

# THE COPYRIGHT SOCIETY OF THE U.S.A.

New York Chapter  
Rose Auslander and Joseph Salvo, Co-Chairs

October 6, 2006

Dear Members of the New York Chapter of the Copyright Society:

We are pleased to invite you to our second program of the new program year, which will offer 1 CLE Credit:

Topic: ***Imperfect 10? -- A Discussion of the Display Right from Kelly to Perfect 10***

Copyright owners have long relied on reproduction and distribution rights to protect their interests -- but on the Internet, new technologies can allow users to view works without additional copying or distribution. As a result, some copyright owners now view their exclusive right to display their works publicly as their last hope for meaningful protection online.

But when does a public display happen on the Internet? The 9th Circuit first grappled with the question in *Kelly v. Arriba Soft* -- it found that a visual search engine's framing of an image violated the display right, but later withdrew its decision. Now, in *Perfect 10 v. Google*, the 9th Circuit is taking up the question of whether framing done in connection with Google's image search violates the public display right. Does a search engine display a work to the public by merely framing a work that is hosted on the image-owner's server, so that the image can be viewed within a browser window? The outcome could reshape the rights of copyright owners everywhere, and dramatically affect what over a billion web users can access online.

We are privileged to present panelists Andrew P. Bridges and Russell J. Frackman, and moderator Professor Hugh C. Hansen. Our panelists bring to this display right issue their expertise from litigating the *Perfect 10* case (and others), along with illustrative materials from that case (warning, these materials are R-rated).

Speakers:

**Andrew P. Bridges, Esq.** Mr. Bridges is a partner at Winston & Strawn in San Francisco. Among his notable copyright and related matters, he defended Diamond Multimedia Systems, Inc. in the case brought by RIAA to halt introduction of the Rio MP3 music player; MasterCard in the case brought by Perfect 10 challenging providers of payment services to allegedly infringing websites; and ClearPlay Inc. in a case by major Hollywood studios and directors challenging software that allows owners of motion picture DVDs to skip and mute portions of the DVDs to shield their children from violence and other offensive content during replay. He was original lead counsel defending StreamCast Networks (producer of the Morpheus P2P communication software) in the *Grokster* case. Mr. Bridges represented Digital Media Association in an amicus brief to the Ninth Circuit in the *Napster* case and a variety of trade associations in an amicus brief to the district court in *Paramount v. ReplayTV*. Mr. Bridges is lead counsel for Google in the *Perfect 10 v. Google* litigation.

**Russell J. Frackman, Esq.** Mr. Frackman is a partner at Mitchell, Silberberg & Knupp in Los Angeles. Among his notable copyright and IP-related matters, he served as lead counsel for the record company plaintiffs in major Internet file sharing litigations: A&M Records, Inc. v. Napster; In re Aimster Copyright Litigation; and Metro-Goldwyn-Mayer Studios, et al. v. Grokster, Ltd, et al. He also served as lead counsel for the Motion Picture Association of America in litigation relating to the "take-down" provisions of the DMCA; served as lead counsel for the motion picture companies against 321 Studios in litigation involving the DMCA's anti-circumvention provisions; defended a claim of trademark infringement and unfair competition brought by Mattel, Inc., seeking damages and to enjoin the hit recording "Barbie Girl"; and represented the recording owner's appeal of a question of first impression as to the scope of the rights encompassed in a sound recording copyright in Agee v. Paramount Communications. Mr. Frackman is lead counsel for Perfect 10 in the Perfect 10 v. Google litigation.

**Hugh C. Hansen, Esq. (Moderator)** Mr. Hansen is a professor at Fordham University School of Law. He is director of the Fordham Annual Conference on International Intellectual Property Law & Policy, which every year draws hundreds of speakers from dozens of countries to address cutting-edge topics across the wide spectrum of intellectual property law. Mr. Hansen is a frequent lecturer on copyright issues, and previously gave the Society's Brace Lecture on Copyright and the Culture of the Public Domain. Prior to joining Fordham, he clerked with Hon. Inzer B. Wyatt, U.S. District Judge (S.D.N.Y.) and Hon. Murray I. Gurfein, U.S. Circuit Judge (2d Cir.), and was an Associate at Dewey, Ballantine, Bushby, Palmer & Wood and Assistant U.S. Attorney, Criminal Division (S.D.N.Y.).

Date: **Tuesday, October 17, 2006**

Time: **12 noon – 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 (will start & end promptly)**

Place: **The Princeton Club, 15 West 43rd Street, New York, NY**

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).***

Cost: **\$50 (members); \$60 (non-members)**

To attend, 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, **by October 12, 2006**. We look forward to seeing you on **October 17!**

Very truly yours,

Rose Auslander  
Joe Salvo  
*Chapter Co-Chairs*

# THE COPYRIGHT SOCIETY OF THE USA

## Registration Form – New York Chapter

<b>Return This Form To:</b> 352 Seventh Avenue, Suite 739 New York, NY 10001 Telephone: (212) 354-6401 Fax: (212) 354-2847 Email: amy@csusa.org	<b>Event: "Imperfect 10? -- A Discussion of the Display Right from Kelly to Perfect 10:"</b> Tuesday, October 17, 2006, 12 Noon The Princeton Club 15 West 43 <sup>rd</sup> Street New York, NY 10036-7497
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*Please print clearly:*

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**Registration Fees:**

Payment by check or credit card *must* accompany this form.

Type	Cost	After 10/12	Quantity	Total	Total Cost
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Please make check payable to "THE COPYRIGHT SOCIETY OF THE USA"

**Cancellation and Refund Policy:**

Full refund will be issued if a cancellation is received in writing 5 days prior to the event. No refunds or credits will be issued for cancellations 3 business days before the event. Registrations are transferable.

**Additional Registrants:**

First Name	Last Name	Email

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](mailto:amy@csusa.org) for further information.