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Don't Forget!
The Annual Meeting
June 11-13, 2006
See page 2 for details...

Letter from the President

Dear Friends:

As you may know, my term as President ends after the conclusion of the Annual Meeting in June. So this is my last "Letter from the President." However, in reality, that is about as momentous as a Retirement Tour by Cher. They never seem to end. I suspect that if the history of our group is any indication, I will hardly be fading away. The Copyright Society has a long record of its past presidents being involved, whether as ex officio members of the Board of Trustees and Executive Committee or with other aspects of the organization. I plan to stay involved in the same way.

It would be appropriate to look back at the last two years and reminisce about the things we have done during the last two years. But I don't think that is really necessary. We have had excellent meetings, social events and have gotten many new members involved and many old time members more active. We have made the best of rain at the Sagamore, another Copyright Society tradition, and we have enjoyed the cold at a Midwinter meeting that intentionally sought out the cold. We have had appearances by some of the finest minds and sharpest tongues on the bench, the bar and academe. We have learned and we have had fun. If one gets to have a legacy in this job, then I would be happy if that were mine.

There are so many people to thank that I cannot possibly do it all here or give justice to the contributions of so many of you. I will say that during these years I have been told by many non-members that we are the best and most sophisticated organization they have encountered and that if someone wants to know copyright, just spend some time at a CSUSA function. That is a tribute to all of you. There are some people who should be thanked and recognized. Monica Corton for her tireless work for Copyright Awareness Week; John Luneau for repeatedly coming up with interesting luncheon and dinner meetings for the New York Chapter; Gloria Phares for the Brace Lectures. Special thanks to Amy Nickerson without whom nothing good would have happened in these two years. And of course, Helene Blue, our Vice President, as our next President. Helene and I have been friends for more than 30 years. Sharing this job with her for the last two years has been a joy.

As I said at the Executive Committee meeting earlier this month, I am not much of a joiner. I could not imagine joining any organization, much less leading one. This organization is special to me as are all of my fellow members and friends. Thanks for giving me this opportunity. I look forward to seeing you all at the Sagamore.

Be well.



Barry I. Slotnick

Committee Reports

The Annual Meeting, The Sagamore Hotel, Bolton Landing, New York

**** Early Registration Deadline is June 1! ****

Schedule:

Sunday, June 11, 2006

- 3:00 p.m. - 5:00 p.m. Registration
5:00 p.m. - 6:00 p.m. Joint Meeting of the Board
of Trustees and Members
6:30 p.m. - 7:00 p.m. First Time Attendee Wine
& Cheese
7:00 p.m. - 8:00 p.m. Cocktail Reception
8:00 p.m. - 10:00 p.m. Dinner

Monday, June 12, 2006

- 7:00 a.m. - 8:00 a.m. Breakfast
8:15 a.m. - 8:30 a.m. Welcoming Remarks
8:30 a.m. - 9:15 a.m.

The View from the Copyright Office

Marybeth Peters, Register of Copyrights,
U.S. Copyright Office

Julia Huff, Chief Operating Officer, U.S.
Copyright Office

- 9:15 a.m. - 10:15 a.m.

Statutory Damages

Moderator:

Barry Slotnick, Loeb & Loeb LLP

Panelists:

Scott Bain, Wiley, Rein & Fielding LLP
Andrew Bart, Jenner & Block
Terence Ross, Gibson Dunn & Crutcher LLP

- 10:30 a.m. - 12:30 p.m.

Documentary Filmmaking

Robert Freedman, Cowan DeBaets
Abrahams & Sheppard LLP
Peter Jaszi, American University,
Washington College School of Law
Scott Martin, Paramount Pictures
Gordon Quinn, Kartemquin Films
Charles Wright, A & E Television Networks

- 12:30 p.m. - 2:30 p.m. Lunch

- 2:30 p.m. - 5:30 p.m. Copyright Classic XVII
Softball, Tennis, Golf, Hiking, Volleyball

- 6:00 p.m. - 6:45 p.m. Cocktail Reception
7:00 p.m. - 8:00 p.m. Dinner
8:00 p.m. - 10:00 p.m. Documentary Film Festival



The Sagamore Resort on Lake George

Tuesday, June 13, 2006

- 7:00 a.m. - 8:30 a.m. Breakfast
8:30 a.m. - 9:30 a.m.

Report from the Frontier

Kevin Saul, Apple Computer, Inc.

- 9:30 a.m. - 10:30 a.m.

Copyright Under Pressure

Moderator:

Beverly Berneman, Querrey & Harrow Ltd

Panelists:

Paul Burns, Steptoe & Johnson LLP
Seth Gelblum, Loeb & Loeb LLP
Alan Wernick, Chuhak & Tecson, P.C.

