

DOROTHY M. WEBER, ESQ.
HERBSMAN HAFER WEBER & FRISCH, LLP
494 EIGHTH AVENUE, SUITE 600
NEW YORK, NEW YORK 10001
TELEPHONE: (212) 245-4580
DOROTHY@MUSICLAW.COM

PROFESSIONAL SUMMARY

Has achieved national recognition as a leader in the field of intellectual property litigation, having successfully litigated and/or tried numerous high-profile cases, and having argued in state and federal courts throughout the country, as well as the Second Circuit Court of Appeals. Has worked with composers and writers for the passage of the Copyright Term Extension Act, filing an *amicus curiae* brief in the landmark Supreme Court decision *Eric Eldred et al. v. John D. Ashcroft*, 01 U.S. 618, on behalf of Amsong, Inc.

EXPERIENCE

PRACTICE

As a partner in the law firm of Herbsman Hafer Weber & Frisch, has represented book publishers, visual artists, Emmy, Grammy, Oscar and Tony winning theatrical and film entities and artists. Other cases involve tort, copyright, trademark, unfair competition, right of publicity and contract cases.

Practices also include extensive intellectual property licensing activities, including mergers and acquisitions involving the Internet and other transactional matters.

Has been involved in various matters working with visual and recording artists and their estates.

Has worked extensively with the Estate of Oskar Schlemmer, in an effort to obtain the return of works of art taken by the Nazis during World War II.

Has worked to lobby the New York State Legislation on behalf of a variety of celebrity clients in an effort to enact legislation in New York to protect postmortem publicity rights which legislation came into effect in 2021.

PANELS AND ADJUNCT PROFESSORSHIPS

Civil Trial Practice Institute Program: *Preparing for Trial* - Annual Panelist
Preparation of Plaintiffs and Defendants: the Honorable Kelly O'Neill Levy moderating

Adjunct Professor at Brooklyn Law School: Entertainment Law

Adjunct Professor at Fashion Institute of Technology: Business Law for Artist

Adjunct Professor at New York Law School: Litigating Copyright and Trademark Cases in the Southern District of New York; Trademark and Unfair Competition

ADMISSIONS

United States Court of Appeals for the Second Circuit
United States Court of Appeals for the Seventh Circuit
United States Court of Appeals for the Ninth Circuit
United States Court of Appeals for the Eleventh Circuit
United States District Court for the Southern District of New York
United States District Court for the Eastern District of New York
United States District Court for the Northern District of Illinois
United States Supreme Court

HONORS, AWARDS AND ACHIEVEMENTS

- Rated AV Preeminent by Martindale Hubbell
- Named Top Rated Intellectual Property Lawyer by Martindale-Hubbell
- Named New York Super Lawyer
- Avenue Magazine, Legal Elite Top Women Attorneys
- Brooklyn Law School Dean Beryl R. Jones-Wooden Art Law Award
- Named to Top Women Attorneys in Metro New York
- Global Law Experts Award for Boutique Licensing Law Firm, New York
- New York Magazine and the New York Law Journal Top Rated Lawyer
- US Business News Legal Elite Award for Best Entertainment Firm, New York
- US Business Legal Elite Award for Best Media IP Litigator, New York

PUBLICATIONS

Anti-Piracy Enforcement in the Entertainment Industry
New York Law Journal
Coauthor: G. Robert Gage, Jr.

Artist's Estate KOs New Grove Eatery

The Herald
Coauthor: David Lyons

Deceased Stars Haunting the Courtroom, Protecting Celebrities' Estates from Merchandising Rip-offs is Big Business
ABA Journal

John Lennon's Sketches Find an Innovative Outlet
The New York Times
Coauthor: Constance L. Hays

Picasso Heirs Fight Picasso Pizza
The American Lawyer
Coauthor: Emily Barker

Picassos Reclaim Their Patrimony
The New York Times
Coauthor: David Coleman

Survey: Museums, Artists and Copyright
Cardozo Entertainment Law Review

Trying to Resolve Jurisdictional Rules on the Internet
The New York Times
Coauthor: Geanne Rosenberg

