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## Fundamentals of Trademark Law in the Global Marketplace 2016

- The Trademark Application Process – Searching, Clearance, Preparing Applications
- International Searching and Filing Tips
- Trademark Infringement Primer and Exercise – **Video Simulation**
- Alternatives to Trademark Litigation

**Chicago**, June 14, 2016

**San Francisco and Live Webcast**, June 24, 2016

**New York City**, July 12, 2016

## Fundamentals of Copyright Law in the Data Era 2016

- Copyright enforcement tips, including calculating damages and litigation pointers
- Major 2015 case law and legal developments, along with practical takeaways
- Intermediary liability in copyright – liability theories, defenses and safe harbors regarding intermediary businesses
- The Copyright Office's perspective

**Chicago**, June 15, 2016

**San Francisco and Live Webcast**, June 23, 2016

**New York City**, July 11, 2016

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# Fundamentals of Trademark Law in the Global Marketplace 2016

## Why You Should Attend

The proliferation of online consumer transactions continues to open new possibilities to impact trademark law. Whether on an online auction service or an established company's website, trademark infringement is occurring on a global scale and attorneys practicing or looking to practice in the arena must be ever vigilant when enforcing their client's trademark.

Our annual fundamentals program on this dynamic area of intellectual property law will take attendees through a complete survey of the basic tenets underpinning trademark law, including likelihood of confusion and dilution. As the day progresses, attendees will learn the trademark searching and filing process and how to enforce trademarks in a variety of forums, including litigation. A lively discussion on trademark law hot topics and cases will conclude the program, placing the full day's lesson in a modern context.

## What You Will Learn

- Bedrock principles of trademark law, including unfair competition, likelihood of confusion and dilution
- Practical trademark application tips, including searches, clearing marks and dealing with examiners and preparing an application
- Trademark infringement actions, strategies, remedies and litigation alternatives – Interactive Video Simulation: TTAB or Federal Court?
- Anti-piracy efforts and strategies for combating sales of counterfeit goods

## Who Should Attend

Attorneys new to trademark law seeking a complete review of the practice should find this program helpful. Seasoned trademark practitioners should find our update on recent issues and cases affecting trademark protection practical and timely.

## Faculty

### Chicago

#### Chair:



**Jeffery A. Handelman**  
Brinks Hofer Gilson & Lione  
Chicago

#### Ashly Iacullo Boesche

Pattishall, McAuliffe, Newbury,  
Hilliard & Geraldson LLP  
Chicago

#### Julianne M. Hartzell

Marshall, Gerstein & Borun LLP  
Chicago

#### Helen Hill Minsker

Banner & Witkoff, Ltd.  
Chicago

#### Vijay K. Toke

Cobalt Law  
Berkeley, California

#### Deborah A. Wilcox

Baker & Hostetler LLP  
Cleveland

### San Francisco and Live Webcast

#### Chair:



**Anne Haring Hocking**  
Donahue Fitzgerald LLP  
Mill Valley, California

#### Robert B. Burlingame

Pillsbury Winthrop Shaw  
Pittman LLP  
San Francisco

#### Vineeta Gajwani

IP Legal Counsel  
Electronic Arts, Inc.  
Redwood City, California

#### Christopher E. George

Managing Counsel –  
Trademarks and Brands  
Intel Corporation  
Santa Clara, California

#### Frank Goldberg

Associate General Counsel,  
Intellectual Property  
Zynga Inc.  
San Francisco

#### Beth M. Goldman

Orrick, Herrington & Sutcliffe LLP  
San Francisco

#### Andrew S. MacKay

Donahue Fitzgerald LLP  
Mill Valley, California

#### Vijay K. Toke

Cobalt Law  
Berkeley, California

### New York City

#### Chair:



**Lynn S. Fruchter**  
Cowan, Liebowitz & Latman, P.C.  
New York City

#### Ashly Iacullo Boesche

Pattishall, McAuliffe, Newbury,  
Hilliard & Geraldson LLP  
Chicago

#### Joshua R. Bressler

Bressler Law PLLC  
New York City

#### Clark W. Lackert

Reed Smith LLP  
New York City

#### Adam D. Resnick

Mosaic Legal Group, PLLC  
Washington, D.C.

