

TEXAS PRESS e-Newsletter

Representing Texas Press Association - July 2014



Ask an Attorney:

How to handle copyright infringement

BY ALICIA CALZADA

Haynes and Boone, LLP



Q: We live and work in a super-competitive environment and that's why I do my darndest to hire and keep such a talented staff. Their work jumps out and grabs readers and advertisers in every issue. But now and then, we find (or are told about) content produced by our staff in other newspapers, free sheets and in social media. We didn't put it there, and we didn't give permission. Any suggestions?

A: A company owns the copyright to photographs, graphics, articles and any other works of authorship that are created by its employees in the course of their employment. Just as you cannot use the copyrighted works of others without permission, your competitors (or anyone) cannot use your copyrighted work without permission. If they have done so, this is a violation of copyright law. In addition, if they have

removed information about the source of the works, even just a byline, with the intent to enable or conceal the infringement, they may have violated the Digital Millennium Copyright Act (DMCA). Both violations have statutory damages available under the law.

There are several ways to proceed. Regardless of what you do, it is worth the time and money to consult with an

► CONTINUED ON PAGE 2

Free registration to first 15 members — APME Austin NewsTrain

Associated Press Media Editors (APME) will host a two-day training session in Austin on Friday, Aug. 22, and Saturday, Aug. 23. TPA and UT School of Journalism will be paying the registration fee for the first 15 members (one per newspaper) who register to attend Austin NewsTrain. The workshop sessions will include:

- planning and coaching content across platforms,
- creating viral content,
- telling better video stories,
- developing a data state of mind,
- finding the best stories in data,
- managing and surviving change,
- unleashing your watchdog with beat mapping, and

--getting ready for the next big transformative changes in news.

Individuals who wish to take advantage of the free offer should email mhodes@texaspress.com with name, title, name of paper, address of paper, phone and email address — first come, first served, limit 15 registrations. All others will pay the \$75 registration fee, which includes two full days of training, plus continental breakfast, lunch and snacks each day.

The sessions in video storytelling and data journalism presume no previous experience in either. Registrants do not have to be a member of APME to attend.

When: 9 a.m. to 4 p.m. Friday, Aug. 22,

and 8 a.m. to 4 p.m. Saturday, Aug. 23, 2014

Where: The University of Texas School of Journalism, 300 W. Dean Keeton, Austin, Texas 78712.

Cost: \$75.

Registration: Email mhodes@texaspress.com

Hotel: By Aug. 7, reserve a room with a king bed for \$95 or a room with two queens for \$105, plus tax, per night at the Marriott Courtyard. The hotel is at 5660 Interstate 35 Frontage Road, Austin, Texas 78751, about 3.7 miles from the workshop site.

What to bring: Your laptop and smartphone for the hands-on exercises.



Austin NewsTrain, Aug. 22-23, 2014

► FROM PAGE 1

attorney to ensure that you are taking the path that best fits your needs and goals. I typically advise victims of infringement that the approach you take should depend on the outcome you desire. If you merely want the infringing use to stop, sometimes asking is all it takes. Unfortunately a lot of people in the publishing business, especially lower level employees, have little or no understanding of copyright law. Smart publishers, and upper management of publishing companies, should know that if all they are getting is a request to stop infringing, unaccompanied by a demand for payment, or worse a lawsuit, they are dodging a bullet. All communications should be in writing, and you should keep a good record of them. Your request can be informal—simply letting the publisher or editor know that the use is an infringement and that you won't tolerate it. It can be also be a more formal cease and desist letter, either from you or your attorney. The National Press Photographers Association (NPPA) has a sample cease and desist letter for copyright infringement on its website. Many times a cease and desist letter will come with a demand for payment.

Another option is to file what's called a DMCA takedown notice. If the infringing use is online, there is a law that enables you to contact the internet service provider and have them remove the content. All ISPs, and social media companies such as YouTube and Facebook have contact information for filing such a notice. Again, the NPPA has a step-by-step guide to filing a DMCA takedown notice.

