



THE COPYRIGHT SOCIETY
OF THE U.S.A.

DAY:
Thursday, October 24, 2013

TIME:
12:00 - 12:30 PM
Registration &
Networking Reception

12:30 - 1:00 PM
Luncheon

1:00 - 2:00 PM
Panel

LOCATION:
The Princeton Club
15 West 43rd Street
New York NY 10036

**REGISTRATION
DEADLINE:**
October 18, 2013

MCLE:
1 Credit
Transitional & Nontransitional
Professional Practice
CSUSA is a NY CLE
approved provider.
Based on 50 minutes.

CONTENT AGGREGATION: FAIR USE OR A USE TOO FAR?

Some of the most popular websites are based upon the aggregation of other parties' published news, photos, television clips and other content. Aggregators who collect and post third-party content tout the utility of their "one-stop viewing" sites and argue that theirs is a fair use of the content. Content owners, however, complain that aggregators profit from their content without providing fair compensation, and that they are not benefitting from the recent surge in digital advertising revenues received by big technology companies such as Google and Facebook. This panel will discuss the legal issue underlying the debate: when does aggregation constitute fair use and when does it go too far?

Two recent decisions in the Southern District of New York have re-focused attention on this increasingly important topic: *The Associated Press v. Meltwater*, in which the court ruled that a media monitoring service's aggregation of news story excerpts provided to paying subscribers was not fair use, and *Authors Guild v. HathiTrust* (now on appeal to the Second Circuit), in which the court upheld the creation of an index based on Google's scanning of millions of books in its library project as fair use. Further, in September Judge Chin heard oral argument in *Authors Guild v. Google* on whether the posting of book excerpts on Google Books qualifies as fair use, and Fox News recently sued TVEYES, an aggregator of clips from television broadcasts. The panel will discuss the evolving law and public policy issues related to these cases and the broader topic of aggregation.

Our distinguished panel of speakers will include:

- Bill Herman, Hunter College CUNY
- Elizabeth McNamara, Davis Wright Tremaine LLP (Moderator)
- Andy Sellars, Digital Media Law Project and Berkman Center for Internet & Society
- Linda Steinman, Davis Wright Tremaine LLP



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SPEAKER BIOGRAPHIES

Bill Herman

- Assistant Professor
Department of Film and Media Studies,
Hunter College CUNY

Bill Herman's research and teaching interests live at the intersection of communication technologies, policy, politics, and culture. His first book – *The Fight Over Digital Rights: The Politics of Copyright and Technology* – will be published this year by Cambridge University Press.

Elizabeth McNamara (Moderator)

- Partner
Davis Wright Tremaine LLP

Elizabeth McNamara has more than 25 years of litigation and counseling experience in media and intellectual property law, representing publishers (books, magazines, newspapers and websites), television and radio broadcasters, cable companies and motion picture producers and distributors. Her litigation practice includes all areas of sophisticated IP, media and entertainment litigation at the trial and appellate level of federal and state courts, in such areas as libel, privacy, copyright, trademark, prior restraint and reporter's shield laws. Liz represented The Associated Press in the *Associated Press v. Meltwater* litigation.

Andy Sellars

- Staff Attorney
Digital Media Law Project
- Corydon B. Dunham First
Amendment Fellow
Harvard University, Berkman Center
for Internet & Society

Andy Sellars studies Internet free speech and intellectual property matters, and helps run the DMLP's Online Media Legal Network, a *pro bono* referral clinic for online journalism ventures and digital media creators. Andy received his J.D. with high honors from the George Washington University Law School, where he was awarded the Peter D. Rosenberg Award for Patent and Intellectual Property Law and the Jan Jancin Award from the American Intellectual Property Law Association.

Contact CSUSA

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New York, NY 10022
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Fax 212 354 2847
Email: amy@csusa.org



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SPEAKER BIOGRAPHIES

Linda Steinman

- Partner
Davis Wright Tremaine LLP

Linda Steinman has more than 25 years of litigation and counseling experience in media and intellectual property law, and First Amendment law. She represents a wide range of clients in media and the arts, including book publishers, television production companies, networks, websites and tech companies. Her cases involve defamation, copyright, privacy/publicity, trademark, newsgathering torts, reporter's privilege, prior restraint, and other publishing law and First Amendment issues. Linda also regularly provides counseling advice to media clients and trade organizations. Linda represented The Associated Press in the *Associated Press v. Meltwater* litigation.

WITH THANKS:

Craig Mende (Co-Chair)

Fross Zelnick Lehrman &
Zissu, P.C.

Matthew Moore (Co-Chair)

Broadcast Music, Inc.

Cynthia Arato

Shapiro, Arato & Isserles LLP

Kellyn Bergstrand

John Knapp

Kilpatrick Townsend &
Stockton LLP

Elizabeth McNamara

Davis Wright Tremaine LLP

Linda Steinman

Davis Wright Tremaine LLP

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REGISTRATION FORM

CONTENT AGGREGATION: FAIR USE OR A USE TOO FAR?
October 24, 2013 – The Princeton Club of New York

Please complete this form and send it together with payment for receipt by **OCTOBER 24.**

NAME: _____

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Please make checks payable to THE COPYRIGHT SOCIETY OF THE USA

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October 18, 2013

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Type	Cost	After 10/18	Quantity	Total Cost
Member	<input type="radio"/> \$70.00	<input type="radio"/> \$80.00		
Non-Member	<input type="radio"/> \$85.00	<input type="radio"/> \$95.00		
Full-time Student	<input type="radio"/> \$33.00	<input type="radio"/> \$43.00		
TOTAL				

I am not a member of The Copyright Society of the U.S.A. and would like to be added to the email list.

SPECIAL MEAL REQUEST:

- Vegetarian Vegan Dessert-Fruit Cup
 Kosher (Minimum 4 business days advance notice)

CANCELLATION/REFUND POLICY: Full refund issued if cancellation is received in writing 5 days prior to event. No refunds or credits issued for cancellations 3 business days before the event. Registrations are transferable.

ADDITIONAL REGISTRANTS:

NAME: _____ EMAIL: _____

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ABOUT THE CSUSA

The Copyright Society of the USA, a non-profit organization established in 1953 and headquartered in New York City, is a nation-wide organization devoted to copyright law, education and understanding. Its mission is to foster interest in and advance the study of copyright law in literature, music, art, the theater, motion pictures, television and other forms of intellectual property. The CSUSA's membership includes attorneys, individuals, copyright industry professionals, business organizations, and law firms and associations involved in or affected by copyright.

Additional information on The CSUSA and its diverse national and regional events can be found by visiting www.csusa.org. We welcome new members and hope you consider joining us.

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 USA. Please call (212) 354-6401 or e-mail amy@csusa.org.