

THE COPYRIGHT SOCIETY OF THE U.S.A.

New York Chapter
Jon Purow and Andrew Sparkler, Co-Chairs
Ari Abramowitz, Assistant Co-Chair

February 24th, 2011

We are excited to invite you to our **March 16, 2011** luncheon program at the Princeton Club, 15 West 43rd Street, New York, NY.

"You Bought It, But Do You Own It: First Impression In First Sale"?

Over the past year, several cases have brought to light a number of novel issues in the realm of first sale that stand to redefine our concept of the doctrine in the 21st Century.

In **Costco v. Omega**, the Supreme Court addressed the question of whether a decision barring importation of authorized goods made overseas was correct, and then issued a split 4-4 decision essentially upholding the appellate court's ruling. In **Vernor v. Autodesk**, the Ninth Circuit held that one who purchases software has not bought it in an outright sale but instead is subject to a license -- a license that restricts the purchaser's right to resell the software. Conversely, the Ninth Circuit also held in **UMG v. Augusto** that a promotional CD distributed by the record company gratis is free of the distributor's right to control future sales of that copy of the CD, despite language on the item stating "promotional use only; not for sale."

These and other recent decisions regarding the scope of the first sale defense and the nature of ownership in this new "sale" versus "license" world may have profound impacts on the way we look at issues concerning distribution and consumption of copyrighted works in the global marketplace and the digital age.

Please join us for a stimulating discussion of these and other recent first sale cases with our expert panelists, **Andrew Berger** of Tannenbaum Helpert Syracuse & Hirschtritt, **Randi Singer** of Weil, Gotshal & Manges and **Beryl Jones-Woodin** of Brooklyn Law School.

To attend this event, please complete the attached form, and mail or fax it to The Copyright Society of the U.S.A., 352 7th Ave., Suite 739, NY, NY 10001, fax # (212) 354-2847. Please register no later than Friday, March 11, 2011. We look forward to seeing you!

Date: **Wednesday, March 16th, 2011**
Time: 12:00 p.m.-12:30 p.m.: Cocktails (cash bar)
12:30 p.m.-1:00 p.m.: Lunch
1:00 p.m.-2:00 p.m.: Program (event will end promptly)
Place: **The Princeton Club, 15 West 43rd Street, New York, NY**
Cost: \$65.00 (members) \$75.00 (non-members)
CLE: The Copyright Society of the U.S.A. is a NY CLE Approved Provider.
This course is Transitional and Nontransitional, and provides 1.0 Credit (based on 50 minutes).

SPEAKER BIOGRAPHIES

ANDREW BERGER

Andrew Berger is counsel to the New York firm of Tannenbaum Helpern Syracuse & Hirschtritt LLP. He has extensive experience in intellectual property litigation, licensing and commercial litigation. His clients include publishers, content creators, illustrators, film makers, including a 2010 Academy Award winner, advertising agencies, software developers and new media companies. He helps his clients vindicate their rights when others have used his clients' copyrights and trademarks without permission. Andrew also assists his clients to monetize their intellectual property through licensing, joint ventures, sales and related transactions.

Andrew graduated from Cornell University and Cornell Law School and is the past president of the Cornell Law Association, the alumni body representing the 9,000 graduates of that school.

Andrew serves as a co-chair of the Copyright Subcommittee of the IP Litigation Committee of the Litigation Section of the ABA. Andrew writes and speaks about intellectual property topics before bar and other groups, including the Copyright Society, PLI, the Cornell Entrepreneurial Network and the John Marshall Law School. He was recently named to the Advisory Board of the *IP Litigator* published by Aspen Press. The October 2010 issue of Avenue Magazine listed Andrew as one of New York's top litigators. Andrew has also been teaching trial practice at Hofstra Law School for the past 15 years. He writes an IP blog called IP In Brief at www.ipinbrief.com.

Andrew lives in the Cobble Hill section of Brooklyn with his wife, a federal prosecutor, two sons and a hyper-active Border Collie.

RANDI SINGER

Randi Singer is a litigation partner in the New York office of Weil, Gotshal & Manges. Ms. Singer's practice focuses on copyright and Lanham Act false advertising and trademark litigation, as well as media, music licensing, First Amendment and other intellectual property issues.

In addition to complex commercial litigation matters and bankruptcy proceedings, Ms. Singer has successfully represented and counseled clients on a wide variety of advertising, trademark and state unfair trade practices issues involving a broad spectrum of consumer products and services such as over-the-counter drugs, razors, toothpaste, paint, financial services, food, cosmetics, luxury goods and consumer electronics. She has achieved significant litigation victories for clients, including a high-profile win for eBay following a bench trial involving allegations of trademark infringement, a complete defense verdict for Procter & Gamble after a three-week jury trial involving claims of false advertising, and summary judgment for GlaxoSmithKline in a suit alleging trademark, false advertising and trade secret violations. Ms. Singer's extensive litigation experience ranges from motion practice to bench and jury trials, with a particular expertise in preliminary injunction proceedings. She has been recognized in *The Legal 500* and in *Chambers USA*.

