



Eric J. Schwartz

Partner, through his Professional Corporation



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legal expertise

Over 25 years of experience as a copyright attorney providing counseling on U.S. and foreign copyright laws - including rights, exceptions (fair use), ownership and enforcement issues - relating to new technological uses, social media, as well as "traditional media" in film, music, music publishing, book publishing, entertainment and business software; production and transactional attorney for musical recordings and (feature and documentary) films; expert on databases, software and all other manner of IP regarding rights, uses and transactions; expert witness; appellate and trial litigation strategist; counsel on Copyright Office practices. Expert on film and recorded music archival legal (i.e., "back catalog") and preservation issues. Adjunct professor of copyright law and international copyright law, Georgetown University Law Center.

representative matters

- Chief production counsel for the PBS series "Soundbreaking" - an eight hour documentary about the history of recorded music (the "legacy project" of legendary producer Sir George Martin). The series aired nationwide in November 2016, and has also been broadcast in many territories abroad (U.K. etc.). In addition to serving as counsel, received a producer credit ("Producer for Higher Ground") for assistance with the production, including working with the writers and directors shaping the content of the series. As counsel/producer, negotiated and drafted talent agreements with over 200 recording industry luminaries such as Paul McCartney, Ringo Starr, Joni Mitchell, Bonnie Raitt, Tom Petty, Elton John, Smokey Robinson, among many others, and, with other MSK counsel negotiating the archival agreements (over 150 in the series) for all moving image and photographic material used in the series, and for all of the music in the series. Worked with Jim Guerra and other MSK counsel on the production, financing and distribution agreements for the series.
- Counsel numerous clients on U.S. copyright law "termination" issues - under old (1909 Act) and new (1976 Act) law - for a variety of works: music (and

practice areas

motion picture, television & music transactions
 intellectual property
 entertainment & ip litigation
 trademark prosecution

admissions

District of Columbia
 New York
 U.S. District Court
 Southern District of New York
 U.S. Court of Appeals
 First Circuit
 Second Circuit
 Ninth Circuit
 District of Columbia Circuit
 U.S. Supreme Court

education

American University,
 Washington College of Law,
 J.D., 1984
 Johns Hopkins University,
 B.A., 1979

other career experience

- Acting General Counsel, United States Copyright Office (1994)

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music publishing), film and literary properties.

- Counsel (since 1997) to International Intellectual Property Alliance (IIPA) – an alliance of the music, film, book publishing, and entertainment software industries -- on copyright licensing, market access and enforcement issues in territories throughout the world, including India, Mexico, Europe and Russia, as well as other major markets.
 - Assisted NBC Universal with 2016 Summer Olympics copyright matters relating to broadcast rights (including Copyright Office registrations); provided similar counseling for prior Olympics: the 2014 Winter Games, the 2012 Summer Olympics, the 2010 Winter Games, and the 2008 Summer Games.
 - Counsel Philip K. Dick Testamentary Trust on all copyright and transactional matters relating to Philip K. Dick literary properties ("Adjustment Team," "Minority Report" etc).
 - Counsel to The Mayfield Family Trust on copyright and transactional matters relating to the Curtis Mayfield song catalog.
 - Assisted with numerous briefs in Supreme Court's *Golan v. Holder* case on the constitutionality of copyright restoration provisions.
 - Represent photographers and photographic licensing agencies on Copyright Office registration matters.
 - Production counsel for numerous long-form documentaries including: Martin Scorsese's "A Letter to Elia," the PBS broadcast six-hour series "Circus" and the PBS four-hour primetime series "Half the Sky" (both produced by Show of Force), and numerous public television-broadcast and theatrical releases.
 - Represented Universal Music Group in negotiations with the Library of Congress for UMG's donation of over 200,000 historic master recordings from 1928-1948 to the Library - the largest single donation of recordings ever received by the Library, preparing and negotiating the donor agreement, and working on all preservation and access issues.
 - Co-lead counsel providing strategic guidance and copyright due diligence for the purchase of the complete catalog of a major (top 3) music publisher.
 - Expert witness on U.S. and Canadian law in copyright arbitration dispute involving software licenses that resulted in over \$100 million reward to client.
 - Provided full chain of title analysis for underlying story and screenplay adapted into a major motion picture released worldwide.
- Senior Legal and Policy Advisor, Register of Copyrights (1988-1994)
 - Staff Assistant and Assistant Counsel to the Committee on Rules of the U.S. House of Representatives for Hon. Joe Moakley (1979-1988)

