



Charles N. Shephard

Partner

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Chuck Shephard specializes in entertainment, intellectual property, and employment litigation. He has a breadth of experience litigating in state and federal trial and appellate courts, and before various administrative and arbitration tribunals.

Chuck has extensive experience litigating in the fields of copyright and trademark law. For more than 25 years, he has represented Toho Co., Ltd., the owner of the intellectual property rights in the character “Godzilla,” policing the unauthorized use of Toho’s copyrights and trademarks and, where necessary, bringing litigation to enforce those rights. Chuck has also litigated numerous copyright cases in which motion pictures, television programming, books, and other intellectual property have allegedly been infringed.

Chuck has spent considerable time litigating on behalf of talent in the entertainment industry. Such matters have included, without limitation, disputes as to whether negotiations resulted in a binding agreement between the parties, disputes as to whether granted rights were intended to cover new technologies, claims as to whether studios have accurately reported and accounted to profit participants who have contingent compensation interests, disputes between talent and their representatives and idea submission cases. Among others, he has represented the Beatles, Tom Cruise, James Cameron, Dustin Hoffman, Warren Beatty, Annette Benning, Brad Grey, Uma Thurman, Courtney Cox, David Arquette, Kirsten Dunst, Carol Burnett, Peter Falk and Robert Towne in a variety of contractual and other disputes. He also has significant experience representing producers, distributors and studios, including representing The Weinstein Company in a variety of matters. Most recently, Chuck was lead counsel for Toho-Towa Co. Ltd. and prevailed on its behalf in a dispute concerning the distribution in Japan of the motion picture *The Good Shepherd*. The case resulted in a published opinion from the California Court of Appeal (July 2013) addressing alter ego liability issues.

With significant experience litigating claims involving the right of publicity, Chuck was lead trial counsel in Dustin Hoffman’s successful right of publicity trial against *Los Angeles Magazine* concerning the unauthorized digital alteration of Mr. Hoffman’s image. In connection with that and other litigation, Chuck has frequently litigated the relationship between copyright and the right of publicity, the preemptive effect of the United States Copyright Act, and the extent to which the right of publicity is impacted by the First Amendment, parody, and other fair use considerations.

Chuck also has extensive experience in connection with the distribution of motion pictures, including international distribution. He has handled numerous arbitrations before the Independent Film & Television Alliance (formerly American Film Marketing Association), and in 2007 he was lead counsel in connection with successful appellate proceedings before the Ninth Circuit Court of Appeal, resulting in a published opinion, in the case of *Nippon Herald Films, Inc. vs. New Regency Productions, Inc.* involving issues of arbitrator neutrality and disclosure requirements.

Awards

- Listed, Southern California Super Lawyer, 2012-2013, 2015-2016
- Rated, "AV Preeminent 5.0 out of 5," Martindale Hubbell

Bar Admissions

- California

Education

- University of California, Los Angeles School of Law (J.D., *Order of the Coif*)
- University of California, Los Angeles (B.A., *summa cum laude*)
 - Phi Beta Kappa
 - Political Science Major

Entertainment Experience

- Represented (for 25 years) Toho Co., Ltd., the owner of the intellectual property rights to the character Godzilla, policing the unauthorized use of Toho's copyrights and trademarks and where necessary filing litigation to enforce those rights
- Lead counsel in JAMS arbitration, JAMS appeal, and appeal to California Court of Appeal in case of Toho-Towa Co. Ltd. vs. Morgan Creek Productions, Inc. (2013) involving distribution in Japan of the motion picture *The Good Shephard*. Multi-million judgment on behalf of our client entered and affirmed
- Lead counsel for Warren Beatty in litigation against Tribune Media Services, Inc. concerning ownership of motion picture and television rights to Dick Tracy. Mr. Beatty prevailed on summary judgment
- Lead counsel for Uma Thurman in litigation against HandMade films for breach of acting agreement for the film *Eloise in Paris*. Case settled on eve of trial
- Lead trial counsel in Dustin Hoffman's successful right of publicity trial against Los Angeles Magazine concerning the unauthorized digital alteration of Mr. Hoffman's image
- Litigated on behalf of talent and studios in connection with a variety of contractual and other entertainment dispute matters including:

1. disputes as to whether negotiations between talent and a studio have resulted in a binding agreement between the parties
2. disputes as to whether granted rights were to cover new media and technologies
3. disputes as to whether studios have accurately accounted to profit participants who have contingent compensation interests
4. disputes between talent and their representatives, including disputes between talent, on the one hand, and their managers and agents on the other
5. idea submission cases in which it has been alleged that ideas submitted by one party to another were used without consent or appropriate compensation
6. copyright infringement claims
7. disputes concerning breaches of fiduciary duties and the dissolution of entertainment partnerships
 - Lead counsel in connection with successful appellate proceedings before the Ninth Circuit Court of Appeal, resulting in a published opinion, in the case of Nippon Herald Films, Inc., v. New Regency Productions, Inc. (2007) involving issues of arbitrator neutrality and disclosure requirements
 - Lead counsel in numerous arbitrations before the Independent Film & Television Alliance (formerly AFMA) regarding international distribution of motion pictures, representing both producers and distributors

