

Cash For Content: Profiting from Copyright on the Internet

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Controlling content on the Internet has been an ongoing struggle for copyright owners. Users of copyrighted material have never had easier access to so much material. Technology providers help facilitate the exchange of content. The courts have emphasized that copyright is technologically neutral and regulation stresses net neutrality, yet technology providers continue to push the boundaries to secure their own economic futures. Cable television is an important stakeholder and wields enough economic clout in the US and Canada to influence both jurisdictions. Copyright law is predicated on balancing owners' and users' rights and balancing encouraging further creation and innovation with rewarding the initial creation and innovation. The Internet adds a potential third stakeholder with technology providers. Is regulation of the Internet necessary to ensure statutory rights? The FCC describes its Open Internet policy as net neutrality. The American government has used the analogy of comparing the Internet to any public utility to justify recent regulatory changes. Rulings by the CRTC in Canada also support the concept of net neutrality. Recent cases, including *Aereo* in the United States and *ESA v SOCAN* in Canada, emphasize technological neutrality in their decisions. On both sides of the border, the move of entertainment into the digital environment has spurred litigation and regulatory change. This paper will examine how technology providers fit in to the traditional landscape of copyright, primarily thought of in terms of owners' and users' rights. Do technology providers deserve a piece of the copyright pie for helping to foster innovation and creativity?