



Eric J. Schwartz

Partner



1818 N Street N.W.
7th Floor
Washington, DC 20036

t (202) 355-7903
f (202) 355-7903
ejs@msk.com

legal expertise

Eric Schwartz has over 35 years of experience as a copyright attorney counseling on U.S. and foreign copyright law matters - including rights, ownership, licensing, exceptions, and enforcement issues - for emerging technological uses (e.g., social media and artificial intelligence), as well as "traditional media" in film and television, recorded sound, music publishing, book publishing, videogames, and business software. Eric has served as production counsel for numerous feature and documentary films and television programs (as well as provided fair use guidance). For several decades, he has counseled on copyright termination issues regarding the recapture and re-negotiation of rights in high-profile cases and privately in catalog sales, involving musical compositions, recordings, films, and works of the visual arts. Eric has served as an expert witness in numerous federal copyright cases, and as an appellate and trial litigation strategist, as well as assisting on Copyright Office registration and recordation practices. He is an expert on film and recorded music archival legal and preservation issues; his pro bono preservation work was featured in a 2011 *Washington Post* profile. He is an adjunct professor and frequent guest lecturer on copyright law and related subjects, including serving on the faculty of American University Washington College of Law, and Georgetown University Law Center.

representative matters

- Expert witness in a Central District of California case (*Wallster Inc. v. Redbubble Inc.*) on issues pertaining to Copyright Office registrations and Office practices.
- Serve as U.S. copyright counsel to Pink Floyd, Ltd. and Pink Floyd 1987, assisting on U.S. Copyright Office practices and filings, and other more complex U.S. copyright law matters.
- Serve as outside copyright counsel to several major museums, as well as to individual visual artists and photographers on a variety of old law (1909 Act)

practice areas

entertainment transactions
intellectual property
entertainment & ip
litigation

admissions

District of Columbia
New York
U.S. District Court
Southern District of New York
U.S. Court of Appeals
First Circuit
Second Circuit
Ninth Circuit
District of Columbia Circuit
U.S. Supreme Court

education

American University,
Washington College of Law,
J.D., 1984
Johns Hopkins University,
B.A., 1979

other career experience

- Acting General Counsel, United States Copyright Office (1994)
- Senior Legal and Policy Advisor, Register of

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f 310.312.3100

new york
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f 212.509.7239

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and current copyright law issues including Visual Artists Rights Act (VARA) matters.

- Expert witness retained by Broadcast Music Inc. (BMI) to opine on U.S. copyright issues and to comparative copyright law issues pertaining to performing rights organizations (PROs) in Canada and the United Kingdom, in a BMI "rate court" case against the North American Concert Promoters Association (NACPA) in the U.S. District Court for the South District of New York. The focus of the case was to set the rates that concert venues must pay BMI songwriters and music publishers for live music performances in the United States. In a March 2023 decision, the court awarded BMI a substantial rate increase, both retroactively and prospectively, after a decades-long dispute.
- Chief negotiator and litigation counsel with MSK's lead litigators Paul Montclare and Matt Williams, in a case involving the termination of copyright rights, and ultimately, the re-negotiation of rights for the Phillie Phanatic, the most celebrated mascot in sports. MSK represented Bonnie Richardson and Wayde Harrison, the original creators of the Phanatic. In 2018, on behalf of MSK's clients, Eric served a termination notice on the Philadelphia Phillies baseball team, who had licensed rights in the Phanatic from Harrison/Erickson (in 1978); that commenced negotiations with the Phillies for a new license. In 2019, the Phillies sued MSK's clients in the U.S. District Court for the South District of New York. In November 2021, that litigation settled in a confidential financial agreement and the re-licensing the rights to the Phillies by Harrison/Erickson.
- Production counsel for "Iconic America: Our Symbols and Stories" a 2023 PBS nationwide broadcast eight-part series produced and narrated by David Rubenstein. Provided production counsel on copyright licensing and rights issues, including fair use analysis.
- Chief production counsel for the multi-million dollar PBS series "Soundbreaking" – an eight hour documentary about the history of recorded music (the "legacy project" of legendary producer Sir George Martin). The series aired nationwide in November 2016, and has also been broadcast in many territories abroad (U.K. etc.). In addition to serving as counsel, Eric received a producer credit ("Producer for Higher Ground") for assistance with the production, including working with the writers and directors shaping the content of the series. As counsel/producer, Eric negotiated and drafted talent agreements with over 200 recording industry luminaries such as Sir Paul McCartney, Ringo Starr, Joni Mitchell, Bonnie Raitt, Tom Petty, Elton John, Smokey Robinson, among many others. Eric also, along with other

