

David Halberstadter Comments on IP Trends in Industry Roundtable Report

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Intellectual Property partner David Halberstadter is a featured participant in CorporateLiveWire's *Intellectual Property 2016 Virtual Roundtable Report*, which examines prominent IP trends, regulatory changes and legal developments. Coming out of appeals in the Second Circuit in New York and the Ninth Circuit in California, David notes the legal development to watch for this year pertains to whether owners of sound recordings made prior to 1972 have rights to public performance over the air and Internet radio broadcasts. State laws are unclear on this issue, and anything prior to 1972 is not covered by the United States Copyright Act, resulting in digital broadcasters—like Sirius XM Radio and Pandora Media—in playing music without paying any fees. He also notes the impact of "ripped from the headlines" content has had on his entertainment media practice, stating, "I would like to see implemented a federal right of publicity statute that both ensures that every individual can control the commercial use of his or her name, photograph and likeness, for example on products or in advertising, and absolutely safeguards the First Amendment rights of creators and expressive works." ("Intellectual Property 2016 Virtual Roundtable Report," August 8, 2016)

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



David Halberstadter

+1.310.788.4408

david.halberstadter@katten.com

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