



COPYRIGHT PRACTICE GROUP



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As a full-service intellectual property law firm, Brinks Hofer Gilson & Lione offers comprehensive capabilities in copyright matters. Protecting original works of authorship and complying with the copyright laws are important priorities for many of our clients. The Copyright Group at Brinks provides strong copyright law capabilities to address these priorities.

We represent people and companies who create books, magazines and other written works of authorship; music and sound recordings; visual arts; television shows and motion pictures; theater and dance; architectural works; compilations and databases; computer programs; video games; Web sites and online content; and multimedia works. We assist these clients with copyright registrations; copyright ownership documentation, including work made for hire agreements and copyright assignments and licenses; multinational transactions; copyright compliance, including Copyright Clearance Center and performing rights licenses; clearance opinions; due diligence investigations; investigations into copyright ownership and status; questions of fair use; compliance with the Digital Millennium Copyright Act; obtaining permissions; copyright audits; and related opinion work.

When the need arises, our experienced copyright litigators go to court to enforce and defend our clients' copyright-related interests. We also help resolve copyright disputes through mediation and other dispute resolution mechanisms.

We Understand Copyright Law And Will Make Sure That You Do Too

Who owns the copyright in your band's songs, the accounting software that your company just paid to have written and installed, the multimedia work of art that you commissioned or the high school portraits of your daughter? Do you need permission to circulate a news article among the people in the marketing department, to burn a CD of your favorite music for your car, to dub music to a family video or to quote from a book or poem in an essay?

Questions of this nature often confound lawyers who are not knowledgeable about copyright law. The Copyright Group at Brinks addresses these kinds of questions frequently, skillfully and efficiently. We understand copyright law and work with our clients to make sure that they understand copyright law too. We make sure that copyright owners protect their ownership interests. When clients want to acquire copyrighted content, we help them obtain the necessary rights and permissions to use that content. That includes preparing and negotiating copyright agreements necessary to achieve those objectives.

To stay fully abreast of developments in copyright law, we participate actively in learning and teaching opportunities in the field of copyright law. Brinks attorneys write books and articles on copyright law, and we teach and attend copyright programs, seminars and meetings. We also share our copyright experience and knowledge through client seminars and *pro bono* copyright legal aid.

We Will Watch Your Back

Have you ever asked yourself if you need a license from the Copyright Clearance Center to circulate copies of a technical journal among the scientists in your R&D Department, a performing rights license to perform music at the company holiday party, or permission to quote certain published market research in your company's monthly business newsletter?

If so, the Copyright Group at Brinks can help you address and resolve these questions. For companies that don't know such licenses exist or when permission is necessary to use a copyrighted work, our lawyers audit our clients' copyright practices and suggest copyright best practices, together with copyright compliance policies.

We proactively advise clients about the benefits of copyright registration, as well as the necessity of obtaining and recording copyright ownership agreements. And we follow through to protect our clients' copyright interests.

We Will Meet You At The Cutting Edge Of Copyright Law

Technological innovations that seem commonplace today, like the photocopier or the video recorder, once presented unique challenges to the application of fundamental copyright principles. Since then, copyright law has encountered and accommodated further technological innovations – digital audio and video recording, the Internet and peer-to-peer file sharing – to name a few. Brinks has always been and remains to be at this cutting edge where copyright law intersects with technology, fair use and First Amendment principles.

Whether your questions involve personal recording and use of digital content, safe harbor under the Digital Millennium Copyright Act or copyright fair use in new technological applications, we have the background and experience to address your issues.

If You Need To Be In Court, We Will Be There For You

Our Copyright Group includes skilled litigators who have represented clients in a broad range of copyright and related matters in the courts. Representative litigation cases handled by Brinks attorneys include the following:

Goldman v. Healthcare Management Systems

Our client Goldman asserted copyright infringement of his software by Healthcare Management. After 3-1/2 years of litigation and less than three weeks prior to a scheduled jury trial, Healthcare Management settled the lawsuit by paying Goldman more than \$3 million.

Religious Technology Center v. Lerma and FACTNET

Our client Religious Technology Center brought suit for copyright infringement and trade secret misappropriation after the defendants copied our client's works and published them on the Internet. A seizure order was entered for the defendants' computers and a summary judgment was granted in favor of our client, rejecting the defendants' fair use defense.