#### Deborah K. Squiers

Cowan, Liebowitz & Latman, P.C.  
New York City

#### Vijay K. Toke

Cobalt Law  
Berkeley, California

**Program Attorney:**  
Kenneth D. Min

# Fundamentals of Copyright Law in the Data Era 2016

## Why You Should Attend

Copyright law continues to see its legal bounds challenged in novel, headline-grabbing ways. The undeniably momentous impact that social media platforms and smart devices continue to have on copyright law seems unyielding and increasingly creative. What was once thought to be well-settled notions in copyright law have seen challenges in 2015.

This program will take attendees through a robust primer on the foundations of copyright law and some of the everyday tasks and duties that the copyright bar handles regularly. Our expert faculty will then walk attendees through current case law and legal developments that are pushing against the calm, raising fresh questions for copyright law leaders to address, opening the potential for a new direction in how the law is practiced. Our faculty includes some of the country's leading practitioners who have worked on some of the country's most pivotal copyright matters.

## What You Will Learn

- Copyright enforcement tips, including calculating damages and litigation pointers
- Major 2015 case law and legal developments, including the latest on these developments, along with practical takeaways
- The Copyright Office's perspective
- Intermediary liability in copyright – liability theories, defenses and safe harbors regarding intermediary businesses

## Who Should Attend

Attorneys looking for a complete overview of copyright law will find this program very informative. Experienced practitioners should find the agenda's coverage of new case law and the latest perspectives from the copyright office to be enlightening and helpful to their practice.

## Faculty

### Chicago

#### Chair:



**E. Leonard Rubin**  
LRubinLaw  
Adjunct Faculty, John Marshall Law School  
Chicago

**Erik Bertin**  
U.S. Copyright Office  
Deputy Director for Registration  
Policy & Practice  
Washington, D.C.

**Peter C. DiCola**  
Associate Professor of Law  
Northwestern University School of Law  
Chicago

**Marcelo Halpern**  
Perkins Coie LLP  
Chicago

**Hon. Rebecca R. Pallmeyer**  
United States District Court,  
Northern District of Illinois  
District Judge  
Chicago

### San Francisco and Live Webcast

#### Chair:



**Katherine C. Spelman**  
K&L Gates LLP  
Seattle

**Erik Bertin**  
U.S. Copyright Office  
Deputy Director for Registration  
Policy & Practice  
Washington, D.C.

**Dale Cendali**  
Kirkland & Ellis LLP  
New York City

**Sophie Cohen**  
Cobalt LLP  
Berkeley, California

**Naomi Jane Gray**  
Harvey Siskind LLP  
San Francisco

**Corynne McSherry**  
Legal Director  
Electronic Frontier Foundation  
San Francisco

**Deirdre A. Merrill**  
Director of Contracts  
Chronicle Books, LLC  
San Francisco

### New York City

#### Chair:



**Robert W. Clarida**  
Reitler, Kailas & Rosenblatt LLC  
New York City

**Erik Bertin**  
U.S. Copyright Office  
Deputy Director for Registration  
Policy & Practice  
Washington, D.C.

**Brian D. Caplan**  
Reitler, Kailas & Rosenblatt LLC  
New York City

**Jessica R. Friedman**  
The Law Office of  
Jessica R. Friedman  
New York City

**Thomas Kjellberg (Invited)**  
Cowan, Liebowitz & Latman, P.C.  
New York City

Program Attorney:  
Kenneth D. Min

# PROGRAM SCHEDULE

## Fundamentals of Trademark Law in the Global Marketplace 2016

Morning Session: 9:00 a.m. – 1:00 p.m.

