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National Events Calendar

January 11	Copyright Royalty Board Inauguration Washington, D.C.
February 16-18	Mid-Winter Meeting Park City, Utah
March 6-10	Copyright Awareness Week
June 11-13	Annual Meeting Bolton Landing, NY

Letter from the President

Dear Friends:

Happy New Year!

One of the real pleasures in being President is having the opportunity to either participate in or at least learn about the many and varied activities conducted by our members and Chapters throughout the country. As a Society, meetings, lectures and events seem to be taking place on an almost weekly basis. Of course, the Brace Lecture is the intellectual highlight of each Copyright Society year. This year's multimedia lecture by David Nimmer, played to a standing room only crowd at New York University, was no exception. David's talk on fair use was a tour de force and further confirms why the "Nimmer" name is truly the first name in copyright. We thank David, and collaborator Peter Menell of the Stanford Law School, for the truly wonderful presentation. Our various chapters were active with programs regarding the intersection of copyright and trademark, the post-*Tasini* world and the implications of the Google library program.

Sadly, the latter part of 2005 brought news of the passing of former Copyright Society luminaries Chuck Seton, for whom the Seton writing competition is named, and Walter Josiah, formerly of the Motion Picture Association of America and a past president of the Society. Although not frequently seen at Copyright Society events in recent years, both Chuck and Walter exemplify our rather august forebears and give us high standards to aim for in the future.

Now that a new year is upon us, we can look forward to our Mid-Winter Meeting in Park City, Utah. It is not too late to register, although we are filling up both of our hotels quite rapidly. The panels on fair use, EULAs and the post-*Grokster* world, and an opportunity to ski and socialize with the best and the brightest of the copyright world, have brought a terrific response. As the person responsible for selecting the first intentionally cold venue, I want to express my appreciation in advance for your support. We are still in discussions about a very special guest speaker. I am hopeful to be able to announce this speaker's attendance in the next several days.

We are also working on a new web site that should be easier to use and provide added value to your membership. Thanks go to Anne Atkinson and Nancy Mertz, as well as to Nels Johnson, our webmaster, for an excellent job. Finally, the planning continues under the supervision of Monica Corton for a bigger and better Copyright Awareness Week. This year we will be releasing a first ever Copyright Society video featuring a tour and history of the Copyright Office with a very special guest appearance by Marybeth Peters.

I wish you all a happy and healthy New Year and look forward to seeing you on the slopes.

Fondly,



Barry I. Slotnick

Committee Reports

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

****Early Registration Deadline is January 16th!****

Schedule:

Thursday, February 16, 2006

3:00 p.m. - 5:00 p.m. Registration

6:00 p.m. - 8:00 p.m. Welcome Reception

Friday, February 17, 2006

7:15 a.m. - 7:30 a.m. Continental Breakfast

7:30 a.m. - 7:40 a.m. Welcoming Remarks

7:40 a.m. - 9:30 a.m.

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

Michelena Hallie, Viacom, Inc.

Alex Macgillivray, Google, Inc.

Jay Monahan, eBay, Inc.

Matt Zinn, TiVo Inc.

9:30 a.m. - 4:30 p.m. Ski Time / Free Time

(Currently scheduled alternative activities include a structured tour, snowshoe tour, snowmobiling and Scrabble tournament)

4:10 p.m. - 4:30 p.m. Après-Ski Break

4:30 p.m. - 6:30 p.m.

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

Gloria Phares, Patterson Belknap Webb & Tyler

6:30 p.m. - 9:00 p.m. Reception & Dinner

Saturday, February 18, 2006

7:00 a.m. - 7:30 a.m. Continental Breakfast

7:30 a.m. - 9:30 a.m.

What Now After Grokster?

David Kendall, Williams & Connolly LLP

Harry Melkonian, Melkonian & Company

Tom Rubin, Microsoft Corporation

Mitchell Zimmerman, Fenwick & West LLP

The Copyright Society of the U.S.A. would like to thank the Mid-Winter 2006 Committee:

Simon Barsky, Motion Picture Association of America

Andrew P. Bridges, Winston & Strawn LLP

Bernard S. Broadbent, Kirton & McConkie

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.

