

Copyright Management and Litigation Conference
April 14 & 15, 2008 | Seattle, Washington
Renaissance Seattle Hotel



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LAW SEMINARS INTERNATIONAL

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An Important Two-Day Conference On Major Changes In

Copyright Law Counseling, Management and Litigation

Featuring Speakers From:

- Christian L. Castle Attorneys
- Cobalt LLP
- Davis Wright Tremaine LLP
- Dechert LLP
- Garvey Schubert Barer
- Heller Ehrman LLP
- Kaye Scholer LLP
- Merchant & Gould PC
- Microsoft Corporation
- NERA Economic Consulting
- Perkins Coie LLP
- TopCoder, Inc.
- United States Copyright Office

April 14 & 15, 2008

Seattle, Washington

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Credits: WA CLE 11.5 (call about others)

Quick when/where: 8:30 a.m., 515 Madison St.



8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Stuart R. Dunwoody, Esq., *Program Co-Chair*
Davis Wright Tremaine LLP ~ Seattle, WA

Warren J. Rheaume, Esq., *Program Co-Chair*
Heller Ehrman LLP ~ Seattle, WA

8:45 Establishing Copyright Ownership as the Fundamental Basis for an Effective Copyright Protection Program

Proactive strategies, including international considerations; Work Made for Hire

Kate Spelman, Esq.
Cobalt LLP ~ Berkeley, CA

9:45 Open Source Software: Everyone Has It In Their Code But Few Know What To Do

Why developers use open source software; benefits and risks associated with the use and distribution of software developed openly; managing developers who use open source software; considerations when licensing products that contain open source software

Ira V. Heffan, Esq., *General Counsel*
TopCoder, Inc. ~ Glastonbury, CT

10:30 Break

10:45 Fair Use and Other Copyright Misuse Defenses

Hypotheticals illustrating what is fair and not fair; derivative and transformative works; update on book digitizing

Scott G. Warner, Esq.
Garvey Schubert Barer ~ Seattle, WA

Warren J. Rheaume, Esq., *Program Co-Chair*

12:00 Lunch (on your own)

1:15 Digital Rights Management

What is DRM; understanding license agreements for DRM; using DRM and other content protection technologies to protect copyright; enforcement options for responding to DRM circumventions; evaluating policy/regulatory context for DRM in the US and abroad

Mary Newcomer Williams, Esq., *Senior Attorney*
Microsoft Corporation ~ Redmond, WA

Jule L. Sigall, Esq., *Senior Attorney*
Microsoft Corporation ~ Redmond, WA

2:00 Copyright Portfolio Management and Registration

Deciding what and when to register; registration as prerequisite to bringing suit; tactical issues in completing a registration application; evidentiary value of a registration certificate

Elke Suber, Esq., *Senior Attorney*
Microsoft Corporation ~ Redmond, WA

2:45 Break

3:00 Proof of Infringement

Direct and indirect evidence; substantial and striking similarity; independent creation defense; extrinsic/intrinsic test; depth of protection; parental responsibility; finding people outside the core infringement group

Regina V. Culbert, Esq.
Merchant & Gould PC ~ Seattle, WA

3:45 Damages and Remedies for Infringement

Statutory damages and their limits; actual damages; recovery of infringer's profits; injunctive relief

Stuart R. Dunwoody, Esq., *Program Co-Chair*

Damages & Remedies for Infringement

Calculating damages; identifying the proper "but-for" scenario; methods for calculating infringer's profits and plaintiff's lost profits; use of the hypothetical negotiation framework.

Jesse David, Ph.D., *Vice President*
NERA Economic Consulting ~ New York, NY

5:15 Reception for Attendees and Faculty Sponsored by Davis Wright Tremaine LLP and Heller Ehrman LLP



About the Conference

LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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The contours of copyright law have been called upon to respond to very significant changes in the past several years. The explosive expansion and exploitation of the Internet brings with it new case law pushing the envelope with regard to direct, vicarious and contributory liability. Major developments in digital rights management, especially in the area of web content challenge both transactional lawyers and litigators. As the use of software continues to expand, related copyright licensing issues and software protection and enforcement have become even more important to understand. Issues of open source and fair use are complex and far-reaching.

In this comprehensive conference, a faculty of leading copyright experts will provide the current information and practical advice that you need to keep up with today's changes in copyright law and anticipate tomorrow's in order to advise your clients and manage litigation.

