



# NYSBA

## Intellectual Property Law Section

### Fall Meeting

The Sagamore

Bolton Landing, New York

October 23 - 26, 2014

#### Section Chair

**Charles T.J. Weigell, III, Esq.**

Fross Zelnick Lehrman

& Zissu PC

New York City

#### Program Chairs

**Lisa W. Rosaya, Esq.**

Baker & McKenzie LLP

New York City

**Brooke Erdos Singer, Esq.**

Davis & Gilbert LLP

New York City

Attendance at this meeting offers  
up to 9.0 MCLE credit hours—  
including 8.0 in Professional  
Practice and 1.0 in Ethics.



# IMPORTANT INFORMATION

## Important Information

**Under New York's MCLE rule**, this program has been approved for a total of 9.0 credit hours; 1.0 hours in ethics and 8.0 hours in professional practice. **This program will not qualify for credit for newly admitted attorneys because it is not a transitional basic practical skills program.**

**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 Catheryn Teeter at New York State Bar Association, One Elk Street, Albany, New York 12207 or [cteeter@nysba.org](mailto:cteeter@nysba.org)

**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 his/her hardship, if approved, can received a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, please send your request in writing at least 10 business days prior to the meeting to Catheryn Teeter at: New York State Bar Association, One Elk Street, Albany, New York 12207 or [cteeter@nysba.org](mailto:cteeter@nysba.org)

**For more information about this program or to register, visit [www.nysba.org/ipi](http://www.nysba.org/ipi) or contact Catheryn Teeter at 518-487-5573.**

## UPCOMING SECTION EVENTS:

**Friday, December 5, 2014: IP Law Section Annual Law Student Writing Contest submissions deadline.** Call 518-487-5587 or visit the IP Section page at [www.nysba.org/IPWritingCompetition](http://www.nysba.org/IPWritingCompetition) for contest rules.

**Tuesday, January 27, 2015: IP Law Section Meeting during NYSBA Annual Meeting.** The Hilton, 1335 Avenue of the Americas, New York, NY. 9 am to 5:30 pm with Luncheon. Call 518-463-3200 for more information or visit [www.nysba.org/ipi](http://www.nysba.org/ipi) in November.

# SCHEDULE OF EVENTS

## Thursday, October 23

- 7:00 - 10:00 pm**     **Buffet Dinner for Sagamore Hotel Guests Only**  
Mr. Brown's Pub, Downstairs, Main Hotel  
*Attendees, Guests & Children Staying at the Sagamore Thursday Evening are Welcome!*  
*Children must be signed up on the meeting registration to attend.*

## Friday, October 24 *All Sessions will be held in the Sagamore Conference Center*

- 7:00 - 10:00 am**     **Breakfast on Your Own** - Ala Carte or Buffet at La Bella Vita Restaurant, Main Hotel  
*Breakfast is not included in the Meeting Registration fee or Hotel Rate Plan.*
- 9:00 am - 1:00 pm**     **Registration** - Conference Center Foyer
- 12:00 - 1:00 pm**     **Lunch** - Shelving Rock Terrace, Main Hotel
- GENERAL SESSION - Wapanak Room, Conference Center**
- 1:05 - 1:15 pm**     **Welcome & Introductory Remarks**  
**David P. Miranda, Esq.**, President-Elect, New York State Bar Association  
**Charles T.J. Weigell, III, Esq.**, Intellectual Property Law Section Chair
- 1:15 - 2:30 pm**     **THE ADVERTISING LAW COMMITTEE PRESENTS:**  
**HOT TOPICS IN SOCIAL MEDIA**  
This panel will discuss FTC Guidelines governing online reviews and endorsements, including recent FTC actions that have focused on the use of social media and online marketing; best practices related to monitoring the activities of spokespersons, affiliate marketers, bloggers, and other vendors; how to minimize legal risk while maximizing the benefits of social media as a marketing or advertising tool; and incorporating social media into sweepstakes or contest.
- Panelists:**     **Joseph J. Lewczak, Esq.**, Partner, Davis & Gilbert LLP, New York, New York  
**Aron Weiss, Esq.**, Counsel, Fast Retailing USA, New York, New York  
**Kesari Ruza, Esq.**, Vice President & Senior Counsel, HBO, New York, New York
- 2:30 - 3:20 pm**     **THE PRO BONO AND PUBLIC INTEREST COMMITTEE PRESENTS:**  
**ETHICAL ISSUES IN PRO BONO REPRESENTATION**  
Common ethical issues involved in pro bono representation will be discussed - from conflicts of interest to duty of care. Hypotheticals and actual cases decisions will be used to help guide you in your efforts to help those in need.
- Speaker:**     **Douglas J. Chu, Esq.**, Hynes & Chu, LLP, New York, New York

