NBC Universal sides against YouTube in piracy suit

By Eric Auchard
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SAN FRANCISCO (Reuters) - NBC Universal is taking sides with fellow media conglomerate Viacom Inc. over a piracy lawsuit filed against Google Inc.'s online video sharing site YouTube, according to papers filed in court.

The case involves a separate party, Los Angeles News Service operator Robert Tur, who sued YouTube in July for allowing its users to appropriate his famous footage of trucker Reginald Denny being beaten during the 1992 Los Angeles riots.

In a filing submitted late on Friday to the U.S. District Court of the Central District of California, NBC Universal and Viacom submitted a friend of the court brief opposing YouTube's bid to dismiss the copyright infringement suit brought by Tur.

NBC Universal is 80 percent owned by General Electric Co. and 20 percent owned by France's Vivendi.

While NBC Universal (NBCU) has not sued YouTube itself, the court papers it filed in the Tur case make clear its view:

"Many of NBCU's most valuable copyrighted works have been copied, performed, and disseminated without authorization by YouTube and other similarly operated Websites. NBCU has a strong interest in preserving the strength and viability of all of its legal rights and remedies in response to such conduct."

The Tur complaint presages accusations by Viacom Inc., which filed its own copyright infringement suit against YouTube in March for over $1 billion in damages.

NBC Universal's move on Friday to enter the growing legal fray against YouTube and Google came the same day as the filing of a separate copyright suit against YouTube by plaintiffs including English soccer's Premier League.

The three federal copyright infringement suits against YouTube similarly argue the site encourages massive copyright infringement on its Web site in order to generate public
attention, boost site traffic and increase advertising sales.

"YouTube actively manipulates and modifies the content in ways that the uploading user clearly does not, including copying, reformatting, and adapting the works... further disseminating them," NBC Universal and Viacom's filing argues. "In operating its own commercial Website, YouTube engages in activities that are reserved to the copyright holder."

Spokesmen for YouTube and Google were not immediately available to comment on Sunday.

Google General Counsel Kent Walker replied to the Football Association suit on Friday by stating that: "These suits simply misunderstand the Digital Millennium Copyright Act (DMCA), which balances the rights of copyright holders against the need to protect Internet communications and content."

The DMCA is a 1998 U.S. law defining the rights of digital media copyright holders and Internet service providers.

"They (the lawsuits) threaten the way people legitimately exchange information, news, entertainment, and political and artistic expression over the Internet," Walker said.
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