

THE COPYRIGHT SOCIETY OF THE U.S.A.
A non-profit organization dedicated to copyright law education

ONLINE NEWSLETTER
Vol. 2, No. 3/4
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LETTER FROM THE PRESIDENT

Dear Friends:

This is a busy and exciting time for the Society. One need look no further than the front pages of every newspaper to know that copyrighted works and the means to deliver those works to the public are now matters of general public interest. It has been an interesting ride. Similarly, this year's Society events are also starting with a proverbial bang.

I will get to the various activities on a national and chapter basis shortly. However, I want to announce with great pride that the Society will host a debate between the Honorable Alex Kozinski of the Ninth Circuit Court of Appeals and the Honorable Richard Posner of the Seventh Circuit Court of Appeals. These judicial giants will speak on the subject of "Fair Use After Eldred". Bill Patry, one of the nation's renowned copyright scholars and a Society member, will moderate. The debate will take place on Friday, November 19, 2004 at The Princeton Club in New York. You will not want to miss this once in a lifetime event.

Arrangements are being finalized for our Mid-Winter Meeting in Tucson, Arizona. The meeting will take place on February 17-19, 2005 at the Loew's Ventana Canyon Resort Hotel. Our co-chairs, Paul Burns, Michelena Hallie, and Andrea Rush (our first co-chair from north of the border) have put together a terrific program. We hope that you will join us for a wonderful educational and social experience.

Thanks to the efforts of Helene Blue and Monica Corton, we hope to expand our Copyright Awareness Week program in association with the Music Educators National Conference. Many of you have volunteered in the past. We look forward to seeing you and many others participate in 2005. Talking with students about copyright provides an interesting perspective.

Finally, on a national level, the Brace Lecture is scheduled for April 14, 2005 at New York University Law School. Professor Jessica Litman will be our speaker. She will undoubtedly be thought-provoking and provocative. I want to express my thanks on behalf of the Society to Gloria Phares and Diane Zimmerman for their extraordinary efforts.

At last year's annual meeting, I spoke of my desire to make the Society an inclusive forum which welcomes the sharing of all ideas and ideologies. As you can see, we are making great strides towards that goal. I have always been impressed with the level of intellectual debate the Society has fostered. I have been even more impressed by the generosity of spirit and friendships that have grown through the Society. As President, I hope I can contribute to the intellectual and social climate. I urge you to participate within your own chapters and look forward to seeing you at the Mid-Winter Meeting.

With best regards,

Barry I. Slotnick
President

NATIONAL EVENTS CALENDAR
(Further details are available on our web site: www.csusa.org)

SPECIAL NEW YORK LUNCHEON EVENT NOVEMBER 19, 2004

The Copyright Society of the U.S.A. Proudly Presents

The Honorable Alex Kozinski, U.S. Court of Appeals for the 9th Circuit
The Honorable Richard A. Posner, U.S. Court of Appeals for the 7th Circuit

In a Debate: Fair Use After Eldred

Moderator: Bill Patry, Thelen, Reid & Priest

This is a unique opportunity to hear two of America's finest jurists discuss issues that will shape copyright law during this century. It is an event that should not be missed.

Date: Friday, November 19, 2004, 12:00 PM - 2:30 PM
Location: The Princeton Club, 15 West 43rd Street, New York, NY
Registration including Luncheon: Members \$75.00 / Non member \$100.00

Registration forms are available on the CSUSA web site at <http://www.csusa.org/html/events/debate.pdf>

THE MIDWINTER MEETING

February 17-19, 2005

The Loew's Ventana Canyon Resort Hotel
Tucson, Arizona

Details to be announced.

COPYRIGHT AWARENESS MONTH

April, 2005

THE BRACE LECTURE

April 14, 2005

Professor Jessica Litman of Wayne State University School of Law, Detroit, Michigan

Lecture Location: New York University School of Law

Details to be announced

THE ANNUAL MEETING

June 12-14, 2005 at The Sagamore Hotel, Bolton Landing, NY

REGIONAL CHAPTER EVENTS

ARIZONA CHAPTER:

The Copyright Society is pleased to announce the formation of the new Arizona Chapter. Information on events in the Phoenix area will be forthcoming from the Chair, Paul E. Burns of Steptoe & Johnson, LLP in Phoenix. For further information, contact Paul E. Burns, Steptoe & Johnson LLP, phone 602-257-5271, Email: pburns@steptoe.com

MIDWEST CHAPTER:

December 8, 2004

"Is Copyright Broken?"

