

UK: ITV Broadcasting Ltd v TV Catchup Ltd (live-streaming)

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UK: ITV Broadcasting Ltd v TV Catchup Ltd High Court of England and Wales (Patents Court), 18 July 2011

Live-streaming: In a case on internet live-streaming retransmission of TV broadcasts and films, the High Court ruled that the introduction in the UK Copyright Act of a general right of communication to the public with respect to broadcasts was not invalidly enacted. The Court also reached the provisional conclusion that the retransmission of broadcasts and films via live streaming amounts to an act of communication to the public, but referred the question to the European Court of Justice for clarification. In the view of the Court, live streaming retransmission amounts to authorisation of reproduction of a substantial part of the films, but not of the broadcasts, in buffers and computer screens. The Court's provisional view was also that reproductions of broadcasts and films in the buffers are non-infringing, as they are covered by the exception for acts of temporary reproduction. However, final judgement on both issues should await the decision of the ECJ in Football Association Premier League v QC Leisure. (*Stavroula Karapapa & Maurizio Borghi, Brunel University*).

For the full text of this case click [here](#).

A summary of this case will be posted on www.kluwerIPcases.com soon.