

Joseph M. Beck

Retired Partner

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Services

Copyright Litigation & Counseling

Intellectual Property

Trademark, Copyright & Advertising

Industries

Electronics & Computer Technology

Media & Entertainment

Joseph Madison Beck is the author of MY FATHER AND ATTICUS FINCH (Norton). Based on a survey of corporate counsel at *Fortune* 1000 companies, Mr. Beck was one of only 29 attorneys in the entire country to have been selected for two years in a row by corporate counsel as providing "Outstanding Client Service." In 2010, Mr. Beck was named the Intellectual Property Lawyer of the Year by *Intellectual Property Magazine* at a ceremony in London, England. Although he has handled government contract, product liability and antitrust (civil and criminal) litigation in the course of his career, he currently focuses his practice on intellectual property litigation, particularly copyright, and on consumer product, FDA and NHTSA recalls.

Copyright

Mr. Beck has served as lead counsel in some of the most important copyright cases in the United States. Several of his reported cases are now included in standard law school case books. As a result, Mr. Beck has been asked to discuss his cases at law schools including Harvard, Stanford, The University of Texas, Duke and other institutions and in countries ranging from Russia to India.

Mediation

Mr. Beck has a proven track record of successful mediation in alternative dispute resolution involving complex matters and high stakes cases and was recognized as a POWER MEDIATOR by the *Hollywood Reporter*.

Product Recalls

Mr. Beck designed and helped quarterback one of the most successful recalls in Consumer Product Safety Commission history involving an appliance that allegedly caused at least 11 deaths. As a result of his work, he was invited by the U.S. Consumer Product Safety Commission to make a presentation to The U.S. Conference Board in Washington regarding recall techniques. At a subsequent public hearing in Washington, the Vice Chair of the Consumer Product Safety Commission referred to him as "one of the most knowledgeable persons in the country about consumer product recalls." Mr. Beck chaired the panel on the new Consumer Product Safety Improvement Act at the annual meeting of the Association of Corporate Counsel in the Fall of 2009 in Boston.

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Prior to moving to Atlanta, Mr. Beck served as Legal Services attorney for indigents in Washington, D.C., produced a television program on the law for a Washington, D.C. television station, developed a mathematical model of the criminal justice system for the Urban Institute in Washington, and served in the U.S. Army, receiving the Meritorious Services Medal and two Army Commendation Medals.

Mr. Beck received the prestigious Burton Award, which recognizes legal writing, for an article in *Copyright World*. He is a recipient of the Emory Medal, the highest award of the Emory Alumni Association. Mr. Beck was honored by Georgia State University's College of Law and J. Mack Robinson College of Business with the prestigious 2012 Intellectual Property Legends Award for his outstanding achievements in intellectual property and for being "a highly respected and distinguished leader in the international legal community with nearly 40 years of copyright law experience."

In 2013, Mr. Beck was named a "Power 100 Advocate" by the organization On Being A Black Lawyer. He was recognized as a non-black attorney who is "strongly committed to diversity in the legal profession."

Mr. Beck has been recognized in *The Best Lawyers in America*® since 1995 and in 2018, he was listed in the areas of Copyright Law, Entertainment Law, Intellectual Property Litigation, and Mediation. He was named a 2012 "Atlanta Lawyer of the Year" in the area of Intellectual Property, a 2013 "Atlanta Lawyer of the Year" in the area of Entertainment Law – Music, Motion Pictures and Television, and a 2015 "Atlanta Lawyer of the Year" in the area of Copyright Law by *The Best Lawyers in America*®. Mr. Beck has been named a Georgia "Super Lawyer" in the areas of Intellectual Property Litigation, Intellectual Property, and Entertainment & Sports by *Super Lawyers* magazine. He was also listed in the 2009, 2010, 2016 and 2017 editions of *Chambers USA: America's Leading Lawyers for Business* for Intellectual Property and was listed as #1 in the 2011, 2012, 2013, 2014 and 2015 editions. Mr. Beck has been recognized as a top practitioner in Trademark, Copyright & Trade Secrets by *Chambers Global 2013*, *2014*, *2015* and *2016*. He was recommended by *Legal 500 US* for Copyright in 2020 and again in 2017 and the six years immediately preceding. He was also honored in 2013, 2014, 2015, 2016, 2017 and 2020 as a "Leading Lawyer" by *Legal 500 US*. Mr. Beck was named a 2013, 2014, 2015 and 2016 "IP Star" by *Managing Intellectual Property* magazine. He was recognized by *Benchmark: Litigation* as a 2011 "Litigation Star" for Georgia and is AV® rated by Martindale-Hubbell.*

