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BUILDING THE DIGITAL ECONOMY

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# ***Misappropriation of “Hot News”***

***FISD Issue Brief & Networking Reception***

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# Hot News Misappropriation

- Why is Hot News Misappropriation such a hot topic these days?
  - Why you should know about it?
  - What you should know about it?
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# What is Hot News Misappropriation?

- Five Elements:
  1. Expense
  2. Time Sensitive
  3. Free Riding
  4. Direct Competition
  5. Incentive reduced ... so that quality or existence of product is threatened
- Equitable Doctrine



# Hot News Cases

- *Barclays Capital v. Theflyonthewall.com*
- *Dow Jones v. Briefing.com*
- Associated Press and Newspaper Cases
  - FTC, Federalizing HNM?



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