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# LUTZKER & LUTZKER — LLP —

## Lutzker & Lutzker Newsletter

January 2021

To our clients, colleagues and friends:

explore in the realm of IP and privacy law, which we continue to do through this periodic newsletter.

The nearly 6,000 page coronavirus relief and government spending bill passed by Congress in late December contains several important pieces of intellectual property legislation. See [our blog](#) for a discussion of the impact of these new provisions on trademark applications and registrations as well as intellectual property litigation and stay tuned for further analysis as these provisions are implemented.

Earlier this year [we wrote](#) about the issues surrounding name changes in the public and private education space as well as the rebranding of the Washington Football Team. [Our new blog](#) addresses legal and practical considerations as cities, states and the federal government grapple with issues surrounding the names of public spaces.

Until some recent court decisions, embedding photos linked to an Instagram account was not considered copyright infringement. Now social media platforms are scrambling to protect user content. [Our blog](#) analyzes the legal issues and possible approaches for website owners to minimize their liability.

Also in the copyright arena, we have a [new report](#) on the infringement lawsuit by publishers against the Internet Archive, updating our [original article](#) and [first addendum](#) discussing the copyright issues raised by the ongoing litigation with book publishers.

We have [also focused](#) on Digital Rights Management (DRM) technology, which is designed to prevent users from illicitly copying or distributing copyrighted material. Content providers have also used this technology to remove from e-libraries content that consumers believed were purchases rather than short term licenses, a particularly problematic change during the pandemic when it impacts students' access to textbooks.

Finally, continuing our interest in IP protections for indigenous intellectual property, [we discuss](#) existing laws protecting Native American cultural resources and the vulnerabilities that remain as Rep. Deb Haaland has been nominated as the first Native American Secretary of the Interior. Even with stronger enforcement, however, traditional intellectual property law fails to protect intangible cultural property both in the U.S and globally. This was underscored when Native American tribal leaders announced they would prioritize giving COVID-19 vaccinations to elders who still speak native languages in an effort to keep those languages alive.

Please continue to stay safe. Of course, don't hesitate to reach out to us at [info@lutzker.com](mailto:info@lutzker.com) with any questions.

# Blog Posts from the Firm

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## Internet Archive's Open Library and Copyright Law: Second Addendum

This blog updates Lutzker & Lutzker's May and June 2020 blogs on the Internet Archive and its digital lending library, as well as its now-shuttered COVID-19 National Emergency Library and the copyright issues raised by the ongoing litigation with book publishers.

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## Embedding Copyrighted Images

Embedding photos linked to an Instagram account was not considered copyright infringement until some recent court decisions determined otherwise, leaving social media platforms scrambling to protect user content.

[Read Here >>](#)

## What's in a Rename: Public Spaces

This blog addresses legal and practical considerations as cities, states and the federal government grapple with issues surrounding the names of public spaces.

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## A Primer on Digital Rights Management

Digital Rights Management (DRM) technology is designed to prevent users from illicitly copying or distributing copyrighted material. However, content providers have also used the technology to remove content from users e-libraries that consumers have been led to believe were purchases, rather than short term licenses. While this content is often video games and music, this change to the terms of use has been particularly problematic during the pandemic when it impacts students' access to textbooks. DRM also raises privacy concerns as the technology can be used to track consumer information such as what content has been purchased and a user's location when the content is accessed.

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## December 2020 Intellectual Property Legislation Overview

The 5,593-page Coronavirus relief and government spending bill passed by Congress without much discussion in the final days of 2020 contains several pieces of intellectual property legislation worth noting. These Acts would impact trademark applications and registrations as well as intellectual property litigation. The following summarizes what we know so far about these Acts. What's in store as these bipartisan Acts are implemented remains to be seen.

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## Will the New Administration Spell New Hope for Protecting Native American Cultural Property?

The nomination of Rep. Deb Haaland to be the first Native American Secretary of the Interior may be reason to hope that existing federal statutes protecting Native American cultural resources will be enforced. Even with such enforcement, vulnerabilities will remain as traditional intellectual property remedies have failed to protect intangible cultural property both in the U.S and globally.

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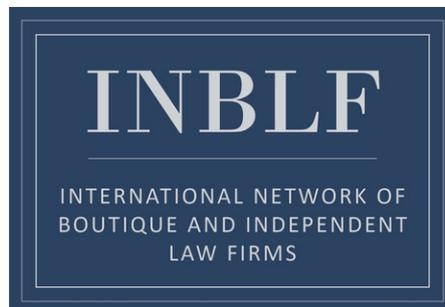
## New From Lutzker & Lutzker LLP: FAQs

Don't forget to check out the new FAQ feature on our website. The first FAQs focus on [Privacy Law](#) and [Technology and the K-12 Classroom](#).

New topics coming soon!

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## Connect with us online



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Arnold Lutzker and Susan Lutzker founded Lutzker & Lutzker LLP in 1998 to provide high-quality, cost-effective legal services to businesses, creative professionals and their lawyers in the creation, strategic

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exploitation and defense of intellectual property assets.

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Drawing on their experiences in law, business and the arts, our firm's lawyers have stayed on the leading edge of digital-era issues, including online content, social media, mobile applications, cybersecurity and data privacy requirements. We advise corporate counsel on challenging intellectual property matters and also help more than 300 clients protect and manage their traditional copyright and trademark portfolios.

Questions: please email us at [info@lutzker.com](mailto:info@lutzker.com)



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