

Fundamentals of Copyright Law in the Data Era 2015

- Review new case law impacting *pre-1972 recordings*, *laches*, *useful articles*, *gray goods*, *DMCA safe harbor* and more
- Learn how to enforce copyrights in the current media landscape
- Examine the challenging repercussions of the Supreme Court's *Aereo* decision
- **Special Feature: The Copyright Office speaks! Hear from authoritative perspectives on the hill**

Chicago, June 15, 2015

San Francisco, June 25, 2015

Live Webcast, June 25, 2015

New York City, July 13, 2015



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Programs and
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Fundamentals of Trademark Law in the Global Marketplace 2015

- **New interactive video simulation** on trademark infringement
- Strategies for searching and clearing marks
- Effective litigation alternatives, TTAB vs. District Court
- Recent trademark case law and hot topics, including *B&B Hardware* and *Hana Financial*

Chicago, June 16, 2015

San Francisco, June 26, 2015

Live Webcast, June 26, 2015

New York City, July 14, 2015

These are approved New York transitional programs

Fundamentals of Copyright Law in the Data Era 2015

Why You Should Attend

Relentless advancement in online media continues to test copyright law's limits. This program will focus on copyright in the digital data era, ensuring that attendees will gain a firm understanding of copyright basics and the rising issues challenging copyright enforcement. The Supreme Court's 2014 *Aereo* decision illustrated this tension between emerging technology and copyright law with its landmark ruling reaffirming the scope and strength of copyright holders' rights. The 2015 program will cover this warming friction point, delving into the latest legal developments and cases ensuring that anyone who practices copyright law will walk away with a full understanding of the thorny issues that are challenging copyright concepts once thought of as well settled.

Our faculty of legal experts will review copyright law basics and the methods for copyright licensing and enforcement. Strong emphasis will be placed on strategy and practical applications to guide the new and experienced copyright practitioners in attendance, while also updating them on the latest legal developments impacting their practice.

What You Will Learn

- A review of major copyright law concepts: copyrightability, protectable subject matter and rights
- Online media's (*including mobile, social, cloud*) legal impact on copyright enforcement and licensing
- Copyright enforcement challenges and strategies in the current media landscape
- *New case law's* impacts on issues such as *pre-1972 recordings, laches, useful articles, gray goods, DMCA safe harbor and fair use*

Who Should Attend

Attorneys new to copyright law will find this program useful as it starts with the basics of copyright law and its impact on many forms of business. For more seasoned attorneys, this program should refresh their understanding of the laws and provide insights into some of the current industry and legal developments greatly affecting the practice.

FACULTY

Chicago

Chair:



E. Leonard Rubin

Querrey & Harrow, Ltd.
Adjunct Faculty, University of Illinois
& John Marshall Law School
Chicago

Peter C. DiCola

Associate Professor of Law
Northwestern University School of Law
Chicago

Marcelo Halpern

Perkins Coie LLP
Chicago

Katherine C. Spelman (*Invited*)

K&L Gates LLP
Seattle

San Francisco and Live Webcast

Chair:



Katherine C. Spelman

K&L Gates LLP
Seattle

Dale M. Cendali

Kirkland & Ellis LLP
New York City

Sophie Cohen

Cobalt LLP
Berkeley, California

Joseph C. Gratz

Durie Tangri LLP
San Francisco

Naomi Jane Gray

Harvey Siskind LLP
San Francisco

Deirdre A. Merrill

Director of Contracts
Chronicle Books, LLC
San Francisco

Joshua L. Simmons

Kirkland & Ellis LLP
New York City

Matthew P. Zinn

Tivo
San Jose

New York City

Chair:



Robert W. Clarida

Reitler, Kailas & Rosenblatt LLC
New York City

Alan R. Friedman

Katten Muchin Rosenman LLP
New York City

Thomas Kjellberg

Cowan, Liebowitz & Latman, P.C.
New York City

Nancy E. Wolff

Cowan, DeBaets, Abrahams & Sheppard LLP
New York City

Fundamentals of Trademark Law in the Global Marketplace 2015

Why You Should Attend

In today's online media and e-commerce environment, lawyers are increasingly called upon to provide advice about trademark-related issues. Familiarity with basic trademark law is quickly becoming a vital part of any lawyer's equipment, whether one is a neophyte or a twenty-year veteran to the practice. Knowing the trademark law basics can help you fend off a baseless accusation or even eliminate a serious infringement. And staying on top of the latest trademark law developments will keep seasoned trademark lawyers current.

Designed to establish a foundational understanding for new entrants into the practice, as well as to refresh and update experienced trademark practitioners, this program features comprehensive coverage of trademark law, from its fundamental principles to recent cases and emergent issues pulled straight from the headlines. Attendees will learn about the trademark registration process, types of marks, international trademark searching and filing, spotting infringement and alternatives to litigation. Our expert faculty will employ a mix of lecture and interactive learning features, drawing from their collective experience protecting some of the world's most iconic brands. As always, participation is strongly encouraged and all attendees are welcome to pose questions to the faculty, throughout and after the program.

