



THE COPYRIGHT SOCIETY  
OF THE U.S.A.

# MID-WINTER MEETING 2014

**FEBRUARY 6 - 8, 2014**

InterContinental Miami  
Miami, Florida



## THURSDAY, FEBRUARY 6

- 3:00 pm – 5:00 pm Executive Committee Meeting
- 5:30 pm – 6:00 pm Registration
- 5:30 pm – 6:00 pm First-Time Attendee Reception
- 6:00 pm – 7:30 pm Welcome Reception

## FRIDAY, FEBRUARY 7

8:00 am – 8:50 am Breakfast / Registration / Chapter Chair Committee

8:50 am – 9:00 am Opening Remarks

9:00 am – 10:00 am

### **The Copyright Misuse Doctrine: Useful or Misused?**

The long-running copyright dispute between Omega and Costco concerning the sale of grey market Omega watches developed a new wrinkle in November 2011, when the Central District of California granted summary judgment for Costco on the ground that Omega misused its copyright by virtue of its efforts to enforce copyright in a 1/8" logo placed on the back of its watches. This ruling, which is under appeal, has sparked fresh discourse about the proper scope and application of the copyright misuse doctrine. This panel will examine the history of the misuse doctrine and will discuss and debate the questions of whether it offers a useful tool to combat the overextension of copyright monopolies, or whether it is a vague and ill-defined loophole allowing judges to dismiss claims they simply dislike.

Moderator:

Laura Heymann, *William & Mary Law School*

Panelists:

Bruce Keller, *Debevoise & Plimpton LLP*

Ben Sheffner, *Motion Picture Association of America*

10:00 am – 10:15 am

Coffee Break

10:15 am – 11:45 am

### **Approaches to Secondary Liability Online in Latin America**

Will include perspectives from Mexico, Brazil, the US and possibly Argentina and a brief discussion of the Trans-Pacific Partnership Treaty.

Panelists:

Juliana Abrusio, *Opice Blum, Bruno, Abrusio e Vainzof Advogados Associados*

Kiyoshi Tsuru, *Tsuru Morales Isla Abogados S.C.*

Karyn Temple Claggett, *United States Copyright Office*

- 11:45 am – 12:45 am      **The Raging Debate About Laches**  
 Supreme Court granted cert in the Raging Bull case, presumably to resolve a circuit split as to whether laches is available as an equitable defense to a copyright infringement claim.
- Moderator:  
 Peter Jaszi, *American University Washington College of Law*
- Panelists:  
 Nancy Mertz, *Schoeman Updike Kaufman Stern & Ascher LLPP*  
 Jonathan Zavin, *Loeb & Loeb LLP*
- 12:45 pm – 1:45 pm      Lunch
- 2:00 pm – 5:30 pm      Everglades Tour (optional)  
 The 800 square miles of the Everglades are a 6,000-year-old fresh water "river of grass" providing habitat and protection for endangered and threatened species such as the American alligator and a variety of birds and fish. There is a 30-minute airboat tour of the Everglades followed by an alligator show.
- 6:00 pm – 7:30 pm      Reception at YUCA  
 YUCA, an acronym for Young Urban Cuban-Americans, is South Florida's original upscale Cuban restaurant featuring innovative Nuevo Latino Cuisine.
- 8:00 pm – 10:45 pm      Dine-Around (optional)  
 Go out to dinner with other conference attendees. Make new friends while discovering some amazing Miami restaurants. More information to follow.

**SATURDAY, FEBRUARY 8**

- 8:00 am – 9:00 am      Breakfast / Membership Committee
- 9:00 am – 10:00 am      **The Future of Fair Use After the Authors Guild, Inc. v. Google**
- Moderator:  
 Jay Dougherty, *Loyola Law School*
- Panelists:  
 Jon Baumgarten  
 Jonathan Band, *Jonathan Band PLLC*
- 10:00 am – 10:15 am      Coffee Break

10:15 am – 11:45 am

**Wither Are Pre-1972 Sound Recordings Bound (And Does SiriusXM Need to Pay to Play Bieber but Not the Beatles)?**

Will cover DMCA and digital public performance issues as well as the lurking question of whether pre-72 sound recordings should finally be brought under the federal copyright scheme.

Moderator:

Serona Elton, *Frost School of Music, University of Miami*

Panelists:

George Borkowski, *Recording Industry Association of America*

John Rosenberg, *Rosenberg and Giger, PC*

11:45 am – 1:00 pm

**Beg, Borrow or Steal -- Appropriation Art, Fair Use or Infringement Most Foul?**

This panel will cover the ever-shifting lines between fair use and infringement in the art world including discussions of the Second Circuit's decision in *Cariou v. Prince* and the Ninth Circuit's decision in *Seltzer v. Green Day, Inc.*

Panelists:

James Danziger, *Danziger Gallery*

Judith Prowda, *Sotheby's Institute of Art*

Claudia Ray, *Kirkland & Ellis*

Joshua Schiller, *Boies Schiller & Flexner*

**The Copyright Society of the USA would like to thank the following  
2014 Mid-Winter Meeting Committee Members:**

Aldo de Landa, *Arochi, Marroquin & Lindner, S.C.*

David A. Donahue, *Fross Zelnick Lehrman & Zissu, P.C.*

Joseph E. Petersen, *Kilpatrick Townsend & Stockton LLP*

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**CSUSA is applying for 7-8 general CLE credits**

# Registration Form

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**E: amy@csusa.org**

**Event: Mid-Winter Meeting**  
**February 6-8, 2014**  
**InterContinental Miami**  
**100 Chopin Plaza**  
**Miami Florida 33131**  
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|                     | Member                         | Non-Member *                   | Academic                       | Guest (Adult)                  | Guest (Child)                  |
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\*As a special thank you to non-members your non-member price includes membership in the Copyright Society of the USA, pro-rated for the remainder of the 2013-2014 year (expires 9/30/14). Welcome!

**Special Meal**    Vegetarian    Vegan    Kosher

**First Mid-Winter ever with the CSUSA**

**I have attended Mid-Winter meetings before and would like to be a host to a new attendee**

**Method of Payment:**    MasterCard    Visa    American Express    Check

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Please make check payable to "THE COPYRIGHT SOCIETY OF THE USA" Payment by check or credit card *must* accompany this form.

**Cancellation and Refund Policy: Full refund will be issued if a cancellation is received in writing by February 1, 2014. No refunds or credits will be issued for cancellations after February 1, 2014. Registrations are transferable.**