The 2005-2006 Season is in full swing, with wonderfully planned events nationwide. Highlights from across the 11 Chapters include events on film contracts and music industry representation, use of archival music performances, valuation of intellectual property, the public domain, the Google print project, music in commercial advertising and latest developments in substantial similarity. In addition, the Washington, D.C. Chapter presents a Copyright Society first: "The Copyright Royalty Board Inauguration" reception. With more events planned in these Chapters and others, Copyright Society members nationwide have tremendous networking and educational opportunities.

Any comments or suggestions for programs or events may be submitted to the chair. Chair: Corey Field (fieldc@ballardspahr.com).

Young Lawyers Committee

The Young Lawyers Committee of the Copyright Society is seeking young lawyers to help with the planning of CLE and networking events catered to new lawyers interested in practicing in the intellectual property and media world. The Committee is currently planning a panel discussion and networking reception for the beginning of March and would greatly appreciate your expertise and input. The panel discussion will likely focus on the current state of music ownership and changes in the music industry.

The Committee will hold an event-planning meeting on Thursday, January 19, 2006 at 6:30 p.m. at Loeb & Loeb LLP, 345 Park Avenue, New York, NY. RSVP by January 15, 2006 to aroop@tandonlaw.com.

The Young Lawyers Committee meets the third week of every month and sponsors special events. New and recently admitted lawyers need not be current members of the Copyright Society in order to attend. For further information, contact Aroop Sanakkayala (aroop@tandonlaw.com).

Copyright Awareness Week 2006

Report from the Chair, Monica Corton

Copyright Awareness Week 2006 is moving along at warp speed. We are in negotiations with video producers that were recommended by the MPAA to produce the first Copyright Awareness Week video. It will be shot in Washington, D.C. with a soon-to-be-confirmed prominent television and motion picture actress as the narrator. The MPAA has been a key player in making this video possible by funding most of it and helping to secure our star narrator. Marybeth Peters and other staff members of the Copyright Office will also be on hand in the video to help explain how copyrights are protected by the federal government. We have hired a teacher to write a curriculum that will accompany the video and will be appropriate for ages upper elementary, middle school and high school.

January is the final month to confirm celebrity songwriter/musicians for the radio public service announcement (PSA) campaign. This year we are recording both a 30-second and a 60-second version of the PSA so that more radio stations will be encouraged to participate. Most of the artists who participated last year have confirmed that they will record the 30-second version, and I expect that we will see approval from the others. Through the efforts of BMI, Joe Salvo, David Allen (manager of Leslie Satcher, a current PSA participant) and myself, we have reached out to a wide array of new artists in all genres. We desperately need to attract more Urban artists. If you have any artists you represent whom you believe would want to participate, please contact me ASAP. The deadline for the recording the scripts of all the PSAs is January 27. That means the recording of the script needs to be in the hands of our producer by January 27.

We have done a complete redesign of the website. Thanks to Nancy Mertz and Nels Johnson for all their help. Please visit www.csusa.org and click on the Copyright Awareness Week button.

This month, Scholastic will be launching all of the material we wrote for them to address their copyright needs. The National Council of Teachers of English printed a story about plagiarism and copyright in their November 2005 issue of "The Council Chronicle." The article discusses different aspects of copyright and promotes Copyright Awareness Week.

Our publicist suggested that we design and produce a pin that we have actors and actresses wear to the Academy Awards to promote Copyright Awareness Week. The Awards happen to fall on March 5, which is the Sunday before Copyright Awareness Week 2006. The MPAA has been trying to confirm whether, if we provide such a pin, we would be able to have it available for the Awards and have people wear it. In the meantime, I have started speaking with San Francisco jewelry designer Jeanine Payer to see if she would help us with this effort.

The MPAA is working on getting the Copyright Assembly (www.copyrightassembly.org) involved in helping us promote Copyright Awareness Week. This organization is composed of many companies and trade organizations involved with copyright. We are hopeful that their participation will broaden the scope of companies and groups who are distributors and/or advocates for copyrighted works.

If you have any questions or can help in any way with Copyright Awareness Week, please contact me at MoMusing@aol.com or by phone at (212) 583-1887.

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@aporter.com).