What You Will Learn

- Key principles of trademark law and unfair competition: the Lanham Act, including likelihood of confusion and dilution
- Strategies for searching and clearing marks, USPTO interaction
- Trademark infringement actions, strategies, remedies and litigation alternatives – featuring an *interactive video hypothetical simulation* – **NEW LEARNING FEATURE for 2015**
- Domestic and international registration issues, Madrid Protocol
- Recent cases and developing concerns
- Domain names and UDRP

Who Should Attend

This program is designed for attorneys and professionals seeking a review of trademark law and an update on recent issues and cases affecting trademark enforcement and the global management of trademark portfolios. Attorneys of all experience levels will find relevant content to introduce them to trademark law and assist them in their trademark practice.

FACULTY

Chicago

Chair:



Jeffrey A. Handelman
Brinks Hofer Gilson & Lione
Chicago

Ashly Iacullo Boesche
Pattishall, McAuliffe, Newbury,
Hilliard & Geraldson LLP
Chicago

Helen Hill Minsker
Banner & Witcoff, Ltd.
Vijay K. Toke
Cobalt Law
Berkeley, California

Deborah A. Wilcox
Baker & Hostetler LLP
Cleveland

San Francisco and Live Webcast

Chair:



Anne Hiaring Hocking
Donahue Fitzgerald LLP
Mill Valley, California

Vineeta Gajwani
IP Legal Counsel
Electronic Arts, Inc.
Redwood City, California

Beth M. Goldman
Orrick, Herrington & Sutcliffe LLP
San Francisco

Vijay K. Toke
Cobalt Law
Berkeley, California

Christopher E. George
Managing Counsel –
Trademarks and Brands
Intel Corporation
Santa Clara, California

Richard L. Kirkpatrick
Pillsbury Winthrop Shaw Pittman LLP
San Francisco
Author, *Likelihood of Confusion in
Trademark Law* (PLI)

New York City

Chair:



Lynn S. Fruchter
Cowan, Liebowitz & Latman, P.C.
New York City

Ashly Iacullo Boesche
Pattishall, McAuliffe, Newbury,
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New York City

Joshua R. Bressler
Bressler Law PLLC
New York City

Adam D. Resnick
Mosaic Legal Group, PLLC
Washington, D.C.

Vijay K. Toke
Cobalt Law
Berkeley, California

Program Attorney: Kenneth Min

PROGRAM SCHEDULE

Fundamentals of Copyright Law in the Data Era 2015

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

9:00

Introduction

CHI: E. Leonard Rubin

SF & WEB: Katherine C. Spelman

NYC: Robert W. Clarida

9:15

Basic Principles of Copyright Law

- Protectable subject matter and the exclusive rights conferred
- Statutory formalities and the registration process
- Ownership issues
- Copyright duration and transferring rights
- International issues surrounding formalities, duration and ownership

CHI: Peter C. DiCola

SF & WEB: Sophie Cohen, Deirdre A. Merrill

NYC: Nancy E. Wolff

10:30 *Networking Break*

10:45

Enforcing Copyrights

- Protecting your copyright and challenging the validity of another's copyright
- Copyright litigation and available defenses
- Access and substantial similarity in infringement cases
- Calculating damages
- Litigation practice pointers

CHI: Marcelo Halpern, E. Leonard Rubin

SF & WEB: Naomi Jane Gray

NYC: Alan R. Friedman

12:00 *Lunch*

Afternoon Session: 1:00 p.m. – 4:30 p.m.

1:00

New Cases in Copyright Law – Internet and Beyond

- Impact of case law on copyright law practice
- Possible future copyright conflicts
- Updates impacting copyright damages: *Gaylord v. United States* (court awards \$685,000 as “fair market value of a license” for Post Office use of image on postage stamp)
- The doctrine of laches: *Petrella v. Metro-Goldwyn-Mayer, Inc.*
- Pre-1972 sound recordings: *Flo & Eddie, Inc. v. Sirius XM Radio, Inc.*
- Music used in in-flight entertainment: *UMG Recordings, Inc. et al v. Global Eagle Entertainment Inc. et al*
- Antitrust issues: Dept. of Justice, Antitrust Division's ASCAP and BMI Consent Decree
- Copyright impact on software systems: *Google Inc. v. Oracle America, Inc.*
- Copyright and gray goods: *Omega S.A. v. Costco Wholesale Corporation*
- Case law on “useful articles”
- Rights to derivative work: *Corbello v. DeVito*
- Copyright in actor's performance in film uploaded to YouTube: *Garcia v. Google, Inc.*
- Updates on fair use: *North Jersey Media Group, Inc. v. Fox News Network LLC, Kienitz v. Sconnie Nation, Richards v. Merriam Webster, Inc.*
- DMCA Safe Harbor: *Oppenheimer v. Allvoices*

CHI: E. Leonard Rubin, Katherine C. Spelman (Invited)

