



BYU Copyright Symposium

Welcome Reception:

6:00–8:00 p.m.,

October 20, 2015

Hinckley Alumni Center 3rd Floor

Symposium:

8:00 a.m.–5:00 p.m.,

October 21, 2015

BYU Conference Center

Tuesday, October 20, 2015

Hinckley Alumni Center, 3rd Floor

6:00PM – WELCOME RECEPTION



Featuring Vocal Point

BYU Vocal Point is a male a cappella group at Brigham Young University. Founded in 1991, Vocal Point operates under the direction of BYU's Performing Arts Management. The group has won three Pearl Awards and it was the winner of the 2006 International Championship of Collegiate A Cappella (ICCA). In 2011, the group placed fifth on NBC's third season of *The Sing Off*.

Wednesday, October 21, 2015

BYU Conference Center

8:00AM – PRE-SYMPOSIUM WORKSHOPS

Copyright Basic Training*

Presenters: Susie Quartey, Ty Turley-Trejo

This session will cover basic copyright concepts such as copyright-eligible subject matter, ownership, exclusive rights, terms, public domain, licensing, etc.

Copyright and Trademark Issues for Campus Stores

Presenters: Bruce Siegal, Peter Midgley

Modern bookstores, especially campus stores, confront a wide variety of copyright and trademark issues regularly, from digital coursepacks to NCAA trademark requirements. This session will address such copyright and trademark issues in view of recent legal developments, and provide guidance on current best practices for avoiding liability.



9:30AM – KEYNOTE ADDRESS*



Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, United States Copyright Office

[Connected: The U.S. Copyright Office and the Creative Economy](#)

10:30AM – MORNING BREAK

10:45AM – BREAKOUT SESSION #1

Library Track: Fair Use in Academia: Past, Present, and Future*

Moderator: Dustin Fife, Panelists: Tim Bowen, Kyle Courtney, Allyson Mower

Approaches to fair use have influenced library services as well as the permissions market in the last five years. Presenters in this session will cover data on the permission trends in the digital age and what it means for rights holders, as well as readers, especially in terms of how some academic libraries have responded to these changes. This session will focus briefly on the broader movement in libraries and educational institutions to embrace fair use. In addition, presenters will share their opinions on the future of fair use and where it's going based on market trends, scholarly needs, and the courts.

Arts Track: Use of Images and Film Clips: Understanding Your Options

Moderator: Nicholas Wells, Panelists: Cynthia Hogan, Arthur Van Wagenen, Nate Wise

Can memes be copyright protected? Can a monkey claim copyright in his own selfie? Is Left Shark a copyrightable character? With the current tidal wave of online media distribution it is becoming increasingly difficult to ascertain the risks of using content obtained from the Internet - not to mention the question of ownership. This panel will explore the legal options for finding and utilizing media in various situations as well as discussing the potential for fair use and educational exemptions.

Technology Track: The Digital Millennium Copyright Act (DMCA): What You Need to Know

Moderator: Mike Frodsham, Panelists: John-David Anderson, Pete Ashdown, Mac Reynolds

[When the DMCA was enacted in 1998, it sought to balance the interests of content owners, ISP's, and end users. This panel will explore whether the DMCA has been successful in achieving these goals. Panelists will discuss recent legal developments, including Lenz v. Universal, the YouTube "dancing baby" case recently decided by the Ninth Circuit.](#)

12:00PM – Luncheon Address



Orson Scott Card, award-winning author

[The Modern Copyright Landscape: A Content Creator's Perspective](#)

1:15PM – BREAKOUT SESSION #2

Library Track: Library Copyright Exemptions Demystified: Understanding Section 108

Moderator: Jeff Belliston, Panelists: Carla Myers, Becky Thoms, Nate Wise

Section 108 guides some of the core functions of academic and public libraries including interlibrary loan and preservation. This central tenet of library work is not, however, without controversy, in part due to its origins in the pre-digital environment. Panelists will discuss how Section 108 supports the daily activities of libraries as well as the potential for future changes to "the library exception."

Arts Track: Public Performances: What Are the Copyright Issues?*

Moderator: Peter Midgley, Panelists: Randy Boothe, Bill Evans, Reid Waltz

This panel will discuss recent issues surrounding public performance rights with a particular emphasis on music, including the recent review of the ASCAP/BMI consent decrees, the Turtle lawsuit against SiriusXM, and the threshold of dramatic v. non-dramatic performances. A discussion of current events such as EMI's complaint against Mike Huckabee for publicly performing "Eye of the Tiger" at a recent rally will flavor the conversation.

Technology Track: Copyright in the Era of Digital Publishing and Blogging

Moderator: Brandon Owen, Panelists: Dave Brown, Tim Haitaian, Ryan Marshall, Jarom McDonald

The digital revolution has transformed the modern publishing industry, from the proliferation of blogs and eBooks to the growing problem of on-line piracy. This panel will explore the copyright implications of the changing publishing industry and the role of copyright law going forward.

2:30PM – BREAKOUT SESSION #3

Library Track: Orphan Works: Will They Ever Be Emancipated?

Moderator: Laurie Urquiaga, Panelists: Kyle Courtney, Eric Harbeson, Nicholas Wells

Orphan Works, defined as any original work of authorship for which a good faith prospective user cannot readily identify and/or locate the copyright owners, is a massive and pervasive problem across the U.S. For example, approximately 2.5 to 5 million books out of the 40 million books in U.S. libraries are currently orphans. For photographs and other art works, the numbers are even higher. While the U.S. Copyright office has, along with Congress, proposed a number of solutions and laws to remedy the situation, none have passed in a decade, and the problem remains. Join our expert panel to discuss the most recent federal efforts to deal with the orphan works problem, and explore fair use, best practices, and other new legal theories that are being developed to solve the orphan works puzzle.

Arts Track: Music in the Digital Age: Navigating the Licensing Landscape

Moderator: Ty Turley-Trejo, Panelists: Dave Brown, Evan Greenspan, Mac Reynolds

In recent years we have seen a plethora of high-profile cases that have forced music and copyright to take center stage - from Monster Energy Drink, to Marvin Gaye, to the most recent Happy Birthday case. Additionally, music licensing rears its necessary head in almost every social media application, website, or on-line video. This panel will help simplify the complexities of music copyright and licensing and facilitate a discussion about knowing how and when to appropriately license music for various projects.

Technology Track: Copyright vs. Patent: How to Protect Software*

Moderator: Jason Sanders, Panelists: John-David Anderson, Clark Asay, Greg Hess, Rick Nordgren

The debate over the patentability of software-related inventions has re-ignited recently, in view of the Supreme Court's decisions in Alice Corp. and Bilski. At the same time, the Federal Circuit's recent opinion in Oracle v. Google - holding that certain Java APIs are copyrightable - brought increased attention to the role of copyright in protecting software. Panelists will discuss the interplay between patent and copyright protection for computer software in view of these and other recent developments.

3:40PM – AFTERNOON BREAK

4:00PM – CONCLUDING SESSION*

University Counsel Panel - Review of Recent Copyright Cases

Moderator: Jacqueline Charlesworth, Panelists: Paul Angerhofer, Michele Ballantyne, Ryan Brady

Panelists will discuss several recent high-profile copyright cases, emphasizing their impact on institutions of higher education.

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