Sometimes filing a lawsuit is the best option for stopping or otherwise dealing with infringing activity. If you are not getting the results you are looking for from a demand letter, you should consider filing a lawsuit. Copyright infringement lawsuits must be brought in federal court and can be expensive, but if your work has been registered with the U.S. Copyright Office prior to the infringement, you will be eligible for an award of attorney's fees and you will be eligible for statutory damages ranging from \$200 to \$150,000, depending on the nature of the infringement and other factors. If you have not registered the work prior to the infringement, you will not typically be eligible for attorney's fees and you will only be eligible for actual damages, which

can be very low, especially when compared with the cost of hiring an attorney to bring the suit.

There are a few important points to remember about copyright. First, regular and systematic copyright registration is essential for ongoing enforcement. Registering your copyright with the U.S. Copyright Office is not required to gain the copyright, which is automatic. However, registration prior to infringement confers certain benefits, including the availability of statutory damages and attorney's fees in the event you need to take an infringer to court. For this reason, consistent registration is the best way to ensure that your work will be protected. The copyright office has great resources to assist with registration, which can be done online.

Second, some uses without permission may fall under "fair use". Fair use is a nebulous concept, but a good example is a review, or critique. So if an article is being critiqued, or a photograph has itself become newsworthy, there may be a fair use defense to using the work, or a portion of the work, without permission in the context of discussion about the work. However, there are many misunderstandings about fair use.

Finally, it is important to realize that if the work is created by a freelancer, as opposed to a staffer, that freelancer owns the copyright, unless there is a written agreement to the contrary. The work is still protected by copyright—the difference is that because the freelancer owns the copyright, the freelancer must enforce and protect those rights. I've never met a freelancer who is happy about a copyright violation, and so they will appreciate it if you let them know about the possible infringement.

Some useful links:

Copyright office circular on Group Registration of Periodicals: <http://www.copyright.gov/circs/circ62b.pdf>

Copyright Office Circular on Group Registration of Daily Newspapers: <http://www.copyright.gov/circs/circ62a.pdf>

NPPA Sample Cease and Desist/ Demand letter: https://nppa.org/sites/default/files/cease_and_desist_sample.pdf

"Two Easy Steps for Using the DMCA Takedown Notices to Battle Copyright Infringement" by Carolyn E. Wright, Esq. <https://nppa.org/page/5617>

TEXAS PRESS E-NEWSLETTER

Texas Press Association
718 W 5TH ST STE 100
Austin, TX 78701-2783
(512) 477-6755 phone
(512) 477-6759 fax
www.texaspress.com

2014-2015

TPA BOARD OF DIRECTORS

OFFICERS

President Randy Mankin, The Eldorado Success; **First Vice President** Glenn Rea, The Cuero Record; **Second Vice President** Randy Keck, The Community News; **Treasurer** Patrick Canty, Odessa American; **Chairman** Greg Shrader, The Lufkin News

BOARD MEMBERS

Elected: Jeff Berger, Hondo Anvil Herald; Neice Bell, New Braunfels Herald-Zeitung; Sue Brown, Pleasanton Express; Bill Crist, Snyder Daily News; Mike Winter, The Bowie News

Appointed: Laurie Ezzell Brown, The Canadian Record; J.D. Davidson, Paris News; Brenda Miller-Ferguson, The Pasadena Citizen; Hank Hargrave, The Normangee Star; Brett McCormick, The Vernon Daily Record; Jim Moser, Jackson County Herald-Tribune; Melissa Perner, Ozona Stockman; Danny Reneau, Silsbee Bee

Regional Presidents: Don Treul, Tri County Leader, NETPA; Jeff Blackmon, County Star-News, PPA; Tania French, Port Lavaca Wave, TGCPA; Lisa Davis, Wise County Messenger, WTPA