SF & WEB: Dale M. Cendali, Joshua L. Simmons

NYC: Robert W. Clarida, Thomas Kjellberg

2:15 *Networking Break*

2:30

Copyright and New Channels for Content Distribution

- The repercussions of the Supreme Court's *Aereo* decision
- Net neutrality's utility status and the impact on the “set-top box”
- Copyright, ad-skipping and the right of public performance: *Fox Broadcasting Company v. Dish Network LLC*

CHI: Marcelo Halpern, E. Leonard Rubin

SF & WEB: Joseph C. Gratz, Katherine C. Spelman, Matthew P. Zinn

NYC: Robert W. Clarida

3:30

The Copyright Office Speaks

- The U.S. Copyright Office – Music Licensing Study
- Recent case law updates and latest developments affecting copyright

CHI: TBD

SF & WEB: TBD

NYC: TBD

4:30 *Adjourn*

Please plan to arrive with enough time to register before the conference begins.
A networking breakfast will be available upon your arrival.

Fundamentals of Trademark Law in the Global Marketplace 2015

Morning Session: 9:00 a.m. – 1:00 p.m.

9:00

Introduction

CHI: Jeffery A. Handelman

SF & WEB: Anne Hiaring Hocking

NYC: Lynn S. Fruchter

9:15

Key Principles of Trademark Law and Unfair Competition

- Likelihood of confusion
- Unfair competition under Section 43(a)
- Types of marks and how you protect them
- Common law use and trademark protection
- Use-based filings, registration, and enforcement
- Dilution under Section 43(c)

CHI: Jeffery A. Handelman

SF & WEB: Anne Hiaring Hocking

NYC: Adam D. Resnick

10:30 *Networking Break*

10:45

Trademarks in Practice: Searching, Clearance and the Application Process in the United States

- Clearing a mark for use and registration; screening searches and full searches
- Scope and relevance of searches: federal, state, and unregistered marks; corporate, business, and domain names
- Searching practice tips based on analysis of hypothetical mark
- Conveying results of searches to clients
- Preparing applications to pass muster; use-based and intent-to-use applications
- Dealing with Examiner refusals
- Registration maintenance and renewals

CHI & NYC: Ashly Iacullo Boesche

SF & WEB: Richard L. Kirkpatrick

12:00

International Searching and Filing Strategies

- Seeking protection in different jurisdictions
- CTM and Madrid Protocol – alternatives to national filings
- Working with foreign counsel to clear marks
- Strategies for in-house counsel – what marks should be registered?

CHI: Helen Hill Minsker

SF & WEB: Christopher E. George

NYC: Clark W. Lackert

1:00 *Lunch*

Afternoon Session: 2:00 p.m. – 5:00 p.m.

2:00

Trademark Infringement Primer

- How to identify, investigate, and evaluate trademark and trade dress infringement cases
- Remedies in trademark litigation, including temporary and permanent injunctive relief
- Summary judgment and other motion practice strategies
- Presumption of irreparable harm
- Practice tips and litigation tactics
- Costs of surveys, litigation and damages
- Choosing between TTAB and District Court
- Trademark infringement simulation **with interactive video**

CHI, SF, NYC & WEB: Vijay K. Toke

3:15 *Networking Break*

3:30

Litigation Alternatives and Hot Topics in the U.S. and Abroad

- Practice tips relating to opposition and cancellation proceedings and UDRP
- Keyword advertising: who can do what?
- Secondary liability of search engines, advertisers and hosting services on the Internet
- Social networking and implications for trademark law
- Recent case law in the U.S., including *B&B Hardware* and *Hana Financial*
- Hot issues in international trademark law

CHI: Deborah A. Wilcox

SF & WEB: Vineeta Gajwani, Beth M. Goldman

NYC: Joshua R. Bressler, Deborah K. Squiers

5:00 *Adjourn*

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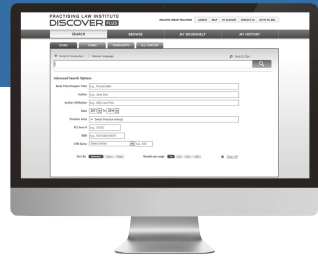
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“Technotainment” 2015: Distributing Content Across Multiple Platforms – October 15, 2015, New York City and Live Webcast

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California: This activity is approved for MCLE credit in the amount of 6.5 hours.

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- 59297 **Chicago Seminar**,* June 15, 2015, University of Chicago Gleacher Center, \$995²
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- 59299 **New York City Seminar**,* July 13, 2015, PLI New York Center, \$995²
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- 59300 Course Handbook only, \$220

Fundamentals of Trademark Law in the Global Marketplace 2015

- 59305 **Chicago Seminar**,* June 16, 2015, University of Chicago Gleacher Center, \$995²
- 59306 **San Francisco Seminar**,* June 26, 2015, PLI California Center, \$995²
- 59307 **New York City Seminar**,* July 14, 2015, PLI New York Center, \$995²
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- 59308 Course Handbook only, \$220

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