



DMCA 2017: 9th Cir. decides safe harbor, anti-circumvention cases



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In 2017, there were several noteworthy updates and decisions to the Digital Millennium Copyright Act (DMCA), some of which are addressed below.

***Mavrix Photographs LLC v. LiveJournal Inc.*, 873 F.3d 1045 (9th Cir. 2017)**

In April 2017, the U.S. Court of Appeals for the Ninth Circuit decided a case involving the safe harbor provision of the DMCA. In the case *Mavrix Photographs LLC v. LiveJournal Inc.*, 853 F.3d 1020 (9th Cir. 2017), the Ninth Circuit found that a website can lose the protections afforded to it by the DMCA's safe harbor provisions in certain instances. Specifically, the court stated that where moderators assist in selecting content submitted by users, an online service provider may not be eligible for safe harbor protections.

Plaintiff Mavrix sued the defendant LiveJournal for posting Mavrix's copyrighted photographs online without permission. The plaintiff appealed following the district court's decision that the DMCA's safe harbor provision protected LiveJournal from liability.

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