



## **Eric H Smith**

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Eric Smith's practice focuses primarily on intellectual property with an emphasis on international copyright matters. In 1984, Eric co-founded the International Intellectual Property Alliance (IIPA), a coalition of seven U.S. trade associations representing over 1,900 companies comprising the U.S. copyright-based industries - the motion picture, business and entertainment software, music and recording and book and journal publishing industries. In addition to his practice representing major content companies, he represents IIPA before the U.S. and foreign governments and provides complex legal analysis and drafting of copyright law proposals and bilateral and multilateral IP/trade instruments. IIPA also seeks to develop more effective enforcement regimes in over 100 countries worldwide. He was the principal representative of the copyright industries in the WTO/TRIPS and NAFTA intellectual property negotiations and served on the U.S. delegation to the Diplomatic Conference leading to the adoption of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. He has also served for over ten years as Chairman of ITAC 15 (formerly IFAC3) of the U.S. government's Advisory Committee on IP/trade matters. Eric regularly advises the U.S. Trade Representative's Office, the State and Commerce Departments, the U.S. Copyright Office and the U.S. Patent and Trademark Office on behalf of IIPA and other clients on global bilateral and multilateral copyright law and enforcement issues and negotiations. Eric has lectured globally on international copyright protection and U.S. trade policy and in the last few years on establishing an appropriate legal infrastructure to conducting global e-commerce on the Internet.

### **Areas of Experience**

- Domestic and international copyright law and policy advocacy
- Intellectual property, information and entertainment law
- U.S. trade law and policy

### **Previous Employment**

- Deputy General Counsel, Public Broadcasting Service (1972-1980)
- Senior Vice President and General Counsel, Public Broadcasting Service (1980-1982)
- Partner, medium sized New York law firm's DC office (1982-1986)
- Sole Practitioner, (1986-1995)
- Managing Partner, Smith & Metalitz LLP (1995-2006)
- Managing Partner, Smith, Strong & Schlesinger LLP (2006-2007)

### **Professional & Community Involvement**

- Chairman, ITAC 15, the Executive Branch's trade advisory committee on intellectual property rights and regularly advises the U.S. government on negotiating strategy in the trade/intellectual property rights arena.
- Member, Advisory Committee on International Economic Policy (ACIEP): advises the State Department on a broad range of international economic policies.
- Led IIPA delegation to China, including private discussions with Vice Premier Wu Yi and senior Ministers on IP protection in China (November 2006). Major press coverage, including CCTV, Reuters, AP, Xinhua.
- Led IIPA delegations to Taiwan, Korea, Thailand, Singapore, India, Saudi Arabia, Egypt, Italy, Russia and other countries on copyright law revision, treaties adherence, and improved enforcement.
- Participant drafter on behalf of the copyright industries of model FTA provisions on copyright protection and enforcement.
- Manages the WIPO Treaties Global Implementation Project on behalf of IIPA and multinational copyright-based companies to secure ratification and full implementation of the WIPO "Internet" Treaties in as many countries as possible.
- Former member, IFAC 4, advised the U.S. Government on e-commerce issues
- Former Trustee, Copyright Society of the U.S.A.
- Former Chairman, D.C. Bar's Committee on Copyright
- Secretary, Copyright Roundtable
- Former Member, Board of Directors, Washington Chamber Symphony
- Member, American Bar Association
- Member, Federal Communications Bar Association
- Member, International Technology Law Association

## **Articles, Publications & Lectures**

### **Articles**

- Author, *Toward A Global Copyright Infrastructure on the Internet*, Fordham University School of Law Ninth Annual Conference on International Intellectual Property Law & Policy, April 2001.
- Co-author, *Crimes of Copyright Infringement Explained: the Prospect for Strong Judicial Enforcement Against Copyright Infringement*, in *Intellectual Property Law in China*, Kluwer Law Books, 1999 (with Michael Schlesinger).
- Author, *Worldwide Copyright Protection Under the TRIPS Agreement*, 29 *Vand.J.Trans.L.* 3, 559-578 (May 1996).

### **Lectures**

- Speaker, *Economic and Social Importance of Intellectual Property*, The Budapest Dialogue, Budapest, Hungary (September 2007).
- Guest Lecturer, Seventh Annual Christopher A. Meyer Memorial Lecture *Copyright in a Flourishing Global Economy* (November 2006).
- Appearance on CCTV with Chinese Vice Premier Wu Yi, Beijing, China, November 2006.
- Participant in Ambassador's Roundtable on Intellectual Property in China (2006), Beijing, China, November 2006.
- Speaker, "Enforcement and Trade Issues in India" and "Enforcement Issues In China: A Realistic Appraisal," Fordham University School of Law Fourteenth Annual Conference on International Intellectual Property Law & Policy, April 2006.
- Lecturer, "Latest Developments of Intellectual Property Rights in the Digital Environment: Effect on Publishers," Asia Publishing Conference on the Occasion of the Hong Kong Book Fair, Hong Kong SAR, July 2005.
- Panelist, "International Agreements: What Is the Best Path for the Future?" Fordham University School of Law Twelfth Annual Conference on International Intellectual Property Law & Policy, April 2004.
- Speaker, "Enforcement Issues in Asia: A Western Perspective," Recent Developments in Asian IP Law, at Fordham University School of Law, April 2004.
- Keynote speaker, "Protecting Intellectual Property Rights in a Global Environment," Villanova University, February 2004.
- Keynote speaker, "Copyright Protection and Enforcement in the Information Age: Legal and Enforcement Infrastructure," Taiwan-U.S. IPR Seminar, Taipei, Taiwan, December 2003.

- Respondent, "Summary Round Table Discussion on the Protection, Exercise and Enforcement of Rights in Respect of Copying and Dissemination Through Digital Networks," Association Littéraire et Artistique Internationale (ALAI) 2003 Congress, Budapest, Hungary, September 2003.
- Panelist, "Implications of Enforcing the Digital Millennium Copyright Act: A Case Study, Focusing on *United States v. Sklyarov*," Fordham University School of Law, March 2002 (transcript published in *Fordham Intellectual Property, Media & Entertainment Law Journal*, 2002).
- Speaker, "WIPO Copyright Treaty Ratification and Implementation: A Global Perspective," Fifth International Publishers Association (IPA) Copyright Conference, Accra, Ghana, February 2002.
- Speaker, "The Reproduction Right and Temporary Copies: The International Framework, the U.S. Approach and Practical Implications," Software Information Center (SOFTIC) Symposium 2001, Tokyo, Japan, November 2001.
- Speaker, "Toward A Global Copyright Infrastructure on the Internet," Fordham University School of Law Ninth Annual Conference on International Intellectual Property Law & Policy, April 2001.
- Various guest lectures at Fordham University Law School, Benjamin Cardozo School of Law, Rutgers, Georgetown, American University, Vanderbilt University, UCLA.
- Appearances on domestic and foreign media, including CNN, CNBC, Bloomberg News, BBC, PBS, Worldnet, VOA and regularly quoted in the daily press on global and country specific copyright issues.
- Speaker, American Film Market
- Speaker, Copyright Society of the U.S.A.
- Speaker, Asia Pacific Law Institute

## **Education**

- M.A., International Law and Economics, School of Advanced International Studies, Johns Hopkins University, 1969
- J.D., University of California at Berkeley School of Law (Boalt Hall), 1967
- B.A., with honors, Stanford University, 1964

## **Admitted to Practice**

- District of Columbia
- U.S. District Court for the Northern District of California
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- Supreme Court of the United States