

## THE COMEDIES OF FAIR USE

### **FRIDAY, APRIL 28**

7:30pm-7:45pm

Introductory remarks: Robert Boynton

7:45pm-9:30pm

Lawrence Lessig on The Current State of Fair Use  
with responses by Allan Adler and Hugh Hansen  
Siva Vaidhyanathan (moderator)

### **SATURDAY, APRIL 29**

9:30am -10:00am

Introductory remarks: Lawrence Weschler

(Note: Lawrence Lessig and Judge Kozinski will comment as the day progresses)

10:00am-11:30am

Art

Joy Garnett, Susan Mieselas, Lebbeus Woods,  
Carrie McLaren, Joel Wachs  
Lawrence Weschler (moderator)

11:45am-1:15pm

The Permissions Maze

Geoff Dyer, Susan Bielstein, Allan Adler  
James Boyle(moderator)

Break

2:30pm-3:15pm

Screening of short films: films from the 826 NYC kids  
and the Free Culture remix contest. Comments on the  
issues they raise by Leon Friedman and Charles Sims.

3:30pm-4:45pm

Documentary Film

Amy Sewell, Pat Aufderheide, Hugh Hansen,  
Errol Morris, Charles Sims  
Robert Boynton(moderator)

5:00pm-6:30pm

Music

Lawrence Ferrara, Paul Miller (aka DJ Spooky),  
Hank Shocklee, Claudia Gonson  
Kembrew McLeod (moderator)

### **SUNDAY, APRIL 30**

9:30am-9:45am

Introductory remarks: Siva Vaidhyanathan

9:45am-11:15am

Now Where Are We?

Lewis Hyde, Jonathan Lethem, James Boyle  
Siva Vaidhyanathan(moderator)

11:30am-1:00pm

What Is To Be Done?

Judge Kozinski, Pat Aufderhide, Carrie McLaren  
Lawrence Weschler (moderator)

## BIOGRAPHIES

**Allan Adler** is Vice President for Legal and Governmental Affairs in the Washington, D.C. office of the Association of American Publishers (AAP), where he deals with intellectual property, freedom of speech, new technology, and other industry-related issues. Prior to that, he variously served as Legislative Counsel to the American Civil Liberties Union (1981-1989), presenting testimony before various committees of Congress on a broad range of issues concerning the public's right to obtain and disseminate information; staff attorney with the Center for National Security Studies (1978-1981); and Staff Director for The Reporters Committee for Freedom of the Press (1977-1978).

**Pat Aufderheide** is professor in the School of Communication at American University in Washington, D.C., and the director of the Center for Social Media there. She is the author most recently of *The Daily Planet* and of *Communications Policy in the Public Interest*. She has served as a juror at the Sundance Film Festival; on the board of directors of the Independent Television Service, which produces innovative television programming for underserved audiences under the umbrella of the Corporation for Public Broadcasting; and on the editorial boards of a variety of publications, including *Communication Law and Policy* and *In These Times* newspaper.

**Fred Benenson** co-founded Free Culture @ NYU during his senior year while he was studying philosophy and computer science. After graduating in May of 2005, he worked as the Free Culture intern at Creative Commons. In the Fall of 2006, he will begin NYU's ITP program at the Tisch School of the Arts.

**Susan Bielstein** is the executive acquiring editor for art, architecture, classics, and film at the University of Chicago Press. A published writer of fiction and nonfiction, she has just completed a book about the permissions culture of our time, titled *Permissions, A Survival Guide: Blunt Talk about Art as Intellectual Property*, forthcoming in May.

**James Boyle**, the William Neal Reynolds Professor of Law at Duke Law School and co-founder of the Center for the Study of the Public Domain, is the author of *Shamans, Software and Spleens: Law and the Construction of the Information Society*, and a Board Member of both Creative Commons (which is working to facilitate the free availability of art, scholarship, and cultural materials by developing innovative, machine-readable licenses that individuals and institutions can attach to their work), and Science Commons, which aims to expand the Creative Commons mission into the realm of scientific and technical data. His most recent publication is *Bound By Law*, a jointly authored comic book on fair use in documentary film.

