

THE COPYRIGHT SOCIETY OF THE U.S.A.

New York Chapter

Craig Mende and Joseph Petersen, Co-Chairs

A Matter of Import: Supreme Court's *Kirtsaeng* Decision Revisits First Sale Doctrine and Tackles Geographic Limitations on Exhaustion

On March 19, 2013, the U.S. Supreme Court passed down its decision in *Kirtsaeng v. John Wiley & Sons, Inc.*, ruling that the first sale doctrine trumped Wiley's right to control importation of copyrighted works into the U.S. The decision allowed an enterprising college student, Kirtsaeng, to import Wiley textbooks lawfully made in Thailand into the U.S., where he sold them online for a healthy profit. The holding has potentially far reaching implications both for U.S. copyright owners who wish to price their offerings differently in different jurisdictions, and for consumers of copyrighted works seeking the lowest prices.

In the wake of the Supreme Court's ruling in *Kirtsaeng*, the content and media industries have found themselves once again polarized on a fundamental issue of copyright law. The Copyright Society of the U.S.A. has assembled a distinguished panel (biographies below) to discuss the Supreme Court's decision and its potential impact on the publishing industry and other copyright-centered industries, such as recorded music. Please join us at noon on Tuesday, April 30th for an exciting and timely discussion regarding the ramifications of this significant decision.

Date: Tuesday, April 30, 2013

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: \$70.00 (Members) \$85.00 (Nonmembers) \$33.00 (Students - Limited)

CLE: The Copyright Society of the USA is a NY CLE Approved Provider.

This course is Transitional and Nontransitional, and provides

1.0 Professional Practice Credit (based on 50 minutes).

Registration Deadline: Noon – April 26

Very truly yours,

Craig Mende

Joseph Petersen

Chapter Co-Chairs

BIOGRAPHIES

Allan Adler

Allan Adler is the General Counsel and Vice President for Government Affairs for the Association of American Publishers, the national trade association of the U.S. book publishing industry. In this role, Mr. Adler oversees AAP's legislative, regulatory and litigation activities on behalf of its 350 member organizations. He is the U.S. book publishing industry's chief representative with respect to Congress, the Administration, federal agencies and international bodies such as the World Intellectual Property Organization, and oversees strategies for AAP members' engagement on intellectual property, First Amendment, education, and technology issues. Mr. Adler graduated from SUNY Binghamton and obtained his law degree from The National Law Center of the George Washington University in Washington, D.C. After serving as Legislative Counsel for the American Civil Liberties Union, Mr. Adler was a partner in the Washington law firm of Cohn and Marks, where he focused on telecommunications and information policies.

Dan Hunter

Dan Hunter is a Professor of Law and the Director of the Institute for Information Law & Policy at New York Law School. He is also an Adjunct Associate Professor of Legal Studies and Business Ethics at The Wharton School, University of Pennsylvania. He is an expert in intellectual property and internet law, and regularly publishes on issues dealing with the intersection of computers and law, including papers dealing with the regulation of virtual worlds, the use of artificial intelligence in law, and high technology aspects of intellectual property. His scholarship has appeared in journals such as the *California Law Review* (three times), the *Texas Law Review*, the *William & Mary Law Review*, and the *Journal of Legal Education*. He is a panelist for the resolution of domain name disputes for the World Intellectual Property Organization, and is on the editorial board of numerous journals. His most recent books have been Oxford's *Introduction to Intellectual Property* (OUP, 2012), *Amateur Media* (Routledge, 2012) and *For The Win: How Game Thinking Can Revolutionize Your Business* (Wharton Digital, 2012). His current projects include a large-scale examination of the development of user-generated content, an intellectual property history of LEGO, and work on the social significance of luxury handbags.

Jennifer Pariser

Jennifer Pariser is Senior Vice President of Litigation & Anti-Piracy for RIAA, where she oversees all litigation matters including lawsuits against individuals and companies engaged in copyright infringement both online and in the hard good context. She also provides counsel on a wide variety of other legal issues for the association. Jenny previously served as Senior Vice President & Associate General Counsel at Sony Music Entertainment, overseeing all the company's litigation matters. Prior to that she

was an associate with the firms Patterson, Belknap, Webb & Tyler and Debevoise & Plimpton in New York and also served as a judicial clerk to the Honorable Charles Tenney in the United States District Court for the Southern District of New York. She graduated from New York University Law School in 1989 where she was a member of the Law Review. She lectures extensively on copyright topics including at the Copyright Society of the USA, the American and New York Bar Associations, PLI and various law schools.

Lisa T. Simpson

Lisa T. Simpson is a partner in the Intellectual Property and Litigation groups of Orrick, Herrington & Sutcliffe LLP. She served as counsel to Supap Kirtsaeng on his appeal to the U.S. Supreme Court, securing a 6-3 decision in Mr. Kirtsaeng's favor on the issue of the first sale doctrine's applicability to goods manufactured abroad. Ms. Simpson's practice focuses on representing retail, technology and entertainment companies in various matters involving copyright, trademark, false advertising, right of publicity, defamation and licensing disputes. Ms. Simpson was on the trial team that secured a jury verdict for MGA Entertainment, Inc. in its copyright and trade secrets dispute over the Bratz dolls and is currently representing Dish Networks, LLC in its ongoing copyright litigation with the broadcast networks over various features offered by DISH's Hopper DVR, including AutoHop. Ms. Simpson received her Bachelor of Arts degree in English from Duke University and obtained her J.D. with high honors from Duke Law, where she served as Editor of the Duke Journal of Law & Contemporary Problems and as a member of the Moot Court Board.

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: A Matter of Import: Supreme Court's <i>Kirtsaeng</i> Decision Revisits First Sale Doctrine and Tackles Geographic Limitations on Exhaustion Tuesday, April 30, 2013 NOON The Princeton Club 15 West 43 rd Street, New York, NY 10036-7497
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This form is only for check payments. To register by credit card, please visit www.csusa.org/events/event_details.asp?id=314349.

Please print clearly:

NAME: _____

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Registration fee: Payment by check *must* accompany this form.

Please make check payable to "THE COPYRIGHT SOCIETY OF THE USA"

Type	Cost	After 4/26*	Quantity	Total	Total Cost
<input type="radio"/> Members	\$70.00	\$80.00	_____	_____	
<input type="radio"/> Nonmembers	\$85.00	\$95.00	_____	_____	
<input type="radio"/> Full-Time Students	\$33.00	\$43.00	_____	_____	_____

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

* Deadline is noon on 4/26

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)

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:

First Name	Last Name	Email

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