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Welcome to Venable's inaugural issue of *Digital Media Link*, a new publication focused on major issues and case developments in digital media. With articles from attorneys practicing at the intersection of technology, advertising, media, and entertainment and news about the **Venable Digital Media Team**, we hope *Digital Media Link* will be a valuable resource for anyone working in this dynamic space.

Our two lead articles in this inaugural issue address important rights issues for producers and content owners in digital media. **Po Yi** and **Krista Coons** present a primer for producers in securing necessary rights during production in order to leverage the full value of digital content. **Brett Garner** and **Pauline Jaturongpanich** discuss how to protect copyrights when using a loan out company to do business with digital media companies. Finally, **A.J. Zottola** reviews a Ninth Circuit Court of Appeals decision regarding the enforceability of website terms of use and the impact on websites and/or mobile applications that distribute digital content.

Please [click here to read more about our Digital Media practice](#). We look forward to continuing to “link” up with you in this important area.

It's a Digital Media World: Legal Issues and Considerations in Creating and Distributing Digital Content

Authors: Po Yi and Krista Coons

With the advancement of digital technology and ubiquity of digital media, just about anyone can produce and distribute content – and earn a profit doing so. From Netflix distributing original content via subscription service or VEVO streaming music videos through its digital music player to a teenager starting her own how-to channel on YouTube, the opportunities seem endless. However, these opportunities are not without pitfalls.

Continue reading for an [overview of some of the key legal issues to consider when producing digital content](#), including making the determination on ownership of the content, using someone's likeness and the use of music.

Contracting with Digital Media Companies: Copyright Termination Right Poses Risks to Creators Using Loan Out Companies

Authors: Brett Garner and Pauline Jaturongpanich

In the era of digital media, there are an increasing number of authors, artists, and other creators transferring or licensing their copyright content over to digital media companies. In these instances, the U.S. Copyright Act of 1976 provides for a copyright termination right 35 years after the assignment or license is granted, so



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that content creators may recapture their rights at a later point when their works may have significantly increased in value. However, the story becomes much more complicated when content creators use their own loan out companies to do business on their behalf with these digital media companies.

Click here to [the solutions and recommendations for using loan out companies and protecting copyrights](#).

Enforceability of Online Terms of Use: Guidance from the Ninth Circuit

Author: A.J. Zottola

This article discusses a Ninth Circuit Court of Appeals decision regarding enforceability of terms of use posted on websites as mere notices that are not affirmatively accepted by the user through a formal acceptance process. The article addresses the background of the case and its implications on countless industries that use websites and/or mobile applications to promote their businesses and connect with customers.

The text of the article is [available via the November 2014 Digital Rights Review Newsletter](#).



Venable LLP is pleased to sponsor Digital Entertainment World (DEW) at the Hyatt Regency Century Plaza Center in Los Angeles, CA, for the second year in a row. DEW celebrates the visionary content creators and technology innovators who are creating the engaging products and experiences driving the future of connected entertainment. From digital content creation to monetization, DEW is the hub for those in the business of creating of monetizing digital entertainment content.

February 10-12, 2015

[To view the full conference agenda or to register, please click here.](#)

[Click here for more information on Venable's Digital Media Practice.](#)

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