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July 8, 2011

Ms. Eva Wojtalewski
Associate General Counsel
Newport Television
460 Nichols Road
Suite 250
Kansas City, MO 64112

Dear Ms. Wojtalewski:

Free Press, by its counsel, acknowledges receipt of and responds to your letter dated July 1, 2011. That letter falsely and maliciously alleges that Free Press's use of certain images associated with the Newport Television-operated stations WAWS-TV and WTEV-TV in an advocacy and educational video titled "Change the Channels" constitutes copyright infringement. Newport's letter further suggests that Free Press must cease and desist its use of said images or risk legal action by Newport Television. On July 7, 2011, Free Press received a notification from YouTube that the Change the Channels video had been disabled in response to Newport's spurious copyright claims.

In its letter, Newport refers to the Change the Channels video as "false and misleading." However, the only thing false and misleading is Newport's bogus copyright claim, which it has now abused to interfere with Free Press's contractual relationship with the online service provider YouTube, as well as to stifle Free Press's participation in the public debate over Newport's dubious business and journalistic practices.

Newport fails to present any legitimate grounds under the Copyright Act that would require Free Press to cease its fair use of this material in its Change the Channels video. In the video, Free Press identified WAWS-TV's and WTEV-TV's shared website content and branding as an example of a questionable industry practice wherein stations that are separately owned consolidate control over news content and station operations through contractual arrangements. No doubt, Newport would prefer that these stations not be used as examples of shady broadcast industry practices—but of course "chagrin" is not a cognizable claim under Title 17 of the United States Code.

Free Press has filed a counter notification with YouTube to demand the restoration of the Change the Channels video. Any further attempts by Newport to remove this content or to interfere with Free Press's contractual relationships with online service providers hosting its content may result in Free Press filing an action against Newport for tortious interference with contract and/or an action under 17 U.S.C. § 512(f) for knowing material misrepresentation, and any other remedy available.

Finally, Newport would be well-advised to abandon any further pursuit of these specious claims, lest it be construed as an attempt to harass, intimidate, or deter Free Press from engaging in its constitutionally protected right to speak and participate in the public debate around this issue.

Regards,

Corie Wright
Policy Counsel
Free Press