

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

New York Chapter  
Rose Auslander and Jonathan Purow, Co-Chairs

January 12th, 2010

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

We are excited to invite you to our first event of the new decade -- our **January 12th, 2010, luncheon program**, at noon, at the Princeton Club, 15 West 43rd Street, New York, NY.

## “RealDVD or Steal DVD?”

Is a legal DVD ripper an oxymoron?

RealNetworks created RealDVD (<http://www.realdvd.com/>), a program that allowed consumers to backup DVDs for later viewing on their personal computers without a disc -- and circumventing the CSS protections. Immediately after its release, RealNetworks filed a declaratory judgment action in federal court against the major Hollywood studios, claiming that it sought to ensure consumers' fair-use rights, and seeking a ruling that RealDVD complies with the DVD Copy Control Association (DVD CCA) license agreement (as a California state court had previously found Kaleidescape to so comply, on similar facts).

The result? RealDVD software was preliminarily enjoined, on grounds of DMCA circumvention and breach of contract claims. Just a day later, DVD CCA was also successful in its appeal of the judgment favoring Kaleidescape.

RealNetworks has appealed the preliminary injunction. What precedents and law should govern the outcome of this case? How will these cases affect how consumers exercise their fair use rights? What ramifications may there be for future technologies?

We are honored to present a highly distinguished panel: William Sloan Coats (Partner, White & Case), Fred von Lohmann (Senior Staff Attorney, Electronic Frontier Foundation (EFF)) and Michael D. Fricklas (Executive Vice President, General Counsel and Secretary for Viacom), moderated by Jason Mazzone (Professor of Constitutional Law and Intellectual Property, Brooklyn Law School).

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 January 8, 2010**. We look forward to seeing you!

Date: Tuesday, January 12th, 2010

Time: 12:00 p.m.-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  
**(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)

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).***

**SPEAKERS:**

**FRED VON LOHMANN** is a senior staff attorney with the Electronic Frontier Foundation, specializing in intellectual property matters. In that role, he has represented programmers, technology innovators, and individuals in a variety of copyright and trademark litigation, including *MGM v. Grokster*, decided by the Supreme Court in 2005. He is also involved in EFF's efforts to educate policy-makers regarding the proper balance between intellectual property protection and the public interest in fair use, free expression, and innovation. Before joining EFF, Fred was a visiting researcher with the Berkeley Center for Law and Technology and an associate with the international law firm of Morrison & Foerster LLP. He has appeared on CNN, CNBC, ABC's Good Morning America, and Fox News O'Reilly Factor and has been widely quoted in a variety of national publications. Fred has an A.B. from Stanford University and a J.D. from Stanford Law School.

**WILLIAM SLOAN COATS** is a White & Case partner and trial lawyer focused on complex intellectual property matters involving patents, copyrights, trademarks and trade secret disputes for the software, hardware, computer, electronics, entertainment and movie industries. Mr. Coats represents companies who are leaders in their respective fields such as: Pioneer Corporation; Toshiba America; HTC Corporation; DVD Copy Control Association; Aztech Systems, Ltd.; Avid Technology; In-Three; Digidesign; Lucasfilm, Ltd., Lucasfilm Entertainment company and its various divisions including LucasArts and Lucas Digital (Industrial Light & Magic and Skywalker Sound); Laika and Mesa/Boogie, Ltd. In 2008, Mr. Coats was appointed by the U.S. government to the United Nations Centre for Trade Facilitation and Electronic Business Task Team on Intellectual Property Rights and Related Issues. Mr. Coats is a frequent speaker and author of articles on intellectual property issues in the computer, entertainment and music industries, and has been recognized nationally by Chambers USA and the Legal 500 as a leading lawyer in these fields. He obtained his JD from the University of California Hastings College of the Law.

**MICHAEL D. FRICKLAS** is Viacom's Executive Vice President, General Counsel and Secretary, responsible for the corporation's legal affairs and management of its law department. A former mergers-and-acquisitions lawyer, Mr. Fricklas has played key roles in a wide variety of corporate transactions, litigation, intellectual property, policy and other matters while at Viacom. He is a member of the Executive Committee of the Association of General Counsel and the immediate past chair of the General Counsel Committee of the New York City Bar Association. He has also received several awards including the Association of Corporate Counsel's Excellence in Corporate Practice Award, Boston University School of Law's "Silver Shingle" for distinguished service to the school of law, the American Jewish Committee's Stanley M. Isaacs Human Relations Award, the UJA/Federation Steven E. Banner Award and the Boy Scout's "Good Scout" Award for outstanding community service. He received a B.S.E.E. from the University of Colorado, College of Engineering and Applied Sciences and a J.D. magna cum laude from Boston University School of Law.

**MODERATOR:**

**JASON MAZZONE** is Professor of Law at Brooklyn Law School. He specializes in constitutional law, intellectual property law, and American legal history. Professor Mazzone received his B.A. and J.D. from Harvard University and his doctorate from Yale University. His article, "Administering Fair Use", was recently published in the William & Mary Law Review. His book, "Copyfraud and Other Abuses of Intellectual Property", will be published in 2010 by Stanford University Press. Professor Mazzone runs the Brooklyn Law School Intellectual

Property Law Colloquium and he works also with students in the Brooklyn Law Incubator and Policy Clinic. Before entering academia, Professor Mazzone was a law clerk to Judge Robert D. Sack of the United States Court of Appeals for the Second Circuit and then to Judge John G. Koeltl of the United States District Court for the Southern District of New York.

Very truly yours,

Rose Auslander  
Jonathan Purow  
Chapter Co-Chairs

## THE COPYRIGHT SOCIETY OF THE USA

<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: Title</b> <i>RealDVD of Steal DVD?</i> Tuesday, January 12, 2009, NOON The Princeton Club 15 West 43 <sup>rd</sup> Street New York, NY10036-7497
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NAME: \_\_\_\_\_

FIRM: \_\_\_\_\_

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CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

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**Registration Fees:**

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

Type	Cost	After 01/8	Quantity	Total	Total Cost
<input type="radio"/> Members	\$65.00	\$75.00	_____	_____	_____
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I am not a member of the Copyright Society but would like to be added to the email list.

**Special Meal Request:**  Vegetarian  Vegan  Kosher (Minimum 4 business days advance notice)

**Method of Payment:**

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