

Practice Areas

- Litigation
- Intellectual Property
- Entertainment, Media and Communications

Education

- J.D., University of California, Berkeley, Boalt Hall School of Law, 1995
- B.A., New York University, magna cum laude, Phi Beta Kappa, 1989

Bar Admissions

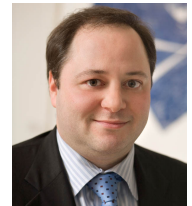
- New York (1995)
- Connecticut (1995)
- U.S. District Courts for the Southern and Eastern Districts of New York (1996)

Frank P. Scibilia

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Frank P. Scibilia is an intellectual property and entertainment partner at Pryor Cashman.

Frank has been involved in several seminal cases establishing the boundary of liability in connection with the copying and distribution of copyrighted content via the Internet, including *A&M Records, Inc v. Napster, Inc.*; *Zomba Enterprises, Inc. v. MP3.com, Inc.*; and *Paramount Pictures Corp. v. ReplayTV, Inc.* He also played a key role in the first case to successfully enforce the anti-circumvention provisions of the Digital Millennium Copyright Act (*Universal City Studios v. Reimerdes*). Frank co-authored amicus briefs to the Supreme Court in *MGM Inc. v. Grokster, Ltd.* and *Eldred v. Ashcroft*.

Frank was instrumental in obtaining summary judgment in September 2007 for the legendary Friars Club in a Lanham Act and Anti-Dilution lawsuit against 9900 Santa Monica, Inc. d/b/a “The Friars of Beverly Hills,” an entity that was trading upon the “Friars” name and mark and falsely claiming that it was the successor to the Friars Club of California, a now-defunct former licensee of The Friars Club.

Frank regularly advises clients on complex copyright issues, and negotiates and drafts agreements licensing content, including licenses for exploiting sound recordings and musical compositions via various new media platforms and services. He has extensive experience relating to worldwide exploitation of music and other music-related entertainment products, particularly on and in new digital technology.

Working in tandem with a music publishing client, Frank negotiated what has become the music industry's template for the licensing of musical compositions for a broad range of new technological exploitations of music. These licenses grant rights to exploitation of music by record companies, third-party service and content providers, and aggregators (including multiple service operators, Internet service providers, and wireless and other communications carriers), for use in so-called “master ringtones,” “master ringbacks,” and certain digital video products (including digital downloads of promotional videos, video-on-demand and linear pre-programmed video channels) delivered via wireless networks and other new technology distribution platforms. Most recently, Frank has been at the forefront of licensing content for exploitation via so-called “user-generated” or “social networking” sites and services.

Frank has also conducted and led teams conducting due diligence of copyright assets, including major music publishing catalogs, on behalf of prospective purchasers of, and those wishing to securitize, such assets.

Previous Positions

- Proskauer Rose LLP, Senior Counsel (2004-06), Associate (1999-2004)
- Paul, Hastings, Janofsky & Walker LLP (1998-99)
- Curtis, Mallet-Prevost, Colt & Mosle, Associate (1995-98)

Publications

- Co-Author (with Vanessa G. Lan), *Whatever Happened to the "Red Flag" Test?: Knowledge of Infringing Activity On- and the Burden to Police-User-Generated Content Sites After CCBill, Visa, Io and eBay*, New York State Bar Association Entertainment, Arts and Sports Law Journal, Volume 19, Issue 4 (Fall/Winter 2008)
- Author, *Music Licensing On The Internet*, Pryor Cashman Legal Update, November 2007
- Author, *Is Copying For "Personal Use" a "Right" or a Wrong*, New York Law Journal, Intellectual Property (January 29, 2006)
- Author, *Second Circuit Increases Protection For Titles To Entertainment Properties*, Entertainment Law & Finance (December 2000)
- Author, *Notice to Pirates.com: Owners Are Attacking*, Legal Times, IP Magazine (April 10, 2000)
- Author, *Examining Best Evidence Rule In Copyright Infringement Litigation*, Entertainment Law & Finance (April 2000)
- Author, *Baseball Franchise Stability and Consumer Welfare: An Argument For Reaffirming Baseball's Antitrust Exemption With Regard to its Franchise Relocation Rules*, 6 Seton Hall Journal of Sports Law 409 (1996)

Speaking Engagements

- Panelist, *New Technology Business Models, DRM and Intellectual Property Rights Protection in the Audiovisual Section*, 2007 Miami International Film Festival (March 2007)
- Panelist, *MGM v. Grokster, The Recent Supreme Court Decision and the Future of Music and the Entertainment Industry*, New York City Bar Center for CLE (October 2005)
- Panelist, *Digital Entertainment On The Road*, Gracenote Automotive Digital Entertainment Copyright Summit (November 2005)

Professional Affiliations

- Copyright Society

News

- Partner Frank Scibilia Speaks To E-Commerce Times About Visual Artists And Google Settlement
- Pryor Cashman Client EMI Opts Out Of Google Books Settlement

- Pryor Cashman's Scibilia And Lan Author Article On §512(c) Of The Digital Millennium Copyright Act
- Pryor Cashman Represents ABP Investments in Major Music Catalogues Acquisition
- Partner Frank Scibilia Speaks at Benjamin N. Cardozo School of Law About Music Licensing On The Internet
- Pryor Cashman Obtains Summary Judgment for The Friars Club Against the Friars of Beverly Hills