25th Annual Manges Lecture
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SPRING IP SPEAKER SERIES BEGINS WITH ALUMS, VISITING SCHOLARS

Susy Frankel, Professor at Victoria University of Wellington in New Zealand, began the Center’s Spring IP Speaker Series on January 24. Her talk centered on New Zealand’s attempts to balance its indigenous people’s rights in their traditional knowledge with the country’s current copyright regime.

New Zealand’s Maori tribes have a rich cultural history and are keen for New Zealand to create laws ensuring it is respected at home and abroad. Many members of the various tribes would like legislation that allows tribal leaders to control how ritual songs, dances and characters are used in commercial and noncommercial settings.

Frankel has been part of a working group responsible for drawing up the country’s response to Maori IP claims. Her committee recommended that current copyright law be amended to provide formal objection procedures that the Maori can use if they feel their native heritage has been used in a derogatory or offensive manner.

On February 7, Carletta Higginson ’03 and Joseph McFadden ’05 of Jenner & Block LLP and Michael Elkin of Winston & Strawn LLP examined the Southern District of New York’s recent decision in Capitol Records v. MP3Stores.com and illuminated the copyright issues surrounding the use of (Continued on page 3)

The Kernochan Center welcomed its newest visiting scholar, Celia Lerman, to the Columbia community in January. Professor Lerman comes to the Law School from Buenos Aires, Argentina, where she is a Visiting Professor and Intellectual Property Fellow at the Universidad Torcuato Di Tella School of Law.

After graduating as valedictorian in 2008 from the Universidad Torcuato Di Tella School of Law, Professor Lerman was awarded a full scholarship to complete her LL.M. in Intellectual Property at the Universidad Austral in Buenos Aires.

She completed her LL.M. in 2010, while simultaneously working as an intellectual property associate at a leading Argentine law firm. After the completion of her LL.M., she was invited to join the faculty at her alma mater, where she currently teaches several intellectual property courses including “Intellectual Property 2: Trademarks & Patents” and “Topics on Intellectual Property Law.”

While at Columbia, Professor Lerman is studying the intellectual property issues surrounding graffiti art and examining the extent to which graffiti is protected by copyright in the United States. She has already contributed to the academic discourse at CLS by participating in the Kernochan Center’s Spring IP Speaker Series where, on February 14, she spoke about her research to date (for more information on Professor Lerman’s February presentation, see above story).

Professor Lerman decided to come to Columbia because of its international reputation and distinguished IP faculty and programs. Furthermore, as her work focuses on graffiti art, she was excited about being in New York where there have been many cases of artists suing and being sued by building owners.

As her research on American copyright has progressed, particularly as it relates to the visual arts, she has been struck by the country’s attempt to incorporate moral rights. “The most important thing I have learned is that one should be very careful when incorporating foreign legal structures into domestic laws. For example, the Visual Artists Rights Act provides a middle-ground protection between local preservation laws and Continental moral rights, but the scope is unclear for both courts and parties,” she noted.

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Celia Lerman

Michael Elkin of Winston & Strawn LLP talks about “Digital Storage Lockers and Copyright” during the IP Speaker Series on February 7

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JO BACKER LAIRD ’80 RETURNS TO CLS AS ADJUNCT PROFESSOR

Joc Backer Laird ’80 returned to Columbia Law School this spring as an adjunct professor, co-teaching the Seminar in Law and The Visual Arts with the Center's Assistant Director, Pippa Loengard. Laird had previously taught the class at Cardozo Law School and was excited to come back to her alma mater to teach in an area in which she has extensive experience. As former counsel to the American Society of Composers, Authors and Publishers, Laird served as the house's first female executive director before assuming her current role; she is also a fellow in residence at Columbia University’s School of the Arts’ Center for the Study of Media, Culture, and Society.

In her new role, Laird said tactics such as crowd issues could have been dealt with through the legislative process. Arguing that many of the contentious elements of the anti-piracy bills were unnecessary, she pointed to many instances where the government has mistaken the internet for the road to expanding its ability to provide public services. She believes that the internet was a line that should not be crossed.

Laird cited the Patriot Act, which allows the government to search for terrorist material, as one of the acts that has violated citizens’ rights. She also noted that the government has been quick to use the Patriot Act as a way to prevent the spread of terrorism, even though it is not clear what the law actually accomplishes.

Laird also discussed the need for a legislative solution to the problem of online piracy. She suggested that Congress consider expanding the definition of copyright to include new media forms, such as digital audio and video. She also called for greater transparency in the decision-making process, so that the public can better understand how laws are made.

Ms. Rosenthal, who recently published a book titled "Protecting Artistic Vandalism: On Graffiti and Copyright," addressed the importance of protecting artists' rights in an internet age. She noted that the Copyright Act of 1976, which affords protection to creators of original works, is often difficult to enforce online. She called for a more flexible approach to copyright law that takes into account the unique challenges of the digital age.

Ms. Rosenthal then shared the history of Lincoln Center and described some of the legal issues associated with running the complex, which houses 11 prominent arts organizations and is governed by a 75-person board.

Throughout her presentation, Ms. Rosenthal underscored the importance of interpersonal relationships. It is important, she said, not only to be well-versed in the law, but also to be approachable. She shared stories of the positive impact that she has had on clients, and described some of the legal issues associated with running the complex, which houses 11 prominent arts organizations and is governed by a 75-person board.

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