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Experience

Served as lead counsel for Google Inc., in defending copyright infringement lawsuits brought by the Author's Guild, et al., and separately by McGraw-Hill and four other large New York publishers in the U.S. District Court for the Southern District of New York. The complaint alleged that Google's "Book Search" project (involving the scanning of books in the libraries at Michigan, Harvard, Stanford, The New York Public Library and Oxford University) infringed the copyrights of millions of authors and publishers. While class action issues in the Google Book Search case were in discovery, served as lead counsel for a consortium of universities that were sued for essentially the same conduct.

The firm was successful on behalf of the universities, first before the district court and again before the Second Circuit Court of Appeals. The Second Circuit decision, while constituting a resounding victory for the universities (and by implication Google) on all issues of consequence, remanded on one particular narrow issue of fact and law. In January 2015, the parties resolved that issue in a way overwhelmingly favorable to our clients bringing, after four years, closure to what has been widely hailed as one of the most significant copyright cases of the past decade. *The Authors Guild v. Google Inc.*, No. 1:05-cv-08136 (S.D.N.Y. filed Sept. 20, 2005).

Served as lead counsel in representing Sony Pictures Entertainment Inc., actor/writer Adam Sandler and writer Judd Apatow, et al., in a copyright, trademark and unfair competition suit in federal court in New York. The firm successfully obtained summary judgment of copyright and trademark rights on behalf of Sony Pictures Entertainment Inc., rejecting claims of film and advertising infringements and lighting the way for the movie *You Don't Mess With The Zohan*. The Court of Appeals for the Second Circuit affirmed the district court's grant of summary judgment to our client and the Supreme Court denied cert. *Cabell v. Sony Pictures Entm't, Inc.* 714 F. Supp. 2d 452 (S.D.N.Y. 2010), aff'd, No. 10-2690-CV, 2011 U.S. App. LEXIS 13057 (2d Cir. June 24, 2011).

Successfully represented the heirs of Dr. Martin Luther King, Jr. against CBS Broadcasting Inc. in a highly publicized case before the Eleventh Circuit. The decision upheld the validity of the copyright of the famous "I Have A Dream" speech against a challenge that it had entered the public domain. Following briefing and oral argument, the Eleventh Circuit reversed a district court's finding that Dr. King's copyright in the speech "I Have A Dream" was forfeited when delivered in 1963 at the March on Washington and remanded the case for trial. CBS thereafter agreed to a settlement of the Dr. Martin Luther King, Jr. Estate's claim that CBS infringed copyrights when it used portions of the speech in a documentary by Mike Wallace. *Estate of Martin Luther King, Jr., Inc. v. CBS, Inc.*, 194 F.3d 1211 (11th Cir. 1999), *reh. denied*, 207 F.3d 666 (11th Cir. 2000).

Represented Houghton Mifflin in a copyright infringement suit prohibiting the publication of the book "The Wind Done Gone" because of alleged infringement of the copyright in the novel and motion picture "Gone With the Wind." The Estate of Margaret Mitchell, through SunTrust Bank as Trustee, brought a copyright infringement suit against Houghton Mifflin and obtained a preliminary injunction. On May 25, 2001, and immediately upon conclusion of oral argument by the firm, a unanimous panel of the Eleventh Circuit, U.S. Court of Appeals, vacated the injunction as an abuse of discretion and unconstitutional prior restraint of speech. On October 10, 2001, the Eleventh Circuit issued a full opinion rejecting the district court's conclusion that the plaintiff was likely to succeed and finding, on the record before the court, that "The Wind Done Gone" likely made fair use of "Gone With the Wind." SunTrust Bank v. Houghton Mifflin, 252 F.3d 1166 (11th Cir. 2001), and 268 F.3d 1257 (11th Cir. 2001).

