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TRAILBLAZERS

LITIGATION





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PIONEER SPIRIT While in his first year of law school, Bruce Rich vividly recalls taking an unusual course that effectively acted as a moot court. "I was spellbound by creating a brief and then standing up and defending the advocacy in it."

TRAILS BLAZED Rich became involved in a high-profile trademark infringement lawsuit brought by Tiffany & Co. against his client, eBay. "Tiffany tried to say that eBay should police and guarantee that trademarks don't get violated." When the court ruled in favor of eBay, Rich said it solidified the rules already in place, which only require a marketplace that simply facilitates third-party transactions to remove an objectionable listing upon notice. "It was actually a non-game changer, which made all the difference for the viability of a trading platform like eBay." Rich's work in music licensing has led him to represent a who's who of major media companies against licensing collectives such as BMI and ASCAP during a period when the music business changed substantially. "Through a series of trials, appellate rulings and interfacing with government antitrust consent decrees, we have transformed that landscape in a major way and reduced the monopoly power of the collectives." Rich's most gratifying win may have been a pro bono case where his death row client was seeking to have his sentence changed to life in prison. "We convinced the Eleventh Circuit that the evidence did not support a capital conviction. Our client, despite still facing life in prison, told us, 'You've given me a fresh start.'"

FUTURE EXPLORATIONS Rich's practice leads him to examine how well copyright laws developed years ago still fit. "It's fascinating to see how a body of law that was negotiated in the 1950s and '60s and became effective in the '70s is being grafted onto technology. The jury is still out," says Rich. "It will be really interesting to see how the courts and legislatures grapple with unforeseen technology."