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**DAVID M. GIVEN** is a founding partner of Phillips, Erlewine & Given LLP, with offices in San Francisco and Los Angeles. His law practice spans both commercial and class action litigation as well as transactional matters, the latter with a special emphasis on entertainment, technology and intellectual property law.

David has served as counsel in a number of high-profile cases, including in the copyright infringement case against pop-star AVRIL LAVIGNE; in the long-running dispute among members of the iconic punk rock band DEAD KENNEDYS; and in the battle over the right to use the moniker to the popular classic rock act THE DOOBIE BROTHERS. Following his representation of Carolyn "Mountain Girl" Garcia in a highly publicized case involving the estate of the legendary JERRY GARCIA, David was instrumental in formulating and executing the strategy for the post-estate administration of Jerry's invaluable intellectual property rights.

David has also counseled clients like LUCASFILM LTD., SONY PLAYSTATION and VIZ MEDIA as well as a host of online companies and startups on a range of transactional matters, including on such issues as digital rights management and licensing, digital distribution of entertainment-related content, and international copyright law. Among other things, David was responsible for crafting one of the first online music licenses in his capacity as outside counsel to what was then known as LicenseMusic.com. More recently, David has given advice to developers of content applications for various consumer-oriented device platforms like the Apple iPhone.

For a two-year term, David served as chairman of the American Bar Association's Forum on the Entertainment and Sports Industries. He has been a panelist and featured speaker at numerous entertainment, technology and video game industry events. In 2007, he co-chaired with Microsoft's lead in-house copyright attorney the LSI-sponsored Entertainment Technology Law Summit in Seattle. That same year, the American Bar Association chose him to present its annual Presidential Showcase Program, "Privacy, Copyright and Parental Control in the Age of YouTube, MySpace and Beyond." More recently, he authored "Clash of the Titans: Viacom v. YouTube," which appeared on the front page of the January 25, 2010 issue of the Daily Journal.

For four consecutive Spring semesters, David lectured in law at the University of California at Berkeley, School of Law (Boalt Hall), where he helped develop and implement the core curriculum for the school's entertainment law class. David has also

guest lectured at the law schools of the University of San Francisco, Pepperdine and Stanford University.

David graduated from Cornell University with a degree in French and Filmmaking and obtained his law degree from the University of Virginia. He is licensed to practice law in the States of New York and California. He currently serves as board chairman of the Blue Bear School of Music in San Francisco.

## **Publications**

[Clash of the Titans: Viacom v. YouTube](#). This article discusses the ongoing litigation between industry giants Viacom and YouTube/Google over copyright infringement claims brought by Viacom against the world's largest internet service provider of video content; among other things, the article correctly predicted the outcome of motions then pending by both parties for summary judgment in the case.

[A Modern Pandora's Box: Music, the Internet and the Dilemma of Clearing Public Performance Rights](#). The article discusses the legal and policy principles at work in the clearance of public performance rights in music for internet service providers.

[Online Music Comparisons, A Practical Guide](#). This article reviews the practical and legal issues involved in music comparisons in the online world.

[First Amendment Protection for Trademark Use](#). This article reviews the framework for evaluating unlawful trademark use, with particular focus on balancing constitutional issues against the possibility of public confusion.

["Plus Ca Change, Plus C'est La Meme Chose": European Coproduction Remains Viable, For Now](#). This article discusses the practicalities and requirements of European-American co-production of films and television programs, focusing on benefits of co-production such as shared funding and risk reduction.