IP Experience

- For more than 25 years, has represented Toho Co., Ltd., the owner of the intellectual property rights in the character “Godzilla,” protecting Toho’s copyright in the character and in its library of motion pictures; the Godzilla copyright litigation on behalf of Toho has included the following (all of which were resolved with the infringing conduct being stopped):
 1. Represented Toho in litigation concerning the unauthorized use of Godzilla in video games
 2. Represented Toho in litigation concerning the unauthorized utilization of Godzilla in national advertisements and advertising campaigns
 3. Represented Toho in litigation concerning the unauthorized distribution of Godzilla motion pictures in home video formats
 4. Represented Toho in litigation concerning the unauthorized manufacture and distribution of Godzilla toys
 5. Represented Toho in litigation concerning the unauthorized publication of Godzilla reference books
 6. Represented Toho in litigation concerning the unauthorized use of Godzilla copyrighted theme music being “sampled” in rap music
 7. Represented Toho in litigation concerning the unauthorized use of Godzilla posters and movie trailers
 8. Represented Toho in litigation against American Honda for unauthorized use of a Godzilla float in the Rose Parade

- Represented Toho in litigation concerning the right to make derivative works based on Toho's copyright interest in *The Seven Samurai*
- Represented James Cameron in connection with claims asserted by third parties that the motion pictures *Terminator* and *Terminator 2* infringed pre-existing copyright works
- Represented James Cameron and Lightstorm Entertainment in connection with claims of copyright infringement and idea submission in connection with motion picture *Avatar*
- represented plaintiff in successful claim that iconic and ground-breaking reality television show was plaintiff's idea
- Represented Nigel Lythgoe and E! Entertainment in copyright infringement claim asserted against them in respect of television series *OpeningAct*.
- Represented Subafilms, Ltd. ("The Beatles") against MGM/UA in connection with the unauthorized distribution of *Yellow Submarine*; the litigation involved, in part, issues of whether the grant of distribution rights extended to new technologies which did not exist at the time of the grant, whether the distribution of a motion picture that is inconsistent with the terms of its license constitutes copyright infringement, and the extraterritorial effect of the United States Copyright Act
- Represented David Arquette in connection with the claim that his motion picture *The Tripper* infringed pre-existing copyrighted work; the case was dismissed at the pleading stage
- Represented Gameloft, Inc. and Gameloft S.A. in defense of a claim by Activision, Inc. that Gameloft's "Guitar Legend: Get on Stage!" mobile phone game infringed copyrights in the "Guitar Hero" video game; the matter was settled at the pleading stage
- Represented Tom Cruise and Dustin Hoffman in separate right of publicity actions involving unauthorized utilization of the actors' likenesses as they appeared in copyrighted works; the defense of copyright preemption was asserted in those cases and rejected by the Court in each instance
- Represented Warren Beatty in litigation against Tribune Media Services involving rights in and to the character Dick Tracy; the case involved, in part, assertions by Tribune concerning the non-assignability of copyrights; the Tribune's copyright argument was rejected by the Court

Media

December 29, 2017

New Year, New Poster: Prepare to Prominently Post the "Transgender Rights in the Workplace" Poster

Greenberg Glusker Client Alert

October 25, 2017

New Laws Affecting California Employers in 2018

Greenberg Glusker Client Alert

June 21, 2017

Mid-Year Compliance Check-Up!

Greenberg Glusker Client Alert

March 1, 2017

Reading the (Bathroom) Signs

Greenberg Glusker Client Alert

February 1, 2017

New I-9 Forms Available for Immediate Use!

Greenberg Glusker Client Alert

December 22, 2016

Ban the Box: Breaking Down the “Los Angeles Fair Chance Initiative for Hiring” Ordinance

Greenberg Glusker Client Alert

November 7, 2016

Legislative Developments Affecting California Employers in 2017 and Beyond

Greenberg Glusker Client Alert

September 13, 2016

Recent Cases Signal Shifting Tides in Employment Arbitration

Greenberg Glusker Client Alert

May 19, 2016

Department of Labor Grants Lowest Paid Exempt Employees an Early Holiday Gift: The Annual Minimum Salary Requirement Will Increase to \$47,476 on December 1st,

Greenberg Glusker Client Alert

March 29, 2016

New Requirements for Employers’ Anti-Harassment and Anti-Discrimination Policies Effective April 1st - FEHA Regulations for 2016

Greenberg Glusker Client Alert

February 17, 2016

Proposed New Employer Data Reporting to Combat Pay Disparities

Greenberg Glusker Client Alert

January 22, 2016

23 Greenberg Glusker Attorneys Named to Super Lawyers 2016

Super Lawyers

December 10, 2015

Legislative Developments Affecting California Employers In 2016

Greenberg Glusker Client Alert

May 19, 2015

Anne Hathaway Lizard Film Under 'Godzilla' Attack in New Lawsuit (Exclusive)

The Hollywood Reporter

May 16, 2014

Godzilla: the world's most litigious monster?

CBC Radio

May 13, 2014

Protecting Godzilla's image

Fox Business

May 12, 2014

Godzilla proves even giant monsters need lawyers

The Associated Press

August 7, 2009

Godzilla Battles Goodby, Comcast

AdAge

November 24, 2008

Think Godzilla's Scary? Meet His Lawyers

Wired