Red Baron-Franklin Park v. Taito

When sued for antitrust violations and preventing the public use of "gray market" (parallel import) coin-operated video games that had been manufactured in Japan, our client Taito responded by counterclaiming for copyright infringement owing to the plaintiff's unauthorized public performance of the games. The appellate court ruling in this case, involving the first sale doctrine of copyright law, prompted Congressional amendment to Section 17 of the Copyright Act.

Western Pennsylvania Conservancy v. Thomas A. Heinz

Brinks represented the Western Pennsylvania Conservancy, the owner of Frank Lloyd Wright's famous Fallingwater®, in a copyright infringement action against a photographer. The case settled favorably for our client.

Personal Awareness Systems v. Financial Training Resources

Brinks represented Personal Awareness Systems in litigation involving the defendant's use of a copyrighted test instrument for the measurement of a manager's performance. After considerable discovery, the case settled favorably on behalf of our client.

Ibid, Inc. v. Tomatsu Yagi Design

Our client Ibid brought suit for copyright infringement against Tomatsu Yagi when Ibid's copyrighted stock photographs appeared, without authorization, in promotional posters and displays for a Japanese department store. The case settled favorably for our client.

Sanford v. CBS

Brinks represented Sanford in litigation against CBS over the song, "The Girl is Mine," a Michael Jackson/Paul McCartney duet on the Thriller album. The case was tried by a jury, which concluded that there was insufficient proof of access to find copyright infringement.

Arista Records, et al. v. Amway Corporation

Our client Amway was sued, along with a number of its independent distributors, by several record companies for allegedly producing and selling videotapes incorporating copyrighted sound recordings owned by the record companies. After 18 months of litigation, the parties entered into a confidential settlement agreement. None of the parties admitted liability as part of the agreement.

Contemporary Books v. Columbia Pictures Industries

Brinks represented Columbia Pictures in litigation over whether alleged similarities between the movie "Close Encounters of the Third Kind" and the book, "The UFO Encounter – A Scientific Inquiry," were based upon similarities of facts or copyrighted expression. The case settled after a favorable summary judgment ruling in favor of our client.

We Will Meet You At Your Office, Your Factory, Your Studio Or At A Coffee Shop

As copyright lawyers, we know that big works of art can come from emerging artists and arts organizations as well as from established companies. While some days find us at one client's corporate headquarters sorting through work made for hire issues pertaining to software development, other days find us at a local coffee shop meeting with an artist who has just written a novel or composed the lyrics for a song or a photographer whose image was used without permission in a best-selling architecture book. We speak your language and know how to communicate with artists from all walks of life. In fact, many of our copyright lawyers are talented and creative individuals – authors, dancers, musicians – as well as patrons of the arts.

Appropriate cases for individual clients may be accepted on a reduced fee or contingency basis. In addition, Brinks has an active *pro bono* practice which provides free legal services, copyright services among them, to those who cannot otherwise afford legal assistance.

When You Have A Copyright Issue, Use Brinks

Clients from around the world come to Brinks for our copyright expertise, including our familiarity with relevant industry, music, and art law issues. When you need copyright advice, registrations, transactional work, enforcement, or defense, **UseBrinks**. We invite you to contact us.

NBC Tower, Suite 3600
455 North Cityfront Plaza Drive
Chicago, IL 60611-5599
Telephone 312.321.4200
Fax 312.321.4299

Suite 200
524 South Main Street
Ann Arbor, MI 48104-2921
Telephone 734.302.6000
Fax 734.994.6331

Capital Center, Suite 1100
201 North Illinois Street
Indianapolis, IN 46204-4220
Telephone 317.636.0886
Fax 317.634.6701

Suite 800
405 South Main Street
Salt Lake City, UT 84111-3400
Telephone 801.355.7900
Fax 801.355.7901

Suite 120
2801 Slater Road
Morrisville, NC 27560-8477
Telephone 919.481.1111
Fax 919.481.1110

Crystal Plaza One, Suite 306
2001 Jefferson Davis Highway
Arlington, VA 22202-3603
Telephone 703.415.0303
Fax 703.415.0304

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