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

Regional Events Calendar

January 11	"The Copyright Royalty Board Inauguration" <i>Washington, D.C.</i>
January 18	"Substantial Similarity: A Review of Recent High-Profile Decisions, and the Trend Toward 'Niche' Tests" <i>New York</i>
January 19	Event Planning Meeting <i>Young Lawyers (in New York)</i>
January 25	"Tales from the Road - The Structure of World Wide Music Tours" <i>New England (in Boston)</i>
January 30	"Valuation of Intellectual Property" <i>Northwest (in Seattle)</i>
February 2	"Now Appearing on a Passport Near You: the Patriot Act and Visiting Performers" <i>Midwest (in Chicago)</i>
February 9	"Orphan Works Legislation" <i>New York</i>
February 14	A Luncheon Tribute for Marybeth Peters, Register of Copyrights <i>Washington, D.C.</i>
February 27	"Investor Liability in the Digital Age" <i>New England (in Boston)</i>
March 1	"There Ain't No Sanity Clause: Film Contracts" <i>Midwest (in Chicago)</i>
March 16	"Protection of Pre-1972 Sound Recordings Under State Common Law and the Copyright Act" <i>New York</i>
April 5	"Representing Artists in the Music Industry" <i>Midwest (in Chicago)</i>
April 11	"Copyright Battles Over the Google Library" <i>New York</i>
April 27	Copyright Office Update <i>New England (in Boston)</i>
May 17	"Legal Issues Facing Bloggers and Podcasters" <i>New York</i>

Events Subject to Change

Midwest Chapter

Upcoming Events:

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

*Sign up before January 30, 2006 and get 3 programs for the price of 2, or sign up for an individual program.

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

Location for all three programs:
Mayer, Brown, Rowe & Maw LLP
71 South Wacker Drive, Chicago, Illinois
33rd Floor - Townhall B
Time: 12:00 noon to 2:00 p.m.

Cost for each program: \$20 (Members), \$25 (Non-members); Free for Students

New England Chapter

Upcoming Events:

January 25, 2006

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

Speaker: Adam M. Klotz, Lenard & Klotz LLP

February 27, 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

Both events are co-sponsored with the Intellectual Property Concentration and Center for Advanced Legal Studies at Suffolk University School of Law, and will take place at 6:00 p.m. at Suffolk Law School, 120 Tremont Street, Boston.

April 27, 2006

Topic TBA

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

Recent Event:

December 6, 2005

"Google Print for Libraries - Fair or Foul?"

Speakers: Allan Adler, Association of American Publishers
Jan Constantine, Authors Guild

New York Chapter

Upcoming Events:

January 18, 2006 (Dinner)

"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

Time: 6:00-6:30 p.m.: Registration/Reception
6:30-7:00 p.m.: Dinner
7:00-8:15 p.m.: Program

Cost: \$55 (Members); \$65 (Non-Members)

CLE: Application has been made for 1.5 hours of NY substantive CLE credit

RSVP by January 16, 2006

February 9, 2006 (Lunch)

"Orphan Works Legislation"

Panelists: Julie Sigall, U.S. Copyright Office
Jay Rosenthal, Recording Artists' Coalition
Paul Slevin, Hopespring Publishing

Moderator: Robert Clarida, Cowan Liebowitz & Latman

March 16, 2006 (Lunch)

"Protection of Pre-1972 Sound Recordings Under State Common Law and the Copyright Act (Restoration of Foreign Works)"

Panelists: Professor June Besek, Columbia Law School; Others TBA

April 11, 2006 (Lunch)

"Copyright Battles Over the Google Library" (tentative)

Panelists: TBA

May 17, 2006 (Lunch)

"There's a Whole Lotta Bloggin' Goin' On: A Look at the Blogging and Podcasting Phenomena and the Copyright, Defamation, Federal Election Law and Other Legal Issues Facing Bloggers and Podcasters" (tentative)

Panelists: TBA

All programs will be held at the Princeton Club, 15 West 43rd Street, New York, NY

Recent Events:

October 26, 2005

"Grokster: The Final Word? The Definitive Analysis of the Supreme Court Decision and its Real World Aftermath"

Panelists: Stanley Pierre-Louis, Recording Industry Association of America
Fred von Lohmann, Electronic Frontier Foundation

Moderator: Joseph Salvo, Sony BMG Music Entertainment

November 16, 2005

"Copyright, Lanham Act, Right of Publicity and Contract Claims Arising from Use of Popular Recordings and Commissioned Music in Commercial Advertising"

Panelists: Michelle DiBucci, Smack Music and Sound, Inc.
Judith Finell, Judith Finell MusicServices, Inc.
Brian G. Murphy, Frankfurt Kurnit Klein & Selz, P.C.

