented**

[Beta as of Oct. 12, 2010]

Digest is Read It Later with a brain. It automatically groups your list into topics and delivers them in a beautiful new display.

http://readitlaterlist.com/digest/
**Readability**

Readability is a simple tool that makes reading on the Web more enjoyable by removing the clutter around what you're reading.

http://lab.arc90.com/experiments/readability/

**Readability unclutters your online reading material**
*DownloadSquad [March 4, 2009]*
Reading articles online can be a huge pain. Some sites have no sense of type design, or just have too much clutter to give you a pleasant reading experience. Readability is at least a partial solution to the problem. It's a customizable bookmarklet for all major browsers that lets you load a site in a text-only mode to make it easier on the eyes.

http://www.downloadsquad.com/2009/03/04/readability-unclutters-your-online-reading-material/

**Reader Mode (for Safari browsers)**

**Will Safari's Reader kill the banner ad?**
*eMedia Vitals [June 9, 2010]*
Tuesday, among other things, Apple quietly released the latest version of its web browser, Safari 5.0. With it comes a feature that is sure to displease publishers.

http://emediavitals.com/blog/9/will-safaris-reader-kill-banner-ad#

**Apple's "evil/genius" plan to punk the Web and gild the iPad**
*Ars Technica [June 2010]*
. . . [Apple’s] release of Safari 5 shows that Apple has less regard for publishers on the Web than it does for publishers (and developers) it wants to entice to come to the App Store.


**How Apple's new ad-blocker could save the media (maybe)**
*The Guardian (UK) [June 9, 2010]*
Safari 5 looks like bad news for ad-supported sites. But if we're very, very lucky, it might not turn out that way

http://www.guardian.co.uk/media/organgrinder/2010/jun/09/apple-ad-blocker-save-media

See also:

Hacker News
[Discussion about how Safari’s Reader Mode uses Readability.]
http://news.ycombinator.com/item?id=1421377
StoreMags.com

[The site offers free magazines in .pdf form for downloading on the iPad and PC, including a number of adult magazines.]
http://storemags.com/

TBD.com

TBD is a TV station and website that delivers local news and community information from the Metropolitan Washington, D.C. region. TBD's integrated newsroom brings together reporters, editors, producers, and community-outreach specialists to produce original journalism; highlight news and information from other media outlets and blogs; and engage our audience in a dialogue on news and culture in the Washington area.
http://www.tbd.com/about/

TBD.com making its move into the crowded market of local news
TBD.com -- odd name, but let's move on -- is a new all-local news Web site that seems to be the answer to a question that no one has really been asking: Do media-saturated Washington and its environs need yet another source of information about Washington and its environs?
http://www.washingtonpost.com/wp-dyn/content/article/2010/08/06/AR2010080606133.html

Washington Post Swings, Misses in Ramp Up for Rival TBD.com
Mediaite [Apr. 22, 2010]

Thoora

Thoora is a new and unique service that helps people discover the news attracting the most attention within social and traditional media.
http://thoora.com/company

TC50: Thoora Brings The Day's News Cycle Into Clouds Of Content
Tech Crunch [Sept. 15, 2009]
... But when it comes to monitoring the news across all topics, many of the current offerings, like Google News, can fall short — oftentimes interesting news sources are ignored, or stories are missed entirely. Thoora, a new site that’s launching today in private beta at TechCrunch50, thinks it has the answer.
Twitter Times

The Twitter Times generates a newspaper from your account
*The Guardian (UK) [Nov. 5, 2009]*
A new project gives you an overview of what's being talked about by the Twitterers you follow, through the medium of a personalised newspaper
http://www.guardian.co.uk/media/pda/2009/nov/05/digital-media-twitter-personalised-newspaper-twittertimes

YouKioske

[A Spanish-language site offering full PDFs of magazines, including English language magazines such as Esquire and Rolling Stone.]
http://youkioske.com/

YourVersion

The best way to discover new content that's relevant to you YourVersion is the best way to discover the latest stories on the topics you care about, all in one place.
http://www.yourversion.com/
Other Interesting Articles

Tynt Gets $8 Million For Ctrl-C Action
TechCrunch [Apr. 16, 2010]
Tynt, a relatively straightforward product that gives web publishers control over copying/pasting activity on their website, just closed a $8 million second round of financing.
http://techcrunch.com/2010/04/16/tynt-gets-8-million-for-ctrl-c-action/

Attributor: FAQ
Attributor is the world’s first web-wide content tracking and monetization platform to automatically monitor usage of publisher content and stop its unauthorized usage.
http://www.attributor.com/how_it_works/faq.php

Next Issue Media CEO Short on Details
Adweek [Oct. 6, 2010]
Next Issue Media, a publisher-founded e-reader consortium, has been quiet about its activities since it got off the ground almost a year ago, prompting some industry head-scratching about its intentions.
http://www.adweek.com/aw/content_display/news/digital/e3i050e81f63a15745d687ffe6a0ac82b1dd

YouTube Copyright Policy: Video Identification tool
http://www.google.com/support/youtube/bin/answer.py?hl=en&answer=83766

See also:

Margaret Gould Stewart: How YouTube thinks about copyright
TED [June 2010]
Margaret Gould Stewart, YouTube's head of user experience, talks about how the ubiquitous video site works with copyright holders and creators to foster (at the best of times) a creative ecosystem where everybody wins.
http://www.ted.com/talks/margaret_stewart_how_youtube_thinks_about_copyright.html

YouTube vs. Fair Use
Coding Horror [Sept. 17, 2010]
[A programmer/blogger details his experience trying to upload a portion of a copyrighted video to YouTube, and the almost instantaneous way YouTube identified it as copyrighted material and refused to post it.]