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# Advanced Seminar on Copyright Law 2008

- Gain Pointers for Addressing Copyright Issues on the Internet
- Receive Recommendations Based on a Survey of Fair Use Opinions
- Learn About Special Problems Concerning Visual Works
- Receive Guidelines and Strategies for Preliminary Injunctions
- Obtain Practice Tips for Statutory Termination Issues

**New York City, May 12, 2008**

**Boston Groupcast Location, May 12, 2008**

**Live Webcast, May 12, 2008 — [www.pli.edu](http://www.pli.edu)**



# Advanced Seminar on Trademark Law 2008

- Special Focus on TTAB vs. Federal Court: Learn Winning Strategies for Your Strongest Case
- Obtain Insight into Current Critical Issues Regarding the Domain Name System
- Gain Comprehensive Understanding of the Most Significant Trademark Cases from the Past Year
- Receive Insightful Guidance on the Status of Geographically Restricted Trademark Rights in the Internet Age

**New York City, July 16, 2008**

**Boston Groupcast Location, July 16, 2008**

**Live Webcast, July 16, 2008 — [www.pli.edu](http://www.pli.edu)**

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# Advanced Seminar on Copyright Law 2008



New York City  
May 12, 2008

Boston Groupcast Location  
May 12, 2008

Live Webcast  
May 12, 2008 — [www.pli.edu](http://www.pli.edu)

## Why You Should Attend

Copyright law must respond to rapid changes in technology that have created new ways of doing business and to other challenges testing traditional copyright principles. 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 2008, the **Advanced Seminar on Copyright Law** introduces brand new topics presented by speakers with extensive experience. Topics include fair use, current Internet developments, practical copyright licensing issues, application of infringement principles in the context of visual works, practical advice in bringing and defending preliminary injunctions, and the arcane provisions for statutory termination of licenses and transfers. The program will also provide an analysis of important copyright cases relevant to these topics.

## What You Will Learn

- Survey of fair use opinions: empirical study's conclusions
- Hot Internet issues
- User-generated content problems
- Secondary liability issues
- Copyright licensing: current developments
- Substantial similarity and idea-expression issues in the visual works context
- Preliminary injunctions, hearings, strategies
- Statutory termination issues; "agreements to the contrary" and key case law
- Survey of recent important cases

## Who Should Attend

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

## FACULTY

### Chair:



### Richard Dannay

Cowan, Liebowitz & Latman, P.C.  
New York City  
Past President, The Copyright Society of the U.S.A.

### Professor Barton Beebe

Cardozo School of Law  
Yeshiva University  
New York City

### David A. Donahue

Fross Zelnick Lehrman & Zissu,  
P.C.  
New York City

### Tom J. Ferber

Pryor Cashman LLP  
New York City

### Lori E. Lesser

Simpson Thacher & Bartlett LLP  
New York City

### Gloria C. Phares

Patterson Belknap Webb  
& Tyler LLP  
New York City

### Nancy E. Wolff

Cowan, DeBaets, Abrahams  
& Sheppard LLP  
New York City

**Program Attorney: Tamara C. Kiwi**

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# Advanced Seminar on Trademark Law 2008



**New York City**  
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July 16, 2008 — [www.pli.edu](http://www.pli.edu)

## Why You Should Attend

This year's **Advanced Seminar on Trademark Law** presents brand new cutting-edge topics addressing the needs of the seasoned trademark practitioner. An overview of the most recent significant cases will be presented and analyzed by an outstanding faculty of law firm partners and industry experts. 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 a special focus on TTAB versus federal court proceedings, damages, and domain name policy issues.