Regional Vice Presidents: Jessica Woodall, Kilgore News Herald, NETPA; Ashlee Estlack, Clarendon Enterprise, PPA; Kathy Cooke, Rockdale Reporter, STPA; Sue Brown, Pleasanton Express, TGCPA; Mindi Kimbro, Olney Enterprise, WTPA

TEXAS PRESS ASSOCIATION

Joel Allis, Periodicals Consultant
Fred Anders, Information Technology Director
Donnis Baggett, Executive Vice President
Diane Byram, Advertising Manager
Stephanie Hearne, Controller / Office Manager
Shawn Jones, Coordinator TexSCAN/Texas Display
Micheal Hodges, Executive Director
Ashley Kontnier, Advertising Consultant
Allison Rentfro, Publications Editor
Donna Shaw, Administrative Assistant
Ed Sterling, Member Services Director



Army Sgt. Billy Mac Brister of Groveton, TX



Army SP4 Junior B. Pack of Canadian, TX



Army PFC Ivan Don Homsley of Aledo, TX



Marine Corps LCPL - Patrick R. Scott of Decatur, TX

“Faces Never Forgotten”

Texas slow to respond — more feature articles needed

The Vietnam Veterans Memorial Foundation (VVMF) project “Faces Never Forgotten” need of help obtaining missing photos of fallen Vietnam veterans across Texas and the nation.

Newspaper participation in this project will help VVMF locate the photos of all of the soldiers listed on the Vietnam Memorial Wall in Washington D.C.

“The response to our publication of the “Faces Never Forgotten” story provided by the Texas Press Association was both immediate and gratifying,” Laurie Ezzell Brown, publisher and editor of The Canadian Record said.

“We received one photo of a young Canadian soldier who was killed in the Vietnam War within 24 hours of that week’s newspaper hitting the streets. It was hand-delivered by the woman who was his fiancée when he shipped off, and who, I imagine, has kept that by-now worn and fading photograph close ever since.

“Even more gratifying, though, were the comments we received from those who were reminded of these fallen soldiers, who spoke their names again for the first time in decades, and who may be inspired to tell their children and grandchildren about these too young

men who died in another war in another country far away, and whose faces and sacrifices will never be forgotten.”

To see a list of Texan soldiers whose photos are still missing, [click here](#). To view the gallery in progress or get more information, go to www.vvmf.org/Wall-of-Faces.

The goal is to locate all missing pictures by Nov. 11, 2014.

Your support with this nationwide effort is not only impactful for the families who lost loved ones, but also for the history involved with the documentation in remembering their dedication.



NEW MEXICO PRESS ASSOCIATION

CALL FOR JUDGES

The New Mexico Better Newspaper Contest will be judged electronically on www.betterbnc.com. Volunteering is now easier than ever as you can judge from your office or home on your own time! Judging is from July 31 - August 14.

Click here to volunteer to be a judge or contact Allison Rentfro at arentfro@texaspress.com for more information.

Deadline approaching for Carmage Walls Leadership Forum application

Southern Newspaper Publishers Association) is hosting its "Carmage Walls Leadership Forum" in Galveston, September 14-16, 2014.

Southern Newspapers, Inc. is the sponsor. This is a small meeting, 20 publishers, where the 1-1/2 days are spent in a best practice and idea exchange. Dolph Tillotson of SNPA will be moderating the forum. The program is conceived by the attendees, who set the agenda and contribute to the exchange. To attend, one must fill out the application and be approved for consideration. Participants are required to stay in accommodations

provided at The Tremont House. Applications must be received in the SNPA office by August 11. Applicants will be notified by August 15 of selection for participation. [Click here](#) to download the application form.

"It was one of the best meetings I've attended because of the format. I like the open, free-flowing discussions and the exchange of ideas. Part of that, I think, was because we had such a good mix of people," said one past attendee.

SNPA is a regional press association covering the southern part of the U.S. SNI is the locally owned newspaper

group that includes Galveston, New Braunfels, Seguin, Baytown, Kerrville, Paris, Lufkin, Bay City, Del Rio, Nacogdoches and Clute.