Copyrights (1988–1994)

- Staff Assistant and Assistant Counsel to the Committee on Rules of the U.S. House of Representatives for Hon. Joe Moakley (1979–1988)

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t 310.312.2000
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MSK counsel, negotiated the archival agreements (over 150 in the series) for all moving images and photographic materials as well as music used in the series. Eric also worked with Jim Guerra and other MSK counsel on the production, financing and distribution agreements for the series.

- Regularly provide production counsel and/or copyright counseling on documentary films, including for PBS as well as for numerous production companies. This includes assistance with licensing underlying rights and materials (film clips, photos, music/compositions), as well as fair use reviews for E&O insurance purposes.
- For over two decades, Eric has counseled numerous clients on copyright termination (re-capture) and re-negotiation issues and negotiated complex use and re-use agreements of properties (for films, recorded music and musical compositions).
- As former senior attorney and Acting General Counsel of the U.S. Copyright Office, Eric can advise and assist with copyright registration, recordation (recording assignments, mortgages etc.) and related matters with the Copyright Office.
- Spent over two decades representing major studio and independent film companies in foreign markets, in Europe, Asia, Latin America and MENA etc.
- Worked on archival (back catalog) film and music issues, including preservation of materials, for over three decades.
- Previous counsel (for over two decades) to International Intellectual Property Alliance (IIPA) – an alliance of the music, film, book publishing, and entertainment software industries -- on copyright licensing, market access and enforcement issues in territories throughout the world, including India, Mexico, Europe and Russia, as well as other major markets.
- Assisted NBC Universal with 2016 Summer Olympics copyright matters relating to broadcast rights (including Copyright Office registrations); provided similar counseling for prior Olympics: the 2014 Winter Games, the 2012 Summer Olympics, the 2010 Winter Games, and the 2008 Summer Games.
- Counsel Philip K. Dick Testamentary Trust on all copyright and transactional matters relating to Philip K. Dick literary properties ("Adjustment Team," "Minority Report" etc).
- Counsel to The Mayfield Family Trust on copyright and transactional matters relating to the Curtis Mayfield song catalog.
- Assisted with numerous briefs in Supreme Court's *Golan v. Holder* case on the constitutionality of copyright restoration provisions.
- Represent photographers and photographic licensing agencies on Copyright Office registration matters.
- Production counsel for numerous long-form documentaries including: Martin Scorsese's "A Letter to Elia," the PBS broadcast six-hour series "Circus" and the PBS four-hour primetime series "Half the Sky" (both produced by Show of Force), and numerous public television-broadcast and theatrical releases.

