

## Stephen E. Gillen

Counsel

sgillen@whe-law.com

Stephen Gillen counsels clients in publishing and entertainment transactions and disputes, Internet issues, advertising law, computer law, copyrights, and related matters. His clients have included publishers, authors, artists, photographers, videographers, independent producers, Internet service providers, multimedia developers, and software programmers from Maine to California. Steve has written and spoken nationally on various publishing and copyright topics and teaches courses in Media Law at the University of Cincinnati. Earlier in his career, Steve served as in-house counsel for a South-Western Publishing Company, a publisher of high school and college educational materials.



### Areas of Practice

- Advertising
- Licensing
- Copyrights
- Litigation/Dispute Resolution
- Publishing/Media
- Software/Computer/Internet

### Bar Admissions

- U.S. Court of Appeals 3rd Circuit, 2008
- U.S. Court of Appeals 6th Circuit, 1996
- U.S. District Court Southern District of Ohio, 1980

### Education

- **Northern Kentucky University, Salmon P. Chase College of Law,** Highland Heights, Kentucky
  - J.D. - 1980
- **Miami University,** Oxford, Ohio
  - B.S.B.A. - 1975
  - Major: Finance



## Published Works

- WHAT YOU NEED TO KNOW ABOUT FAIR USE, The IBPA Independent – trade monthly of the Independent Book Publishers Association, DECEMBER 2016
- WHAT YOU NEED TO KNOW ABOUT COPYRIGHT MANDATORY DEPOSIT, The IBPA Independent – trade monthly of the Independent Book Publishers Association, OCTOBER 2016
- GETTING THE ROYALTY TREATMENT, The IBPA Independent – trade monthly of the Independent Book Publishers Association, SEPTEMBER 2016
- A CRASH COURSE ON ROYALTY AUDITS, The IBPA Independent – trade monthly of the Independent Book Publishers Association, MAY 2016
- WHO DO YOU THINK YOU'RE DEALING WITH?, The IBPA Independent – trade monthly of the Independent Book Publishers Association, MARCH 2015
- THE ATTORNEY AUTHOR: WRITING TO GROW YOUR PRACTICE, The CBA Report – trade monthly of the Cincinnati Bar Association, JANUARY 2016
- A CHECKLIST FOR FOREIGN RIGHTS DEALS, PART 2: DISTRIBUTION CONTRACTS, The IBPA Independent – trade monthly of the Independent Book Publishers Association, DECEMBER 2015
- A CHECKLIST FOR FOREIGN RIGHTS DEALS: PART 1, TRANSLATION AND ADAPTATION LICENSES, The IBPA Independent – trade monthly of the Independent Book Publishers Association, NOVEMBER 2015
- PAYING LESS FOR SMALL COPYRIGHT CASES, The IBPA Independent – trade monthly of the Independent Book Publishers Association, DECEMBER 2013
- USE SOURCE WORKS SAFELY, The IBPA Independent – trade monthly of the Independent Book Publishers Association, OCTOBER 2013
- TOOLS FOR DEALING WITH PIRACY – INCLUDING A BRAND-NEW ONE, The IBPA Independent – trade monthly of the Independent Book Publishers Association, NOVEMBER 2013
- THE LEGAL SIDE OF ENDORSEMENTS AND TESTIMONIALS, The IBPA Independent – trade monthly of the Independent Book Publishers Association, SEPTEMBER 2013
- WHEN GETTING RIGHTS CLEARANCE IS TOUGH, The Independent – trade monthly of the Independent Book Publishers Association, JULY 2013
- FAIR USE IN PATENT APPLICATIONS, The Copyright & New Media Law Newsletter, JUNE 2013
- E-BOOKS & EVOLVING LAW, The Independent – trade monthly of the Independent Book Publishers Association, JUNE 2013
- COPING WITH A CEASE AND DESIST LETTER, IBPA Independent – trade monthly of the Independent Book Publishers Association, APRIL 2013
- WHAT YOU NEED TO KNOW ABOUT USING THIRD-PARTY PHOTOS, IBPA Independent – trade monthly of the Independent Book Publishers Association, FEBRUARY 2013
- CONTESTS, SWEEPSTAKES, AND LOTTERIES: WHAT YOU NEED TO KNOW AND WHY YOU NEED TO KNOW IT, The Independent – trade monthly of the Independent Book Publishers Association, DECEMBER 2012
- THE BOOK PUBLISHER'S TOOLKIT: 10 PRACTICAL POINTERS FOR INDEPENDENT AND SELF PUBLISHERS, Independent Book Publishers Association, NOVEMBER 2012