Ms. Singer has taught Trademarks and Unfair Competition Law as an adjunct professor at St. John's University School of Law. Her speaking engagements include panels and discussions concerning advertising and other intellectual property issues for various organizations such as the National Advertising Division, the Practising Law Institute, the American Conference Institute and the New York State Bar Association Section on Intellectual Property. Other professional affiliations include the International Trademark Association (INTA), the New York State Bar Association, the Private Advertising Litigation subcommittee of the ABA, and the Association of the Bar of the City of New York, where she served four years as Secretary of the Consumer Affairs Committee.

She is the winner of Weil's first-ever mentoring award, and was inducted into the YWCA's Academy of Women Leaders. Her pro bono efforts include successes for the Hebrew Immigrant

Aid Society and Sanctuary for Families, as well as extensive legal support and counseling concerning ambush marketing for NYC2012, New York City's bid for the 2012 Olympics.

Ms. Singer graduated *magna cum laude* from Harvard University. After receiving her J.D. from Columbia Law School, where she was a Harlan Fiske Stone Scholar, Ms. Singer clerked for the Honorable Richard Owen, US District Judge for the Southern District of New York.

BERYL JONES-WOODIN

Beryl Jones-Woodin specializes in copyright law, art law, and professional responsibility. In addition to teaching courses in those areas, she serves as the Associate Dean for Student Affairs at Brooklyn Law School. She is on the board of directors of the Westchester Children's Museum. She is also a member of the editorial board of the Journal of the Copyright Society, a member of the American Law Institute, and the Federal Bar Council. She has also chaired the Association of American Law Schools' Art Law Section and its Intellectual Property Section. She has long been active in New York City Bar on its committees for art law, communications and media law, and copyright law.

Professor Jones-Woodin joined the Brooklyn Law School faculty in 1984 after serving as an Assistant U.S. Attorney in the Civil Division of the Eastern District of New York, and law clerk to Judge A. Leon Higginbotham of the U.S. Court of Appeals for the Third Circuit.

Contributions to Books include:

- "Copyright and Suppression of Religious Dissent" *Religion and American Law: An Encyclopedia* (Ed. Paul Finkelman) (New York: Garland Pub., 2000)

Articles include:

- "Supreme Court Roundtable: Fogerty v. Fantasy, Inc. and Campbell v. Acuff-Rose Music, Inc. [panel discussion]," 42 *J. Copyright Soc'y U.S.A.* 227 (1995)
- "The Identity Crisis: A Vision of the Right of Publicity in the Year 2020 [Symposium, moderator]," 20 *Colum.-VLA J.L. & Arts* 1 (1995)
- "Virtual Reality, Appropriation, and Property Rights in Art: A Roundtable Discussion: April 12, 1994, [The Herbert Tenzer Memorial Conference: Copyright in the Twenty-First Century]," 13 *Cardozo Arts & Ent. L.J.* 89 (1995)
- "An Introduction to the European Economic Community and Intellectual Properties," 18 *Brook. J. Int'l L.* 665 (1992)
- "Copyrights and State Liability," 76 *Iowa L. Rev.* 701 (1992)
- "Copyright: Factual Compilations and the Second Circuit," 52 *Brook. L. Rev.* 679 (1986)

Very truly yours,

Jon Purow and Andrew Sparkler, Co-Chairs
Ari Abramowitz, Assistant Co-Chair

THE COPYRIGHT SOCIETY OF THE USA

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| Return This Form To: 352 Seventh Avenue, Suite 739 New York, NY 10001 Telephone: (212) 354-6401 Fax: (212) 354-2847 Email: amy@csusa.org | Event: "You Bought It, But Do You Own It: First Impression In First Sale"? Wednesday, March 16, 2011 NOON The Princeton Club 15 West 43 rd Street New York, NY 10036-7497 |
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The Copyright Society of the U.S.A.
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Scholarship / Financial Hardship Policy

A limited number of scholarships are available to judges, law clerks, law professors, law students, attorneys, pro bono attorneys and paralegals who work for nonprofit organizations, legal service organizations or government agencies, recent graduates not yet employed, and unemployed attorneys who must take CLE courses in order to meet their state requirements.

All requests must be made in writing accompanied by a completed registration form. No more than three requests per person will be considered in any one year. Requests should describe the applicant's interest in the topic and justification for a waiver of fees.

Requests should be accompanied by a recommendation from an instructor in the case of students, or supervisors in the case of law clerks or paralegals.

Requests and scholarships are not transferable. Approval will be based on need and funds available on a first come first served basis. If approved, the scholarship will result in a waiver of the course fees for the specific program application. To apply, please send your request, in writing, prior to the reservation form deadline. Students must submit a copy of their student identification cards.

All requests for scholarships should be sent to: The Copyright Society of the U.S.A, 352 Seventh Avenue, Suite 739, New York, NY 10001. Please call (212) 354-6401 or e-mail amy@csusa.org for further information.