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- Represented Universal Music Group in negotiations with the Library of Congress for UMG's donation of over 200,000 historic master recordings from 1928-1948 to the Library - the largest single donation of recordings ever received by the Library, preparing and negotiating the donor agreement, and working on all preservation and access issues.
- Co-lead counsel providing strategic guidance and copyright due diligence for the purchase of the complete catalog of a major (top 3) music publisher.
- Expert witness on U.S. and Canadian law in copyright arbitration dispute involving software licenses that resulted in over \$100 million reward to client.
- Provided full chain of title analysis for underlying story and screenplay adapted into a major motion picture released worldwide.
- Provided copyright counseling for one of the first major record label agreements with the Apple iTunes Music store (for streaming, and computer and iPod downloads).
- At the U.S. Copyright Office (1988-1994): served as a principal participant crafting copyright law amendments including: the Berne Convention Implementation Act of 1988, the Visual Artists Rights Act of 1990, Copyright Renewal Act of 1992, and National Film Preservation Act of 1992 (and later, in 1996, 2005 and 2009 reauthorizations). Also, served as principal (U.S. government) negotiator of the copyright provisions in: several bilateral agreements with Russia and over a dozen Central and Eastern European countries; the U.S., Canada and Mexico Free Trade Agreement (and NAFTA); and multilateral talks leading up to Berne accession, the World Trade Organization TRIPs Agreement, and in bilateral trade talks with China, Taiwan and Korea.

honors & awards

- Named to Capital Pro Bono Honor Roll list with highest honor for 2022
- "Outstanding IP Practitioner," *World Intellectual Property Review* Leaders Directory (2023-2025)
- "Top Trademark Star," *Managing IP* (2020-2021, 2024-2025)
- "Top Copyright Star," *Managing IP* (2020-2021, 2024-2025)
- Top Rated Intellectual Property Attorney in Washington, DC, *Super Lawyers* (2016-2022)
- "Leading Media & Entertainment Lawyers in Washington, D.C.," *Chambers USA* (2013-2016)
- Recognized by *Best Lawyers in America*® in the fields of:
 - Copyright Law (2011-2026)
 - "Lawyer of the Year" (2026)

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- Litigation - Intellectual Property (2011-2023)

professional, business and civic affiliations

- Chair, Copyright Division of the ABA Section on Intellectual Property Law
- President (2014-2016), Vice-President/President-Elect (2012-2014) and Executive Committee Member (2007-present), Copyright Society of the USA; Formerly Co-Chair of the DC Chapter (2007-2010) and Trustee (1997-1999)
- Vice Chair, Committee on International Copyright Treaties & Laws of the ABA Section on Intellectual Property Law (2013-2017)
- Founding Director and Vice Chair, National Film Preservation Foundation (1996-present)
- Pro Bono Counsel, Library of Congress' National Film Preservation Board (1988-present)
- Library of Congress' National Recording Preservation Board (2003-present)
- Board Member, National Recording Preservation Foundation (2024-present)
- DC Bar Association
- American Bar Association, Copyright Reform Task Force
- Association of Moving Image Archivists (AMIA)
- The Recording Academy - DC Chapter
- Lecturer, Copyright Law, George Eastman Museum Selznick School of Preservation (2001-Present)

headlines

37 MSK Attorneys Named Among *The Best Lawyers in America*® for 2026
Best Lawyers, August 21, 2025

Six MSK Partners Recognized on *Managing IP's* 2025 "IP Stars" List
Managing IP, June 5, 2025

11 MSK Attorneys Named to *World Intellectual Property Review's* Leaders Directory 2025
World Intellectual Property Review, May 19, 2025

Eric Schwartz Featured in Library of Congress' National Recording Preservation Board's Oral Histories Segment
Library of Congress, April 11, 2025



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34 MSK Attorneys Named Among *The Best Lawyers in America*© for 2025
August 15, 2024

7 MSK Partners Selected As "Outstanding IP Practitioners" in the *World Intellectual Property Review* Leaders 2024
Directory
World Intellectual Property Review, July 2, 2024

Six MSK Partners Recognized on *Managing IP's* 2024 "IP Stars" List
Managing IP, May 31, 2024

Eric Schwartz awarded the Alan Stark Award by the Association of Moving Image Archivists
November 16, 2023

38 MSK Attorneys Named Among *The Best Lawyers in America*© for 2024
August 17, 2023

9 MSK Partners Selected As "Outstanding IP Practitioners" in the *World Intellectual Property Review* Leaders 2023
Directory
July 7, 2023