**Robert S. Boynton**, the director of the graduate magazine journalism program at New York University and a regular contributor to the *New York Times Magazine*, among others, is author of *The New New Journalism*, and was the co-convenor (with Mr. Weschler) of this conference.

**Inga Chernyak** is a junior in the Gallatin School of Individualized study. She co-founded the NYU chapter of Free Culture in her freshman year, and has been

fighting the good fight ever since. In the future, she hopes to write some manner of treatise in the field of moral philosophy, represent Fred Benenson in the monumental copyright suit he will inevitably bring upon himself, and turn down Jack Valenti when he offers to buy her a drink.

**Geoff Dyer's** many books include *But Beautiful*, *Paris Trance*, *Out of Sheer Rage* (on never quite being able to write a book on D.H. Lawrence), *Yoga For People Who Can't Be Bothered To Do It*, and, most recently, *The Ongoing Moment* (on photography). He lives in London.

**Lawrence Ferrara**, a pianist, music theorist, and expert in music copyright, is Professor of Music at NYU, where he has been Chair of the Department of Music and Performing Arts for eleven years. In addition, he has served as a frequent consultant to both plaintiffs and defendants in music copyright claims and in that capacity regularly gets engaged by all of the major record and music publishing companies as well as many independent entities.

**Joy Garnett** is a painter based in New York. She studied at L'Ecole Nationale des Beaux Arts in Paris and received her MFA from The City College of New York. Her work is exhibited widely in the U.S. and abroad, and has been reproduced in numerous publications including *Harper's*, *Perspecta*, and *Cabinet Magazine*. For more information go to: <http://joygarnett.com>

**Hugh Hansen** teaches courses in advanced copyright law, trademark law, EU intellectual property law and U.S. constitutional law at Fordham Law School. He is the founder and director of the Fordham Annual Conference on International Intellectual Property Law and Policy, author of *NY Intellectual Property Handbook* (Lexis Nexis 2006) and editor of seven volumes in a series entitled *International Intellectual Property Law & Policy*.

**Lewis Hyde** is a cultural critic with a special interest in the public life of the imagination. His 1983 book, *The Gift*, is an enquiry into the situation of creative artists in a commercial society. His more recent work, *Trickster Makes This World* (1998), is a portrait of the the kind of disruptive imagination needed to keep any culture flexible and lively. A MacArthur fellow, Hyde is currently the Richard L. Thomas Professor of Creative Writing at Kenyon College and a Fellow of the Berkman Center for Internet and Society at the Harvard Law School.

**Judge Alex Kozinski**, a graduate of the UCLA Law School who clerked for Supreme Court Justice Anthony Kennedy and Chief Justice Warren Burger, was appointed United States Circuit Judge for the Ninth Circuit on November 7, 1985.

**Lawrence Lessig**, whose work can be said to have inspired this entire conference, is a Professor of Law at Stanford Law School and founder of the school's Center for Internet and Society. Prior to joining the Stanford faculty, he was the Berkman Professor of Law at Harvard Law School, and a Professor at the University of Chicago. He clerked for Judge Richard Posner on the 7th

Circuit Court of Appeals and Justice Antonin Scalia on the United States Supreme Court. Professor Lessig represented web site operator Eric Eldred in the ground-breaking case *Eldred v. Ashcroft*, a challenge to the 1998 Sonny Bono Copyright Term Extension Act. Professor Lessig is the author of *Free Culture* (2004), *The Future of Ideas* (2001) and *Code and Other Laws of Cyberspace* (1999). He chairs the Creative Commons project, and serves on the board of the Free Software Foundation, the Electronic Frontier Foundation, the Public Library of Science, and Public Knowledge.

