



Home > Biz > News

Dec 2, 2015 5:30pm PT

# FilmOn Not Entitled to License to Stream TV Stations, Federal Judge Rules

By Ted Johnson ▾





Listen to this article now 3 min listen

00:00

Powered by [Trinity Audio](#)

03:28



1.0x

A federal judge rejected notions that the Supreme Court's 2014 [Aereo](#) ruling opened the door to over-the-top Internet video services claiming a compulsory license to stream broadcast stations.

U.S. District Judge Rosemary Collyer's decision [against FilmOn X and in favor of broadcasters](#) was unsealed on Wednesday, shedding light on her rationale for finding that [FilmOn](#) was not entitled a statutory license to stream those signals.

The Copyright Act of 1976 gives cable systems a statutory license access to broadcast station signals, but FilmOn had argued that this regime should extend to Internet services. In the Supreme Court's 2014 ruling against Aereo, a service similar to FilmOn, the justices highlighted the "overwhelming likeness" between Aereo and a cable system.

ADVERTISEMENT

## Related Stories



## **Peter Jackson to Receive Cannes' Honorary Palme d'Or**

---

## **Film Festival Chiefs, Including Thierry Frémaux, Rally to the Defense of Berlinale Boss Tricia Tuttle as Her Future Hangs in the Balance**

---

But Collyer said that FilmOn's argument was an "over-read" of the Supreme Court decision.

## **Popular on Variety**

"The Supreme Court merely said that the differences between Aereo and cable companies were not sufficient to immunize Aereo's practices from copyright liability," she wrote. "Such a holding does not direct the courts to embrace a technology-agnostic interpretation of the Transmit Clause or, even less, the Copyright Act in all circumstances. The fact that 'an entity performs copyrighted works in a way similar to cable systems' cannot be construed as an order that such an entity 'must then be deemed a cable system for all purposes of the

Copyright Act.”

Her decision diverges from one in July, in which U.S. District Judge George Wu in Los Angeles said that federal copyright code does not distinguish between traditional cable TV providers and online services like FilmOn with respect to rights to a compulsory retransmission license. Fox is appealing that decision.

ADVERTISEMENT

Collyer also noted that Internet-based retransmission services are not cable systems and do not qualify for the compulsory license. She also found differences from AT&T U-verse and Verizon FiOS. While they use an Internet protocol to deliver programming, they are “not the same as the Internet.”

Although the [FCC](#) has an ongoing proceeding on whether to include certain Internet video services in its definition of a multichannel video provider, chairman Tom Wheeler has recently indicated that it will not move forward with the proposal any time soon.

The FCC's tentative conclusion was that the definition should be extended to include Internet-based distributors that make available live streams of video programming on a subscription basis. That could mean Apple TV, but not Netflix. But it was met by some pushback from companies who said that it was too soon to put such services under a regulatory regime.

“We’re gratified that the court confirmed that rogue services like FilmOn who retransmit copyrighted material over the internet cannot find a loophole in statutes that were clearly designed to exclusively address local cable television services,” a spokesman for Fox said of Collyer’s decision. “We look forward to the trial on damages for FilmOn’s infringement.”

When Collyer’s decision was issued last month, FilmOn said, “The real losers are the citizens, for whom free access to the airways that belong to them is once again restrained by a judge’s incorrect statutory interpretation favoring big business over technological advancement.”

---

**Read More About:** Aereo, FCC, Filmon

---

Want to read more articles like this one?

**Subscribe Today**

---

**More from Variety**

---

**Middle East Broadcaster MBC Group Posts 28.5% Revenue Jump as Streaming Side Expands**

---

## Saudi Arabia's Electronic Gaming Development Company Takes Stake in 'Resident Evil Requiem' Publisher Capcom (Report)

---

## Most Popular

---



Princess Diana and Winston Churchill Brought Back to Life With 'Jurassic Park' Technology in Edgy 'SNL U.K.' Last Supper Sketch

---



Barry Keoghan Says the Online 'Abuse of How I Look' Is So Bad He No Longer Wants to 'Go Outside': 'It's Becoming a Problem...

---



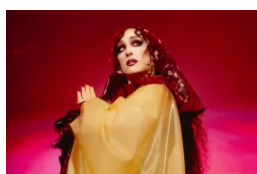
First 'SNL U.K.' Weekend Update Takes Aim at Former Prince Andrew: His New Residence, Marsh Farm, Is 'Named After the Nearby Marsh Where His Body...