SOUTHERN NEWSPAPER
PUBLISHERS ASSOCIATION



MARK YOUR CALENDARS

2015 TEXAS PRESS MIDWINTER CONFERENCE AND TRADE SHOW



Moody Gardens,
Galveston

To improve
your
newspaper

it takes
quality
input . . .



DOWNLOAD THE REGISTRATION
FORMS AT TEXASPRESS.COM

InDesign, a three part webinar

Registration fee: \$35 per session. Group discounts are available. Visit our website for more information. (Registrations submitted after the deadline are subject to a \$10 late fee)

InDesign 201: Become a Type Superhero Thursday, July 10 • Register by July 7. It's easy to put type on a page in InDesign. But using basic techniques on a large document can be VERY time consuming. Explore Master Styles and other techniques that will allow you to create, place and format text quickly and with more exciting designs than you might be doing now. Some of what you'll learn:

- Creating basic Character and Paragraph Styles.
- Format an entire page or ad in seconds with Next Styles.
- Amplify your designs -- and save time -- with Nested Styles.
- Much more!

InDesign 301: Working with Images and Graphics Thursday, August 21 • Register by August 18. InDesign offers MUCH more than just placing photos. Are you interested in taking your ads and editorial pages to the next level of design? Then this class is for you. You'll also see some of the many features that integrate InDesign with Illustrator and Photoshop for additional power. Some of what you'll learn:

- Working with Photoshop files in InDesign.
- Using Illustrator files and tools in InDesign.
- Cool design tricks that are fun and easy.

Register today at
www.onlinemediacampus.com

Online Media Campus is brought to you by Southern Newspaper Publishers Association and Iowa Newspaper Foundation.

InDesign Basics & Beyond Three-part webinar series

InDesign 201:
Become a Type Superhero

Thursday, July 10
2-3 p.m. EDT ~ 1-2 p.m. CDT

InDesign 301: Working
with Images and Graphics

Thursday, August 21
2-3 p.m. EDT ~ 1-2 p.m. CDT

Statement of Ownership will now include electronic subscriptions

By Max Heath, NNA Postal Consultant

The National Newspaper Association has confirmed that the unified reporting of electronic subscriptions on one form with print subscribers, PS Form 3526, Statement of Ownership, Management and Circulation, is scheduled for release in hard copy and in the PostalOne! postage payment system computers for use in September for the Oct. 1 filing date. Newspapers that use the 3526 to show circulations to advertisers will now have one complete form available.

Although this was the way NNA envisioned it when asking for this rule change back in the last decade, bureaucratic snafus, release schedules, and personnel retirements at the U.S. Postal Service all combined to thwart our efforts even after the approval three years ago.

And, in other news, NNA is working on a new proposal to eliminate the "marked copy" for Periodicals. Instead, publishers would be able to keep their marked copies on file for later audit. This streamlined compliance rule will aid publishers in timely filing of their

mailing statements.

The August PostalOne! "Release 38" contains the change that is scheduled for use on Sept. 7, 2014, according to



MTAC representative Brad Hill, president of Interlink Software. Other USPS headquarters personnel had given reassurances, but this was the first tangible evidence of that.

This means that the 3526-X form that was required in 2012 and 2013 to report electronic subscriptions as an addendum will now be a third page of the previous 3526 form. The 3526-X will

cease to exist.

For paid newspapers, there will be one unified 3526 with print and e-sub reporting. Likewise, for requester periodicals, there will be a unified 3526-R for print and e-requesters. Both hardcopy forms are already posted on Postal Explorer website. Scroll down the left blue toolbar to "Postage Statements," then "Periodicals forms" and you will see the updated 3526 and 3526-R dated 7-2014.