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- Provided copyright counseling for one of the first major record label agreements with the Apple iTunes Music store (for streaming, and computer and iPod downloads).
- At the U.S. Copyright Office (1988-1994): served as a principal participant crafting copyright law amendments including: the Berne Convention Implementation Act of 1988, the Visual Artists Rights Act of 1990, Copyright Renewal Act of 1992, and National Film Preservation Act of 1992 (and later, in 1996, 2005 and 2009 reauthorizations). Also, served as principal (U.S. government) negotiator of the copyright provisions in: several bilateral agreements with Russia and over a dozen Central and Eastern European countries; the U.S., Canada and Mexico Free Trade Agreement (and NAFTA); and multilateral talks leading up to Berne accession, the World Trade Organization TRIPs Agreement, and in bilateral trade talks with China, Taiwan and Korea.

honors & awards

- Top Rated Intellectual Property Attorney in Washington, DC, *Super Lawyers* (2016-2017)
- "Leading Media & Entertainment Lawyers in Washington, D.C.," *Chambers USA* (2013-2016)
- Recognized by *Best Lawyers in America*© in the fields of:
 - Copyright Law (2011-2017)
 - Litigation - Intellectual Property (2011-2017)

professional, business and civic affiliations

- President (2014-2016), Vice-President/President-Elect (2012-2014) and Executive Committee Member (2007-present), Copyright Society of the USA; Formerly Co-Chair of the DC Chapter (2007-2010) and Trustee (1997-1999)
- Vice Chair, Committee on International Copyright Treaties & Laws of the ABA Section on Intellectual Property Law
- Founding Director and Vice Chair, National Film Preservation Foundation (1996-present)
- Pro Bono Counsel, Library of Congress' National Film Preservation Board (1988-present)
- Library of Congress' National Recording Preservation Board (2003-present)
- DC Bar Association
- American Bar Association, Copyright Reform Task Force
- Association of Moving Image Archivists (AMIA)
- The Recording Academy - DC Chapter



other career experience

- Acting General Counsel, United States Copyright Office (1994)
- Senior Legal and Policy Advisor, Register of Copyrights (1988–1994)
- Staff Assistant and Assistant Counsel to the Committee on Rules of the U.S. House of Representatives for Hon. Joe Moakley (1979–1988)

headlines

The Best Lawyers in America© 2017 Recognizes 22 Attorneys from Mitchell Silberberg & Knupp
August 22, 2016

Eric Schwartz Works on Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2016
July 15, 2016

Eric Schwartz Elected to President of Copyright Society of The USA
June 2014

MSK Authors Copyright Alliance Amicus Brief in Aereo Case
September 27, 2012

Eric Schwartz Named President-Elect of the Copyright Society of the USA
June 25, 2012

Eric Schwartz Elected Treasurer of Copyright Society of the U.S.A.
June 16, 2010

Steven Metalitz and Eric Schwartz Join MSK
July 5, 2006

media mentions

Eric Schwartz Quoted in *IndieWire* on Copyright
March 7, 2017

Eric Schwartz Quoted on *Forward.com*
November 21, 2016

MSK-Produced *Soundbreaking* Series Described as "Don't-Miss" & "Riveting"
November 18, 2016



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Eric Schwartz Quoted in Article by the *Associated Press*
August 24, 2016

Eric Schwartz Featured in *George Mason Journal of International Commercial Law*
August 22, 2016

MSK Practices and Attorneys Recognized in *Chambers USA 2016 Guide*
May 31, 2016

Eric Schwartz Quoted in Article on Copyright Recapture
April 2016

Eric Schwartz Featured in *Fordham Law News*
November 2015

23 Mitchell Silberberg & Knupp Attorneys Featured in *Best Lawyers*
August 2015

Chambers USA 2015 Recognizes Mitchell Silberberg & Knupp
May 2015

The Best Lawyers in America© 2015 Recognizes 21 Attorneys from Mitchell Silberberg & Knupp and Names 2 Attorneys "Lawyer of the Year"
August 2014

Chambers USA 2014 Recognizes 9 Attorneys and 3 Practice Groups from MSK Among Nation's Best
May 2014

21 MSK Attorneys Selected for *Best Lawyers in America 2014*
August 15, 2013

MSK Recognized Among the Nation's Best by *Managing Intellectual Property*
July 2013

MSK Attorneys and Practice Groups Recognized by *Chambers USA 2013*
May 2013

21 MSK Attorneys Selected for *Best Lawyers in America 2013*
August 24, 2012

Eric Schwartz Analyzes *Golan* Decision in May/June Issue of *Landslide*
May 23, 2012

Steve Metalitz and Eric Schwartz Prepare Special "301 Report" for International Intellectual Property Alliance (IIPA)
February 14, 2012



