

NEW YORK STATE BAR ASSOCIATION

Entertainment, Arts and Sports Law Section Annual Meeting

Tuesday, January 28, 2014

New York Hilton Midtown
1335 Avenue of the Americas, New York City

Executive Committee Meeting, 11:30 a.m.

Bryant Suite, 2nd Floor

Afternoon Program, 1:00 p.m.

Murray Hill, 2nd Floor

Cocktail Reception, 5:45 p.m. (OFFSITE – Across the Street)

Warwick New York Hotel

65 West 54th Street

IMPORTANT INFORMATION

Under New York's MCLE rule, this program has been approved for a total of **4.0 credit hours in Areas of Professional Practice**. This program will not qualify for newly admitted attorneys because it is not a basic practical skills program.

Discounts and Scholarships: New York State Bar Association members and non-members may apply for a discount or scholarship to attend this program, based on financial hardship. ***This discount applies to the educational portion of the program only.*** Under this policy, any member of our Association or non-member who has a genuine basis for their hardship, if approved, can receive a discount or scholarship, depending on the circumstances. Requests for discounts or scholarships must be received by Tuesday, January 7th, 2014. For more details, please contact Adriana Favreau at New York State Bar Association, One Elk Street, Albany, New York 12207 or afavreau@nysba.org.

Section Chair

Rosemarie Tully, Esq.

Rosemarie Tully, P.C.

Huntington

1:00 - 1:20 p.m. Welcome; Business Meeting, and Awards

1. Welcome Remarks

Section Chair

Rosemarie Tully, Esq.

Rosemarie Tully, P.C.

Huntington

2. Election of Officers, Delegates, District Representatives

Vice Chair

Stephen B. Rodner, Esq.

Pryor Cashman LLP

New York City

3. Phil Cowan/BMI Scholarship Awards

Presented by:

Judith A. Bresler, Esq.

Withers Bergman LLP

New York City

Richard A. Garza, Esq.

Broadcast Music, Inc.

New York City

Fair Use Panel

Program Co-Chairs

Anne S. Atkinson, Esq.

Pryor Cashman LLP

New York City

Judith A. Bresler, Esq.

Withers Bergman LLP

New York City

Innes Smolansky, Esq.,

Law Office of Innes Smolansky

Brooklyn

Carol J. Steinberg, Esq.,

Law Office of Carol J Steinberg

New York City

1:20-3:20 p.m. Fair Use Across the Media.

Fine art, book publishing, motion pictures, television, theater, music and emerging technologies are all governed by the same legal precepts, but how fair use is applied in practice in each of them can be very different. For example, when a painter appropriates photographs, the use may be considered "transformative," but when a band appropriates another artist's lyrics, a license may be required. The norms and concerns are shaped in part by different financing and insurance requirements, different levels of risk tolerance, as well as differences in the media themselves. After a brief review of the basic concepts, each panelist will discuss how fair use is applied in her/his designated area and, where relevant, will comment on the role of errors and omissions insurance. We expect vigorous audience participation in this vibrant discussion.

Moderator:

Tom J. Ferber, Esq.

Pryor Cashman LLP

New York City

Panelists:

Jason P. Baruch, Esq.

Theatre

Sendroff & Baruch, LLP

New York City

Tom J. Ferber, Esq.

Scripted Motion Pictures & Television

Pryor Cashman LLP

New York City

Dennis Reiff

Errors and Omissions Insurance

Reiff & Associates

New York City

Irina Tarsis, Esq.

Fine Art

Center for Art Law

New York City

David A. Bondy, Esq.

Music

The Law Offices Of David A. Bondy, PC

Brooklyn

Britton Payne, Esq.

Emerging Technologies

Fordham Law School & Bronson Lipsky LLP

New York City

F. Robert Stein, Esq.

Book Publishing and Documentary Film

Pryor Cashman LLP

New York City



3:20 - 3:30 p.m. Refreshment Break

Aereo Panel
Program Co-Chairs

Pamela C. Jones, Esq.
Law Office of Pamela Jones
Fairfield, CT

Barry Werbin, Esq.,
Herrick, Feinstein LLP
New York City

Mary Ann Zimmer Esq.
Law Office of Mary Ann Zimmer
New York City

3:30-5:30 p.m. The Battle for Over-the-Air TV Retransmissions: How Aereo and FilmOnX Disruptive Technologies Are Pushing Copyright to its Limits, Dividing the Courts and Affecting an Industry.

An in-depth, moderated panel discussion by leading practitioners in the copyright and broadcast fields, focusing on the potential impact to the broadcast TV industry. The panel will address the divisions among the federal courts in analyzing the copyright issues raised by the mini-antenna technology and related systems employed by Aereo and FilmOnX (f/k/a AereoKiller) for retransmitting over-the-air broadcast programming to multiple individual subscribers. *A guest appearance by Alkiviades "Alki" David, CEO, FilmOn.tv Networks via Skype, will cap the discussion.*

Moderator: **Barry Werbin, Esq.**
Herrick, Feinstein LLP
New York City

Panelists: **Howard Homonoff, Esq.**
Homonoff Media Group, LLC
New York City

Mary Ann Zimmer, Esq.
Law Office of Mary Ann Zimmer
New York City

Matthew Schruers, Esq.
Vice President, Law & Policy
Computer & Communications Industry Association
Washington, D.C.

Followed by Q&A with Alki David, founder of FilmOnX

5:45 p.m. Cocktail Reception (Offsite – Immediately following CLE program)
To be held at the Warwick New York Hotel,
65 West 54th Street *(diagonally across the street from the Hilton, on the northeast corner of Avenue of the Americas and West 54th Street, enter on West 54th Street).*

Come and join your colleagues at this fun networking event,
wine/beer and hors d'oeuvres included in Reception Fee.



Accommodations for Persons with Disabilities: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Adriana Favreau at 518-487-5630



For overnight room accommodations, please call the Hilton New York at **1-800-445-8667** and identify yourself as a member of the New York State Bar Association. You can also reserve your overnight room on the web at **www.nysba.org/14accomm**. Room rates are \$249.00 for single/double occupancy.



For questions about this specific program, please contact Adriana Favreau at 518-487-5630. **For registration questions only, please call 518-487-5621. Fax registration form to 518-463-5993.**

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