**Jonathan Lethem** is the author of *The Fortress of Solitude* and six other novels. His fifth novel, *Motherless Brooklyn*, won the National Book Critic's Circle Award and has been translated into fifteen languages. He's also the author of two collections of short stories, a collection of essays, and a novella, and edited *The Vintage Book of Amnesia*. A recent MacArthur fellow, he lives in Brooklyn and Maine.

**Carrie McLaren** is the editor and publisher of *Stay Free!*, a Brooklyn-based magazine and blog focused on American media and consumer culture ([www.stayfreemagazine.org](http://www.stayfreemagazine.org)). She is also the curator of the Illegal Art Exhibit, a multimedia art show and website devoted to copyright reform. ([www.illegal-art.org](http://www.illegal-art.org)). A former advertising columnist for the *Village Voice*, her writing has also appeared in *Newsday*, *Mother Jones*, *Time Out NY*, and *SPIN* magazine, among others. She lives in Brooklyn.

**Kembrew McLeod** is an independent documentary filmmaker and a media studies scholar at the University of Iowa whose work focuses on both popular music and the cultural impact of intellectual property law. His books include *Owning Culture: Authorship, Ownership and Intellectual Property Law* (2001) and *Freedom of Expression®: Overzealous Copyright Bozos and Other Enemies of Creativity* (2005). *Money For Nothing: Behind the Business of Pop Music* (2000) was McLeod's first documentary, and he is currently working on two other documentaries on free speech, fair use, and, as he puts it, Resistance and Repression in the Age of Intellectual Property.

**Susan Meiselas**, who received her B.A. from Sarah Lawrence College and her M.A. in visual education from Harvard University, joined Magnum Photos in 1976 and has worked as a freelance photographer since then. A MacArthur fellow, she is perhaps best known for her coverage of human rights issues in Latin America, images from which have been published widely throughout the world. Her books include *Nicaragua, June 1978-July 1979* and *Kurdistan: In the Shadow of History*.

**Paul D. Miller**, the writer and conceptual artist, is probably best known under the moniker of his "constructed persona" as "**DJ Spooky** That Subliminal Kid." He has remixed and recorded with a panoply of artists ranging from Metallica to Steve Reich to Killah Priest, and has performed in a wide variety of situations throughout the world. His latest CD is *Drums of Death*, with Dave Lombardo of Slayer, Chuck D. of Public Enemy and other notable collaborators. Other recent

releases include the groundbreaking *Optometry*; *Dubtometry*, a remix of *Optometry* featuring Mad Professor and Lee "Scratch" Perry; and the book *Rhythm Science* (MIT Press). He is currently touring the world with his multimedia/film/performance piece *DJ Spooky's Rebirth of A Nation*.

**Errol Morris**, who won a long-overdue Academy Award for his most recent documentary, *Fog of War*, has also been responsible for *The Thin Blue Line*; *A Brief History of Time*; *Fast, Cheap and Out of Control*; and *Gates of Heaven*, among others. A MacArthur fellow, he is also the author of an occasional series of screeds entitled "The Grump," retrievable, along with much else, at his website, [www.errolmorris.com](http://www.errolmorris.com).

**Amy Sewell's** debut film as a writer and a producer was *Mad Hot Ballroom*, an inspiring look inside the lives of eleven-year-old New York City public school kids who journey into the world of ballroom dancing. She is also an abstract-expressionist painter. This year she established a public nonprofit organization, Give It Up for the ARTS!, with the primary goal of helping kids with an interest in the arts pay for college.

**Hank Shocklee** currently heads up his own New Media Entertainment company, Shocklee Entertainment. Best known for his innovative production techniques and founding the group Public Enemy, Shocklee has in addition worked with a wide range of artists (Ice Cube, Madonna, Janet Jackson, Peter Gabriel, Slick Rick), scored and produced film soundtracks (*He Got Game*, *How Stella Got Her Groove Back*, *Dangerous Minds*, *Juice*) and served as Senior Vice President, Universal MCA Records, where he worked with Mary J. Blige, Patti LaBelle, K-Ci & JoJo, and Gladys Knight. Upcoming is an audio-visual album project *Shocktronica* (EMI/Astralwerks).

