

Victor Hardy Discusses Internet Streaming Law: Is Streaming Movies To Friends Through Zoom and Discord Illegal?

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AUSTIN, TX, USA, June 9, 2020 /EINPresswire.com/ -- The COVID-19 lock-down means more people than ever are stuck inside and that means the TV is on, says [Victor Hardy](#), IP attorney and specialist in internet search and streaming.

Watching movies with friends via zoom or Skype may seem like a creative, fun workaround for social distancing - but is streaming movies for your friends through video platforms like Zoom and Discord legal? We ask Victor Hardy for his take.



Victor Hardy Talks IP Law with Daughter

"It's complicated," says Victor Hardy. "In a very narrow analysis of copyright law, any 'transmission' of a copyrighted movie could be considered a 'public performance'." However, in 1976, the "Transmit Clause" added to US copyright law failed to consider the possibility of "private transmitted performances" like streaming a movie with friends and family.

"The internet wasn't publicly available at that time and streaming movies probably sounded like science fiction," laughs Victor Hardy, Esq. "But unfortunately the precedent is there to call this an illegal 'transmission'".

In 2014, the company Aereo was basically capturing cable television broadcasts and transmitting them to its own subscribers online. The company argued that these were not 'public performance transmissions' because they were using a private antenna to stream to individual users rather than having one large stream that anyone could jump into and watch.

"The courts decided to shut them down and ruled that they were engaged in public performance. So technically, you could be charged with the same thing for streaming a movie to your friends through a video conference platform," warns Victor Hardy.

When asked about possible defenses, [Victor Hardy replies](#), "I think simple fair use doctrine is the most compelling defense in this case. So long as the person streaming the movie has legal access to it and is sharing with a small group of family members, I would think of it - personally - as reasonable, normal consumer use."

But the fair use defense only holds up under certain circumstances. "The higher the quality of the stream, the longer the piece of media being streamed, the larger and less related the group of people that are watching on the other end...the less solid a fair use defense becomes," warns Victor Hardy.

"These are unprecedented times. I don't think that anyone is going to pursue litigation because you watched The Lion King with your nieces and nephews over Zoom. But that may not always be the case." [Victor Hardy advises](#), "Discord, for instance, forbids the transmission of copyrighted material across its channels." So while Netflix and movie studios may not be coming after you now, that doesn't mean they won't in the future.

"As I said, it's complicated," says Victor Hardy. "For now there's a lot of slack because of the pandemic. But if this is the new normal, we're going to have to think collectively about how we renegotiate copyright law for the new world."

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