Eric Schwartz served as expert witness for Broadcast Music Inc.'s recent "rate court" victory
April 14, 2023

MSK Partner Eric J. Schwartz Named to the 2022 edition of Washington, D.C. *Super Lawyers*
April 28, 2022

MSK Clients Release Statement on the Phillie Phanatic Returning to Philadelphia
Business Wire, November 16, 2021

MSK Provides Statement on Judge's Decision for Phillie Phanatic Case
Business Wire, August 24, 2021

26 MSK Attorneys Named Among *The Best Lawyers in America*© for 2022
August 19, 2021

MSK Attorneys Recognized in *Managing IP's* 2021 "IP Stars" List
June 2021

Eric Schwartz featured in the ASCAP Daily Brief and the Dean's List
ASCAP Daily Brief, March 26, 2021

33 MSK Attorneys Named Among *The Best Lawyers in America*© for 2021
August 20, 2020



Eric J. Schwartz

MSK and Attorneys Recognized in *Managing IP's* 2020 "IP Stars" List
May 2020

Eric Schwartz Quoted in *The Washington Post*
October 24, 2019

27 MSK Attorneys Named Among *The Best Lawyers in America*® for 2020
August 15, 2019

MSK Attorneys Named to the List of 2019 *Southern California Super Lawyers*
January 30, 2019

The Best Lawyers in America® 2019 Recognizes 24 Attorneys from MSK
August 15, 2018

The Best Lawyers in America® 2018 Recognizes 24 Attorneys from Mitchell Silberberg & Knupp LLP
August 15, 2017

MSK Attorneys Named to the 2017 List of *Super Lawyers*
January 20, 2017

The Best Lawyers in America® 2017 Recognizes 22 Attorneys from Mitchell Silberberg & Knupp
August 22, 2016

Eric Schwartz Works on Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2016
July 15, 2016

Eric Schwartz Elected to President of Copyright Society of The USA
June 2014

MSK Authors Copyright Alliance Amicus Brief in Aereo Case
September 27, 2012

Eric Schwartz Named President-Elect of the Copyright Society of the USA
June 25, 2012

Eric Schwartz Elected Treasurer of Copyright Society of the U.S.A.
June 16, 2010

Steven Metalitz and Eric Schwartz Join MSK
July 5, 2006

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t 310.312.2000
f 310.312.3100

new york
t 212.509.3900
f 212.509.7239

washington, dc
t 202.355.7900
f 202.355.7899



media mentions

MSK Highlighted in *Law360* for One of the "Most Read" Expert Analyses
Law360, September 20, 2024

Eric Schwartz and Rebecca Benyamin Featured in *Law360*
Law360, September 16, 2024

Eric J. Schwartz quoted in The Federalist Society's blog post
August 3, 2021

MSK Mentioned in Phillie Phanatic Media Coverage
PhillyVoice, *NBC Sports Philadelphia*, *ESPN*, *Philadelphia Business Journal*, *Law360*, *Bloomberg Law*, *USA Today*,
February 25, 2020

Eric Schwartz Mentioned in FIAF Article on the National Film Preservation Board (NFPB)
Journal of Film Preservation, April 2017

Eric Schwartz Quoted in *IndieWire* on Copyright
March 7, 2017

Eric Schwartz Quoted on *Forward.com*
November 21, 2016

MSK-Produced *Soundbreaking* Series Described as "Don't-Miss" & "Riveting"
November 18, 2016

Eric Schwartz Quoted in Article by the *Associated Press*
August 24, 2016

Eric Schwartz Featured in *George Mason Journal of International Commercial Law*
August 22, 2016

