



2023 Midwinter Meeting | Palm Springs, CA

February 9-11, 2023 | Omni Rancho Las Palmas Resort & Spa

THURSDAY, FEBRUARY 9

TIME	EVENT	LOCATION
12:00 - 7:30 PM PST	Registration	Fiesta Foyer
2:00 - 4:00 PM PST	Board of Trustees Meeting	Wine Room
6:30 - 7:00 PM PST	First-Time Attendee & Copyright Society Mentorship Program Reception	Starlight Terrace
7:00 - 8:00 PM PST	Welcome Reception Join Copyright Society members and guests for cocktails, hors d'oeuvres and networking.	Starlight Terrace
8:00 PM PST	Planning Committee Dinner	x



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FRIDAY, FEBRUARY 10

TIME	EVENT	LOCATION
7:30 AM PST	Registration	Fiesta Foyer
7:30 - 8:30 AM PST	Breakfast	Starlight Terrace
7:30 - 8:30 AM	Copyright Society Chapter Chair Meeting	Salon G
8:45 AM PST	Welcome Casey Chisick, <i>Copyright Society President</i>	Salons 1-4
9:00 - 10:00 AM PST (60min CLE)	Session 1 Controlled Digital Lending: Fair Use or Massive Piracy? Hachette Book Group et. al v. Internet Archive. In this panel counsel for the parties, amici, and industry leaders will debate the merits of the publishers' copyright litigation against Internet Archive over its Controlled Digital Lending (CDL) program. Speakers: Naomi Jane Gray (moderator) - Shades of Gray Group, P.C. Elizabeth McNamara - Davis Wright Tremaine Joe Gratz - Morrison & Foerster Jiarui Liu - Stanford University Kenneth Crews - Gipson Hoffman & Pancione	Salons 1-4
10:00 - 10:20 AM PST	Coffee Break	Fiesta Foyer



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<p>10:20 - 11:50 AM PST (90min CLE)</p>	<p>Session 2 - Copyright Damages in the Modern Age</p> <p>A panel of distinguished experts will discuss hot button issues in damages involving (1) apportionment of damages in a copyright case including the application of causation in the disgorgement of profits in different contexts, different mediums and when different exclusive rights are involved, and (2) evolving issues in statutory damages particularly in the context of multiplicity of such an award.</p> <p>Speakers:</p> <p>Ken Freundlich (Moderator) - Freundlich Law</p> <p>Pamela Samuelson - University of California, Berkeley</p> <p>Yakub Hazzard - Mitchell Silberberg & Knupp LLP</p> <p>Rom Bar-Nissim - Lincoln Bandlow Law</p> <p>David Leichtman - Leichtman Law</p>	<p>Salons 1-4</p>
<p>11:50 AM PST</p>	<p>10-minute Break</p>	<p>Fiesta Foyer</p>
<p>12:00 - 1:00 PM PST (60min CLE)</p>	<p>Session 3 Trends in Substantial Similarity in the Ninth and Second Circuits</p> <p>The panel will explore the recent trend, primarily in the Ninth Circuit, regarding the suitability of ruling on the substantial similarity between literary works at the pleadings stage (as well, to some degree, as disposition at summary judgment). In a recent slew of apparently contradictory opinions involving infringement claims against films and TV shows such as “The Shape of Water”, “Pirates of the Caribbean”, “Inside Out”, and “Empire”, the Ninth Circuit Court of Appeals has left the public and practitioners confused about when, if ever, it is appropriate to dispose of infringement claims at the pleadings stage. The panel will explore the history of how the courts have traditionally addressed infringement of literary works at the pleadings stage, will explore the latest trends,</p>	<p>Salons 1-4</p>





	<p>especially in the Second and Ninth Circuits, and will perhaps attempt to make some sense of the conflicting decisions.</p> <p>Speakers:</p> <p>Jacques Rimokh (Moderator) - NBCUniversal</p> <p>Professor Clark Asay - BYU Law</p> <p>Elaine Kim - Mitchell Silberberg & Knupp LLP</p> <p>Steven Lowe - Lowe & Associates</p>	
1:00 - 2:15 PM PST	Luncheon & Excellence in Creativity Award Presentation	Sunrise Terrace
	Free Time! Optional Activities Below	
3:30 - 4:30 PM PST Attendees to arrive by 3:15 PM to set up	<p>Activity #1</p> <p>Yoga with Karen</p> <p>Tickets: \$15</p>	Las Palmas Lawn
2:30 - 5:00 PM PST	<p>Activity #2</p> <p>Pick up tennis game(s)</p> <p>Tickets: \$20</p> <p>Sponsored by Shades of Gray</p>	Tennis Courts 7-9
3:00 - 5:00 PM PST Meet by 2:30 PM to catch the shuttle	<p>Activity #3</p> <p>Private group tour of the Palm Springs Art Museum</p> <p>Tickets: \$30</p>	Meet in Lobby