9:00

### Introduction

CHI: Jeffery A. Handelman

SF & WEB: Anne Hiaring Hocking

NYC: Lynn S. Fruchter

9:15

### Key Principles of Trademark Law and Unfair Competition

- Likelihood of confusion
- Unfair competition under Section 43(a)
- Types of marks and how you protect them
- Common law use and trademark protection
- Use-based filings, registration, and enforcement
- Dilution under Section 43(c)

CHI: Jeffery A. Handelman

SF & WEB: Vineeta Gajwani

NYC: Adam D. Resnick

10:30 Networking Break

10:45

### Trademarks in Practice: Searching, Clearance and the Application Process in the United States

- Clearing a mark for use and registration; screening searches and full searches
- Scope and relevance of searches: federal, state and unregistered marks; corporate, business, and domain names
- Searching practice tips based on analysis of hypothetical mark
- Conveying results of searches to clients
- Preparing applications to pass muster; use-based and intent-to-use applications
- Dealing with Examiner refusals
- Registration maintenance and renewals

CHI: Ashly Iacullo Boesche

SF & WEB: Robert B. Burlingame

NYC: Ashly Iacullo Boesche

12:00

### International Searching and Filing Strategies

- Seeking protection in different jurisdictions
- CTM and Madrid Protocol – alternatives to national filings
- Working with foreign counsel to clear marks
- Strategies for in-house counsel – what marks should be registered?

CHI: Helen Hill Minsker

SF & WEB: Christopher E. George

NYC: Clark W. Lackert

1:00 Lunch

Afternoon Session: 2:00 p.m. – 5:00 p.m.

2:00

### Trademark Infringement Primer

- How to identify, investigate, and evaluate trademark and trade dress infringement cases
- Remedies in trademark litigation, including temporary and permanent injunctive relief
- Summary judgment and other motion practice strategies
- Presumption of irreparable harm
- Practice tips and litigation tactics
- Costs of surveys, litigation and damages
- Choosing between TTAB and District Court
- Trademark infringement simulation with interactive video

CHI, SF, NYC & WEB: Vijay K. Toke

3:15 Networking Break

3:30

### Litigation Alternatives and Hot Topics in the U.S. and Abroad

- Practice tips relating to opposition and cancellation proceedings and UDRP
- Keyword advertising: who can do what?
- Secondary liability of search engines, advertisers and hosting services on the Internet
- Social networking and implications for trademark law
- Recent case law in the U.S., including *B&B Hardware and Hana Financial*
- Anti-piracy efforts and strategies for combating sales of counterfeit goods
- Hot issues in international trademark law

CHI: Julianna M. Hartzell, Deborah A. Wilcox

SF & WEB: Frank Goldberg, Beth M. Goldman,

Andrew S. MacKay

NYC: Joshua R. Bressler, Deborah K. Squiers

5:00 Adjourn

## What Past Attendees Have Said

*“The Fundamentals of Trademark Law in the Global Marketplace 2015 course handbook was 254 pages of literary brilliance.”*

*“I really enjoyed Vijay’s presentation and the production quality of the simulation segment. Highly interactive and great for learning retention.”*

Please plan to arrive with enough time to register before the conference begins.  
A networking breakfast will be available upon your arrival.

## Fundamentals of Copyright Law in the Data Era 2016

### Morning Session: 9:00 a.m. – 12:00 p.m.

9:00

#### Introduction

CHI: E. Leonard Rubin

SF & WEB: Katherine C. Spelman

NYC: Robert W. Clarida

9:15

#### Basic Principles of Copyright Law

- Protectable subject matter and the exclusive rights conferred
- Statutory formalities and the registration process
- Ownership issues
- Copyright duration and transferring rights
- International issues surrounding formalities, duration and ownership

CHI: Peter C. DiCola

SF & WEB: Sophie Cohen, Deirdre A. Merrill

NYC: Jessica R. Friedman

10:30 Networking Break

10:45

#### Enforcing Copyrights

- Protecting your copyright and challenging the validity of another's copyright
- Copyright litigation and available defenses
- Access and substantial similarity in infringement cases
- Calculating damages
- Litigation practice pointers