MSK Practices and Attorneys Recognized in *Chambers USA* 2016 Guide
May 31, 2016

Eric Schwartz Quoted in Article on Copyright Recapture
April 2016

Eric Schwartz Featured in *Fordham Law News*
November 2015

23 Mitchell Silberberg & Knupp Attorneys Featured in *Best Lawyers*
August 2015



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Chambers USA 2015 Recognizes Mitchell Silberberg & Knupp
May 2015

The Best Lawyers in America© 2015 Recognizes 21 Attorneys from Mitchell Silberberg & Knupp and Names 2 Attorneys "Lawyer of the Year"
August 2014

Chambers USA 2014 Recognizes 9 Attorneys and 3 Practice Groups from MSK Among Nation's Best
May 2014

21 MSK Attorneys Selected for *Best Lawyers in America 2014*
August 15, 2013

MSK Recognized Among the Nation's Best by *Managing Intellectual Property*
July 2013

MSK Attorneys and Practice Groups Recognized by *Chambers USA 2013*
May 2013

21 MSK Attorneys Selected for *Best Lawyers in America 2013*
August 24, 2012

Eric Schwartz Analyzes *Golan* Decision in May/June Issue of *Landslide*
May 23, 2012

Steve Metalitz and Eric Schwartz Prepare Special "301 Report" for International Intellectual Property Alliance (IIPA)
February 14, 2012

Eric Schwartz Affirms Legislative Intent of Berne Convention Upheld by U.S. Supreme Court's *Golan* Ruling
January 19, 2012

MSK Attorneys Recognized Among "The Best Lawyers in America" for 2012
August 31, 2011

Eric Schwartz Featured in *Washington Post* Article on the National Film Preservation Board
August 13, 2011

Eric Schwartz Featured in *The Washington Post*
August 2011

The 2011 Best Lawyers in America Recognized MSK Attorneys from Nine Practice Areas
August 19, 2010

Eric Schwartz Quoted in *Investors.com's*
March 12, 2010

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A Snapshot of U.S. Copyright Law
December 10, 2009

Eric Schwartz Quoted in *The Globe and Mail*
October 21, 2009

The Best Lawyers in America 2010
August 3, 2009

publications

US Chapter, International Copyright Law and Practice
July 2021

Eric Schwartz mentioned in the The Hollywood Reporter
April 19, 2021

Restatement of the Law, Copyright: A Useful Resource for Practitioners and Courts or a Rashomon Exercise?
Columbia Journal of Law & the Arts, April 8, 2021

Barbara Ringer: A Tribute in Celebration of Women's History Month
Copyright Alliance, March 25, 2021

Copyright, Trade, Jobs and the IIPA
Copyright Alliance, February 18, 2021

An Overview of the International Treatment of Exceptions

The Copyright Office's New Expedited Copyright Procedures
Intellectual Property & Technology Newsletter, September 2008

client alerts

Vetter v. Resnik: A Copyright Termination Opinion that Knows No Boundaries
MSK Client Alert, July 25, 2024

I'll Need a Copy of Your Copyright
MSK Client Alert, March 7, 2019

New Regulations Issued By The Copyright Office Affecting Thousands of Websites
MSK Client Alert, November 9, 2016

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The Copyright Office's New Expedited Copyright Procedures
Intellectual Property & Technology Newsletter, September 2008

events & speaking engagements

Using, Creating and Donating to Moving Image Archives
February 14, 2025

Sustaining and Empowering the Creative Community Through Copyright
Copyright Alliance
April 23, 2024

Managing Rights in Visual Works
October 16, 2023

AMIA Copyright Symposium
An Overview of Recent Copyright Legislation & The Copyright Claims Court
August 7, 2023

Copyright and Sound Archives
2023 Radio Preservation Conference
April 29, 2023

Webinar: Copyright Basics for Filmmakers for The Association of Moving Image Archivists
July 16, 2022

Columbia Law Roundtable - The Restatement of Copyright Law: Past, Present and Future
April 23, 2021