The new form allows combining the total paid print and electronic copies for both "Issue closest to filing date" and "Average copies for previous 12 months," achieving NNA's goal to get recognition for electronically-fulfilled subscriptions or requester copies added for those newspapers for whom the Statement of Ownership is their legal proof of circulation for advertisers, advertising agencies, and public notices.

This change will include accessibility of a single automated online form that can be completed electronically via PostalOne!. Many NNA members prefer to file the document electronically rather than hardcopy.

USPS consolidation will impact newspaper delivery

By Joel Allis,
TPA Periodicals Consultant

USPS announced on June 30 the continuation of consolidations and closure of an additional 82 mail processing operations. This follows the 2012 and 2013 closure of 141 processing facilities nationally.

The new closures will begin in January 2015, and conclude prior to the fall mailing season. Several processing facilities in Texas are scheduled for closure. These closures will have a negative impact on a large number of TPA member newspapers. Many newspapers will experience an additional day or more in delivery time. It's virtually impossible to predict the exact impact but common sense tells you that delivery times will be longer.

The Beaumont and Houston processing facilities will close upon completion of expansion of the North Houston pro-

cessing facility. Houston area mailings should not experience much if any delay. Sending Beaumont mail 100 miles to North Houston will certainly cause some delay in delivery for Beaumont area newspapers.

The Abilene processing facility is scheduled to close, with the mail being sent 150 miles to Midland or over 200 miles to Austin for processing. This will certainly have a negative impact on the delivery of newspapers currently processed at Abilene.

The Corpus Christi processing facility is scheduled to close with the mail being sent nearly 150 miles to San Antonio. Again, this is going to have a negative impact on delivery for newspapers currently processed at Corpus Christi.

The reality facing newspapers, and other mailers, nationally, is continued increases in postage rates, and continued decline in delivery service. The only newspapers you can have any expect-

tation of next day delivery are newspapers that you are entering, or dropping by exceptional dispatch, at the delivery post office. To the extent it is practical as much local mail as possible should be dropped at the delivery post office. With increasing postage costs and deteriorating delivery service, it is vital to your future success, and in some cases your survival, to have an online product available to your non-local subscribers. The goal should be to have an online product that your subscribers are willing to pay for, and over time convert as many of your outside county print subscribers to electronic subscribers, and attempt to expand your subscriber and advertiser base.

If you have any specific questions relating to these closures or other postal matters, please contact TPA Periodicals Consultant Joel Allis at jallis@texaspress.com or at 512-585-6239.

JOB BANK

The TPA Job Bank is updated as positions become available. The Job Bank is a free service for all TPA members and job seekers. Listings will remain on the Job Bank for 30 days or until notified to remove. E-mail job listings to: jobbank@texaspress.com or fax to 512-477-6759. Questions? Call 512-477-6755.

COMMUNITY EDITOR, Palestine, TX - The Palestine Herald-Press, an award-winning newspaper in beautiful East Texas, is seeking a community editor to complete its newsroom. Candidate must have a thorough knowledge of reporting news for print and digital platforms. This editor is also responsible for editing, design and pagination. We offer an excellent compensation package, including a competitive salary, paid vacation, 401(k), and medical, dental, and vision insurance. Please send resume and clips to editor@palestineherald.com or mail to P.O. Box 379, Palestine, Texas 75802. 07/15/2014

MARKETING REPRESENTATIVE, Fredericksburg, TX - The Fredericksburg Standard Radio Post is looking for a professional marketing representative to work with customers in our vibrant Hill Country market. We are growing and expanding with the addition of web and niche magazine products, while maintaining a top newspaper that serves its community. We offer a base salary plus commission-based compensation, as well as a benefits package and the chance for long-term employment. Email cover letter and resume to Ken Esten Cooke, Publisher, at ken@fredericksburgstandard.com, or drop off at 712 W. Main St. in Fredericksburg. 07/14/2014

