

Symposium Overview

Over the past two decades, the proliferation of digital technologies and broadband internet connections has provided consumers with unprecedented access to inexpensive, easy-to-locate, perfect copies of copyrighted media through peer-to-peer (P2P) networking programs. In the wake of these technologies, content creators, technology makers, corporations, consumers, and copyright owners have taken sides over issues as diverse as compensation, privacy, liability, fair use, and enforcement in the P2P community. Today's symposium focuses on discovering and utilizing methods to resolve these conflicts through the law, policy, and ever-more sophisticated technological measures.

Approximately nine months ago, the Supreme Court's decision in *MGM v. Grokster* was the first to address the concept of a disputed technology's "substantial non-infringing uses" since the Court's decision in *Sony v. Betamax* over 20 years ago. The depth and viability of this standard, which proponents argue fosters innovation and opponents argue insulates primary and secondary copyright infringers from prosecution, have been hotly debated since the *Betamax* decision. In its decision, the Court left the *Betamax* standard largely undisturbed and in its stead created a new theory of secondary copyright liability. Borrowed from patent law, liability under this new theory arises from a technology creator's "intent to induce" primary users to commit infringing acts, regardless of the amount of knowledge or control the technology creator may be able to exercise over users.

How will courts interpret this "intent to induce" in light of new technologies? How will technology makers improve existing technologies and create new ones under this broad and largely untested form of liability? Must copyright owners continue to enforce their rights in court, or are there alternative legal and technological mechanisms that are more efficient and less costly for all involved? Will this new threat of liability prove to be a solution that will pay off for copyright owners and the public at large, or will it ultimately force entrepreneurs, manufacturers, and consumers to pay more for less?

It is with these and other questions in mind that the *Michigan Telecommunications and Technology Law Review* proudly presents the symposium "21st Century Copyright Law in the Digital Domain." Using the Supreme Court's decision in *MGM v. Grokster* as a launching point, it is our hope that today's discussions will spur new answers to these questions and positively impact the changing landscape of copyright and digital technology.

Directions and Information

Symposium Location

University of Michigan Law School
Hutchins Hall – Room 250
625 South State Street
Ann Arbor, Michigan
Ph: 734.763.6100 Fax: 734.764.6043

From M-14:

Downtown Ann Arbor exit (Main Street). Main Street to Hill Street. Left onto Hill Street, then left onto State Street. The Law School is one block on the right, between Monroe Street and South University Avenue.

From US-23:

Exit 37B (Washtenaw-Ann Arbor). Right onto Washtenaw Avenue. Left onto Hill Street, then right onto State Street. The Law School is one block on the right, between Monroe Street and South University Avenue.

From I-94:

Exit 177 (State Street). From Detroit: turn right. From Chicago: turn left. Approximately 2 miles on State Street. The Law School is one block on the right, between Monroe Street and South University Avenue.

Parking

There is parking in a lot on Thompson Street between Madison and Jefferson Streets (two blocks west of the Law School). Limited on-street metered parking is available.

Banquet Location

The Dahlmann Campus Inn
615 East Huron Street
Ann Arbor, Michigan 48104
Ph: 734.769.2200

Accommodations

A list of local hotels and inns is available by fax or e-mail. Please contact Maureen Bishop at 734.763.6100 or maureena@umich.edu

Michigan Telecommunications and Technology Law Review
University of Michigan Law School
625 South State Street
Ann Arbor, MI 48109-1215

MICHIGAN TELECOMMUNICATIONS AND TECHNOLOGY LAW REVIEW

Presents the Symposium

21ST CENTURY COPYRIGHT LAW IN THE DIGITAL DOMAIN



Friday, March 24, 2006

Sponsored by:

University of Michigan Law School

Park Foundation Inc.

Schedule of Events

Friday, March 24, 2006

9:00 a.m. Registration and Continental Breakfast
 9:45 a.m. **Welcome and Introductory Remarks**
 10:00 a.m. **Keynote Address:**
Pamela Samuelson
 10:30 p.m. Break
 10:45 a.m. **Panel I:** *Grokster* and Its Aftermath
 12:15 p.m. Lunch
 1:45 p.m. **Panel II:** Implications for Technological Innovation
 3:15 p.m. Break
 3:30 p.m. **Panel III:** International Alternatives and Enforcement
 5:00 p.m. **Closing Remarks**
 6:30 p.m. **Dinner Banquet** (Campus Inn)
Final Remarks:
Pamela Samuelson

