

Tap here to turn on desktop notifications to get the news sent straight to you.



EDIT

WILL TRUMP ELIMINATE FEE FOR HOMEOWNERS WHO SWITCH TO A 15 YEAR FIXED?

If you owe less than \$300,000 on your home, use Congress's free refi program. You'll be shocked when you see how much you can save.

[Calculate New Payment](#)

Tap Your Age: 18-25 26-35 36-45 46-55 56-65 66-75 OVER 75

©2016

NMLS ID: 167283; 3306 nmlsconsumeraccess.org

LowerMyBills.com

AdChoices

THE BLOG 04/11/2013 03:32 pm ET | Updated Jun 11, 2013

-
-
-
-
-

Aereo Ruling a Win for TV Viewers, Future of Cloud Computing



The National Association of Broadcasters meets for its big annual conference in Las Vegas this week with optimism about the growing economy. But on the horizon for broadcasters there is also a cloud brewing; or more specifically, a cloud computing court [ruling](#) that impacts the business models of many NAB members.

A federal appeals court decided last week not to intervene at broadcasters' request to block an online service that allows monthly subscribers to record broadcast TV programs for subsequent viewing on any Internet connected device. A few weeks after Aereo started offering its service in New York last year, big entertainment companies like Fox, ABC, CBS, NBC and Disney sued the company on copyright infringement allegations. The legal machinations hinged on whether the delayed playback system constituted public or private performance.



AdChoices

TRENDING

Voucher Schools Championed By Betsy DeVos Can Teach Whatever They Want. Turns Out They Teach Lies.

Fortunately, the appeals court agreed with arguments from the tech industry — including a friend of the court [brief](#) from my own trade association — that users should be able to access their own, lawfully-acquired content in the cloud without fear of being branded pirates. All sides were aware of the precedent set by the famous Cablevision ruling in 2008, which also allowed people to save the content they legally owned for later viewing. The plaintiffs in the Aereo case unsuccessfully tried to modify that decision so that just those holding retransmission licenses, not consumers, could do that. But the appeals court [upheld](#) the lower court decision that the Aereo service does not violate copyright law.

Beyond what hung in the balance for consumers, the Aereo case was also a critical test for the cloud computing industry, with huge implications for both the tech sector and the broader economy.

Cablevision had established that when an online service stores a user-made copy of a television program and makes it available later to the user, this should not be considered a performance “to the public” of that content for purposes of copyright law. It is not a huge conceptual leap to think of other kinds of files instead of TV shows and arrive at today’s primary definition of cloud computing services: making copies of users’ files available to those users over the Internet.

To have resolved this case any other way would have cast a shadow of uncertainty over the extraordinary trend of investment and growth that is cloud computing. This is particularly true in light of evidence that the cloud industry has indeed benefited in the wake of the Cablevision ruling. A CCIA-commissioned [study](#) by Harvard Business School professor Josh Lerner quantified the sizable jump in venture capital

Fergie Says She Couldn't Stop Hallucinating On Crystal Meth

Trump's Weirdly Slurred Speech Causes #DentureDonald To Trend

Watch Anderson Cooper Take Down Roy Moore's Spokeswoman In Wild Interview

An Incredible Card Now Offering A 50,000 Point Bonus Has Arrived

Sponsored by [NextAdvisor](#)

Stephen Colbert Breaks Out A Ruthless New Impression Of Tongue-Tied Trump

— SPONSORED BY STANDARD NEWS —

A Rare Look At The Abandoned Military Bases

investment in cloud computing after Cablevision:

“Our results suggest that the Cablevision decision led to additional incremental investment in U.S. cloud computing firms that ranged from \$728 million to approximately \$1.3 billion over the two-and-a-half years after the decision. When paired with the findings of the enhanced effects of VC investment relative to corporate investment, this may be the equivalent of \$2 to \$5 billion in traditional R&D investment.”

Wake up to the day's most important news.

Subscribe to The Morning Email.

address@email.com

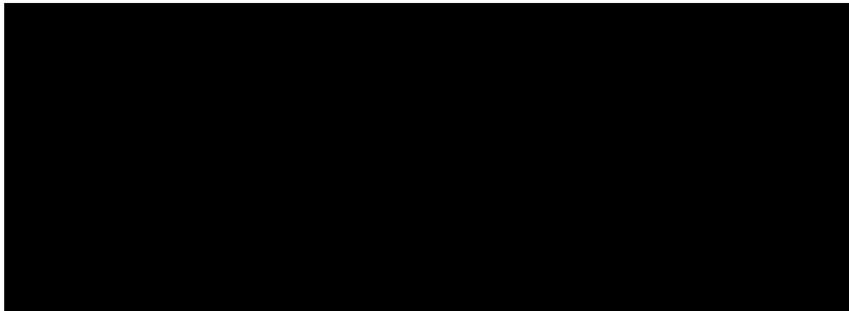
SUBSCRIBE

Broadcasters who are suing no doubt feel a survival instinct kicking in, given [news reports](#) about so-called ‘cord cutters’ who are shunning cable subscriptions and even TVs in favor of watching their programming online. These reports include an AP article last month showing there are now five million zero TV households, up from two million in 2007. A Fox TV executive [made headlines](#) this week at the NAB conference by threatening to stop broadcasting because of the Aereo ruling.

Enlightened incumbents will remember how earlier innovation cycles proved similar jitters to be unfounded, but some entrenched businesses would rather sue than evolve. We saw that in the 1980s when TV and movie makers tried to block the VHS precursor Betamax that enabled consumers to record content for subsequent viewing. The Aereo case was not all that different, with cloud services and the Internet standing in as the new villains in the plaintiff’s over-licensed legal drama.

Unfortunately, during my association’s 40-year history, this kind of bullying against innovation is its own form of repeated viewing. Since suing didn’t work, we fully expect lobbying to emerge as the next cudgel in the copyright extremists’ toolkit. They’ll no doubt ask

Congress for new copyright legislation to protect their own narrow interests at the expense of innovative, consumer-friendly business models. We hope Congress will look out for both consumers and the broader economy by letting the marketplace — and the courts — have the final word. Letting the Aereo ruling stand will be a key step toward giving people the content they want on the device of their choice.



MORE:

- Copyright Infringement
- Consumer Electronics
- Copyright
- Ccia
- Cloud Computing

You May Like

Sponsored Links by Taboola

12 Awesome Gadgets Perfect For Xmas (Under \$60)

Lifed

Jilted Groom Sells Ex's Honeymoon Ticket To Stranger, Then Turns To See His Female Mystery Date

Newravel

These Dad Fails Made Us LOL

Give it Love

Turning To Tech & 6 More Tips To Help Your Kids Do Homework

Citi

Herndon, Virginia: How Boston Grads Are Disrupting A