**Charles Sims** joined Proskauer Rose LLP in 1986 after nine years as national staff counsel at the ACLU, where he litigated First Amendment and national security cases, oversaw the ACLU's Supreme Court docket, and argued two cases in the Supreme Court. At Proskauer, he focuses on copyright and First Amendment cases. On the copyright side, he has represented the motion picture studios in their groundbreaking and successful litigation against hackers who were publicly providing illegal software for decrypting DVDs; and Lexis-Nexis in its victory against an Internet start-up which had attempted to steal the entire Lexis database for uploading onto the Web. For the past four years he has been lead counsel for databases and publishers in a class action suit by freelance authors, and worked on a variety of copyright cases on behalf of the Association of American Publishers.

**Art Spiegelman** won the Pulitzer Prize in 1992 for his masterful Holocaust narrative, *Maus*, which portrayed Jews as mice and Nazis as cats. A veteran of the underground comix movement, Spiegelman designed Wacky Packages, Garbage Pail Kids and other novelty items for Topps Bubble Gum Co., and taught history and aesthetics of comics at the School for Visual Arts. In 1980, Spiegelman founded *RAW*, the acclaimed avant-garde comics magazine, with his

wife, Françoise Mouly. They've more recently co-edited *Little Lit*, a series of comics anthologies for children. In 2004 Spiegelman completed a two-year cycle of broadsheet-sized color comics pages, *In the Shadow of No Towers*, and is now working on a comix format memoir, *Portrait of the Artist as a Young %@?\**!

**Siva Vaidhyanathan**, a cultural historian, media scholar, and assistant professor of Culture and Communication at NYU, is the author of *Copyrights and Copywrongs: The Rise of Intellectual Property and How it Threatens Creativity* (2001) and *The Anarchist in the Library: How the Clash between Freedom and Control is Hacking the Real World and Crashing the System* (2004). A onetime journalist, he has written for many periodicals, including *American Scholar*, *The Chronicle of Higher Education*, *The New York Times Magazine*, *MSNBC.COM*, *Salon.com*, *openDemocracy.net*, and *The Nation*.

**Joel Wachs**, long-time member of the Los Angeles City Council (where he authored most of its significant legislation designed to support artists and arts organizations), its past President, and a onetime candidate for Mayor, joined The Andy Warhol Foundation for the Visual Arts in New York City as its president in October 2001.

**Lawrence Weschler**, the director of the New York Institute for the Humanities at NYU since 2001 and concurrently, beginning this year, the artistic director of the Chicago Humanities Festival, was for twenty years (1981-2001), a staff writer with *The New Yorker*, where his work shuttled between political tragedies and cultural comedies. His dozen books include *Mr. Wilson's Cabinet of Wonders* (1995); *Boggs: A Comedy of Values* (1999); and most recently *Everything that Rises: A Book of Convergences*. He is art wrangler for the *Virginia Quarterly Review* and a contributing editor at *McSweeney's*, *Threepenny Review*, and *Wholphin*, the new DVD quarterly.

**Lebbeus Woods**, Professor of Architecture at The Cooper Union in New York City, was educated at the University of Illinois (Architecture) and Purdue University (Engineering), worked for Eero Saarinen Associates (1964-68), then in private practice. Since 1976 he has focused on theory and experimentation. Co-founder of the Research Institute for Experimental Architecture (RIEA), his works are in public collections including the Museum of Modern Art (New York) and The Whitney Museum of American Art (New York).

**The New York Institute for the Humanities at NYU** was established in 1976 for promoting the exchange of ideas between academics, professionals, politicians, diplomats, writers, journalists, musicians, painters, and other artists in New York City-and between all of them and the city. It currently comprises 185 fellows. Throughout the year, the NYIH organizes numerous public events and symposia.

**Lawrence Weschler, Director**  
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