A panel of speakers will discuss whether copyright law is in sync with the realities of current technology. Speakers will include William McGrath of Davis, Mannix and McGrath; Howard Knopf, Director of the Intellectual Property Center at John Marshall Law School; Doris Long, IP Professor at John Marshall Law School; and E. Leonard Rubin of Sachnoff & Weaver, Ltd.

Location: John Marshall Law School, 315 S. Plymouth Court, Chicago, Illinois

Time: 12:00 noon to 2:00 p.m.

Further information including registration fees (including lunch) will be announced.

January 26, 2005

3:00 p.m. to 4:30 p.m.

Open workshop for volunteers interested in participating in the Midwest Chapter's Copyright Awareness Outreach program.

Location: Chicago-Kent School of Law, 565 W. Adams Street, Chicago, Illinois

Come to this workshop and planning event to find out what you can do to raise awareness of copyright law among high school students during Copyright Awareness Week in April, 2005. Details to be announced.

Recent Events:

"Dude, Who Stole My Image: Hijacking Actors' Rights Through Digitization"

Guest Speakers:

Professor Roberta Kwall

Matthew Kimbrough, Professional Actor and union representative for AFTRA

September 28, 2004, DePaul Law School, Chicago

For further information on future events, contact Beverly A. Berneman, Benjamin, Berneman and Brom, LLC, (312) 444-1996, Email: berneman@3blaw.com

NEW ENGLAND CHAPTER

Recent Events:

October 7, 2004

Legal and Business Issues in the Music Industry

Event held at the Center for Advanced Legal Studies, Suffolk University Law School, Boston
Sponsored by the New England Chapter

Speakers:

Helene Blue, President of Helene Blue Musique Ltd., New York

Mark A. Fischer, Fish & Richardson, P.C., Boston

Barry I. Slotnick, Loeb & Loeb, New York

For information on upcoming events, please contact Lois Wasoff, (978) 287-5888, Email lois.wasoff@verizon.net

NEW YORK CHAPTER:

November 10, 2004

Licensing Music for Worldwide Distribution Over the Internet: A Panel Discussion

The past year has seen the birth and tremendous growth of many legitimate, worldwide Internet music distribution services. Yet securing the necessary music publishing and sound recording clearances for such services-whether domestic or international, streaming or downloading-remains a veritable copyright minefield. What rights must be secured, and from which rights-holders located in which territories? Are industry licensing practices keeping pace with the growth of worldwide Internet distribution? In this program, we bring together some of the leading players in the field to survey the licensing landscape, its practical and legal problems, and emerging solutions.

Panelists / Moderator:

Kenneth Steinthal, Esq. Mr. Steinthal is a Member of the law firm of Weil Gotshal and Manges and counsel to the Digital Media Association, the trade organization for webcasters. He will give an overview of the various copyright rights implicated by digital delivery of musical content.

Steve Marks, Esq. Mr. Marks is Senior Vice President and General Counsel of the Recording Industry Association of America. He will address the legal issues specifically relating to the webcasting, interactive streaming, and downloading of sound recordings.

Carey Ramos, Esq. Mr. Ramos is a Member of the law firm of Paul, Weiss, Rifkind, Wharton and Garrison LLP and counsel to the Harry Fox Agency. He will discuss mechanical licensing issues implicated by streaming, webcasting, and digital downloading.

David Lester, Esq. Mr. Lester is Chief Legal Counsel of the MCPS-PRS Alliance, the collective licensing society for the United Kingdom. He will address emerging European approaches to mechanical and public performance licensing, including the viability of "one-stop shopping".

Moderator: Joseph Salvo, Esq., Vice President and Senior Counsel of Sony BMG Music Entertainment.

Date: Wednesday, November 10, 2004

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

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

1:00 p.m. - 2:15 p.m.: Program (will start & end promptly)

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

CLE: We have applied for 1.5 hours of NY substantive CLE credit.