- 10:45 a.m. - 12:30 p.m.

Recent Developments in Copyright Law

Robert Clarida, Cowan Liebowitz &
Latman, P.C.
Thomas Kjellberg, Cowan Liebowitz &
Latman, P.C.

*The Copyright Society of the U.S.A. would like to thank
the 2006 Annual Meeting Chairpersons for their hard
work and dedication in putting together a great
program:*

Beverly Berneman, Querrey & Harrow Ltd
Jamie Bischoff, Ballard Spahr Andrews & Ingersoll, LLP

Copyright Awareness Week 2006

Report from the Chair, Monica Corton

Copyright Awareness Week, March 6-10, 2006, included a much wider reach of teacher partner organizations. We worked with the Scholastic Art and Writing Awards, the National Council of Teachers of English, MENC - The National Association for Music Education and the National Art Education Association. All four organizations helped to promote CAW 2006 to their membership through emails and their websites. Beverly Berneman graciously offered to help with an invitation we received through Scholastic to speak at the National Art Education Association's annual meeting in Chicago in March 2006. She was such a hit that Scholastic has asked her to help them launch a copyright question and answer forum on the Scholastic Art and Writing Awards website.

Our radio PSA campaign included all of last year's artists who, with the exception of John Legend, recorded thirty-second versions of our PSA to add to the sixty second versions. Many thanks to 3 Doors Down, Deborah Allen, Gavin DeGraw, John Legend, Martina McBride, Paul Overstreet and Leslie Satcher. We expanded our urban market reach by adding three new PSA artists. Many thanks to the new artists and to Hope Carr at Clearance 13'8" for helping us secure Sir Mix-a-Lot and thanks to Big Jon and Anjali Malhotra at EMI Music Publishing for helping us secure Mary Mary and the Ying Yang Twins. In addition to our 2,000 station radio campaign, many thanks must go to Eleanor Lackman who led a campaign to promote the CAW PSAs to over 150 college radio stations.

On the publicity front, we received 115 recorded clips of our press release on the PR News Wire. These included websites, CNN Money, USA Today, Reuters, Nasdaq.com, CNET.com, Grammy.com, AllHipHop.com, National Hispanic Corporate Council, Yahoo business, Fidelity Investments, UPN and Fox station outlets. We reached local news outlets in Baton Rouge, Columbia, SC, Jackson, MS, Des Moines, Lafayette, LA, Charlotte, SC, Inland Southern, CA, Ventura County, CA, Las Vegas and many others. BMI, the Business Software Alliance, the Copyright Office, Downloadlegal.com, the Harry Fox Agency, and the MPAA all provided their own press releases to help promote CAW.

The CAW website was completely redesigned with the help of Nels Johnson. Many thanks go to Nels for all his help. We added new teacher materials including articles and lesson plans. Some of the new materials were created and given to us for use during CAW by the Business Software Alliance, the Entertainment Software Association and the Film Foundation.

The Motion Picture Association of America through the tireless efforts of Gayle Osterberg played a major role in CAW 2006. The MPAA gave a very sizable donation to help with the costs of a "still in production" CAW video. Unfortunately, we were unable to secure a celebrity spokesperson to narrate the video in time for CAW 2006. We have shot all the footage at the Copyright Office including footage with Marybeth Peters. We hope to finish the video soon. The MPAA also helped by creating a special CAW banner on their website, coordinated members of the Copyright Assembly to do grassroots publicity for CAW and secured the following Internet service providers to include links to the CAW website on their homepages: Verizon, SBC, TWC and Cox. Gayle was also responsible for helping me coordinate the participation of the Business Software Alliance, the Entertainment Software Association and the Film Foundation. Much of the success and increased coverage for CAW 2006 is due to Gayle's efforts.

On the money front, we have raised \$74,500.00 and still counting. Our budget was \$60,274.56 but we still may have additional costs in connection with the video. Fundraising thank yous go to Judy Saffer and Tom Levy. This year's donors included American Intellectual Property Law Association - www.aipla.org, American Society of Composers, Authors and Publishers (ASCAP) - www.ascap.com, Bourne Co. - www.bournemusic.com, Broadcast Music, Inc. (BMI) - www.bmi.com, Carlin America, Inc. - www.carlinamerica.com, EMI Music Publishing - www.emimusicpub.com, Harry Fox Agency, Inc. (HFA) - www.harryfox.com, Motion Picture Association of America (MPAA) - www.mpa.org, Music Sales Group - www.musicsales.com, Peermusic - www.peermusic.com, RIAA - www.riaa.org, Shapiro, Bernstein & Co., Inc. - www.shapiroberstein.com, and Time-Warner, Inc. - www.timewarner.com/corp.