<p>7:00 - 9:00 PM PST</p>	<p>Dinner & Reception</p> <p>Join us for an evening of cocktails, mingling and dinner outdoors on the 5th West Fairway.</p> <p>The dinner reception is included in your registration fee. Guest tickets are available for purchase when registering or by clicking here.</p>	<p>5th West Fairway</p>
<p>9:00 - 11:00 PM PST</p>	<p>Activity #4</p> <p>Stargazing Hike</p> <p>Tickets: \$50</p> <p>Sponsored by Sesame Workshop</p>	<p>Meet in Lobby</p>
<p>9:30 PM - Bar Close PST</p>	<p>After Party</p> <p>Don't miss the Copyright Society house band, Crude Humble & Obvious, and special guest Lexi Todd!</p> 	<p>R Bar</p>



SATURDAY, FEBRUARY 11

TIME	EVENT	LOCATION
7:30 AM PST	Registration	Fiesta Foyer
7:30 - 8:30 AM PST	Breakfast	Starlight Terrace
8:45 AM PST	Welcome Casey Chisick, <i>Copyright Society President</i>	Salons 1-4
9:00 - 10:00 AM PST (60min CLE)	Session 1 The Modern Agreement: A Fresh Look at Current Provisions in Music Agreements as Influenced by Recent Trends in Copyright Law <p>A contract drafting workshop that examines two key music agreements—the recording agreement and the co-publishing agreement—through a modern copyright lens. In this session, the panelists will walk through certain key provisions of these two music agreements and highlight recent changes influenced by contemporary trends in copyright law and jurisprudence. The panelists will describe the purpose of each such provision, the history and evolution of the provision over time, and describe current drafting tips to keep in mind considering modern music-copyright developments.</p> <p>For example: Given potential issues with the termination of grants made by furnishing companies, are artists and songwriters now contracting directly? Are “controlled composition” clauses all but obsolete in light of the current legal landscape in favor of songwriters post-Phonorecords III? Given an author’s ability to terminate a new grant under 17 U.S.C. 203, are contractual reversion clauses (historically reserved for artists and songwriters that have already obtained a high level of success) becoming more commonplace?</p> <p>Speakers:</p>	Salons 1-4



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	<p>Lexi Todd (Moderator) - Primary Wave Music</p> <p>Patti Coleman</p> <p>Corey Field - Corey Field Law Group</p> <p>Lulu Pantin – Founder, Loop Legal</p>	
<p>10:00 - 10:10 AM PST</p>	<p>Breaking News Update: CBR Settlement Frank Scibilia - Pryor Cashman LLP</p>	<p>Salons 1-4</p>
<p>10:10 - 10:20 AM PST</p>	<p>Coffee Break</p> 	<p>Fiesta Foyer</p>
<p>10:20 - 11:50 AM PST (90min CLE)</p>	<p>Session 2 The Great Copyright Debate: North v. South</p> <p>Canadian and American copyright laws share many common elements, however, there are also some important differences between the two countries' approach to copyright policy and these differences sometimes reflect a divergence in the underlying philosophical approach to copyright adopted by Courts and by the Legislatures. Two teams of copyright lawyers, with one American and one Canadian on each team, will debate the virtues and flaws of the different approaches in the two countries. Debate topics will include fair use vs. fair dealing; making available; notice and takedown vs. notice and notice; and work for hire vs. work made in the course of employment.</p>	<p>Salons 1-4</p>



	<p>Speakers:</p> <p>Jay Kerr-Wilson (Moderator) - Fasken Martineau DuMoulin LLP</p> <p>Barry Fong - Oslers, Hoskin & Harcourt LLP</p> <p>Nicholas Charest - Fasken Martineau DuMoulin LLP</p> <p>Loren Mulraine - Belmont University College of Law and of Counsel at Spencer Fane LLP</p> <p>Erin Smith Dennis - Google/YouTube</p>	
11:50 AM PST	10-minute Break	Fiesta Foyer
12:00 - 1:00 PM PST (60min CLE)	<p>Session 3</p> <p>The Future is Now: IP Enforcement Considerations in the Metaverse and Beyond</p> <p>The advent of Web 3.0 technologies and the broader adoption of the concept of the Metaverse will undoubtedly bring about new IP opportunities but also challenges for right owners. This panel will explore IP enforcement considerations in the “metaverse” (and beyond) including jurisdictional issues, investigative issues, Terms of Service and contractual rights (limitations and expansion).</p> <p>Speakers:</p> <p>Michael Lewis (Moderator) - Entertainment Software Association</p> <p>Ian Ballon – Greenberg Traurig</p> <p>Dale Cendali - Kirkland and Ellis</p> <p>Keyonn Pope – Riley Safer Holmes & Cancila</p>	Salons 1-4

