



Advanced Seminar on Copyright Law 2007

- Rights of Photographers and Visual Artists
- Copyright Remedies
- Copyright Licensing
- Post-*Grokster* Update
- Top Ten All-Time Copyright Cases
- Basic Negotiation Ethics



New York City, May 14, 2007



Boston Groupcast, May 14, 2007



Live Webcast, May 14, 2007

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Advanced Seminar on Trademark Law 2007

- The Year in Review – The Most Important Trademark Cases in 2006-2007
- Trademark Dilution: New Standards Under the Trademark Dilution Revision Act of 2006
- What Constitutes Permissible Parody? – A Mock Preliminary Injunction Hearing
- Examining Advanced Trademark Prosecution Issues
- Trademarks as Key Words – Where Are We Now?



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Advanced Seminar on Copyright Law 2007



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Why You Should Attend

Copyright law has had to respond to rapid changes in technology that have created new ways of doing business. As a result, you need to keep up with these dramatic developments in order to advise your clients. PLI has brought together some of the leading experts in the copyright field to analyze these increasingly complex issues and provide you with practical guidance and insight.

For 2007, the **Advanced Seminar on Copyright Law** introduces brand new topics presented by speakers with extensive experience. Topics include copyright licensing, practical skills to determine what copyright remedies are available, the rights of photographers and visual artists and a discussion of the aftermath of the Supreme Court's *Grokster* decision. The program will also provide an analysis of the most important copyright cases and basic negotiation ethics.

What You Will Learn

- Substantial similarity and fair use involving photographs and visual works
- Injunctions; implications of *eBay v. MercExchange*; derivative works
- When are attorney's fees available in copyright cases?
- Copyright issues in open-source licensing
- Major cases involving copyright licensing

- Inducement and other secondary liability theories post-*Grokster*
- Ethical issues in negotiations
- What role do technological developments play in copyright law?
- The most important all-time copyright cases and their impact

Who Should Attend

Practitioners with at least three years of experience in the field of copyright law who need to know the latest developments.



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See inside for Program Schedule. ▶

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Advanced Seminar on Copyright Law 2007

Please plan to arrive sufficiently in advance of the conference start time to register. A continental breakfast will be available upon your arrival.

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

9:00

Introduction

Richard Dannay

9:15

Rights of Photographers and Visual Artists

- Substantial similarity
- Fair use
- Copyrightability
- Key case law

Andrew Berger

10:15

Copyright Remedies

- Injunctions; implications of *eBay v. MercExchange*; derivative works
- Profits and damages
- Statutory damages; punitive damages
- Attorney's fees

Lori E. Lesser

11:15 **Break**

11:30

Copyright Licensing

- Software
- Open-source licensing
- Warranties and indemnities
- Major case law

Gloria C. Phares

12:30 **Lunch**

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

1:45

Post-Grokster

- Litigation update
- Inducement and other secondary liability theories
- Role of future business models
- Role of technological developments

Stanley Pierre-Louis

2:45

Basic Negotiation Ethics

- Conflicts of interest
- Communications with adversary
- Communications with adverse client
- Subsequent litigation

David Rabinowitz

3:45 **Break**

4:00

The Top Ten All-Time Copyright Cases

- Most important
- Most influential
- Why

June M. Besek

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Copyright Law: A Practitioner's Guide

Bruce P. Keller (*Debevoise & Plimpton LLP, New York City*) and **Jeffrey P. Cunard** (*Debevoise & Plimpton LLP, Washington, D.C.*)

"An indispensable guidebook that is firmly rooted in practical experience."

Ralph Oman, former Register of Copyrights

1 looseleaf volume, 770 pages, \$195 (Revised annually or as needed: No charge for revision issued within 3 months of purchase)

Substantial Similarity in Copyright Law

Robert C. Osterberg (*Former Senior Partner, Abeles Clark & Osterberg, New York City*) and **Eric C. Osterberg** (*Dreier LLP, Stamford, CT*)

1 looseleaf volume, 531 pages, \$195 (Revised annually or as needed: No charge for revision issued within 3 months of purchase)

Trademark Law: A Practitioner's Guide, Fourth Edition

Siegrun D. Kane (*Morgan & Finnegan LLP, New York City*)

"An outstanding reference."