We have no real way to quantify how many teachers participated in CAW this year. I can only hope that our increased partnerships with both teacher organizations and companies and organizations that represent copyright interests helped to increase the participation of teachers across the country. My feeling is that we are definitely moving in the right direction in making CAW an event that is nationally recognized.

The Mid-Winter Meeting at The Canyons, Park City, Utah

The CSUSA's decision to embrace inclement weather paid off at the 2006 Mid-Winter Meeting, February 16-18. The perfect skiing conditions and a 90-inch snow base, combined with panels from some of the best and brightest in copyright law, made for a memorable President's Day weekend out in Utah.

Senator Orrin Hatch, the senior Senator from the State of Utah, former Chairman of the Senate Judiciary Committee and one of the most knowledgeable copyright experts in Congress, delivered the keynote address.

Panels included:

Friday, February 17, 2006

Fair Use Beyond the Four Factors: The Roles of Technological Evolution, Industry Practices and Consumer Expectations

Panelists:

Michelena Hallie, Viacom, Inc.
Alex Macgillivray, Google, Inc.
Jay Monahan, eBay, Inc.
Matt Zinn, TiVo Inc.

The Limits of Contract and Copyright: What Are the Limits of Restrictions in EULAs and Other License Agreements?

Web Site Committee

The Web Site Committee has engaged a web designer and has made progress on developing a new navigational structure for the site located at www.csusa.org. We are working on a new look and feel, considering additional content to be included, as well as exploring a possible logo. Any members interested in participating are invited to contact one of the Chairs: Nancy Mertz (nmertz@brownraysman.com) and Anne Atkinson (anne.atkinson@aetn.com).

Press and Publicity Committee

The Press and Publicity Committee publishes this 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. Any Society news, as well as comments or suggestions regarding the new format of the newsletter, are welcomed by the Chair: Eleanor M. Lackman (eleanor.lackman@aportner.com).



Senator Orrin Hatch speaks to attendees at the Mid-Winter Meeting

Panelists:

Andrew Bridges, Winston & Strawn LLP
Bob Gomulkiewicz, University of Washington School of Law
Gloria Phares, Patterson Belknap Webb & Tyler

Saturday, February 18, 2006

What Now After Grokster?

Panelists:

David Kendall, Williams & Connolly LLP
Harry Melkonian, Melkonian & Company
Tom Rubin, Microsoft Corporation
Mitchell Zimmerman, Fenwick & West LLP

Journal of the Copyright Society of the U.S.A.

Publication of the Journal of the Copyright Society of the U.S.A. has been a principal activity of the Society since its inception. The Journal is published several times a year under an Editorial Board that includes some of the leading teachers and practitioners of the law of copyright. Joseph J. Beard, Editor-in-Chief (beardj@stjohns.edu).

Regional Chapter Events

Midwest Chapter

Recent Events:

The Midwest Chapter presented its series of three lunchtime programs devoted to Chicago's local entertainment industry:

February 2, 2006

"Now Appearing on a Passport Near You: the Patriot Act and Visiting Performers"

Speakers: Gabrielle Buckley and Terry Freitag

March 1, 2006

"There Ain't No Sanity Clause: Film Contracts"

Speakers: E. Leonard Rubin and Robert Labate

April 5, 2006

"Star Light, Star Bright, Who Controls Your Work Tonight? Representing Artists in the Music Industry"

Speaker: Peter Strand

New England Chapter

Recent Events:

January 25, 2006

"Tales from the Road - The Structure of World Wide Music Tours"

Speaker: Adam M. Klotz, Lenard & Klotz LLP

March 13, 2006

"Investor Liability in the Digital Age: Is Current Copyright Law Adequate to Preserve Robust Investment in Intellectual Property Ventures?"

Speaker: R. Bruce Rich, Weil, Gotshal & Manges LLP

April 27, 2006

"Report from the Copyright Office: An Update on New Developments"

Speaker: David O. Carson, General Counsel,
United States Copyright Office

New York Chapter

Upcoming Event:

May 17, 2006 (Lunch)

"Everybody's Bloggin': The Blogging Phenomenon and the Copyright and Media Law Issues that Lawyers, Bloggers, Publishers and Businesses Must Understand"

Panelists: Thomas W. Kirby, Wiley Rein & Fielding LLP

Jeffrey Neuberger, Brown Raysman Millstein Felder & Steiner LLP

Martin Schwimmer, Schwimmer Mitchell Law Firm

Moderator: Bill Patry, Thelen Reid & Priest

12:00 - 12:30 p.m. Registration/Reception

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

1:00 - 2:15 p.m. Program

Location: The Princeton Club, New York City

Recent Events:

January 18, 2006

"Substantial Similarity: A Review of Recent High-Profile Decisions, and the Trend Toward 'Niche' Tests"

