



# Lucy Holmes Plovnick, AIGP, CIPP/ US



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## legal expertise

Lucy represents media and entertainment industry clients in connection with statutory license royalty matters and has extensive experience as a litigator in proceedings before the Copyright Royalty Board (CRB), the Copyright Office, and state and federal courts. She also advises tech and video game companies on cybersecurity and privacy issues, providing clients with proactive and sophisticated legal advice regarding data privacy, protection, and compliance issues. She is certified by the International Association of Privacy Professionals as an AI Governance Professional (AIGP) and a Certified Information Privacy Professional (CIPP/U.S.).

## representative matters

- Represents clients in privacy-related litigation, including cases related to the California Invasion of Privacy Act (CIPA) and the Video Privacy Protection Act (VPPA)
- Provides legal advice and counsel to multiple companies concerning U.S. and international privacy issues, including an EU-based video game developer in connection with a significant transaction.
- Currently assessing and drafting terms of service and data privacy and protection policies for multiple companies.
- Represents copyright owners of syndicated series, movies and specials broadcast by TV stations in copyright royalty distribution and enforcement matters involving cable, satellite, the internet and other delivery systems.
- Represents clients before the CRB, the Copyright Office, state and federal courts.
- Represents clients in administrative litigation, including royalty distribution proceedings, rate-setting proceedings, notices of inquiry proceedings, rulemaking proceedings and settlement negotiations.

## practice areas

entertainment transactions  
litigation  
commercial litigation  
intellectual property  
entertainment & ip  
litigation  
copyright royalty board  
regulatory  
cybersecurity and privacy  
specialties  
Artificial Intelligence (AI)  
video game

## admissions

Rhode Island  
Massachusetts  
District of Columbia  
U.S. District Court  
District of Columbia  
District of Massachusetts  
U.S. Court of Appeals  
District of Columbia Circuit  
Second Circuit  
Ninth Circuit

## education

Roger Williams University,  
J.D., 2002; cum laude  
Emory University, B.A., 1998

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- Represents clients in appellate litigation, including significant experience before the S. Court of Appeals for the D.C. Circuit.
- Successfully defended a major motion picture trade association in a contract dispute concerning the distribution of statutory license royalties for cable and satellite television.
- Successfully defended a cable network in a lawsuit concerning record disclosure obligations under the Maryland Public Information Act.
- Drafted and filed numerous appellate briefs in the S. Courts of Appeal for the D.C. Circuit and the Ninth Circuit on behalf of copyright owners, a major motion picture trade association, and multiple public utilities.
- Acted as local counsel for a performing rights organization in multiple copyright infringement cases.

#### **other career experience**

- Law Clerk to the Honorable Ronald L. Lagueux, United States District Court, District of Rhode Island
- Law Clerk to the Honorable Robert G. Flanders, Supreme Court of Rhode Island

#### **professional, business and civic affiliations**

- Co-Chair, MSK Pro Bono Committee
- International Association of Privacy Professionals
- The Copyright Society of the U.S.A.
- Women's Bar Association of the District of Columbia
- The District of Columbia Bar Association
- Roger Williams University Law Alumni Association
- Chairperson, First Baptist Church of the City of Washington, D.C.

#### **headlines**

MSK Sponsors 2013 Minority Corporate Counsel Association Diversity Honors Gala  
September 19, 2013

Konnersman, Plovnick and Wais Join MSK Partnership  
January 7, 2011



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## media mentions

Lucy Holmes Plovnick Quoted in *Bloomberg Government* Discussing Maryland Youth Privacy Law  
*Bloomberg Government* , November 12, 2024

Lucy Plovnick and Stacey Chuvaeva Quoted in *Bloomberg Law* Discussing VPPA Litigation Trends  
*Bloomberg Law* , October 21, 2024

Lucy Plovnick Quoted in *Law360* Discussing Children's Online Privacy Laws  
*Law360*, August 28, 2024