~ Program Co-Chairs: Stuart R. Dunwoody, Esq., and Warren J. Rheaume, Esq.



8:30 Introduction and Overview

Stuart R. Dunwoody, Esq., *Program Co-Chair*
Warren J. Rheume, Esq., *Program Co-Chair*

8:45 New Developments on the Hill

Upcoming copyright legislation to be proposed in the 111th Congress, including orphan works legislation and music licensing reform; Copyright Office activities, including the anticircumvention rulemaking and the ringtones decision

Robert J. Kasunic, Esq., *Principal Legal Advisor*
United States Copyright Office ~ Washington, DC

9:30 Avoiding Copyright Pitfalls in New Internet Business Models and Content Delivery Technologies

Practical tips on avoiding infringement liability in developing and launching new technologies; strategic thinking at the development stage and marketing considerations

Thomas A. Smart, Esq.
Kaye Scholer LLP ~ New York, NY

10:15 Break

10:30 Copyright Issues on the Internet and in Digital Media

Linking, inlining, framing, and spidering; liability of online service providers; DMCA provisions; blogging search engines

Lisa T. Oratz, Esq.
Perkins Coie LLP ~ Seattle, WA

11:15 Social Networking

User generated content; virtual property

Steve Tapia, Esq., *Senior Attorney*
Microsoft Corporation ~ Redmond, WA

12:00 Lunch (on your own)

1:15 Online Music Licensing

An essential part of every content related startup business plan should be its negotiation strategy for licensing necessary rights; what rights you need to clear and how to go about obtaining these clearances

Christian L. Castle, Esq.
Christian L. Castle Attorneys
San Francisco and Los Angeles, CA

2:00 International Copyright Issues

EU developments and enforcement of rights in European countries.

Peter R. Crockford, Esq.
Dechert LLP ~ London, England

3:00 Evaluations and Adjourn

Upcoming Related Seminars:

Pharmaceutical Antitrust	April 24-25, 2008	Washington, DC
Patent Claim Construction	April 25, 2008	Atlanta, GA
Patent Issues in Business Transactions	April 28, 2008	Phoenix, AZ
Open Source Software	May 16, 2008	San Francisco, CA
Successful Multilateral Patents	June 23, 2008	San Francisco, CA
Technology Law	July 10-11, 2008	Boise, ID
Entertainment Technology Law	Aug 14-15, 2008	Seattle, WA
Current Issues in Complex IP Licensing	Aug 21-22, 2008	Seattle, WA
Technology Law	Dec 10-11, 2008	Seattle, WA

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for this program is \$995 with a group rate of \$895 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$795. For students and people in their job for less than a year, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Monday, April 7, 2008. After

that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The conference will be held at the Renaissance Seattle Hotel at 515 Madison St. in Seattle, WA 98104. A special negotiated rate of \$159 is available for online reservations only on a first come, first served basis. Go to <http://mariott.com/hotels/travel/seasm-renaissance-seattle-hotel> to reserve. Use Corporate Code L64. If you have any additional questions for the hotel,

please contact them directly at (206) 583-0300.

Continuing Education Credits: This program qualifies for 11.5 WA CLE credits. Upon request, we will apply for CLE credits in other states and other types of credits.

If You Cannot Attend: Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$1005. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

Faculty: Copyright Management and Litigation Conference

Stuart R. Dunwoody, *Program Co-Chair* and partner with Davis Wright Tremaine LLP, focuses on trademark, patent, copyright and trade secrets litigation and counseling. He has been named one of the "Top 40 Intellectual Property Super Lawyers" by *Washington Law & Politics* and by *Chambers* as one of "America's Leading Business Lawyers".

Warren J. Rheume, *Program Co-Chair* and shareholder in Heller Ehrman LLP's Intellectual Property Litigation Practice Group, focuses on copyright, trademark and trade secret issues including non-competition agreements. He has been named a "Super Lawyer" by *Washington Law & Politics* and in *Chambers* as one of "America's Leading Business Lawyers".

Christian L. Castle, managing partner of Christian L. Castle Attorneys of Los Angeles and San Francisco, specializes in digital media, traditional music and public policy. Previously, he was of counsel to Wilson Sonsini Goodrich & Rosati, and a Senior Vice President of Business Affairs at Sony Music and Vice President of Business & Legal Affairs at A&M Records, Inc.