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Eric Schwartz Affirms Legislative Intent of Berne Convention Upheld by U.S. Supreme Court's *Golan* Ruling
January 19, 2012

MSK Attorneys Recognized Among "The Best Lawyers in America" for 2012
August 31, 2011

Eric Schwartz Featured in *Washington Post* Article on the National Film Preservation Board
August 13, 2011

Eric Schwartz Featured in *The Washington Post*
August 2011

The 2011 Best Lawyers in America Recognized MSK Attorneys from Nine Practice Areas
August 19, 2010

Eric Schwartz Quoted in *Investors.com's*
March 12, 2010

A Snapshot of U.S. Copyright Law
December 10, 2009

Eric Schwartz Quoted in *The Globe and Mail*
October 21, 2009

The Best Lawyers in America 2010
August 3, 2009

publications

The Copyright Office's New Expedited Copyright Procedures
Intellectual Property & Technology Newsletter, September 2008

client alerts

New Regulations Issued By The Copyright Office Affecting Thousands of Websites
MSK Client Alert, November 9, 2016

The Copyright Office's New Expedited Copyright Procedures
Intellectual Property & Technology Newsletter, September 2008

events & speaking engagements

International Copyright: Strategic Thinking for U.S. Rightsholders
March 10, 2017

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Copyright in the EU: The Role and Influence of the European Court of Justice
February 9, 2017

Educational Media and Copyright Law
October 23, 2016

Music Licensing
October 18, 2016

The Impact of International Copyright Treaties and Trade Agreements on the Development of Domestic Norms
October 14, 2016

IP & The Historical Record
October 7, 2016

Basics of Copyright Law for Film Archives
April 28, 2016

Business of Intellectual Property Rights and Protection
April 21, 2016

Copyright Office Symposium
April 18, 2016

Ohio State University Symposium: Copyright and the Future of Libraries
March 25, 2016

Licensing and Copyright Review
September 16, 2015

International Copyright: New International Copyright Rules and Why They Matter to Your Practice
April 2, 2014

Copyright Reform Legislation
March 19, 2014

How does IP Promote Access to Global Development?
May 9, 2013

The Elusive Termination Right: Where Does it Stand?
April 3, 2013

Basic Copyright Law
March 12, 2013

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International Developments: New Directions for Copyright?*

February 16, 2013

Section 108 Issues Other Than Mass Digitization

February 8, 2013

Copyright Career Center Panel and Networking Evening

January 2013

Copyright Exceptions for Libraries in the Digital Age: Section 108 Reform

November 2, 2012

New Business Models for Effective Protection of Copyright and Related Rights in the 'Cloud'

October 18, 2012

Statutory Termination of Copyright Transfers

April 30, 2012

Orphan Works and Mass Digitization: Opportunities and Obstacles

April 12, 2012

"White Shadow" (1924 lost Alfred Hitchcock film)

April 2012

Copyright Law, Social Media and Business Practices

April 2012

International Copyright Law Developments

March 29, 2012

Survey of International Copyright Law Developments

March 2012

Supreme Court's *Golan v. Holder*: Upholding the Constitutionality of the Restoration of Certain Foreign Works in the U.S.

February 2012

Eric Schwartz Discusses the Copyright Restoration Controversy on The Kojo Nnamdi Show

October 14, 2011

Golan v. Holder at Supreme Court IP Review

September 15, 2011

Business of Music

April 14, 2011

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Termination Rights - Coming Soon to a Theatre Near You - Are You Ready?

April 6, 2011

Managing Copyright Issues for Businesses

April 2011

Copyright Law

March 15, 2011

Music Licensing in the Digital World: New Problems and Traditional Licensing Mechanisms

March 10, 2011

The Elusive Termination Right: Where Does It Stand?

December 13, 2010

Patent, Trademark and Copyright Law: How Properly Utilizing Intellectual Property Law Protects Your Investment

September 13, 2010

The National Recording Preservation Board, the National Film Preservation Board, and their Work

July 6, 2010

Anti-Counterfeiting Trade Agreement (ACTA)

May 27, 2010

Anti-Counterfeiting Trade Agreement (ACTA)

May 25, 2010

Digital Archives: Navigating the Legal Shoals

April 16, 2010

Copyright Law

March 23, 2010

Rethinking Copyright for the Digital World

February 23, 2010

Internet Piracy: Copyright Law in Canada and the United States

October 14, 2009

Understanding Copyright Law

July 13, 2009

The Making Available Right: What Went Wrong?

February 26, 2009

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Copyright Law
2002

Frequent lecturer and author; quoted regularly in news stories and provide radio and television commentary on copyright law and policy, as well as on film and recording preservation issues