Lucy Holmes Plovnick Quoted in *Law360* Discussing the Children's Online Privacy Protection Act  
January 17, 2024

Lucy Plovnick Quoted in *Law360*  
January 2016

Lucy Plovnick Reviews Publishers' Fair Use Case Against GA State  
November 15, 2012

Lucy Plovnick Analyzes "Virtual Pinboard" Site in *Intellectual Property Magazine*  
May 2012

Lucy Plovnick Examines Pinterest.com's IP Protection Policies in *Intellectual Property Magazine*  
May 2012

Lucy Plovnick Examines *Capitol Records v. ReDigi* case in *Intellectual Property Magazine*  
March 2012

Lucy Plovnick Explains Digital First Sale Doctrine in Light of ReDigi Case in *Intellectual Property Magazine*  
January 18, 2012

## publications

Why FilmOn X's Claim That It Is A Cable System Was Nixed  
*Radio+Television Business Report*, March 24, 2017

FilmOn X Faces Third Defeat; Court Says It's Not a "Cable System"  
*Radio+Television Business Report*, April 6, 2016

Murky Decisions for FilmOn X  
*Radio+Television Business Report*, December 14, 2015

FilmOn X Decision Sparks Copyright, Regulatory Questions  
*Radio+Television Business Report* , October 27, 2015

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Aereo, FilmOn X Cause Reexamination of Copyright License Issues  
*Radio+Television Business Report*, October 6, 2015

All's Fair in University Copying Case  
*Intellectual Property Magazine*, November 2012

Will the US First Sale Doctrine Go Digital?  
March 2012

*MDY Industries, LLC v. Blizzard Entertainment, Inc.*: The Right to Prevent Circumvention of Access Controls Absent  
Copyright Infringement Under DMCA § 1201(a)  
*Bloomberg Law Reports - Intellectual Property*, April 2011

Making Waves in Statutory Safe Harbors: Reevaluating Internet Service Providers' Liability for Third Party Content  
and Copyright Infringement  
2001

## client alerts

Navigating "Pen Register" Law in the Digital Age: Court Rules the Law Applies to Website Tracking Technologies  
*MSK Client Alert*, February 27, 2025

VPPA Litigation Trends and Defense Strategies  
*MSK Client Alert*, August 1, 2024

Texas and Oregon's Comprehensive Privacy Law Is Coming Into Effect: Time To Prepare For Enforcement Actions  
*MSK Client Alert*, July 1, 2024

New Adequacy Decision for the EU-US Data Privacy Framework  
*MSK Client Alert*, July 11, 2023

More States Enact Privacy Laws  
*MSK Client Alert*, June 6, 2023

New State Privacy Laws Effective in 2023: Get Ready For the Colorado, Connecticut, and Utah Privacy Laws  
*MSK Client Alert*, December 28, 2022

Getting Ready For Virginia's Consumer Data Protection Act (VCDPA)  
*MSK Client Alert*, November 22, 2022

The CPRA and Recent Privacy Patchwork  
*MSK Client Alert*, November 21, 2022



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Are You Sure Your Website Terms and Conditions and Privacy Policy Are Enforceable? Maybe Not!  
*MSK Client Alert*, May 3, 2022

## events & speaking engagements

Artificial Intelligence and Ethics  
February 19, 2025

Video Privacy Protection Act (VPPA): Litigation Overview  
November 20, 2024

Generative AI: Navigating Legal Risks and Challenges  
INTA 2024 Trademark Administrators & Practitioners (TMAP) Meeting  
September 24, 2024

AI Deconstructed: IP, Privacy and Employment Law  
March 27, 2024

Race Against the Machine: Keeping Pace with IP Risks in AI Development  
The Business of AI Conference  
March 20, 2024

Navigating the Gender Gap in IP Law  
March 26, 2019

Royalty Setting Courts - How Are They Similar; How Do They Differ?  
February 2013

Digital First Sale and the Copyright Duck Test  
November 30, 2011