

THE COPYRIGHT SOCIETY OF THE U.S.A.

New York Chapter

Rose Auslander and Joseph Salvo, Co-Chairs

April 11, 2007

Dear Members of the New York Chapter of the Copyright Society:

We are pleased and excited to invite you to our April LUNCH program, to be held at the PRINCETON CLUB on Wednesday, April 25, 2007, and which we expect will offer 1 CLE Credit.

Topic: ***Fashion and Fetish—Should Copyright Protection Extend to Apparel and Accessories?***

Digital technology enables near-instantaneous distribution of images of runway and red carpet fashion to counterfeiters across the globe. In response, Fashion designers sought action together with the Council of Fashion Designers of America (CFDA), including seeking copyright protection for their garments.

H.R. 5055, The Design Piracy Prohibition Act, proposed to Congress last year, would have amended the Copyright Act by extending certain protections to fashion design. Also last year, in *Express, LLC v. Fetish Group, Inc.*, the Central District of California extended limited copyright protection to articles of clothing, specifically prohibiting virtually identical placement, selection, shaping and arrangement of lace on a camisole.

Congress did not act on H.R. 5055 before the last term closed -- it is anticipated that the legislation will be reintroduced, possibly with alterations. Specifically what legislation, if any, should be proposed? And in the interim, will *Fetish* set the trend?

Join Professor Susan Scafidi (Fordham Law School), Professor Christopher Sprigman (University of Virginia School of Law) and designer Tracy Watts (tracywatts, Inc.) in a panel discussion moderated by Schwimmer Mitchell's Glenn Mitchell as they consider where to place the hem on the scope of copyright protection. Issues to be explored include H.R. 5055 and the possibility of alternative legislation, trade dress and policy concerns expressed in the *Samara* decision, as well as a consideration of the costs, benefits and social impact of extending copyright protection to fashion design.

Cost: **\$60 (members); \$70 (non-members)**

To attend, please complete the downloadable form at http://www.csusa.org/chapters_new_york.cfm and mail or fax it to The Copyright Society of the U.S.A., 352 7th Ave., Suite 739, NY, NY 10001, fax (212) 354-2847, **by April 19, 2007**. We look forward to seeing you on **April 25!**

Speakers:

Susan Scafidi, Esq. is a visiting professor at Fordham Law School and a member of the law and history faculties at Southern Methodist University. Following graduation from Duke University and the Yale Law School, she served as law clerk to the Hon. Morris S. Arnold and pursued graduate legal study in history. Professor Scafidi has taught intellectual property law for over 10 years at institutions including Yale and Georgetown. She is the author of a book entitled *Who Owns Culture?* and numerous articles, as well as a website devoted to IP and fashion design, *Counterfeit Chic* (www.counterfeit Chic.com).

Christopher Sprigman, Esq. is an Associate Professor at the University of Virginia, School of Law, where he teaches intellectual property law, antitrust law, competition policy, and comparative constitutional law. His scholarship focuses on how legal rules affect innovation and the deployment of new technologies. Sprigman received his B.A. with honors from the University of Pennsylvania in 1988. He attended the University of Chicago Law School, graduating with honors in 1993. At Chicago he served as an editor of

the *University of Chicago Law Review*. Following graduation, Sprigman clerked for the Honorable Stephen Reinhardt of the United States Court of Appeals for the Ninth Circuit, and for Justice Lourens H. W. Ackermann of the Constitutional Court of South Africa. Sprigman also taught at the law school of the University of the Witwatersrand, in Johannesburg, South Africa. From 1999 to 2001, Sprigman served as Appellate Counsel in the Antitrust Division of the U.S. Department of Justice, where he worked on *U.S. v. Microsoft*, among other matters. Sprigman then joined the Washington, D.C. office of King & Spalding LLP, where he was elected a partner. In 2003, Sprigman left law practice to become a Residential Fellow at the Center for Internet & Society at Stanford Law School. Sprigman joined the UVA law faculty in 2005.