Cost: \$45 (members); \$55 (non-members)

Registration forms: please contact CSUSA Executive Administrator Amy Nickerson: amy@csusa.org

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Date: Friday, November 19, 2004, 12:00 PM - 2:30 PM

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

Registration including Luncheon: Members \$75.00 / Non member \$100.00

Registration forms are available on the CSUSA web site at <http://www.csusa.org/html/events/debate.pdf>

New York Chapter upcoming luncheon dates, topic and speakers to be announced:

Thursday, December 16, 2004

Thursday, January 13, 2005

Thursday, February 10, 2005

Thursday, March 10, 2005

Thursday, April 14, 2005

Wednesday, May 25, 2005

NEW YORK CHAPTER NEWS

Recent New York Chapter Luncheons:

"Fun at 120 Volts: Videogame Copyright and Licensing"

October 21, 2004

The videogame industry is one of the fastest-growing segments of the entertainment business. In this program, our speaker, Alan Behr, provided an overview of current trends in the videogame industry.

Speaker:

Alan Behr, Esq. Mr. Behr is an attorney at Alston and Bird LLP in New York, where he heads the firm's electronic entertainment practice. His practice includes negotiation of videogame licenses, copyright and trademark counseling, and product review. Mr. Behr is the former chief legal officer of Atari (formerly GT Interactive Software) and represents numerous clients in the electronic entertainment business. He is also the only known member of the Copyright Society to ever star as the hero of a videogame (Nam, 1998).

"The Grokster Decision: Turning Betamax On Its Head?"

October 6, 2004
(Special Dinner Presentation)

Topic:

On August 19, 2004, the U.S. Court of Appeals for the 9th Circuit decided Metro-Goldwyn-Mayer Studios, Inc. v. Grokster Ltd., holding that Grokster was neither contributorily nor vicariously liable for copyright infringements committed by users of its peer-to-peer file sharing software. In reaching this decision, the court relied in part on its finding that the software has "substantial non-infringing uses"-even though the record shows 90 per cent of all Grokster uses are infringing. In this presentation, Professor Fisher offered an alternative unified theory view of fair use.

Speaker:

Prof. William Fisher. Prof. Fisher is the Hale and Dorr Professor of Intellectual Property Law at Harvard Law School, and Director of the law school's Berkman Center for Internet and Society. His new book, Promises To Keep: Technology, Law, and the Future of Entertainment, addresses the current digital media crisis and possible ways to fix it.

September 22, 2004

Ethics for Media Lawyers

Speakers:

Ron Minkoff and Lisa Davis of Frankfurt Kurnit Klein & Selz, PC. The speakers presented hypotheticals involving various players in the publishing industry, including ethical problems arising from conflict of interest issues. Also discussed were potential reporting obligations under the Sarbanes Oxley Act and issues concerning contacts with employees of adverse parties.

New York Chapter Luncheons are held at the Princeton Club, 15 W. 43rd Street, New York, unless otherwise announced. Contact: John P. Luneau, Palm Pictures LLC, (212) 320-3757, Email john.luneau@palmpictures.com

NORTHERN CALIFORNIA CHAPTER:

November 19, 2004

Topic: Drawing Distinctions: Competing Rights in Music Art

Speaker: Nels Jacobson

A look at rock posters and some of the issues raised when poster artists, musicians, promoters, poster collectors, dealers and copyright assignees lock horns over rights and revenue.

Date: Friday, November 19, 2004

Time: 12:00 Noon

Location: Pillsbury Winthrop LLP, 50 Fremont Street, Room 624-628, San Francisco, CA 94105

Reservations: \$15 members / \$20 non-members (luncheon included)

Recent Events:

Mattel v. Walking Mountain Productions: An Expensive Playdate for Barbie

Speakers: Simon J. Frankel and Douglas A. Winthrop of Howard Rice

October 14, 2004

For more information on upcoming events, please contact Cydney A. Tune, Pillsbury Winthrop LLP, 415.983.6443, Email ctune@pillsburywinthrop.com

NORTHWEST CHAPTER

Recent Events:

"Copyright in the Digital Age"

Speakers: David Nimmer and Peter Menell

August 9, 2004 at Darby & Darby, Seattle

For information on upcoming events, please contact Eic Stahl, Davis Wright Tremaine, (206) 628-7762, Email: ericstahl@dwt.com

PHILADELPHIA CHAPTER:

Tuesday, November 16, 2004 5:30 p.m.