The Changing Nature of Sound Recording Rights
September 9, 2020

IP in the Music Industry
February 20, 2020

Music Licensing: A Practical Guide
November 29, 2018

The Role of Preservation in the Creative Ecosystem: A Conversation
April 6, 2018

Soundbreaking: A Discussion with Eric Schwartz
March 7, 2018

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Careers in Copyright

June 13, 2017

World Intellectual Property Day

April 26, 2017

International Copyright: Strategic Thinking for U.S. Rightsholders

March 10, 2017

Copyright in the EU: The Role and Influence of the European Court of Justice

February 9, 2017

Educational Media and Copyright Law

October 23, 2016

Music Licensing

October 18, 2016

The Impact of International Copyright Treaties and Trade Agreements on the Development of Domestic Norms

October 14, 2016

IP & The Historical Record

October 7, 2016

Basics of Copyright Law for Film Archives

April 28, 2016

Business of Intellectual Property Rights and Protection

April 21, 2016

Copyright Office Symposium

April 18, 2016

Ohio State University Symposium: Copyright and the Future of Libraries

March 25, 2016

Licensing and Copyright Review

September 16, 2015

International Copyright: New International Copyright Rules and Why They Matter to Your Practice

April 2, 2014

Copyright Reform Legislation

March 19, 2014

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How does IP Promote Access to Global Development?

May 9, 2013

The Elusive Termination Right: Where Does it Stand?

April 3, 2013

Basic Copyright Law

March 12, 2013

International Developments: New Directions for Copyright?"

February 16, 2013

Section 108 Issues Other Than Mass Digitization

February 8, 2013

Copyright Career Center Panel and Networking Evening

January 2013

Copyright Exceptions for Libraries in the Digital Age: Section 108 Reform

November 2, 2012

New Business Models for Effective Protection of Copyright and Related Rights in the 'Cloud'

October 18, 2012

Statutory Termination of Copyright Transfers

April 30, 2012

Orphan Works and Mass Digitization: Opportunities and Obstacles

April 12, 2012

Copyright Law, Social Media and Business Practices

April 2012

"White Shadow" (1924 lost Alfred Hitchcock film)

April 2012

International Copyright Law Developments

March 29, 2012

Survey of International Copyright Law Developments

March 2012

Supreme Court's *Golan v. Holder*: Upholding the Constitutionality of the Restoration of Certain Foreign Works in the U.S.

February 2012

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f 310.312.3100

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Eric Schwartz Discusses the Copyright Restoration Controversy on The Kojo Nnamdi Show
October 14, 2011

Golan v. Holder at Supreme Court IP Review
September 15, 2011

Business of Music
April 14, 2011

Termination Rights - Coming Soon to a Theatre Near You - Are You Ready?
April 6, 2011

Managing Copyright Issues for Businesses
April 2011

Copyright Law
March 15, 2011

Music Licensing in the Digital World: New Problems and Traditional Licensing Mechanisms
March 10, 2011

The Elusive Termination Right: Where Does It Stand?
December 13, 2010

Patent, Trademark and Copyright Law: How Properly Utilizing Intellectual Property Law Protects Your Investment
September 13, 2010

The National Recording Preservation Board, the National Film Preservation Board, and their Work
July 6, 2010

Anti-Counterfeiting Trade Agreement (ACTA)
May 27, 2010

Anti-Counterfeiting Trade Agreement (ACTA)
May 25, 2010

Digital Archives: Navigating the Legal Shoals
April 16, 2010

Copyright Law
March 23, 2010

Rethinking Copyright for the Digital World
February 23, 2010



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Internet Piracy: Copyright Law in Canada and the United States

October 14, 2009

Understanding Copyright Law

July 13, 2009

The Making Available Right: What Went Wrong?

February 26, 2009

Copyright Law

2002

Frequent lecturer and author; quoted regularly in news stories and provide radio and television commentary on copyright law and policy, as well as on film and recording preservation issues