# SCHEDULE OF EVENTS

## Friday, October 24, *Continued*

**3:20 - 3:35 pm**      **Coffee Break** - Conference Center Foyer  
*Sponsored by:* **HISCOCK & BARCLAY LLP**

**3:35 - 4:50 pm**      **THE TRADEMARK LAW & INTERNATIONAL IP LAW COMMITTEES PRESENT:  
HOW TO ENFORCE AGAINST COUNTERFEITERS: STRATEGIES AND REALITIES  
IN THE CONNECTED GLOBAL MARKETPLACE**

This panel of in-house counsel, outside counsel, and law enforcement will discuss steps taken by global brands and the federal government to protect rights holders and to prevent counterfeit goods from entering the US and other markets. Topics will include insights on current efforts by Major League Soccer to combat counterfeiting, cutting edge work by outside counsel to develop and implement efficient and cost-effective approaches to brand protection in the digital space and other strategies, as well as measures taken by the government's National Intellectual Property Rights Coordination Center and the Department of Homeland Security on this front.

**Panelists:**      **Harley Lewin, Esq.**, Partner, McCarter & English, LLP, New York, NY  
**Olivier Manigat, Esq.**, Legal Counsel, Major League Soccer, New York, NY  
**David N. Neeman, Esq.**, Assistant DA, New York County District Attorney's Office, New York, NY

**4:50 - 5:40 pm**      **THE COPYRIGHT LAW COMMITTEE PRESENTS:  
DIGITAL COPYRIGHT DEVELOPMENTS: THE INCREASING IMPORTANCE OF  
COPYRIGHT PROTECTION FOR DIGITAL MARKETS AND MEDIA**

In the past year several important cases have been decided, which demonstrate the scope and strength of copyright in the digital world and the increasing importance of copyright as a key source of intellectual property protection as we head into the future. Prominent copyright practitioners will discuss these recent cases, including *ABC v. Aereo*, *Capitol Records v. ReDigi*, and *Oracle v. Google*, as well as other recent cases and developments related to digital copyright law.

**Panelists:**      **Oren Warshavsky, Esq.**, Partner, Baker Hostetler LLP, New York, NY  
**Lisa W. Rosaya, Esq.**, Partner, Baker & McKenzie LLP, New York, NY

**6:00 - 9:00 pm**      **Children's Dinner**

**6:30 - 7:30 pm**      **Cocktail Hour** - Shelving Rock Terrace

**7:30 - 9:00 pm**      **Dinner** - Shelving Rock Terrace

**9:00 - 11:00 pm**      **Join us for After Dinner Drinks in Mr. Brown's Pub** - Downstairs, Main Hotel  
*Sponsored by:* **KILPATRICK TOWNSEND & STOCKTON LLP**

# SCHEDULE OF EVENTS

## Saturday, October 25 *All Sessions will be held in the Sagamore Conference Center*

**7:00 - 10:00 am**     **Breakfast on Your Own** - Ala Carte or Buffet at La Bella Vita Restaurant, Main Hotel  
*Breakfast is not included in the Meeting Registration fee or Hotel Rate Plan.*

**8:00 - 9:00 am**     **Registration with Coffee and Pastries** - Conference Center Foyer  
**Sponsored By: DAVIS & GILBERT LLP**

### **MORNING SESSION - Wapanak Room, Conference Center**

**9:00 - 10:15 am**     **THE IP LITIGATION COMMITTEE PRESENTS:**  
**YOU PAID WHAT??? A LOOK AT THE VALUE OF YOUR INTELLECTUAL PROPERTY IN TRANSACTIONS VS. LITIGATION**  
Our distinguished panel will identify and compare intellectual property values in transactions and litigation. This evaluation is crucial because transactional attorneys often turn to comparable agreements to determine appropriate royalty rates and deal structures in different industries and for different types of licensed properties. Our panel will discuss various criteria and factors considered for measuring intellectual property value in actual transactions and provide a review of recent cases addressing this question in litigation.