Keynote Speaker

Pamela Samuelson
 Pamela Samuelson is a Chancellor’s Professor of Law and of Information Management at the University of California at Berkeley, a Director of the Berkeley Center for Law & Technology, and an advisor to the Samuelson Law, Technology and Public Policy Clinic at Boalt Hall. She teaches courses on intellectual property, cyberlaw and information policy, and she has written and spoken extensively about the challenges that new information technologies pose for traditional legal regimes, especially for intellectual property law. Professor Samuelson is a Fellow of the Association for Computing Machinery (ACM), a Contributing Editor of Communications of the ACM, and a past Fellow of the John D. & Catherine T. MacArthur Foundation. She is a member of the Board of Directors of the Electronic Frontier Foundation and the Open Source Application Foundation, and an Advisory Board member of the Electronic Privacy Information Center.

Symposium Panels

Panel I: *Grokster* and Its Aftermath

Would the VCR exist without the *Betamax* decision? Would there be a market for the iPod if its creators had launched it after *Grokster*? As digital technology marches forward and consumers become increasingly tech-savvy, the *Grokster* decision will have far-reaching implications for creators of content and technology, consumers and users of peer-to-peer software, and the entrepreneurs seeking to capitalize on the dissemination of technology and content. This panel will explore how courts are to navigate the increasingly challenging concept of “substantial non-infringing uses” in copyright law and how creators, owners and innovators will respond.

Panel II: Implications for Technological Innovation

How are policy makers to create legislation that protects content owners’ rights without arresting the development of new and revolutionary technologies? One of the main policy implications of *Grokster* is the unknown effect that hard-line rules created to protect content owners in the present will have over the rapidly changing pace of technological innovation. As the information sector continues to spur economic development across the globe, the *Grokster* decision will affect both existing technologies and attitudes towards the creation of new ones. This session will explore the trade-offs between protecting content owners and fostering technological advancement.

Panel III: International Alternatives and Enforcement

What are the proper means for enforcing U.S. copyright laws when cyberspace has no borders? What are the merits and detriments of solutions utilized in other nations? The United States is not alone in its determination to resolve the difficulties presented by digital technologies on content owners’ rights, both at home and abroad. Other nations have implemented different solutions to the challenge of digital copyright with varying success. This panel will discuss the merits of these differing approaches in foreign countries and the challenges they pose to U.S. enforcement of its policies internationally.

Panelists

Hal Abelson, Class of 1922 Professor of Computer Science and Engineering
 Massachusetts Institute of Technology

Michael W. Carroll, Associate Professor of Law
 Villanova University

Niva Elkin-Koren, Professor of Law
 Co-Director, Haifa Center of Law and Technology
 University of Haifa, Israel

Edward W. Felten, Professor of Computer Science and Public Affairs
 Princeton University

Michael Geist, Canada Research Chair in Internet and E-commerce Law
 University of Ottawa

Susan M. Kornfield, Partner, Bodman LLP (Chair, Intellectual Property Practice Group) and Adjunct Professor
 University of Michigan Law School

Lynda Oswald, Professor of Business Law
 University of Michigan, Ross School of Business

Richard Owens, Executive Director
 Centre for Innovation Law and Policy
 University of Toronto

Margaret Jane Radin, Wm. Benjamin Scott and Luna M. Scott Professor of Law
 Stanford Law School

R. Anthony Reese, Thomas W. Gregory Professor
 University of Texas Law School

Fred von Lohmann, Senior Intellectual Property Attorney
 Electronic Frontier Foundation

Barbara Simons, Former President
 Association for Computing Machinery
 Retired, IBM Research

David Sohn, Staff Counsel
 Center for Democracy & Technology

Registration

Name: _____
 Affiliation: _____
 Address: _____
 City: _____
 State: _____ Zip: _____
 Telephone: () _____
 Email: _____

Fees

Admission to the Banquet is not guaranteed unless your registration is received by **March 10, 2006**.

Please check the appropriate boxes:

General Audience
 Symposium \$35 Banquet \$35 Both \$70

Non University of Michigan Students
 Symposium Free Banquet \$35 Both \$35

University of Michigan Students, Faculty, and Staff
 Symposium Free Banquet \$35 Both \$35

Vegetarian Meal at the Banquet Yes

TOTAL \$ _____

Please mail completed form and check payable to:
Michigan Telecommunications and Technology Law Review
 by **March 10, 2006**.

Mail to: *Michigan Telecommunications and Technology Law Review*
 University of Michigan Law School
 625 South State Street
 Ann Arbor, Michigan 48109-1215

Fax to: 734.764.6043

Mastercard Visa

Number: _____

Expiration Date: _____

Name as on Card: _____

Signature: _____