## What You Will Learn

- TTAB versus federal court procedure
- Utilizing the new TTAB rules governing mandatory disclosures to your advantage
- The standard of proof and the facts considered by the TTAB and those considered by federal courts
- Remedies under a TTAB ruling versus a federal court ruling
- The res judicata and collateral estoppel effect of TTAB findings of fact and rulings, and the effect of federal court rulings on the Patent and Trademark Office generally and the TTAB in particular
- The impact of the *Medinol* (fraud) line of TTAB cases on district court litigation
- The status of geographically restricted trademark rights in the Internet age
- The state of the law regarding the recovery of monetary damages in trademark infringement and dilution actions, and in trademark counterfeiting actions
- Varying methods for calculating defendant's wrongfully obtained profits
- Important TTAB and Federal Circuit decisions in the areas of genericness, abandonment, priority, surnames, and functionality, and important TTAB and federal courts decisions involving fair use, internet keyword-triggered advertising, famous marks, willfulness and profits, and more
- Significant UDRP decisions in 2007-2008
- Current critical issues regarding ICANN governance, WHOIS policy, and the domain name system in general

## Who Should Attend

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

## FACULTY

### Co-Chairs:



### Kieran G. Doyle

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



### Sheldon H. Klein

Arent Fox LLP  
Washington, D.C.

### Alison Arden Besunder

Arent Fox LLP  
New York City

### Benjamin E. Leace

RatnerPrestia  
Berwyn, Pennsylvania

### James D. Nguyen

Foley & Lardner LLP  
Los Angeles (Century City)

### Marc S. Reiner

Dorsey & Whitney LLP  
New York City

### Albert Robin

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

### Mike Rodenbaugh

Rodenbaugh Law  
Los Gatos, California

### Joseph N. Welch II

Pattishall, McAuliffe, Newbury,  
Hilliard & Geraldson LLP  
Chicago

**Program Attorney: Tamara C. Kiwi**

# P R O G R A M

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

## Advanced Seminar on Copyright Law 2008

MORNING SESSION: 9:00 A.M. – 12:30 P.M.

9:00

### Introduction

*Richard Dannay*

9:15

### Fair Use

- Empirical study of fair use opinions, 1978-2005
- Findings and conclusions
- Recommendations

*Professor Barton Beebe*

10:15

### Copyright Licensing

- Indemnities, warranties, representations (express and implied)
- Hot licensing issues
- Practice tips
- Key case law

*Gloria C. Phares*

11:15 *Break*

11:30

### Current Internet Issues

- Key cases, including *Perfect 10* and *Viacom v. YouTube*
- User-generated content
- Secondary liability theories; remedies
- DMCA-ISP liability issues

*Lori E. Lesser*

12:30 *Lunch*

AFTERNOON SESSION: 1:45 P.M. – 5:00 P.M.

1:45

### Special Problems Concerning Visual Works

- Substantial similarity
- Idea-expression distinction; scenes a faire
- Copyrightability
- Leading cases

*Nancy E. Wolff*

2:45

### Preliminary Injunctions

- Standards
- Evidentiary hearings, expedited trials
- Seeking and defending
- TROs, strategies, etc.

*Tom J. Ferber*

3:45 *Break*

4:00

### Statutory Termination of Transfers

- How Sections 203 and 304(c) work
- Key cases, including *Milne* and *Steinbeck*
- Major legal issues, including "agreements to the contrary"
- Practice tips

*David A. Donahue*

5:00 *Adjourn*

## Boston Groupcast Location

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All program attendees\* will receive a copy of the corresponding Course Handbook(s). These bound volumes were prepared specifically for these programs and also stand alone as permanent references. PLI's Course Handbooks represent the definitive thinking of the nation's finest legal minds, and are considered the standard reference in the field. Please note: Individual Webcast attendees will receive a downloadable version of the Handbook the day of the program, and the Course Handbook after the program date.

*\*Web Subscribers to Webcasts can purchase the Handbook at a 50% discount; contact PLI Customer Service to order.*

# SCHEDULES

## Advanced Seminar on Trademark Law 2008

MORNING SESSION: 9:00 A.M. – 12:45 P.M.

