



Cowan DeBaets  
Abrahams & Sheppard  
LLP



## Nancy E. Wolff

PARTNER

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Nancy E. Wolff provides a unique legal service for multimedia companies of all sizes. Experienced in copyright, trademark and digital media law, Nancy offers full legal support to a wide range of traditional and digital media clients. Services include preparing all the necessary contracts and licensing agreements involved in the distribution or licensing of products and services in a multi-platform environment; offering branding, trademark and copyright protection strategy; reviewing content for potential legal issues; developing, negotiating and reviewing contracts or counseling clients on legal issues or business questions as they occur. Her achievements have earned her recognition as a Super Lawyer in Intellectual Property.

Operating almost as an in-house lawyer, Nancy advises her clients on the registration and protection of intellectual property in the area of copyright and trademark, advises when releases are necessary under various publicity laws, and how to promote the client's products and services without running afoul of the many advertising and privacy rules that are developing. She advises on creative ways to structure deals, make acquisitions or sell properties; as well as offering support to resolve any kind of legal dispute. While she explores the potential to resolve disputes amicably, with the aim to reach a fair settlement as efficiently as possible, if the enforcement or protection of her clients' rights requires legal intervention, she is a strong and dedicated advocate for her client.

### EMPLOYMENT

- Cowan, DeBaets, Abrahams & Sheppard, LLP, 2005 – PRESENT
- Wolff & Godin LLP, 1998– 2005
- Cavallo, Wolf & Wolff, LLP (Formerly Cavallo & Wolff)
- Schulte, Roth & Zabel, LLP

### PUBLICATIONS

- Professional Photographer's Legal Handbook (Allworth Press).
- Fair Use chapter for International Libel and Privacy Handbook, edited by Charles Glasser.
- Articles for Digital Media Licensing Association (PACA) industry blog.
- Contributing author to journal published by American Society of Picture Professionals (ASPP).
- Contributing Author to PDNedu Magazine, published by PDN and Nikon.

### BRIEFS

- Appellate brief filed in N.Y. Appellate Division 1<sup>st</sup> Department in *Svenson*, "Foster v. Svenson"
- Amicus brief filed in the 9<sup>th</sup> Circuit, *Experience Hendrix, LLC v Hendrixlicensing.com* in support of rehearing en banc.
- Amicus brief filed in 11th Circuit, *Cambridge University Press, Inc. v. Georgia State University*
- Amicus brief filed in 2nd Circuit, *Authors Guild v. HathiTrust*
- Amicus brief filed in 9th Circuit, *Shirley Jones v. Corbis Corporation*
- Amicus brief filed in 9th Circuit, *Fox Television Stations, Inc. v. Aereokiller, LLC*
- Amicus brief filed in 9th Circuit, *Perfect 10, Inc., v. Visa International Service Association*

### PRACTICES

- Advertising and Marketing
- Copyright
- Litigation
- Trademarks and Brands
- Venture

### INDUSTRY SECTORS

- Digital Media
- Fashion and Apparel
- Photography / Arts / Design
- Publishing
- Software / Apps

### BAR ADMISSIONS

- New York, New Jersey, California, and Pennsylvania.
- Admitted to U.S. District Courts for the Southern, Eastern and Northern Districts of New York, Central and Northern District of California, District of New Jersey, United States Courts of Appeal for the Second and Ninth Circuit and the United States Supreme Court.

## SPEAKING ENGAGEMENTS

She is a frequent speaker throughout the United States and Europe on issues relating to copyright, digital media, and licensing for many organizations including the American Bar Association, The Copyright Society, Practising Law Institute (PLI), The Digital Media Licensing Association, and the European Confederation of Image Libraries and Archives (CEPIC). She frequently speaks at design schools and photography classes on issues relating to copyright, trademark, and publicity as it relates to the licensing of digital media.

Additionally, she is often a guest speaker at Columbia Law School.