Represented Estate of Martin Luther King, Jr. Inc. in the sale of Dr. King's papers to a buyer sponsored by the City of Atlanta.

Brokered an advantageous settlement agreement for Washington University in St. Louis in a complex copyright infringement action. The case involved the University's acquisition of a film and media archive in 2001 consisting of various documentary film materials that were collected by the late Henry Hampton, the documentary filmmaker famous for his critically acclaimed television series on civil rights in America, "Eyes on the Prize." Six years after acquiring and housing the archive materials in the University's Film and Media Archive, the late Henry Hampton's media company sued the University in Boston, Massachusetts for copyright infringement, conversion and various other claims based on the University's possession and use of the archive. We immediately filed a motion to dismiss the lawsuit and entered into settlement discussions that raised nuanced and novel questions of copyright law.

Successfully represented LaFace Records in a lawsuit brought by civil rights icon, Rosa Parks, for naming their Grammy nominated song “Rosa Parks.” The suit alleged violations of the right of publicity and the Lanham Act, defamation and various other state law claims. *Rosa Parks v. LaFace Records*, 76 F.Supp. 2d 775 (E.D. Mich. 1999), *aff'd in part*, *rev'd in part*, 329 F.3d 437 (6th Cir. 2003), *cert. denied*, 2003 WL 22303348 (Dec. 8, 2003).

The firm successfully defended LaFace Records and So So Def Productions in a series of lawsuits asserting copyright infringement and other claims relating to pre-1972 musical sound recordings. Representation resulted in dismissal of suit and award of defendants' attorneys' fees. *Fantasy, Inc. v. LaFace Records*, 43 U.S.P.Q. 2d 1700 (N.D. Cal. 1997); *Fantasy, Inc. v. LaFace Records*, 43 U.S.P.Q. 2d 1959 (N.D. Cal. 1997); *Fantasy v. LaFace Records*, 49 U.S.P.Q. 2d 1148 (E.D. Cal. 1998).

Represented DC Comics Inc., an AOL Time Warner subsidiary, in a copyright infringement suit in which summary judgment was granted on the grounds that “Superstud” and “Wonder Wench” infringed the copyrighted characters Superman® and Wonder Woman®. The parody defense was rejected as a matter of law. *DC Comics Inc. v. Unlimited Monkey Bus. Inc.*, 598 F. Supp. 110 (N.D. Ga. 1984).

Defended Sanctuary Records in a copyright suit. The court granted Sanctuary's motion to dismiss the on the grounds that Sanctuary held a license from one of the co-authors of each of the plaintiff’s songs. *Hustlers, Inc. v. Thomason*, 65 USPQ 2d 1037 (N.D. Ga. 2002).

Education

Harvard University J.D. (1968)

Emory University B.A. (1965) History, *magna cum laude*

George Washington University Law School M.A. Urban Law, *summa cum laude*

Admissions

Georgia (1969)

Professional & Community Activities

Copyright Society of the USA, Former Trustee and Founder and Chair of Southeast Chapter

Emory University, Adjunct Professor of Intellectual Property Law (Copyright, First Amendment)

Georgia First Amendment Foundation, Board of Directors

Journal of the Copyright Society of the USA, Editorial Board

U.S. State Department, Lecturer on copyright in Russia, India, Belarus, Macedonia, Albania, Kosovo and Bosnia

The Indian Journal of Intellectual Property Law, Advisor

2009 BTI Client Service All-Star Team

Alliance Theater, Past Board of Directors Member

Georgia Citizens for the Arts, Past Board of Directors

Leadership Atlanta, Class of 1985

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