

Advanced Seminar on Copyright Law 2010

New York City, April 30, 2010

Cleveland Groupcast Location, April 30, 2010

Live Webcast, April 30, 2010 — www.pli.edu

FACULTY



Chair:

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Why You Should Attend

Copyright law has become an increasingly complex area in the face of new technologies and new ways of doing business. To help you keep up-to-date and provide the sophisticated, pragmatic legal advice your clients expect, PLI has brought together a group of leading experts on copyright law. The speakers at this advanced seminar will address critical issues in copyright law, drawing on their extensive experience and judgment.

Current issues will be examined in the context of developed law and proposals and prospects for future change. Important litigation and licensing issues will be reviewed, as well as the impact of new technology, and copyright ownership and other major issues. The faculty will invite and answer questions to be sure those attending the program receive information relevant to their practice.

What You Will Learn

- Review current key cases and hot issues
- Explore fair use, including *Salinger* and *Rowling*
- Understand statutory damages
- Learn about secondary liability
- Obtain must-read copyright licensing case law
- Review the Google Books Settlement and the future of digital libraries
- Navigate Internet issues and developments
- Get guidelines for injunctions after *eBay*
- The Hot News Misappropriation Doctrine

Who Should Attend

Experienced practitioners in the field of copyright law who need to know the latest developments in this field.

PROGRAM SCHEDULE

Morning Session: 9:00 a.m. – 12:30 p.m.

9:00

Introduction

Richard Dannay

9:15

Google Books Settlement

- The author and publisher litigations
- Background of the proposed settlement
- Summary of the key settlement terms
- Objections to the settlement: Who, what, why, the Government, Google's competitors
- Settlement agreement amendments; the court approval process
- Future digital-library prospects

Jan F. Constantine

10:15

J.D. Salinger and Other Reflections on Fair Use

- The *Salinger* case
- *Shepard Fairey*, the *Harry Potter Lexicon* and other recent fair use cases
- Preliminary and permanent injunctions and the impact of the *eBay* and *Winter* Supreme Court cases
- The evolving meaning of "transformative use"
- "Market Harm" and the other fair use factors
- Free speech considerations for issues of liability and remedies

Edward H. Rosenthal

11:15 *Networking Break*

11:30

Indispensable Copyright Licensing Case Law

- Essential must-read case law on copyright licensing
- How these cases affect drafting
- New-technology-rights cases and court interpretations of the scope of (ambiguous) grants of rights
- Breach of covenant versus breach of condition
- Contractual termination and rescission
- Statutory termination under sections 203 and 304(c)

Gloria C. Phares

12:30 *Lunch*

Afternoon Session: 1:45 p.m. – 5:00 p.m.

1:45

Copyright, Hot News, and the Internet

- The Hot News Misappropriation Doctrine
- *AP v. All Headline News Corp.*
- Other recent case law
- The copyright preemption defense
- Modern web content issues
- Creators versus consumers: Resolving the tension

Andrew L. Deutsch

2:45

Secondary Liability

- Contributory infringement: Test and factors
- Vicarious infringement: Test and factors
- Inducement: Test and factors
- Direct copyright infringement compared
- Key case law on secondary liability
- Secondary liability issues in the Internet context

Lori E. Lesser

3:45 *Networking Break*

4:00

Statutory Damages

- When must the copyright holder register to be entitled to statutory damages
- Is a copyright owner entitled to statutory damages for the continuation of infringements after registration that commenced before registration?
- Multiple infringers, multiple infringements, multiple awards
- How many awards of statutory damages may the copyright owner obtain for an unauthorized compilation of the owner's separately copyrighted works?
- Election of statutory damages over actual damages: When, how, and the effect on appeal
- Measuring the amount of a statutory damages award: What are the guidelines and the licensing analogies?

Andrew Berger

5:00 *Adjourn*