Peter R. Crockford, partner at Dechert LLP in London, focuses on franchising, varied commercial contracts, outsourcing and IP licensing and exploitation. He specializes in IP litigation and counseling, in addition to EU Law. He is recognized in the Legal 500 as an expert in non-contentious intellectual property matters.

Regina V. Culbert, of counsel with Merchant & Gould PC, practices general intellectual property litigation with emphasis on trademark, copyright and patent disputes. She has litigated matters involving computer software, web site design, trade dress and design copyrights, domain name disputes, and related claims of unfair business practices, theft of trade secrets and other business torts.

Dr. Jesse David, Vice President in NERA's Intellectual Property

Practice, specializes in the valuation of patents and other types of intellectual property and in the estimation of damages for intellectual property litigation, anti-trust matters. He has testified as an expert on a variety of economic issues and has provided litigation support.

Ira V. Heffan, is the General Counsel at TopCoder, Inc., a company that develops custom enterprise software with the participation of a world-wide community of developers. He has been working with technology companies, particularly in the areas of intellectual property and community-based development.

Robert J. Kasunic, Principal Legal Advisor at the U.S. Copyright Office, has been involved with most domestic Internet, technology, and DMCA issues, including the triennial Anticircumvention Rulemaking proceedings since its inception, the Copyright Office's Orphan Works Report submitted to Congress, and the Section 104 Report mandated by Congress in the DMCA.

Mary Newcomer Williams, Senior Attorney at Microsoft Corporation, has supported product teams developing and deploying a variety of digital media technologies, including Windows Media DRM and PlayReady content access and protection technology; Windows Media Audio and Windows Media Video; and Hdi interactivity technology for HD DVD. Prior to joining Microsoft, she was Special Counsel at Covington & Burling LLP.

Lisa T. Oratz, of counsel with Perkins Coie LLP, focuses on intellectual property, technology, and entertainment law. She counsels clients on the clearance, protection, licensing and enforcement of copyrights, trademarks, and other intellectual property rights. She has drafted and negotiated licenses and works with Internet and digital media clients on privacy, content liability, advertising and contracts.

Jule L. Sigall, Senior Attorney at Microsoft's Legal & Corporate Affairs department, focuses on global copyright policy. Previously, he served as Associate Register for Policy & International Affairs at the U.S. Copyright Office, where he was in charge of the Office's Report on Orphan Works, and testified on the Report before Subcommittees of the Senate and House of Representatives.

Thomas A. Smart, co-chair of Kaye Scholer LLP's Intellectual Property and Patent Litigation Practice Group, has litigated copyright, trademark, cybersquatting, false advertising, consumer fraud and unfair competition cases.

Kate Spelman, member of Cobalt LLP, is experienced in copyright, media, licensing and trademark issues. She advises clients on the development, production, sale and defense of non-patent IP and is listed in *The Best Lawyers in America*.

Elke Suber, a Senior Attorney at Microsoft Corporation, provides advice on copyright, right of publicity, trade secrets, and related legal issues for Microsoft's Entertainment and Devices Division and Microsoft Research. She is a member of the IP Advisory Panel for the ALI-ABA, and has published articles on copyright, trademark and Internet issues.

Steve Tapia, Senior Attorney in Microsoft Corporation's Law and Corporate Affairs Department, is the leader of its copyright group. He focuses on entertainment, media and intellectual property law. He was previously Senior Director of Business Development for MSN's Entertainment Channel.

Scott G. Warner, owner of Garvey Schubert Barer, represents clients in high technology, intellectual property, art and entertainment law matters, and assists them with all aspects of their intellectual property rights and business transactions. He is listed as

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Who Should Attend:

Attorneys and business executives involved with copyrighted material use, protection, and management

You Will Learn About:

- Establishing copyright ownership as the fundamental basis for an effective copyright protection program
- Open source software
- Fair use and other copyright misuse defenses
- Digital rights management
- Copyright portfolio management and registration
- Proof of infringement
- Damages and remedies for infringements
- New developments on the Hill
- Avoiding copyright pitfalls in Internet business models and content delivery technologies
- Copyright issues on the internet and in digital media
- Social networking
- Music and entertainment copyrights
- International copyright issues

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