TRANSACTIONAL PRACTICE

Ms. Weber was Executive Director of The Visual Artists and Galleries Association (“VAGA”) an organization devoted to the protection and enforcement of the rights of visual artists. Together with Claude Picasso, son of Pablo Picasso and Executive Director of SPADEM, the French sister society of VAGA, Ms. Weber worked to implement legislation to protect the "droit moral" of American artists. In response to Ms. Weber’s advocacy and campaigning, Edward I. Koch, Mayor of New York, issued a declaration creating "Copyright Week," during which VAGA hosted a summit in New York, attended by visual rights groups from around the world. First presented by Ms. Weber at a conference of the Confederation International Des Societes D'Auteurs Et Compositeurs held in Madrid, Spain, the Cardozo Arts and Entertainment Law Journal published Ms. Weber’s survey on Museums, Artists and Copyright.

Ms. Weber co-founded Museum Boutique International, a cooperative effort between artists and museums, established to license fine art reproductions authorized by artists and museums.

Ms. Weber has also been involved in various matters working with visual artists and their Estates, including the Estate of Oskar Schlemmer, to obtain the return of works of art taken by the Nazis during World War II.

Ms. Weber worked extensively with artists and composers for the passage of the Copyright Term Extension Act, work which led to filing of an *amicus curiae* brief in the landmark Supreme Court decision *Eric Eldred et al. v. John D. Ashcroft*, 01 U.S. 618, on behalf of Amsong, Inc.

REPRESENTATIVE LITIGATION

Representing long-standing client the Estate of Jimi Hendrix in numerous intellectual property disputes nationwide including the successful prosecution of a series of copyright and trademark claims regarding the rights to Jimi Hendrix intellectual property which resulted in a \$2 million dollar, non-dischargeable, judgment and a permanent injunction against various defendants; and prevailed on multiple motions for sanctions – monetary, adverse inference, as well as terminating sanctions for the spoliation of evidence and discovery abuses, including the use of anti-forensic software to wipe electronic files.

Successfully representing the Estate of Billy Strayhorn, the renowned jazz composer and performer of such hits as “Take the A Train,” in one of the first cases involving termination rights under the Copyright Act.

Representing the Estate of Pablo Picasso in numerous high profile copyright and trademark infringement, fraud and RICO actions throughout the country.

Obtained dismissal of claims against “Caught Up” songwriter, Jason Boyd, in one of the first cases in the country where a copyright action was disposed of by a motion to dismiss, which was affirmed by the Second Circuit.

Successfully representing composer Alan Menken in *Shoptalk v. Concorde-New Horizons*, a case of first impression.

Representing the Estate of baseball legend Mickey Mantle in disputes nationwide with respect to various trademark, right of publicity and other intellectual property claims.

Successfully defended, at trial by jury, Grammy winning musician and artist, Wyclef Jean, in a highly publicized musical copyright infringement action, *Pyatt v. Jean* in the Eastern District of New York.

Representing Yoko Ono Lennon and the Estate of John Lennon in numerous intellectual property disputes nationwide.

Successfully defending the legendary Liza Minnelli in various actions including the highly publicized *Gest v. Minnelli* case in the Supreme Court of New York.

Representing long-standing client Bensusan Restaurant Corp. in numerous litigations regarding the world famous Blue Note trademark.

Representing the jazz legend Miles Davis, and his Estate in numerous copyright and trademark matters.

Representing the Artists Rights Society, Inc. and the Picasso Administration as *amici curiae* in the Second Circuit on behalf of the artist Faith Ringgold in *Ringgold v. Black Entertainment Television*.

Representing the Estate of Nina Simone in various intellectual property matters including a lawsuit in the Southern District of New York in connection with SAG/AFTRA rules for a violating use of her iconic song “Sinnerman.”

Representing numerous artists and their estates including the Estate of Pablo Picasso, The Estate of Oskar Schlemmer, the Estate of Louis Armstrong, the Estate of Nina Simone, and representing bands and musical artists such as Foreigner, Foghat, Grand Funk Railroad, and The O’Jays in connection with enforcement, policing and protection of their copyrights and trademark rights.

EDUCATION

Brooklyn Law School, Brooklyn, New York
J.D.

Brooklyn College, Brooklyn, New York
B.A.
Cum Laude