CHI: Marcelo Halpern, E. Leonard Rubin

SF & WEB: Naomi Jane Gray

NYC: Brian D. Caplan

12:00 Lunch

### Afternoon Session: 1:00 p.m. – 4:30 p.m.

1:00

#### New Cases in Copyright Law – Internet and Beyond

- Impact of case law on copyright law practice
- Possible future copyright conflicts
- *Williams v. UMG* ("Blurred Lines" appeal, pending in 9th Cir.)
- *Lenz v. UMG* (9th Cir. decision in "dancing baby" DMCA case, Sept. 2015)
- *Authors Guild v. Google* (2d Cir. Oct. 2015) (possible cert petition)(digitization of library books)
- *Flo & Eddie Inc. v. Sirius XM* (June 2015, on appeal to 11th Cir., fully briefed as of Nov. 2015)(digital streaming performance rights for pre-1972 sound recordings)
- *Fox Television Stations v. FilmOnX* (conflicting 2015 Dist. Ct. decisions in Cal. and D.C., appeal pending)(digital streaming performance rights for TV programs)
- *Marya v. Warner/Chappell* (C.D. Cal. Sept. 2015) (rights in lyrics to "Happy Birthday")
- *16 Casa Duse v. Merkin* (2d Cir. June 2015) (director is not "author" of film)

- *Lorenzana v. S. Am. Rest. Corp.* (1st Cir. Aug. 2015)(chicken sandwich not copyrightable)
- *Bikram's Yoga College v. Evolution Yoga* (9th Cir. Oct. 2015)(sequence of yoga poses not copyrightable)
- *DC Comics v. Towle* (9th Cir. Sept. 2015) (Batmobile held to be a "character")
- *Adobe v. Christenson* (9th Cir. Dec. 2015) (first sale doctrine for computer programs)

CHI: Hon. Rebecca R. Pallmeyer, E. Leonard Rubin

SF & WEB: Dale Cendali

NYC: Robert W. Clarida, Thomas Kjellberg (Invited)

2:15 Networking Break

2:30

#### Intermediary Liability

- Elements of contributory infringement, vicarious liability and inducement
- Latest developments in primary and secondary liability theories, and defenses and safe harbors, in suits against intermediary businesses
- Internet intermediary liability for user-generated content
- Recent developments regarding intermediary businesses

CHI: TBD

SF & WEB: Corynne McSherry

NYC: TBD

3:30

#### The Copyright Office Speaks

- Recent updates and latest developments affecting copyright
- More topics forthcoming

CHI, SF, NYC & WEB: Erik Bertin

4:30 Adjourn

### What Past Attendees Have Said

*"I thought the use of graphics, real world examples, and surveys was excellent. They really helped me grasp the subject matter, while maintaining audience interest level."*

*"... superb blend of basics and current updates... in over 30 years of attending CLE programs – I walked out saying to myself, 'That was fun!' Informative and enjoyable... who'da thunkit?"*

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credit hours, of which 4.5 credit hours can be applied toward the Professional Practice requirement and 3 credit hours can be applied toward the Skills requirement. **California:** This activity is approved for MCLE credit in the amount of 6.25 hours. **Credits for Fundamentals of Copyright Law:** New York: In accordance with the requirements of the Continuing Legal Education Board, this transitional continuing legal education course has been approved for a maximum of 6.5 credit hours, of which 5 credit hours can be applied toward the Professional Practice requirement and 1.5 credit hours can be applied toward the Skills requirement. **California:** This activity is approved for MCLE credit in the amount of 5.75 hours.

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- 149068 **San Francisco Seminar**,\* June 24, 2016, PLI California Center, \$1,195<sup>2</sup>
- 149069 **New York City Seminar**,\* July 12, 2016, PLI New York Center, \$1,195<sup>2</sup>
- Live Webcast**,\* June 24, 2016, #149071, \$1,195<sup>2</sup>

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**Fundamentals of Copyright Law in the Data Era 2016**

- 149059 **Chicago Seminar**,\* June 15, 2016, University of Chicago Gleacher Center, \$1,195<sup>2</sup>
- 149060 **San Francisco Seminar**,\* June 23, 2016, PLI California Center, \$1,195<sup>2</sup>
- 149061 **New York City Seminar**,\* July 11, 2016, PLI New York Center, \$1,195<sup>2</sup>
- Live Webcast**,\* June 23, 2016, #149063, \$1,195<sup>2</sup>

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- 149062 Course Handbook only, \$220

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