

Jon A. Baumgarten

After graduating from New York University School of Law in 1967 under the tutelage of the renowned dean of American copyright law at the time, Prof. Walter J. Derenberg, Jon Baumgarten initially spent almost a decade in the private practice of copyright law, litigation, and policy including development of the 1976 Copyright Revision Act. After appointment as General Counsel of the United States Copyright Office in January 1976 Baumgarten was a leading participant in the final formulation of the general revision of the Copyright Act and was responsible for the novel and comprehensive rulemakings and thorough overhaul of all Copyright Office regulations and practices required under the new law. He also represented the Copyright Office before courts, Congressional committees and the Department of State and as liaison to the National Commission on New Technological Uses of Copyrighted Works (CONTU), and represented the U.S. Government in the World Intellectual Property Organization and other international copyright forums.

Baumgarten returned to private practice in 1980. In the course of a distinguished career representing individuals, companies, leading trade associations, and international consortia and lasting for more than four decades until his retirement from the firm of Proskauer Rose at the end of 2011, Baumgarten was a leading figure on the scene of copyright's dramatic encounters with changing technology and international trade. He led and participated as prevailing counsel in many of the most important copyright cases decided during that period including among others: *Mosley v. Follet* (SDNY; use of fact works; estoppel as facts); *Lottie Joplin Thomas Trust v. Crown Publishers* (SDNY & 2d Cir; changing economies and estoppel); *American Geophysical Union v Texaco* (SDNY & 2d Cir; corporate photocopying); *Basic Books v. Kinkos* (SDNY; coursepacks); *Princeton University Press v. Michigan Document Services* (coursepacks; 6th Cir en banc); *Matthew Bender v. Jurisline.com* (SDNY; database protection;

contract preemption); *Universal City Studios v. Corley/Reimerdes* (SDNY & 2d Cir; DVD decryption; DMCA interpretation and constitutionality; copyright and First Amendment); *Religious Technology Center v. Lerma* (ED Va; fair use in newspapers); *Silvers v Sony Pictures* (copyright standing; 9th Cir en banc); and *Reed Elsevier v Muchnick* (US Sup Ct; copyright registration and jurisdiction). While at the Copyright Office, Mr. Baumgarten successfully argued for the Office and Library of Congress major cases of copyright doctrine -- *Esquire v. Ringer* (DDC; applied design) and *Eltra v. Ringer* (ED Va & 4th Cir; typeface design; constitutionality of Copyright Office). He later served as a private sector member of the Ad Hoc Committee on Adherence of the United States to the Berne Convention and private sector advisor to Government science and technology policy bodies.

Although professionally born into analog-era and national-centric copyright law, with the advent of digital technology and growing international piracy and trade in IP, Baumgarten extensively lectured, negotiated and litigated on copyright aspects of then newly emerging computer law. He was a leader in the development of trade-based international copyright standards and multi-industry technology guidelines and of the SCPA, DMCA, and other legislation pertaining to copyright and new technology. He also counseled and led teams of businesspersons and technologists in the development, negotiation and litigation of cross-industry technical standards and solutions for content protection.