Tracy Watts. With a background in art and painting, Tracy Watts is a classically trained milliner. She began a millinery program at FIT in New York in the fall of 1990, under the guidance of renowned milliner Janine Galimard. There she learned custom and couture techniques that she continues to apply to her collections. Starting out as an entrepreneur within her art studio, Tracy quickly gained a reputation for her fine millinery work and fashion forward designs. She now runs a successful operation at her Chelsea studio, establishing both herself and tracywatts, Inc. within the world of fashion. Tracy has recently added a small men's collection, which is progressively gaining popularity. From Geneva to Tokyo to Los Angeles to New York, tracywatts, Inc. merchandise is sold in the finest specialty stores and boutiques worldwide.

Glenn Mitchell, Esq. (Moderator) is active in all aspects of IP law, with a particular focus on trademark, copyright and unfair competition litigation, as well as IP-oriented commercial litigation. Glenn has over fifteen years' experience both in the federal courts and before the Trademark Trial and Appeal Board of the U.S.P.T.O. Glenn has written and spoken extensively on various issues of trademark law, including [U.S. Trade Dress Law: A Primer for the New Millennium](#) (INTA 2002) and, most recently, "Take Me Out [of] the Ball Game? U.S. District Court Rejects Proprietary Rights in Player Names and Statistics," 96 TMR 1258 (November-December 2006). Glenn is Adjunct Professor, Copyright Law at Pace University School of Law, and currently serves on the Editorial Board of [The Trademark Reporter](#), a scholarly periodical published by the International Trademark Association.

Date: **Wednesday April 25, 2007**

Time: **12 noon - 12:30 p.m.: Cocktails (cash bar)**

12:30 - 1:00 p.m.: Lunch

1:00 p.m. - 2:00 p.m.: Panel and Questions

Place: **The Princeton Club, 15 West 43rd Street, New York, NY**

CLE: ***The Copyright Society of the U.S.A.'s renewal for NY CLE Provider status is pending. This course is Transitional and nontransitional, and we expect it to provide 1.0 Credit (based on 50 minutes)***

Very truly yours,
Rose Auslander
Joe Salvo
Chapter Co-Chairs

THE COPYRIGHT SOCIETY OF THE USA

Registration Form – New York Chapter

Return This Form To: 352 Seventh Avenue, Suite 739 New York, NY 10001 Telephone: (212) 354-6401 Fax: (212) 354-2847 Email: amy@csusa.org	Event: “Fashion and Fetish—Should Copyright Protection Extend to Apparel and Accessories?” Wednesday, April 25, 2007, 12 Noon The Princeton Club 15 West 43rd Street New York, NY 10036-7497
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Registration Fees:

Payment by check or credit card *must* accompany this form.

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Please make check payable to “THE COPYRIGHT SOCIETY OF THE USA”

Cancellation and Refund Policy:

Full refund will be issued if a cancellation is received in writing 5 days prior to the event. No refunds or credits will be issued for cancellations 3 business days before the event. Registrations are transferable.

Additional Registrants:

First Name	Last Name	Email

The Copyright Society of the U.S.A.
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New York, NY 10001
Telephone: (212) 354-6401 • Fax: (212) 354-2847 • e-mail: amy@csusa.org

Scholarship / Financial Hardship Policy

A limited number of scholarships are available to judges, law clerks, law professors, law students, attorneys, pro bono attorneys and paralegals who work for nonprofit organizations, legal service organizations or government agencies, recent graduates not yet employed, and unemployed attorneys who must take CLE courses in order to meet their state requirements.

All requests must be made in writing accompanied by a completed registration form. No more than three requests per person will be considered in any one year. Requests should describe the applicant's interest in the topic and justification for a waiver of fees.

Requests should be accompanied by a recommendation from an instructor in the case of students, or supervisors in the case of law clerks or paralegals.

Requests and scholarships are not transferable. Approval will be based on need and funds available on a first come first served basis. If approved, the scholarship will result in a waiver of the course fees for the specific program application. To apply, please send your request, in writing, prior to the reservation form deadline. Students must submit a copy of their student identification cards.

All requests for scholarships should be sent to: The Copyright Society of the U.S.A, 352 Seventh Avenue, Suite 739, New York, NY 10001. Please call (212) 354-6401 or e-mail amy@csusa.org for further information.