Topic:

Fundamental Tools for Your Financing Tool Box: Security Interests in Intellectual Property

Speaker:

Beverly Berneman, Managing Partner of Benjamin, Berneman, and Brom, LLC in Chicago

Many businesses fail to appreciate the extent to which their intellectual property can serve as valuable collateral for financing the company's growth. Secured Transactions are one aspect of the universe of using intellectual property to finance growth and development. Beverly Berneman, Managing Partner of Benjamin, Berneman, and Brom, LLC in Chicago, will discuss the anatomy of a secured transaction, how to deal with federal preemption, perfection and priority issues involving intellectual property assets, and "outside the box" properties, rights, and transactions, including licenses, rights of publicity, assets in cyberspace, tort claims, and moral rights.

Time: 5:30 – 7:30 p.m.

Hors d'oeuvres and beverages will be served

Location: BALLARD SPAHR ANDREWS & INGERSOLL, LLP
Conference Center, 42nd Floor
1745 Market Street
Philadelphia, PA 19103

Philadelphia Chapter News:

Recent Events:

October 18, 2004

The Passion and Perplexities of Public Art.

Speakers: Jane Golden, Executive Director, Mural Arts Program, Philadelphia
Don Gensler, Artist
David McShane, Artist

Topic: Philadelphia has more murals than any city in the United States, thanks largely to the City of Philadelphia's innovative Mural Arts Program, heralded by the Ford Foundation as a model for the making of public art. Led by Jane Golden, Eisenhower Fellow and winner of the Philadelphia Award, this unusual program has helped make Philadelphia an important destination for art lovers throughout the world.

For further information on upcoming events, please contact Jamie B. Bischoff, Ballard Spahr Andrews & Ingersoll, LLP, Tel.: (215) 864-8207, Email: bischoff@ballardspahr.com, or Paul Lantieri, Tel: 215.864.8279, Email: lantierip@ballardspahr.com

ROCKY MOUNTAIN CHAPTER:

For information on upcoming events, please contact Jon Tandler, Isaacson, Rosenbaum, Woods & Levy, P.C. at 303-256-3987, Email: jtandler@irwl.com. Or contact Co-chair Christopher P. Beall, Faegre & Benson LLP, Tel.: 303-607-3500, Email: cbeall@faegre.com

SOUTHEASTERN CHAPTER:

For information on upcoming events, please contact Steven M. Dorvee, Email: stephen.dorvee@agg.com

WASHINGTON, D.C. CHAPTER:

For information on upcoming events, contact: Kenneth M. Kaufman, Skadden, Arps, Slate, Meagher & Flom LLP, Tel.: (202) 371-7170; Email: kaufman@skadden.com

OTHER EVENTS

The Los Angeles Copyright Society sponsors monthly meetings and other events. For further details, please see their web site: www.copr.org

The Beverly Hills Bar Association's IP, Internet, and New Media section sponsors MCLE events. For further information please contact Justin D. Denlinger, Esq., Membership Chair, IP, Internet, & New Media section, Beverly Hills Bar Association, Phone (626) 497-8101, Email 2-buh@msn.com.

COMMITTEE REPORTS

YOUNG LAWYERS COMMITTEE:

The Young Lawyers Committee of the Copyright Society meets the third week of every month and sponsors special events. New and recently admitted lawyers need not be a current member of the Copyright Society in order to attend. For further information contact Co-Chairs: Marya Lenn Yee, Email: myee@yeellp.com; Aarti Tandon, Email: aarti@tandonlaw.com

COPYRIGHT AWARENESS MONTH:

Copyright Education events are taking place nationwide during Copyright Awareness Month in April, 2005. If you would like to know more about Copyright Awareness Month or volunteer to participate, please contact the Chair, Staciellen Heasley at staciellen@usa.net.

F.A.C.E. COMMITTEE:

Friends of Active Copyright Education (F.A.C.E.) is an initiative of the Copyright Society of the USA designed to provide a broad range of resources to foster and support copyright awareness. For further information please contact the co-chairs, Mary Rasenberger, Email: mras@loc.gov; and Thomas Kjellberg, Email: txk@cll.com

WEB SITE COMMITTEE:

The Web Site Committee is currently planning a redesign of the web site. Any members interested in participating are invited to contact one of the chairs. We continue to update the site, posting current information about events, and working on logistics. Chairs: Nancy Mertz, Email: nmertz@brownraysman.com and Anne Atkinson, Email: anne.atkinson@aetn.com

THE JOURNAL OF THE COPYRIGHT SOCIETY OF THE U.S.A.