December 6, 2005

"National Geographic Photography Cases and the Aftermath of Tasini"

Panelists: Andrew Berger, Tannenbaum Helpert Syracuse & Hirschritt LLP
Robert Sugarman, Weil, Gotshal & Manges LLP

Northern California Chapter

Recent Events:

October 26, 2005

"Use and Abuse of Archival Music Performances"

Speaker: Cydney A. Tune, Pillsbury Winthrop
Shaw Pittman LLP

December 6, 2005

*"Software & Services Contracts: Negotiating
Licenses, I.T. Services Agreements and Related
Transactions"*

Speaker: David Tollen, Tollen Legal

Northwest Chapter

Upcoming Event:

January 30, 2006

"Valuation of Intellectual Property"

Speaker: Katherine Spelman, Cobalt LLP

Time: 5:30 p.m. - 7:30 p.m.

(Presentation with hors d'oeuvres/light refreshments to follow)

Location: Darby & Darby, 1191 Second Avenue,
Seattle

Cost: \$10/Free for students and national CSUSA
members with advance RSVP

RSVP by January 25, 2006, to Jane Rixe
(jrix@darbylaw.com)

Southeast Chapter

Recent Event:

December 1, 2005

"Is There Hope for the Public Domain?"

Speaker: The Honorable Stanley F. Birch, U.S.
Court of Appeals for the Eleventh Circuit

Washington, D.C. Chapter

Upcoming 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

Time: 10:00 a.m.

Location: Madison Hall of the James Madison
Memorial Building of the Library of Congress,
101 Independence Ave., SE, Washington, D.C.

February 14, 2006

*A Luncheon Tribute for Marybeth Peters, Register
of Copyrights*

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

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

Location: Skadden, Arps Conference Center, 700
14th Street, N.W., 11th Floor, Washington, D.C.
20005

Cost: \$30 (CSUSA Members), \$35 (Non-
Members); \$25 (Law Students)

Recent Events:

October 24, 2005

"Google Print for Libraries: Fair or Foul?"

Speakers: Allan Adler, Association of American
Publishers

Paul Aiken, Authors Guild

Jonathan Band, Esq.

Alexander Macgilivray, Google, Inc.

Siva Vaidyanathan, NYU

Moderator: Robert Kasunic, U.S. Copyright Office

*The Chapter received press coverage of this
event in BNA's Patent, Trademark & Copyright
Journal and in the Tech Law Journal.

November 10, 2005

*The Sixth Annual Christopher A. Meyer Memorial
Lecture: "Copyright Under Siege: Some Thoughts
of a Publisher's Counsel"*

Speaker: Henry Horbaczewski, Reed
Elsevier, Inc.



"The Public Domain":

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

Recent Event:

December 13, 2005

"Is That My Song? Licensing and Infringement of Music in the 21st Century"

Speakers: Russell Frackman, Mitchell Silberberg & Knupp LLP

Larry Kohorn, Sony Pictures Entertainment

Judith Finell, Judith Finell Music Services Inc.

Laurie Soriano, Davis, Shapiro, Lewit, Montone & Hayes

Moderator: Kenneth D. Freundlich, Schleimer & Freundlich LLP

Sponsored by the Beverly Hills Bar Association's Entertainment, IP, Internet & New Media sections

Member News

Cambridge University Press announces the publication of "Art and Cultural Heritage: Law, Policy and Practice," edited by **Barbara T. Hoffman**.

For further details about the publication, please visit www.cambridge.org or www.hoffmanlawfirm.org.

M. Kelly Tillery, a partner with Pepper Hamilton LLP, served as lead counsel in a mock "Ex Parte Seizure Order for Trademark and Copyright Counterfeiting" hearing at the American Intellectual Property Law Association's (AIPLA) meeting held October 27-29, 2005.

Position available in the Copyright Office:

The Copyright Office is seeking applicants for the position of Attorney-Advisor in the Office of the General Counsel. Attorney-Advisors advise the General Counsel on matters relating to copyright law and work on Copyright Office regulations, copyright legislation and litigation involving the Copyright Office. Application deadline: February 3, 2006. For more information, visit <http://www.loc.gov/hr/employment/index.php>.

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.

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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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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