Panelists: Judith A. Bressler, Cowan, DeBaets, Abrahams & Sheppard LLP

Elizabeth A. McNamara, Davis Wright Tremaine LLP

Barry I. Slotnick, Loeb & Loeb LLP

Moderator: Eric C. Osterberg, Dreier LLP

February 9, 2006

"Orphan Works Legislation"

Panelists: Jeffrey P. Cunard, Debevoise & Plimpton LLP

Lisa Shaftel, National Advocacy Committee

Jule Sigall, U.S. Copyright Office

Paul Slevin, Holtzbrinck Publishers

Moderator: Robert Clarida, Cowan Liebowitz & Latman

March 16, 2006

"Pre-1972 Sound Recordings: Protected, Unprotected or Overprotected?"

Panelists: Professor June Besek, Columbia Law School
Sam Brylawski, University of California at Santa Barbara
Joseph Petersen, Kilpatrick Stockton LLP

April 11, 2006

"Google Book Search: Mere Online Card Catalog or Book Napster?"

Panelists: Allan Robert Adler, Association of American Publishers
Alex Ellerson, Yahoo!
Prof. Tim Wu, Columbia Law School
Moderator: Rose Auslander, Carter Ledyard and Milburn LLP

Northwest Chapter

Recent Event:

January 30, 2006

"Valuation of Intellectual Property"

Speaker: Katherine Spelman, Cobalt LLP

Philadelphia Chapter

Recent Event:

February 15, 2006

"Library Digitization: The New Alexandria or Copyright Apocalypse?"

Panelists: Eric Halpern, University of Pennsylvania Press
Paul Aiken, The Authors Guild
Michael J. Boni, Kohn, Swift & Graf, P.C.
Jonathan Band, Technology Law and Policy Counsel

Host: M. Kelly Tillery, Pepper Hamilton LLP

Errata:

The statistics that appeared in the "Copyright Awareness Week" issue of the Newsletter should have been attributed to Stephen E. Siwek, Copyright Industries in the U.S. Economy: The 2004 Report, prepared for the International Intellectual Property Alliance (IIPA) (October 2004), available at http://www.iipa.com/pdf/2004_SIWEK_FULL.pdf.

Washington, D.C. Chapter

Recent Events:

January 11, 2006

"The Copyright Royalty Board Inauguration"

Reception for the three Copyright Royalty Judges of the Library of Congress:

James S. Sledge (Chief Judge)

Stanley C. Wisniewski

William J. Roberts

February 14, 2006

A Luncheon Tribute for Marybeth Peters, Register of Copyrights

In Honor of Her 40th Anniversary with the U.S. Copyright Office

"The Public Domain":

Notable Events Outside the Copyright Society of the U.S.A.

Upcoming Event:

May 23, 2006

"The Copyright Office Comes to New York"

Time: 9:00 a.m. - 5:00 p.m.

Location: McNally Amphitheatre, Fordham University School of Law

CLE: 7 non-transitional

Forms: www.nysba.org/ipl

Member News

Nancy E. Wolff joined the firm of Cowan DeBaets Abrahams & Sheppard LLP as a partner, as of January 1, 2006. Phone: (212) 974-7474, Email: NWolff@cdas.com.

Corey Field appeared on CN8 "Money Matters Today" on February 23, 2006, as part of a panel on life story rights related to films based on "true stories" about real people.

ArtistPro/Thompson Course Technology has released an updated edition of *Moser on Music Copyright*, by **David Moser**, Associate Professor at the Mike Curb College of Entertainment & Music Business at Belmont University.

Regional Chapter Contact Info

For more information on upcoming events and Chapter activities, or to submit ideas and suggestions to your Chapter Chair:

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Member News (continued)

Ian L. Saffer has been appointed Chair of the Rocky Mountain Chapter of the Copyright Society of the U.S.A.

Joseph P. Salvo has joined Weil, Gotshal & Manges as special counsel. He was vice president and senior counsel at Sony BMG Music Entertainment.

Woodcock Washburn announces that **Christopher M. Arena**, **Denise Mroz** and **David J. Wolfsohn** have become partners in the firm and **Michele K. Herman** and **Eduardo M. Carreras** have become Of Counsel.

The University of Advancing Technology announces the Karrlin Field Memorial Scholarship for Women Studying Computer Game Development and Design, beginning in the summer of 2006.

Please submit your Member News via email to the Copyright Society office at amy@csusa.org, and to the Press and Publicity Chair at eleanor.lackman@aporter.com.

*Deadline for submissions for inclusion in the Fall 2006 Newsletter is **October 1, 2006**. Please note the Copyright Society of the U.S.A. reserves the right to select and edit submissions received.*

Copyright Society of the U.S.A. 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:

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The Copyright Society of the U.S.A.

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