- THE WORK-FOR-HIRE MINEFIELD, The IBPA Independent – trade monthly of the Independent Book Publishers Association, OCTOBER 2012
- WHAT PUBLISHERS NEED TO KNOW ABOUT PRICING, TERMS, AND ANTITRUST, The IBPA Independent – trade monthly of the Independent Book Publishers Association, SEPTEMBER 2012
- MINIMIZING LIBEL RISKS: PART 2 – ISSUES YOU MIGHT NOT EXPECT, The IBPA Independent – trade monthly of the Independent Book Publishers Association, AUGUST 2012
- MINIMIZING LIBEL RISKS: PART 1 – THE BASICS, The IBPA Independent – trade monthly of the Independent Book Publishers Association, JULY 2012
- AVOIDING LITIGATION: THE TRUTH ABOUT-AND ALTERNATIVES TO-ARBITRATION, IBPA Independent, JUNE 2012
- APPLE'S IBOOK AUTHOR: WHAT YOU NEED TO KNOW (WHETHER OR NOT YOU PUBLISH TEXTBOOKS), The Independent — trade monthly of the Independent Book Publishers Association, APRIL 2012
- BEST PRACTICES FOR PERMISSIONS, The Independent – trade monthly of the Independent Book Publishers Association, MARCH 2012
- FACEBOOK CASE SHINES LIGHT ON ISSUE, Cincinnati Enquirer, MARCH 9, 2012
- TRADEMARKING AND YOUR BRAND STRATEGY, The Independent – trade monthly of the Independent Book Publishers Association, DECEMBER 2011
- REVERSION IN THE DIGITAL AGE: IS OUT-OF-PRINT OUT OF STYLE, The Independent – trade monthly of the Independent Book Publishers Association, NOVEMBER 2011
- ACQUIRING THE RIGHT RIGHTS: WILL YOUR CONTRACT KEEP UP WITH THE MARKETS FOR YOUR BOOKS?, The Independent – trade monthly of the Independent Book Publishers Association, SEPTEMBER 2011
- HAS YOUR COPYRIGHT ESCAPED NOTICE? SIX QUESTIONS YOU PROBABLY NEVER THOUGHT TO ASK, The Independent – trade monthly of the Independent Book Publishers Association, AUGUST 2011
- FAIR USE AND OTHER ASPECTS OF COPING WITH COPYRIGHT LAW, The Independent – trade monthly of the Independent Book Publishers Association, JUNE 2011
- AUTHOR WARRANTIES: OPTIONS FOR CONTRACT CLAUSES, The Independent – trade monthly of the Independent Book Publishers Association, APRIL 2011
- PRINTERS' TERMS: WHAT THE BOILERPLATE MEANS AND WHERE THERE'S WIGGLE ROOM, The Independent – trade monthly of the Independent Book Publishers Association, MARCH 2011
- RIGHTS OF, AND WRONGS ABOUT, JOURNAL PUBLISHING: THE TRUTH ABOUT COPYRIGHT TRANSFER, Advanced Materials & Processes, an ASM International Publication, JANUARY 2011
- ADD POWER TO YOUR PURCHASE ORDER FORM: A NEW YEAR'S RESOLUTION WORTH KEEPING, The Independent – trade monthly of the Independent Book Publishers Association, JANUARY 2011
- POLLYANNA, TITLES, AND TRADEMARKING, The Independent, DECEMBER 2010
- CONTRACT UPDATES FOR THE E-BOOK ERA, The Independent – trade monthly of the Independent Book Publishers Association, AUGUST 2010
- NEGOTIATING STYLES: ZERO-SUM VS. WIN/WIN, The Independent — trade monthly of the Independent Book Publishers Association, OCTOBER 2010
- THE BUG CHECKLIST: PROTECT YOURSELF AGAINST SNAFUS IN SOFTWARE VENDORS' LICENSES, The Independent – trade monthly of the Independent Book Publishers Association, NOVEMBER 2010



