

THE COPYRIGHT SOCIETY OF THE U.S.A.

New York Chapter
Jonathan Purow and Andrew Sparkler, Co-Chairs
Ari Abramowitz, Vice-Chair

November 30, 2010

We are excited to invite you to our next event -- our **Monday, December 13, 2010 luncheon program**, at 12:00 noon, at the Princeton Club, 15 West 43rd Street, New York, NY.

THE ELUSIVE TERMINATION RIGHT: WHERE DOES IT STAND?

When Congress extended the term of copyright protection as part of the Copyright Act of 1976, it included two game-changing termination-of-transfer provisions to give *authors* the benefit of the extension. Where does the termination right stand today? When is it available? And how effective is it to the terminating author or her heirs? Sections 203(c) and 304(c) of the 1976 Act enable authors and their families to terminate copyright grants and recapture rights granted from weak bargaining positions and a poor vantage on the works' value. A similar termination and recapture provision, Section 304(d), was added in 1998 when the duration of existing copyrights was extended for an additional twenty years. Termination of transfers under Section 203, which applies to post-1978 grants, will begin to take effect in 2013, but the termination provisions in Section 304, which affect pre-1978 works, have given rise to a series of recent, important circuit court decisions -- decisions involving, among others, Winnie The Pooh, Superman and the works of John Steinbeck -- which provide some answers to the questions above.

Just recently, the estate of comic book artist Jack Kirby, creator of some of Marvel Comics' most successful superheroes and villains, fired a shot across Marvel's bow by seeking to enforce a notice of termination, and Marvel has fired back by claiming that Kirby's creations were works made for hire -- meaning Marvel would be deemed the author and its rights would not be subject to termination. Once termination notices become effective under the provisions of Section 203, we can expect more and more writers, illustrators, artists, and musicians to seek to recapture the rights they previously transferred, which will undoubtedly bring a new round of judicial tests concerning the effectiveness and scope of copyright termination.

To attend this panel discussion, 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 **December 7, 2010**. We look forward to seeing you on **December 13, 2010**.

Date: Monday, December 13, 2010

Time: 12:00 p.m.-12:30 p.m.: Networking Reception (cash bar)
12:30 p.m.-1:00 p.m.: Lunch
1:00 p.m.-2:00 p.m.: Program
(Please note: event will end promptly)

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

Cost: \$65.00 (members) \$75.00 (non-members) \$33.00 (students -- limited)

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).***

PANELISTS:

RICHARD DANNAY is a partner with Cowan, Liebowitz & Latman, P.C., in New York City. He practices in the areas of copyright, publishing and trademark law, as well as libel, privacy, publicity and related matters.

He is a past president of The Copyright Society of the U.S.A. and one of its Honorary Trustees, and a former chair of the New York City Bar Committee on Copyright and Literary Property. He presented the 37th Annual Donald C. Brace Memorial Lecture (Nov. 2007): "Copyright Injunctions and Fair Use: Enter eBay -- Four Factor Fatigue or Four-Factor Freedom?" (Copyright Society of U.S.A.); published at 55 COPYRIGHT SOCIETY JOURNAL 449 (2008).

He was lead counsel for the prevailing parties in the following recent cases: Penguin Group (USA) Inc. v. Steinbeck, 537 F.3d 193 (2d Cir. 2008), *cert. denied*, 129 S. Ct. 2383 (2009) (statutory termination of transfers). Bill Graham Archives v. Dorling Kindersley Limited, 448 F.3d 605 (2d Cir. 2006) (fair use). Silverstein v. Penguin Putnam Inc., 368 F.3d 77 (2d Cir. 2004) and 522 F. Supp. 2d 579 (S.D.N.Y. 2007) (compilation copyright; injunctions).

ROGER ZISSU is a member of Fross Zelnick Lehrman & Zissu, P.C. in New York City, where he practices in the areas of copyright, trademark, unfair competition and related matters.

He is a past President of the Copyright Society of the U.S.A. and one of its Honorary Trustees, and a past Chairman of the Committee on Copyright and Literary Property of the Association of the Bar of the City of New York.

Roger has counseled numerous clients with respect to copyright termination issues in transactional and litigation contexts. He argued the copyright termination issues in the Southern District of N.Y. and the Second Circuit for the plaintiff heirs of Edgar Rice Burroughs in Danton Burroughs v. MGM, in the Central District of California and Ninth Circuit for defendant Stephen Slesinger, Inc. in Milne v. Slesinger and in the Central District of California for defendants DC Comics and Warner Brothers in the series of termination law decisions in Siegel v. Time Warner in 2007, 2008 and 2009.

ERIC J. SCHWARTZ is a partner in the Intellectual Property and Technology Practice at Mitchell Silberberg & Knupp LLP where he specializes in copyright law, counseling clients from the motion picture, recording, book publishing, music publishing and business and entertainment software industries, as well as individual authors and creators. He assists with traditional copyright and emerging electronic information and delivery issues, commercial transactions, domestic and international legal and policy matters, litigation strategy and Copyright Office practices, and has worked on termination issues for a variety of clients.

He is a former Acting General Counsel of the United States Copyright Office and a senior legal and policy advisor to the Register of Copyrights (1988-1994).

Schwartz is an Adjunct Professor of Copyright Law at Georgetown University Law Center and a former trustee of the Copyright Society of the U.S.A., and is the author of the U.S. Copyright Law Chapter in the Geller & Nimmer treatise INTERNATIONAL COPYRIGHT LAW AND PRACTICE.

Very truly yours,

Jonathan Purow
Andrew Sparkler
Chapter Co-Chairs

Ari Abramowitz
Chapter Vice-Chair

THE COPYRIGHT SOCIETY OF THE USA

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: TERMINATION OF TRANSFER Monday, December 13, 2010, NOON The Princeton Club 15 West 43 rd Street New York, NY 10036-7497
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Please print clearly:

NAME: _____

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Registration Fees:

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

Type	Cost	After 12/7	Quantity	Total	Total
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<input type="radio"/> Full Time Student	\$33.00	\$43.00	_____	_____	_____

(There are a limited number of seats for full time students. Requests are taken in the order they are received)

I am not a member of the Copyright Society but would like to be added to the email list.

Special Meal Request: Vegetarian Vegan Dessert-Fruit Cup
 Kosher (Minimum 4 business days advance notice)

Method of Payment:

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Credit Card No.: _____ Expiration Date: _____ / _____

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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.
352 SEVENTH AVENUE, SUITE 739
New York, NY 10001
Telephone: (212) 354-6401 • Fax: (212) 354-2847
e-mail: amy@csusa.org

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.