

November 30, 2011

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

We are delighted to invite you to our third luncheon of the season on December 15 at noon at the Princeton Club, 15 West 43rd Street, New York, NY:

**APPROPRIATION ART: GOOD ARTISTS BORROW, GREAT ARTISTS STEAL
(AND SOMETIMES GET SUED)**

Appropriation has always been a part of art, from the "School of Athens" to Vienna to Warhol. Some might say the use and re-casting of existing works is one of the defining characteristics of the post-modern age. Through the Fair Use analysis, U.S. copyright law aims to strike a balance between protecting the rights of artists whose works are appropriated and encouraging the creation of new art that necessarily draws on existing works. Is this test sufficient to address the competing interests in the realm of appropriation art? Often, the crucial factor in the analysis is whether the use is "transformative", resulting in a new work that adds something new, with a further purpose or different character. Is the word "transformative" misused these days - particularly given that the term "derivative" means to transform as well? When many images can be so easily licensed, should courts look at whether the underlying work is integral to the message or just a convenience? The vagaries of these questions are illustrated by recent decisions in this area, including *Koons v. Blanch*, *Koons v. Rogers*, and the recent case brought by photographer Patrick Cariou against appropriation artist Richard Prince.

In seeking to answer these questions, or at least engage in a lively and nuanced debate, we are honored to present our distinguished panelists on this topic: Laura Malone (General Counsel interim at the Associated Press), John Koegel (The Koegel Group LLP) and James Danziger (Danzinger Gallery), moderated by Professor June M. Besek (Kernochoan Center for Law, Media and the Arts, Columbia Law School).

Date: Thursday, December 15, 2011
Time: Cocktails (cash bar): 12:00 p.m.-12:30 p.m.
Lunch: 12:30 p.m.-1:00 p.m.
Program: 1:00 p.m.-2:00 p.m.
(Please note: event will end promptly)
Place: The Princeton Club, 15 West 43rd Street, New York, NY
(Between 5th and 6th Avenues)
Cost: \$65.00 (members) \$75.00 (non-members)
CLE: ***The Copyright Society of the U.S.A. is a NY CLE Approved Provider.
This course is Transitional and Nontransitional, and provides 1.0
CLE Credit (based on 50 minutes).***

To attend this exciting panel discussion, please follow the link in your e-mail (http://www.csusa.org/commerce_main.cfm) and register online. Online registration will be the exclusive method for registering for this event. Please register promptly, as when room capacity is reached no additional registrations will be accepted.

SPEAKERS:

Laura Malone, Esq. Laura Malone was appointed interim general counsel at The Associated Press in its New York headquarters in April 2011. Ms. Malone originally joined AP in June 2007 to oversee the protection, management and enforcement of the intellectual property rights of AP. She has established policies and implemented programs that aid in AP's protection of its rights as well as its enforcement actions. Ms. Malone originally manages AP's IP litigation matters which have included copyright infringement and "hot news" misappropriation cases, including AP's litigation in the Shepard Fairey matter. Prior to joining AP, she was Vice President, Corporate Counsel at Getty Images where she specialized in all forms of intellectual property protection and enforcement actions. She developed and implemented many of the company's policies regarding rights associated with photographs and film, including copyright and personality and privacy rights. Ms. Malone originally was with Getty Images for over seven years. In her early practice, Ms. Malone originally worked in a small firm in Seattle, Washington where she had a litigation practice, and was also the general counsel of a small entertainment and production company. Ms. Malone is a graduate of The University of Washington in Seattle, Washington and Southwestern Law School in Los Angeles. She is a frequent speaker to media and industry groups, mainly on the subjects of copyrights, publicity and privacy rights, and fair use under copyright law.

John Koegel, Esq. is an attorney whose practice has been exclusively devoted since 1982 to the representation of visual artists, art galleries, collectors, and not for profit organizations on issues arising from visual art and, predominately, contemporary visual art. Mr. Koegel has represented artists seeking to protect not only their rights in their existing works but also their rights to create new works. Mr. Koegel has represented Jeff Koons for more than twenty years and was counsel in four copyright cases involving the artist's sculptures, most notably in the landmark *Rogers v. Koons*. Mr. Koegel also represented the artist in *Blanch v. Koons*. Prior to establishing his own practice, he was General Counsel at the Museum of Modern Art. Mr. Koegel is a member of the Copyright Society.

James Danziger began his career in the photography industry as Picture Editor of The London Sunday Times Magazine. In the 1980s Mr. Danziger became Features Editor of Vanity Fair. From 1989 to 2000, Danziger founded and ran the James Danziger Gallery in New York City, one of the world's top photography galleries, representing a number of acclaimed photographers including Annie Leibovitz, Mario Giacomelli and Joel Meyerowitz. In 2004 Mr. Danziger reopened his gallery in Chelsea under the name Danziger Projects. Mr. Danziger authors a popular photography blog, *The Year In Pictures*.

MODERATOR:

June M. Besek is the Executive Director of the Kernochan Center for Law, Media and the Arts at Columbia Law School. She also heads the Center's program for intellectual property studies and law reform. She teaches Current Issues in Copyright, and a seminar on legal issues concerning creators, entitled Authors, Artists and Performers. Prior to joining Columbia Law School, Ms. Besek was a partner at a New York City law firm, and Director of Intellectual Property at Reuters in New York. She serves on the editorial board of the Journal of the Copyright Society of the U.S.A. and the board of advisors of Columbia Law School's Journal of Law & the Arts. Ms. Besek is the author of many articles and studies on copyright law issues and on digital library issues. She earned a law degree from New York University School of Law and an undergraduate degree, in economics, from Yale University.

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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.