David Gould, Corporate Trademark Counsel, E.I. DuPont de Nemours and Company

1 looseleaf volume with CD-ROM, 911 pages, \$245 (Revised annually or as needed: No charge for revision issued within 3 months of purchase)

Likelihood of Confusion in Trademark Law

Richard L. Kirkpatrick (*Pillsbury Winthrop Shaw Pittman LLP, San Francisco*)

"[Kirkpatrick] explains what every trademark lawyer needs to know about this essential trademark law element."

Martha Sarra, Trademark Counsel, The Kroger Company

1 looseleaf volume, 505 pages, \$195 (Revised annually or as needed: No charge for revision issued within 3 months of purchase)

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

9:00

Introduction

Midge M. Hyman, Sheldon H. Klein

9:15

Advanced Trademark Prosecution Issues

- Whether reliance on foreign website evidence should be permitted
- Evaluating and overcoming deceptiveness and deceptively misdescriptive objections
- Evaluating when to seek a coexistence agreement to overcome a blocking citation, and factors to consider in negotiating such an agreement
- Material alteration/amendment of a mark to overcome specimen refusals
- Descriptiveness of a term for only some of the goods and services—when a partial disclaimer is permitted and advised

J. Allison Strickland

10:15

The Year in Review — The Most Important Trademark Cases Before the Federal Courts and the TTAB in 2006-2007

- Examining the most important TTAB decisions cases in the areas of functionality; genericness; geographic descriptiveness; 2(a) false association; and others
- Examining the most important federal trademark cases in the areas of damages; abandonment; domain names; fair use and others

James D. Nguyen

11:15 *Break*

11:30

Trademark Dilution: Where Are We Going, Where Have We Been?

- A brief history of the dilution doctrine
- The Federal Trademark Dilution Action 1995—good intentions, bad execution
- The Trademark Dilution Revision Act of 2006—a second attempt in executing upon good intentions
- Farewell to niche fame?
- Litigating under the TDRA
- Trademark searching in light of the new TDRA dilution standards

Jonathan Hudis

12:30 *Lunch*

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

1:45

Trademarks as Keywords for Paid Search Results and Advertising: Is It Trademark Use? Is It Infringement?

- A discussion of recent cases
- Is there a “Trademark Use” or “Commercial Use” requirement in the Lanham Act?
- Should it make a difference whether a keyword ad includes the trademark in the text of the ad?
- Impact of the Trademark Dilution Revision Act of 2006 on keyword trademark cases
- Search engine liability versus advertiser liability

Richard F. Collier, Jr., Stacey L. Dogan

2:45

Trademark Parody — A Mock Preliminary Injunction Hearing

The parody defense to a claim of trademark infringement will be explored in the context of a preliminary injunction hearing in which counsel and a judge will share their thoughts and address the following issues:

- What constitutes permissible parody?
- Fair use vs. infringement/dilution
- Distinguishing and comparing trademark and copyright parody
- Parody as protest: First Amendment expression?

Dickerson M. Downing, Kieran Doyle, John N. O'Shea, Savalle C. Sims

3:45 *Break*

4:00

Trademark Parody — A Mock Preliminary Injunction Hearing (*continued*)

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Advanced Seminar on Trademark Law 2007



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Why You Should Attend

This year's **Advanced Seminar on Trademark Law** presents brand new topics addressing the needs of the seasoned trademark practitioner. An overview of the most recent significant cases are discussed and analyzed by an outstanding faculty of practitioners and in-house counsel. This seminar will keep you up-to-date on the important trademark issues you must understand to best serve your clients. Do not miss this year's seminar, which has been restructured to provide you with more practical skills, cutting-edge advanced topics and a mock preliminary injunction hearing.

What You Will Learn

- Evaluating and overcoming deceptiveness and deceptively misdescriptive objections
- Whether reliance on foreign website evidence should be permitted to support a trademark application

- The impact of the Trademark Dilution Revision Act of 2006
- An examination of the most important TTAB decisions in the areas of functionality; genericness; geographic descriptiveness and false association, among others
- Trademarks as keywords for paid search results and advertising: Is it trademark use? Is it infringement?

Special Feature – A Mock Preliminary Injunction Hearing

- The parody defense to a claim of trademark infringement will be explored in the context of a preliminary injunction

Who Should Attend

Experienced practitioners in the field of trademark law who need to stay abreast of current developments in this field.

◀ See inside for Program Schedule.

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