

— LUTZKER
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— LLP —

Lutzker & Lutzker
Newsletter
March 2021

To our clients, colleagues and friends:

Spring is in the air, finally! There is much happening in the realm of IP, privacy law and artificial intelligence (AI), which we continue to explore through this periodic newsletter.

In the copyright arena, we have written about the hotly debated issue of controlled digital lending (CDL), the digitization of physical books for e-lending. [We explore](#) the tug-of-war between equal access to information and the rights of copyright owners. CDL is one of the issues remaining to be litigated in the publishers' lawsuit against the Internet Archive, the subject of [previous articles](#) on our website.

While Donald Trump is now the Former President, his impact on the political arena is only slightly diminished. In [our insight](#) (our new term for blog) we have taken a look at his personal, family and business enterprises and the trademark issues that might impact or, in some cases signal, his plans going forward.

We tackle the difficult issues surrounding facial recognition in [our article](#) about the use of this software to screen applicants for the February California bar exam. Our insight discusses the need for clear facial recognition use policies and restraint in its use until certain ethical and equitable issues have been resolved. Shortly after we published our article, the Lawyers Committee on Civil Rights, which had threatened to sue in advance of the bar exam, delayed action until it receives detailed data, including exam passage rates by race and gender, from the Bar. We will continue to monitor the situation as well as publish additional insights about facial recognition and other difficult issues in the realm of AI.

In the privacy realm, we have [a new article](#) focusing on the particular vulnerabilities of nonprofit organizations to data privacy breaches (especially through their third-party vendors) and practical steps they can take to manage these risks.

We have also [reported on](#) recent developments in an extended legal battle over the Babri Mosque in India. A little discussed aspect of that case is that the plaintiff was Lord Ram, a Hindu deity, held by the court to be a legal entity. Rights to tangible religious property in the Indian legal system can be held and enforced by deities, who are considered juridical persons. The Indian practice is part of a broader concept of legal personhood, including environmental personhood, which holds promise for protecting indigenous intangible intellectual property.

We are pleased to report that the [inaugural issue of the DC Bar's Communities Newsletter](#) includes an article by Susan Lutzker on the pitfalls of assuming your business liability insurance protects you from IP infringement claims.

Finally, one of our valued clients has been in the news. Will Seippel, president of [WorthPoint Corporation](#) was [interviewed for the PBS Newshour](#) about rare documents containing a dozen signatures of Martin Luther King, Jr. from his time in the Birmingham jail. The family that owned the documents turned to WorthPoint for expert advice prior to their decision to put them up for auction, where they ultimately sold for more than \$130,000.

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

Insights from the Firm

One at a Time: What is Controlled Digital Lending?

Controlled digital lending (CDL), the digitization of physical books for e-lending, has been hotly debated in the field of copyright law. Here we explore the tug-of-war between equal access to information and the rights of copyright owners.

[Read Here >>](#)



The Party of Trump: Trump Branding and the Trademark Office

While Donald Trump is now the Former President, his impact on the political arena is only slightly diminished. Here we take a look at his



personal, family and business enterprises and the trademark issues that might impact or, in some cases signal, his plans going forward.

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Facial Recognition and the 2021 California Bar Exam

The following is one in a series of articles by Lutzker & Lutzker on Artificial Intelligence (AI), and in particular facial recognition. Here we discuss the need for clear facial recognition use policies and restraint in its use until certain ethical and equitable issues have been resolved.

[Read Here >>](#)



Protecting Privacy: a Non-Profit's Guide to Data Privacy Breaches

Data privacy breaches, administered through internal hacking or third-party vendors, have negatively impacted countless nonprofit organizations. Data privacy litigation has



famously, or infamously, involved giant corporations. However, nonprofits are also vulnerable because of their more limited resources and the need to contract with commercial vendors over whom they have more limited oversight. Nonprofits also face greater risks in addition to the financial burden of litigation, including but not limited to loss of trust from the community the nonprofit serves, major disruption of daily operations, weakened donor confidence and loss of grant funding. Within our increasingly digital world, it is important for nonprofits to learn from past data breaches in order to minimize risk and prevent future cyber-attacks.

[Read Here >>](#)



Lord Ram's Victory in the Babri Mosque Case and the Concept of Juridical Persons

Rights to tangible religious property in the Indian legal system can be held and enforced by deities, who are considered juridical persons. Some cultural monuments and religious sites have become embroiled in a larger battle to reinterpret Indian history. The Indian practice is part of a broader concept of legal personhood, including environmental personhood, which holds promise for protecting indigenous intangible intellectual property.

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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!

Connect with us online



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

exploitation and defense of intellectual property assets.

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



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