---



'SNL U.K.' Is Strongest When Leaning Into What Makes British Comedy Great – but Its Replicated Format Risks Feeling Too American: TV...

---



Soccer Star Jorginho Frello Says His Daughter Was 'Super Scared' After Chappell Roan's Security Spoke 'Extremely Aggressively' to Her

---

Box Office: 'Project Hail Mary' Rockets to \$33 Million

---

**Simon Helberg on 'The Big Bang Theory' Pilot – 'The Audience Laughed for a Minute and a Half' – and Avoiding Turtlenecks Since It Wrapped: 'But I...**

---

**'Harry Potter' Series Star Paapa Essiedu Says He's Received Death Threats Over Snape Casting: 'I've Been Told, "Quit or I'll Murder You"'**

---

**'Hamnet' Spoofed in 'SNL U.K.' Sketch in Which Shakespeare Returns From London With Ketamine, 'Team Anne Boleyn' Tote and 'C—y Little...**

---

**'SNL U.K.' Kicks Off With Keir Starmer Sending a Break-Up Voice Note to Donald Trump: 'I'm Afraid I Can't Go to War With You, but We Can Still Be...**

---

ADVERTISEMENT

**Must Read**

---



### Film

## Oscar Winners 2026: 'One Battle After Another' Triumphs With 6 Wins, 'Sinners' Follows With 4

---

### TV

Inside the Oscars: Execs Explain In Memoriam Omissions, Playing Off 'KPop Demon Hunters' Winners and Bringing Back Conan O'Brien as...

---

### Film

Michael B. Jordan Wins the Oscar and Shouts Out Denzel Washington, Halle Berry and More: 'I Stand Here Because of the People Who Came Before Me...

---

### Awards

Jessie Buckley Makes Oscars History as First Irish Best Actress Winner, Dedicates Win to the 'Beautiful Chaos of a Mother's Heart'

---

Film

'Sinners' DP Autumn Durald Arkapaw Makes Oscar History as First Woman to Win Best Cinematography

---

**Sign Up for Variety Newsletters**

Enter Your Email Address

---

**Sign Up**

By providing your information, you agree to our Terms of Use and our Privacy Policy. We use vendors that may also process your information to help provide our services. // This site is protected by reCAPTCHA Enterprise and the Google Privacy Policy and Terms of Service apply.


The advertisement for Variety magazine features the logo on the left, followed by the text "The Leader in Entertainment News Since 1905" and a dark "SUBSCRIBE" button. To the right is a grid of six magazine covers: the top row shows a blonde woman and a woman with dark hair; the middle row shows a man in a dark jacket and a couple in formal wear; the bottom row shows a man in a dark jacket and a man in a yellow jacket.

ADVERTISEMENT







## Variety Confidential

---

iHeart 

### Variety Confidential

The Icon



The Icon  
Aug 22, 2025 • 38 mins

Gone Too Soon  
Aug 15, 2025 • 42 mins

A Variety and iHeartRadio Podcast

---

## More From Our Brands

---

Rolling Stone

**'We Sure Miss You, Buddy': Luck's Todd Snider Tribute Show Was Heavy on Tears and Tales**

---

Robb Report

## **Four Seasons's Massive 679-Foot Residential Gigayacht Just Set Sail**

---

Sportico

## High Point Grabs Biggest Financial Win of NCAA's Upset-Light 1st Round

---

WWD

**David's Bridal Bets on Indian Brides**

---

Variety

---

Legal

---

Magazine

---

More

---

Connect

---



**The Business of Entertainment**

**SUBSCRIBE TODAY**

Variety is a part of Penske Media Corporation. © 2026 Variety Media, LLC. All Rights Reserved. V logos are trademarks of Variety Media, LLC. Powered by WordPress.com VII

**Have a News Tip? Let us know**



Variety is a part of Penske Media Corporation. © 2026 Variety Media, LLC. All Rights Reserved. Variety and the Flying V logos are trademarks of Variety Media, LLC.

- ART IN AMERICA**
- ARTFORUM**
- ARTNEWS**
- BILLBOARD**
- OUR SITES** 