



Volunteer Lawyers for the Arts
presents

Contrabrand: Art, Advertising and Property in the Age of Corporate Identity*

A lecture by Sonia Katyal, Associate Professor of Law, Fordham Law School**

In her talk, based on her forthcoming book from Yale Press, *Contrabrand*, Katyal will focus on the intersection of art, advertising, and intellectual property within the First Amendment, and to show how the law has shifted in response to accord with the constitutional challenges the branding movement has created. The greatest threat to cultural and artistic freedom, *Contrabrand* points out, stems not from the pervasive power of the government, but instead from the powerful reach of corporate control over artistic and consumer response. In her talk, Katyal will focus on a particular movement in popular art and culture, what she calls “anti-branding,” which she defines to include the expressive activities of artists and activists who direct their energies towards challenging corporate branding. Andy Warhol’s Campbell soup can is perhaps an older example of anti-branding; today, other artists like Bettye Saar, Esther Hernandez, and Hank Willis Thomas use brands to comment on the intersection of race, gender, and corporate identification.

Katyal will explore how brands occupy our everyday existence, as well as explain the massive cultural shift that is being played out in countless courtrooms across America, where ordinary consumers and artists have been sued by corporations for their anti-branding activities. According to the Supreme Court, artistic expression is entitled to the highest possible First Amendment protection, equivalent in power and protection to that of the purest political speech. Yet the picture suddenly changes when brands—literally—enter the fray. While the law normally protects the freedom of individuals to speak and to express themselves, those freedoms generally stop short when they conflict with the intellectual property rights of others, particularly where logos and brands are concerned. Rather than equating these projects as art, or as another form of protected political speech, judges sometimes adopt a significantly less protective response, and find evidence of infringement as a result. However, as Katyal will ultimately reveal, the expansion of intellectual property law has ushered us into a disturbingly overprotective regime that often risks sacrificing social commentary for the protection of the brand itself.

**Professor Katyal teaches in the areas of intellectual property, property and civil rights. Before coming to Fordham, Professor Katyal was an associate specializing in intellectual property litigation in the San Francisco office of Covington & Burling. She received her A.B. from Brown University in 1993, and her J.D. from the University of Chicago Law School in 1998. After law school, Prof. Katyal clerked for the Honorable Carlos Moreno (now a California Supreme Court Justice) in the Central District of California from 1998-99 and the Honorable Dorothy Nelson in the U.S. Court of Appeals for the Ninth Circuit from 1999-2000.

Prof. Katyal's scholarly work focuses on intellectual property, civil rights, and new media. Her current projects study the relationship between copyright enforcement and privacy (as applied to peer-to-peer technology); and the impact of artistic expression and parody on corporate identity, advertising, and brand equity. She also works on issues relating to intellectual property and indigenous people's rights, with a special focus on cultural property in the United States and abroad. Katyal is also the winner of three awards for her scholarly work: her paper, "Exporting Identity," received a Dukeminier Award in 2002; in 2004, another paper, "The New Surveillance," won the Yale Cybercrime Award.

Her most recent paper, "Semiotic Disobedience," was awarded an Honorable Mention in the 2006 Scholarly Papers Competition by the American Association of Law Schools, and was recently profiled in the New York Times Magazine. In March of 2008, Katyal was awarded a grant from the Warhol Foundation for her book, *Anti-Branding*, which studies the relationship between art, advertising and intellectual property. Katyal is the first law professor to receive a grant through The Creative Capital/ Warhol Foundation Arts Writers Grant, a program created to support independent, progressive arts publications and individual arts writers. In her spare time, Professor Katyal enjoys pop culture, unauthorized derivative works, anything Bollywood-related, and spending time with her little Pomeranian, Chika.

***There is 2.0 CLE credit for this lecture. For more information and registration, please see reverse side.**



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Monday, November 24, 2008: 6-8pm, Reception at 5:30
VLA, 1 East 53rd, NY, NY 10022 (Auditorium)

*** 2.0 CLE Credit Available, Professional Practice (Transitional and non-Transitional)**

This program is co-sponsored by the NY County Lawyers Association (NYCLA). NYCLA Members receive a 10% discount for this lecture

This VLA workshop is open to the public. Attorneys will receive 2.0 CLE credits. To register, please complete **this registration form**. All registration fees are non-refundable. Info or questions? Please call Sergio Muñoz Sarmiento at: 212.319.2787 x13

Since 1969, Volunteer Lawyers for the Arts has been the leading provider of pro bono legal services, educational program, mediation services, publications, and advocacy to the arts community. For more information on VLA, please visit: www.vlany.org.

Fees are as follows: (an additional \$10 fee if registering at the door)

Artist / Student/Administrator (VLA member): \$10
 Artist / Student/Administrator (non-member): \$15

VLA Legal Professional Member: \$100
 Legal Professional Non-Member: \$125

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