

Media, Entertainment and First Amendment Newsletter, May 2019

May 2, 2019 Jason Bloom

PRACTICES Media Entertainment and Sports, Litigation, Media and Entertainment Litigation

[View a PDF of the May 2019 Edition of the Haynes Boone Media, Entertainment and First Amendment Newsletter.](#)

U.S. Supreme Court Issues Two Decisions Impacting Copyright Owners in One Day

The Supreme Court released two unanimous copyright decisions—one clarifying when a copyright claimant may file suit and the other defining the limits of “full costs” awards under Section 505 of the Copyright Act. Both have important implications for copyright litigants going forward. In the first case, the Court resolved a long-standing circuit-split by holding that copyright claimants must obtain a registration certificate from the Copyright Office before proceeding with suit—a process which can take several months. In the second, the Court held that the costs recoverable to prevailing copyright claimants are limited to the standard costs recoverable to prevailing parties in federal court litigation, and do not include additional costs such as expert and e-discovery fees.

[Read more](#)

Senators Introduce the DETOUR Act to Ban “Dark Patterns” on Internet

Have you ever received unsolicited emails from a web site you visited briefly and struggled to exit? Have you ever grown frustrated because you could not find the “Close my account” option on an online vendor’s website you no longer wished to patronize? Chances are, you fell victim to Internet Dark Patterns. Dark Patterns are ergonomic ruses on web sites and apps intended to trick users into accepting services, making choices, or, worse, surrendering personal data against the users’ intentions. These ruses or tricks can be drawn from advanced behavioral psychological studies and are designed to favor the entity behind the web site. Recently, Senators Mark Warner (D-Va.) and Deb Fischer (R-Neb.) introduced a bi-partisan bill, the Deceptive Experiences To Online Users Reduction (DETOUR) Act, to partially ban these clever but arguably controversial practices.

[Read more](#)