SPORTS WRITER, Liberty Hill, TX - The Liberty Hill Independent is seeking a creative, self-starter to work part-time or on a freelance basis covering sports. Ideal candidate will have a degree in journalism or a related field, have community newspaper experience or be a recent graduate with clips, have a love of sports writing that includes game coverage as well as finding special feature stories. Experience with InDesign,

page layout and social media a plus, as well as willingness to do some general assignment reporting. Send cover letter with salary requirements, resume and clips by email to news@LHIndependent.com. 07/11/2014

REPORTER, Sealy, TX - The Sealy News has an immediate opening for a full-time reporter to take pictures and cover a wide range of sports, meetings and events. This position requires someone willing to go the extra mile to find the story behind the story and cultivate sources within the community. Reporting experience preferred. Job requires knowledge of AP style, InDesign, Photoshop and web (Blox). If you're interested, please respond to this ad before someone else does. We offer: bonus opportunities, health and dental benefits, paid vacation, and a friendly, supportive workplace. Email resumes to editor@sealynews.com. 07/11/2014

PHOTOGRAPHER, Paris, TX - The Paris News is looking for a full-time photographer to provide timely and engaging photos and content. A passion for community journalism and a strong work ethic with an ability to meet deadlines is required. The right candidate will be creative, have excellent communication and people skills and possess an understanding of the role social media has in community journalism. Must have reliable transportation, a valid Texas driver's license, proof of auto liability and an acceptable driving record. Must be able to work flexible hours that may include nights, weekends and holidays. Send photography and writing clips to Connie Beard at connie.beard@theparisnews.com. 07/09/2014

SPORTS EDITOR, Clarksdale, MS - The Clarksdale Press Register is a twice-weekly newspaper focused on local news that publishes its print product on Wednesday and Friday, and uploads its breaking news stories to its website daily. Our ideal candidate will have a strong grasp of AP style, be familiar with QuarkXPress, be able to shoot photos and write sports and occasional news pieces. Employment

benefits include: low-cost, partially-funded individual health insurance and 401K. Relocation expenses also negotiable for the right candidate. Send a cover letter and resume to Publisher, Jesse Wright at publisher@pressregister.com with "Sports Editor" in the subject line. 07/09/2014

SPORTS WRITER, Paris, TX - The Paris News has an immediate opening for a full-time community oriented sports writer. Duties include covering games and athletic events of all types for all ages, feature stories, some photography and layout. InDesign training provided if necessary. Send letter, resume and writing samples to connie.beard@theparisnews.com. 07/08/2014

EDITOR/GENERAL MANAGER, Claremore, OK - The Claremore Daily Progress seeks an experienced, digital-savvy editor-general manager to lead its newsroom. Applicants need at least five years of management background, knowledge of the operations of all newspaper departments, versatile journalism skills and the ability to inspire and coach the entire staff to produce quality work for print and online. The Daily Progress is a five-day newspaper that features website and mobile breaking news feeds every day of the week. Interested candidates should apply online to publisher Bailey Dabney at bdabney@claremoreprogress.com. Include a detailed resume, a 500-word cover letter and a representative sample of your journalistic expertise. 07/03/2014

PUBLISHER, Pryor, OK - The Pryor Times seeks a publisher who is committed to growing revenue and knows how to sell print and online. We need someone with a track record in newspaper leadership who can create and execute a multi-platform sales strategy that covers print, niche publications, websites and mobile products and understands a quality news product. The Pryor Times is a 2,500 circulation newspaper in eastern Oklahoma. Send resume and salary requirements to Mike Beatty, Publisher, 117 E. Fourth Street, Joplin, Mo., 64801; or email to mbeatty@joplinglobe.com. 07/03/2014

Supreme Court Sides With TV Against Aereo

When the case was still being heard, TPA Past President, Greg Shrader, addressed this issue in the May Messenger.

By Mark Sherman

WASHINGTON (AP) -- The Supreme Court has ruled that a startup Internet company has to pay broadcasters when it takes television programs from the airwaves and allows subscribers to watch them on smartphones and other portable devices.