**Panelists:**     **Marc Lieberstein, Esq.**, Partner, Kilpatrick Townsend & Stockton LLP, New York, New York  
**David Haas**, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Chicago, IL  
**Laurie J. Gentile, Esq.**, Nine West Corporation, White Plains, New York  
**Nelson DeCunha, Esq.**, Pratt & Whitney, East Hartford, Connecticut

**10:15 - 11:30 am**     **THE INTERNET AND TECHNOLOGY LAW COMMITTEE PRESENTS:**  
**UNDERSTANDING HOW TO ACQUIRE AND USE SOCIAL MEDIA EVIDENCE AND RECENT LEGAL DEVELOPMENTS IN THE CLOUD, INTERNET AND MOBILE COMPUTING**  
Social media can be a treasure trove of material for your case in chief and cross-examination. Learn how to obtain social media information without breaching your ethical obligations, avoid spoliation, and get the evidence admitted in court. Find out the latest developments in online and technology law, including recent Supreme Court cases, presented by renowned Internet Law treatise author.

**Moderator:**     **Richard L. Ravin, Esq.**, Partner, Hartman & Winnicki, P.C., Ridgewood, New Jersey  
**Panelists:**     **Ian Ballon, Esq.**, Partner, Greenberg Traurig LLC and Author, E-Commerce and Internet Law Treatise, Los Angeles, California  
                     **Michael R. Holt, Esq.**, Partner, Rumberger Kirk & Caldwell, Miami, Florida

**11:30 - 11:45 am**     **Coffee Break** - Conference Center Foyer



# SCHEDULE OF EVENTS

## Saturday, October 25, *Continued*

- 11:45 - 12:35 pm**    **THE TRADE SECRETS LAW COMMITTEE PRESENTS:  
PROTECTING TRADE SECRETS FROM INDUSTRIAL ESPIONAGE  
AND CYBER THEFT**  
An attorney investigator from the FBI and the Office of the National Counterintelligence Executive ("ONCIX") will speak about the current threat to public and private organizations posed by industrial espionage and cyber-theft and strategies to counter this growing threat to corporate trade secrets protection. In her presentation, she will outline the nature and extent of the threat, review recent cases, explore risk management and corporate counterintelligence strategies, and outline the ONCIX recommendations to protect trade secrets from industrial espionage.
- Panelists:**    **Elizabeth Stan, Deputy Director for Research,** Federal Bureau of Investigation - Office of the National Counterintelligence Executive ("ONCIX"), Washington, DC  
**Andre G. Castaybert, Esq.,** Castaybert PLLC, New York, NY
- 12:35 - 1:35 pm**    **Attorney's Lunch** - Nirvana Room, Conference Center
- 4:30 pm**    **Cocktail Boat Cruise Around Lake George on "THE MORGAN"**  
**Sponsored by: THOMSON COMPUMARK  
THOMSON REUTERS**  
Boarding begins at 4:30 pm at the dock behind the Main Hotel  
THE MORGAN **departs promptly at 4:45 pm!**
- 6:30 - 8:30 pm**    **Dinner** - Wampanak Room, Conference Center  
**Wine Sponsored by: STOUT RISIUS ROSS**
- 8:30 - 10:30 pm**    **Casino Night** - Wampanak Room, Conference Center  
Join us for an evening of fun and games...Try your luck at blackjack and roulette.

## Sunday, October 26

- 7:00 - 10:00 am**    **Breakfast on Your Own** - Ala Carte or Buffet at La Bella Vita Restaurant, Main Hotel  
*Breakfast is not included in the Meeting Registration fee or Hotel Rate Plan.*
- 11:00 am**    **Departure**

# THE SECTION THANKS THE FOLLOWING FALL MEETING FUNCTION SPONSORS

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