## ASSOCIATIONS AND ACTIVITIES

- Vice President and member of the Copyright Society of the USA.
- President Elect of the American Bar Association (ABA) Intellectual Property Section on Copyright Legislation; Member of Committee on Copyright and Technology and Visual Arts and Dramatic Works Committee.
- Member of ABA Intellectual Property Section Task Force on Copyright Reform.
- Member of Media Law Resource Center (MLRC).
- Previous member of Section 108 Study Group, convened by the Library of Congress, and charged with updating the Copyright Act.
- Member of American Association of Picture Professionals.

## NOTABLE ACHEIVEMENTS

- Testified on copyright remedies before the Congressional Subcommittee on Courts, Intellectual Property, and the Internet for the United States House of Representatives, 113<sup>th</sup> Congress, 2<sup>nd</sup> Session on July 24, 2014.
- Successfully defended a fine art photographer Arne Svenson in a right of publicity action, with a unanimous decision by the Appellate Division 1<sup>st</sup> Department upholds a directive that photographs are expressive works entitled to full First Amendment protection and are exempt from New York's right of privacy law that requires written permission from the subjects.
- Successfully resolved copyright action involving an app developer and former licensor.
- Represents a popular children's series book author to navigate publishing agreements with increased e-publication rights.
- Represents National Geographic Photographers Group.
- Counsel to the Digital Media Licensing Association (PACA) and created industry contract forms, copyright education programs and advocates on behalf of the members on copyright and right of publicity issues.
- Counsel to PLUS Coalition, a non-profit organization developing standards in image licensing.
- Negotiated the license for a start-up to use the works of a Hollywood fashion legend.
- Prepared and negotiated all the contracts for an international company that offers marketing and design templates, including, the acquisition of the domain name for its brand, trademark registrations, entity formation, licensing agreements, white-label distribution, printing agreements, and website terms and conditions.
- Represents award-winning digital agencies that produce multi-platform online content for famous brands in contract negotiations, trademarks and provides general counseling.
- Vets manuscripts for publishers on subjects as diverse as the financial crisis; illegally paying college athletes; the making of the top selling rock album; a collection of works on graffiti artists; and the history of a legendary English rock band.
- Worked with a client in creating an iPhone app for model, property and talent releases for the stock photography and film industry.
- Successfully negotiated settlements for alleged copyright infringement on behalf of several image libraries, bloggers and educational publishers.
- Successfully resolved copyright cases on behalf of manufacture of lace designs in various copyright infringement cases against retailers and distributors.
- Successfully defended claims on behalf of a major photo library by models asserting defects in releases.
- Represents a publisher of works relating to MBTI® testing in contract, copyright, and trademarks.
- Assisted several stock libraries in acquiring complementary image libraries.
- Represents a photographers group in negotiations with a major publisher, with respect to their assignment contracts.

- Provides counseling to heirs of artists and assistance in offering advice to artists concerning gifting, loaning, or selling collections to institutions.
- Prepare social networking policies and website terms and conditions.
- Represent trade associations in the photography industry in filing amicus briefs in various federal court matters involving the validity of copyright registrations in photographs, the ability to offer editorial images in an online environment without violating California publicity laws, the liability of ISP's and payment providers under the DMCA in hosting sites of pirated content, and the boundaries of fair use and visual images as it applies to appropriation art.
- Represented an internationally renowned artist in her contract with Louvre Gallery, and in the production of a film about the making of her work.

#### AWARDS

- New York Super Lawyer- Intellectual Property, 2013.
- Martindale, AV Preeminent Lawyer
- Named "Picture Professional of the Year" by The American Society of Picture Professionals (2007).

#### PRO BONO

- Advisor to the Young Photographers Alliance (YPA).
- A founding legal advisor to the Copyright Alliance, providing legal services and advice to the organization.
- Advisor to Gordon Parks Foundation

#### EDUCATION

- University of Maryland, Magna Cum Laude, BS in Business Management.
- Rutgers School of Law in Newark, New Jersey; Business Manager and Editor of the Rutgers Law Review.