9:00

### Introduction

*Kieran G. Doyle, Sheldon H. Klein*

9:15

### The Trademark Trial and Appeal Board or Federal Court: Which Is Best for Your Case?

- TTAB versus federal court procedure
- Utilizing the new TTAB rules governing mandatory disclosures to your advantage
- The standard of proof and the facts considered by the TTAB and those considered by federal courts
- Remedies under a TTAB ruling versus a federal court ruling

*Benjamin E. Leace, Joseph N. Welch II*

10:30

### The Interplay Between TTAB and Federal Court Decisions

- The res judicata and collateral estoppel effect of TTAB findings of fact and rulings
- The effect of federal court rulings on the Patent and Trademark Office generally and the TTAB in particular
- The impact of the *Medinol* (fraud) line of TTAB cases on district court litigation

*Alison Arden Besunder*

11:30 *Break*

11:45

### Geographically Restricted Trademark Rights in the Internet Age

- Unregistered marks
- Registered marks
- The recent past and possible future of *Dawn Donut* and its progeny

*Albert Robin*

12:45 *Lunch*

AFTERNOON SESSION: 1:45 P.M. – 5:00 P.M.

1:45

### Damages

- The state of the law regarding the recovery of monetary damages in trademark infringement and dilution actions
- The state of the law regarding the recovery of monetary damages in trademark counterfeiting actions
- Varying methods for calculating defendant's wrongfully obtained profits

*Marc S. Reiner*

2:45

### The Year in Review – The Most Important Trademark Cases Before the Federal Courts and the TTAB in 2007-2008

- Important TTAB and Federal Circuit decisions in the areas of genericness, abandonment, priority, surnames and functionality
- Important federal court and TTAB decisions involving fair use, Internet keyword-triggered advertising, famous marks, willfulness and profits, and more

*James D. Nguyen*

3:45 *Break*

4:00

### Domain Name Update

- Significant UDRP decisions in 2007-2008
- Current critical issues regarding ICANN governance, WHOIS policy, and the domain name system in general

*Mike Rodenbaugh*

5:00 *Adjourn*

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**MP3s, Web Segments** and **On-Demand Web Programs** of *Advanced Seminar on Copyright Law 2008* will be available June 2, 2008 and *Advanced Seminar on Trademark Law 2008* will be available August 6, 2008 at [www.pli.edu](http://www.pli.edu) – find MP3 programs under Recorded Programs and Web Segments/On-Demand under Online CLE.

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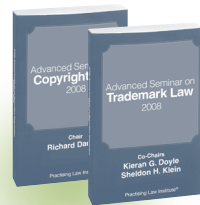
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**Advanced Seminar on Copyright Law**, \$199.

**Advanced Seminar on Trademark Law**, \$199.

*Each Course Handbook will be available on the first day of its program.*



### TREATISES

#### 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

Two nationally recognized litigators explain major federal copyright legislation and court rulings, giving you the comprehensive legal insight you need to protect your clients' interests in both the real and virtual worlds.

*1 looseleaf volume, 790 pages, \$250 (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** (Of Counsel, Dreier LLP, Stamford, Connecticut)

**Substantial Similarity in Copyright Law** examines in depth the essential concept that the courts apply to determine wrongful copying for a wide array of creative subject matter. Referring to the Copyright Act and an abundance of decisional law, this targeted treatise examines the principal substantial similarity tests that the courts use to assess whether the copying in question is sufficient to support a conclusion of infringement, giving you invaluable insight into how guiding legal principles are applied in the various circuits.

*1 looseleaf volume, 540 pages, \$230 (Revised annually or as needed: No charge for revision issued within 3 months of purchase)*

#### Kane on Trademark Law:

##### A Practitioner's Guide, Fifth Edition

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

*"A reference tool that all trademark attorneys, both those who prosecute and those who litigate, should have close at hand"*

— Jeffrey M. Samuels, Esq., former Assistant Commissioner of Trademarks, PTO

**Kane on Trademark Law** continues to provide the definitive path to securing and exploiting trademarks, showing you how to develop strong marks • use trademarks to establish priority • license, assign, and expand rights • and protect trademarks. You'll learn how to prove secondary meaning, likelihood of confusion, dilution, trade dress infringement, false advertising, deceptive trade practices, and misappropriation.

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#### Likelihood of Confusion in Trademark Law

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

Focusing on the dominant legal approach used to determine likelihood of confusion in trademark disputes, this authoritative resource analyzes all the elements of the multiple factor test, giving you the rock-solid guidance you need to prevail in court.

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