Volume 51, issue 4 is due out in mid-November. Joseph J. Beard, Editor-in-Chief, Email: beardj@stjohns.edu

REGIONAL CHAPTERS COMMITTEE:

The Chapters Committee coordinates the regional chapters, assisting with programming and membership. The Committee's goal is to further the development and quality of the programs for all of the Society's members. Any comments or suggestions for programs or events may be submitted to the co-chairs. Co-Chairs: Denise Mroz, Email dmroz@woodcock.com and Gary Roth, Email groth@bmi.com

PRESS AND PUBLICITY COMMITTEE:

The Press and Publicity Committee publishes this online newsletter, sends out official Copyright Society Press Releases for special events, and acts as a press liaison for the Copyright Society of the U.S.A. Chair: Corey Field, Email: fieldc@ballardspahr.com

MEMBER NEWS

JOSEPH BEARD was interviewed on the subjects of Charles Dickens and copyright for a BBC mini-series on Dickens' travels in America. In October, he also appeared as Mr. Pickwick at the Pickwick Club in Philadelphia.

ROBERT JAY BERNSTEIN is pleased to announce the opening of The Law Office of Robert J. Bernstein, 488 Madison Avenue, 9th Floor, New York, NY 10022. Telephone: (212) 705-4811, Email rjb@robert-bernsteinlaw.com; Web: www.robert-bernstein.com.

HELENE BLUE MUSIQUE, LTD. has moved. The new address is 200 West 72nd Street, Suite #35, New York, NY 10023. Telephone (212) 724-5900; Fax (212) 501-0360, Email helene@helenebluemusic.com

The Grammy Foundation has appointed COREY FIELD to the 2005 Entertainment Law Initiative Advisory Committee. He was also recently elected to the Board of Governors of the Philadelphia Chapter of the National Academy of Recording Arts and Sciences (NARAS).

Ruberto, Israel & Weiner, P.C., Boston, is pleased to announce that STACEY C. FRIENDS and VIVIAN Z. WEXLER have joined the firm.

ALAN H. KRESS is pleased to announce the relocation of his office to 11 West 42nd Street, Suite 900, New York, NY 10036. Phone (212) 944-6622, Email kresslaw@att.net.

Oblon, Spivak, McClelland, Maier & Neustadt, P.C. is pleased to announce that former United States Patent and Trademark Office Deputy Commissioner for Patent Examination Policy STEPHEN G. KUNIN has joined the firm.

SARAH SULLY has joined Time Warner Cable as Counsel in the Programming Group. She can be contacted at Time Warner Cable, 290 Harbor Drive, Stamford, CT 06902, Telephone (203) 351-2214, Fax (203) 328-4804, Email sarah.sully@twcable.com

NANCY WOLFF recently spoke on copyright education to student and professional groups at Kutztown University in Pennsylvania and as part of the Photo Expo at the Javits Center in New York.

MEMBER NEWS SUBMISSIONS:

Please submit your Member News via email to the Copyright Society office: amy@csusa.org

Please note the Copyright Society of the U.S.A. reserves the right to select and edit submissions received.

COPYRIGHT SOCIETY INFORMATION

The Copyright Society of the U.S.A. is a non-profit organization that was organized in 1953 to foster interest in and advance the study of copyright law and the rights in literature, music, art, the theatre, motion pictures, and other forms of intellectual property. Membership supports these goals and has many benefits, including participation in nationwide educational events, meetings, lectures, and educational initiatives, an online newsletter, and a subscription to the prestigious Journal of the Copyright Society of the U.S.A., the leading peer-reviewed journal devoted exclusively to copyright law. For further information on membership, including forms, please see our web site: www.csusa.org

Please note our new Suite number:

The Copyright Society of the USA
352 Seventh Avenue, Suite 739
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The Copyright Society of the U.S.A.
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This online newsletter is sent to members of the Copyright Society of the U.S.A. who have provided their email address. If you have received this newsletter in error please contact us at: amy@csusa.org