- WHAT'S THE BIG IDEA?, The Licensing Journal, JANUARY 2006
- HAS THE TIME COME FOR SOLOMON'S SOLUTION, The Licensing Journal, AUGUST 2004
- IS CELEBRITY LICENSING OUT OF ACTION?, The Licensing Journal, NOVEMBER/DECEMBER 2003
- TWELVE QUESTIONS TO A BETTER DEAL, The Licensing Journal, MAY 2003
- THE BUG LIST: A CHECKLIST OF SYSTEM-CRASHING FLAWS IN SOFTWARE DEVELOPMENT AND LICENSE CONTRACTS, Greenebaum Law Letter, ISSUE 1, 2003
- NINTH CIRCUIT GIVES THUMBS UP TO THUMBNAIls: KELLY VS. ARRIBA SOFT. CORP, The Licensing Book, NOVEMBER 2002
- NINTH CIRCUIT GIVES THUMBS UP TO THUMBNAIls: KELLY VS. ARRIBA SOFT. CORP, Greenebaum Law Letter, ISSUE 4, 2002 (REPRINT)
- PERSPECTIVE AND OPINION: FDNY MEMORIAL, MORAL QUESTION...LEGAL SOLUTION?, FBT Media Law Advisory, MARCH 2002
- SIXTH CIRCUIT RULES IN "A FIGHT FIT FOR DOGS", FBT Media Law Advisory, NOVEMBER 2001
- BOOK CONTRACT CLINIC: QUICK FIXES FOR BAD CLAUSES, 2001 Writer's Market, WRITER'S DIGEST BOOKS
- THE BUG LIST: POTENTIAL SYSTEM CRASHERS IN SOFTWARE CONTRACTS, e-Law Insert to Cincinnati Business Courier, MAY 12, 2000
- OUTSOURCING WEB SITE DESIGN: WHO OWNS THE RIGHTS?, e-Law Insert to Cincinnati Business Courier, MAY 12, 2000

### Classes/Seminars

- Adjunct Instructor, Business Law, Xavier University, 1986 - 1990, 1995
- Adjunct Instructor, Media Law, University of Cincinnati, Raymond Walters College, 1996 to Present
- Adjunct Instructor, Electronic Media Law, University of Cincinnati, College Conservatory of Music, 2002 to Present
- Copyright Infringement In Patent Prosecution: Might Your Firm Be The Next Litigation Target, ABA IP Law Section: 28th Annual CLE Conference, April 5, 2013

### Honors and Awards

- The Best Lawyers in America®, 2006 - 2022
- Best Lawyers® Copyright Law "Lawyer of the Year" in Cincinnati, 2021
- Ohio Super Lawyers®, 2015 - 2020
- Best Lawyers® Copyright Law "Lawyer of the Year" in Cincinnati, 2017
- Chambers USA America's Leading Lawyers for Business in the area of Intellectual Property - Ohio, 2008



## Professional Associations and Memberships

- Ohio State Bar Association
- CincyIP
- Copyright Society of the U.S.A.
- American Bar Association Intellectual Property Section, Copyright Office Affairs Committee, Special Committee on Copyright & New Technologies
- Cincinnati Bar Association, Past Chair, Sports and Entertainment Law Committee, Chair, Communications Committee
- Text and Academic Authors Association, Council Member, 1997 to Present
- Hamilton County Court of Common Pleas Arbitration Panel, Member
- Hamilton County Settlement Week, Mediator
- School Division Lawyers' Committee, Copyright Task Force and Ad Hoc Committee, Past Member
- Association of American Publishers, Electronic Publishing
- Ohio State Bar Association Mock Trial Program, School Legal Advisor, 1987 - 1995, 2002
- Voyageur Media Group, Inc., Trustee
- The Licensing Journal (Wolters Kluwer Law & Business), Advisory Board Member

## Pro Bono Activities

- Authors Guild
- Text and Academic Authors Foundation, Board Member