The justices said Wednesday by a 6-3 vote that Aereo Inc. is violating the broadcasters' copyrights by taking the signals for free. The ruling preserves the ability of the television networks to collect huge fees from cable and satellite systems that transmit their programming.

Company executives have said their business model would not survive a loss at the Supreme Court. Following the ruling, billionaire Barry Diller, Aereo's most prominent investor, said, "It's not a big (financial) loss for us, but I do believe blocking this technology is a big loss for consumers, and beyond that I only salute (Aereo CEO) Chet Kanojia and his band of Aereo'ers for fighting the good fight."

Aereo is available in New York, Boston and Atlanta among 11 metropolitan areas and uses thousands of dime-size antennas to capture television signals and transmit them to subscribers who pay as little as \$8 a month for the service.

Some justices worried during arguments in April that a ruling for the broadcasters could also harm the burgeoning world of cloud computing, which gives users access to a vast online computer network that stores and processes information.

But Justice Stephen Breyer in his majority opinion that the court did not intend to call cloud computing into question.

But Breyer also said Aereo should be treated no different from a cable system. "Aereo's system is, for all practical purposes, identical to a cable system,"

he said.

Justices Antonin Scalia, Samuel Alito and Clarence Thomas dissented. Scalia said he shares the majority's feeling that what Aereo is doing "ought not to be allowed." But he said the court has distorted federal copyright law to forbid it.

Broadcasters including ABC, CBS, Fox, NBC and PBS sued Aereo for copyright infringement, saying Aereo should pay for redistributing the programming in the same way cable and satellite systems must or risk high-profile blackouts of channels that anger their subscribers.

The broadcasters and professional sports leagues also feared that nothing in the case would limit Aereo to local service. Major League Baseball and the National Football League have lucrative contracts with the television networks and closely guard the airing of their games. Aereo's model would pose a threat if, say, a consumer in New York could watch NFL games from anywhere through his Aereo subscription.

The federal appeals court in New York ruled that Aereo did not violate the copyrights of broadcasters with its service, but a similar service has been blocked by judges in Los Angeles and Washington, D.C.

The 2nd U.S. Circuit Court of Appeals said its ruling stemmed from a 2008 decision in which it held that Cablevision Systems Corp. could offer a remote digital video recording service without paying additional licensing fees to broadcasters because each playback transmission was made to a single subscriber using a single unique copy produced by that subscriber. The Supreme Court declined to hear the appeal from movie studios, TV networks and cable TV channels.

In the Aereo case, a dissenting judge said his court's decision would eviscerate copyright law.

Judge Denny Chin called Aereo's setup

a sham and said the individual antennas are a "Rube Goldberg-like contrivance" — an overly complicated device that accomplishes a simple task in a confusing way — that exists for the sole purpose of evading copyright law.

Smaller cable companies, independent broadcasters and consumer groups backed Aereo, warning the court not to try to predict the future of television.

Indeed, Scalia himself noted that the high court came within a vote of declaring videocassette recorders "contraband" when it ruled for Sony Corp. in a case over recordings of television programs 30 years ago.

Consumer groups and other interested parties supporting Aereo began to react immediately.

The Parents Television Council, a non-partisan education organization advocating responsible entertainment, expressed disappointment.

"We believe that the majority's opinion failed to reflect the reality of today's media landscape. This is a ruling for the status quo that hurts consumers. Aereo had the potential to break up the bundled-channel cable TV model that is forcing Americans to pay higher cable bills year after year for channels they don't want or don't watch," said PTC President Tim Winter.

"Broadcasters deliver their product to almost every home in the nation for free via a license to use the publicly-owned airwaves — a resource that has been valued at half a trillion dollars — and they also generate revenue from cable companies that pay the broadcasters to carry their networks as part of a programming bundle. Cable companies then pass those costs directly to consumers. And today's ruling will force consumers to pay for using a portion of the airwaves they already own."

**This story was supplement with reporting from NetNewsCheck.*