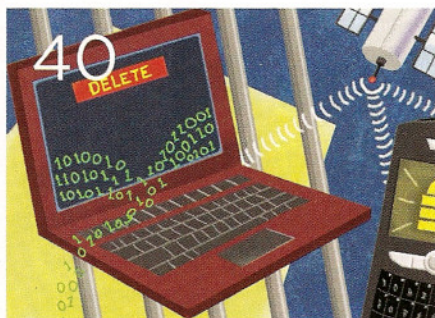


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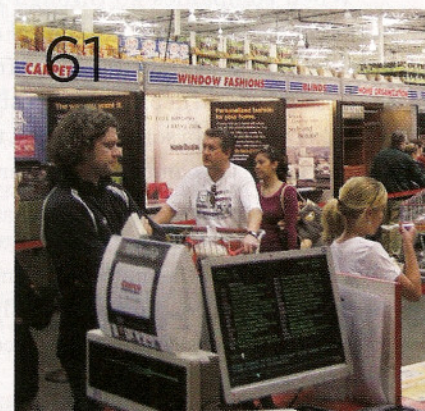
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SMARTS AND CRAFTS

Etsy's GC Sarah Feingold spins a childhood hobby into a legal career.

By Melissa Maleske. Photography By Steve Hockstein.

IT SEEMS THAT ETSY.COM EMERGED AT THE PERFECT TIME. AS E-COMMERCE AND SOCIAL NETWORKING BECAME Web mainstays during the past decade, in some circles crafting was also making a comeback. At the same time, the burgeoning "green" movement emphasized recycling and repurposing as well as more homegrown, grassroots consumerism. In 2005, Etsy stepped in. ¶ Providing an online marketplace for artists, crafters and antiquers to sell their wares, the site has been compared to a handmade eBay, a place where you can both commission a portrait and find a one-of-a-kind outfit to wear for the sitting. In its first year, Brooklyn-based Etsy counted \$166,000 in sales. That

ballooned in 2009 to \$180.6 million in sales and more than 670 million monthly page views. The site now has 3.9 million members, including 250,000 sellers.

In December Etsy acquired Adtuitive, an advertising platform for retailers. It has also inspired countless tribute blogs and Web communities devoted to all things Etsy.

As Etsy has combined the high tech and the handmade, Sarah Feingold has found success at the junction of her seemingly contrasting interests—making jewelry and practicing law. As sole in-house lawyer and general counsel of Etsy since 2006, Feingold handles the company's legal matters while providing accessible legal information to a growing community of artists.

Q: *How did your interests in art and jewelry-making and the law develop, and when did they intersect?*

A: My parents are both artists, and I got started making art at a young age. For insurance purposes, I had to wait until I was 12 years old to take my first metalsmithing class, because of the saws, acid and fire. From a young age, I started thinking about the legalities of design, copyright, trademarks, things like that.

I chose Skidmore College because I wanted to major in something other than metalsmithing, but I still wanted to continue to make jewelry, and there aren't many colleges out there that let any old schlub take such a specified art class without majoring in it. I took business law classes at Skidmore and realized I wanted to be a lawyer. Everything seemed to come together. I won a metalsmithing award at Skidmore my senior year, and

VITAL STATS

NAME Sarah Feingold

COLLEGE Skidmore College

LAW SCHOOL Syracuse Law School

FAMILY Married

HOBBIES Making jewelry, writing, reading, reality TV, eating other people's cooking

CAR None

READING "In Search of Jefferson's Moose: Notes on the State of Cyberspace," by David G. Post



when I went up to accept my award, the professor said, "And Sarah's going to law school next year."

Everyone laughed like it was a big joke. People always said, "What are you going to be, a jewelry lawyer?" And I'd say, "Yeah, I am going to be a jewelry lawyer. Take that."

Even in law school, I also took graduate-level metalsmithing classes—I had to fight for that. But I felt like some people cook, some people go to the gym. Everybody has a hobby, and mine is metalsmithing.

Q: *How did you land at Etsy?*

A: I found out about Etsy when I was working at a law firm after law school. I was finishing up my ebook, "Copyright for Artists," and I was selling my stuff on Etsy and just fell in love with the site. I really loved its core qualities, and what it's all about—it empowers people to make a living making things and trying to be green. One thing led to another, and about three years ago I sent my resumé to [CEO Robert Kalin] and said, "Listen, you need in-house counsel and you need it to be me." He said, "Uh, OK." So I flew down and he hired me on the spot, and I sold all my worldly possessions and moved to Brooklyn.

Q: *How did the Consumer Protection Safety Improvement Act of 2008—which imposed many new requirements on sellers of children's products—affect Etsy sellers?*

A: Well, Etsy's policies basically say that our sellers need to comply with the laws. It's really difficult when there are new laws, because I believe that Etsy sellers really want to do the right thing. I don't believe Etsy sellers want to harm children, or get in legal trouble. But some laws may harm small businesses.

We take the stance that education is really important: We have a bunch of articles up on the Storque—our "super blog." We reached out to Sen. Jim DeMint [R-S.C.] and he wrote a short article for

us. We even have a forum section dedicated to the CPSIA. We are not experts and cannot predict the future; however, if our sellers are aware of these issues they can spread the word, and we're hoping Etsy can help make the information accessible.

For IP issues we take a similar stance.

Etsy empowers people to make a living making things and trying to be green.

We take IP infringements very seriously around here and we comply with the Digital Millennium Copyright Act (DMCA). People are very confused by the laws, so I try to make it clear.

It's difficult going to law school, working at a law firm and writing that way versus writing for a community of artists. Sometimes the blog editor will ask, "Sarah, what are these words you're using?" I have to take out the "law words" and write them in English.

Q: *Do sellers ever think you're giving them legal advice?*

A: I receive a lot of messages asking for specific legal advice. I just respond, "In my job here, I can only provide legal advice to Etsy the company. I'm sorry I can't provide you with specific legal advice, but here's some legal information." Then I can link to sites like copyright.gov so they can find their own information.

They usually understand. They probably write me thinking I will pull a magical answer out of my hat. Then they come to realize it's not so cut and dried.

Q: *It doesn't seem like many companies provide a lot of clear, plain English legal information to their customers.*

A: It's important for a company to communicate with its customers. We have a lot of legal issues on our site, so I try my best to be as clear as possible. But at the same time, sometimes there's a gray area. For

example, a lot of people wanted to know how to use the Etsy trademarks. They wanted to make things like "I Love Etsy" blogs. So, what's the difference between infringement and fair use? Well, that's really difficult.

We wanted to encourage people to make fair uses of our marks. So what I

did was write Etsy trademark guidelines. If you go online, they're in plain English, basically explaining things like: "Don't say things about Etsy you know are not true." Just really basic information and examples, and then we provide a link so people can apply to get permission to use our trademarks on products and things like that. We do have to protect our brand because if we don't, it could have serious repercussions. At the same time, it's important to encourage our community to love us and make fair usage of our brand. And that's why we've grown so much—we have such a passionate community, they love us a lot, and I don't think they want to harm our brand any more than we want to harm our brand.

Q: *Etsy seems to fit into this trend of "green" or handmade things—a move toward individuality.*

A: We're trying to bring people back to the creator. It's nice to be able to order something from Etsy and know who made it. I just got married, and I basically had an Etsy wedding—my earrings, my veil, our invitations. It was nice to know I could work with the artist directly, and I got something very unique. It feels good knowing the money's going to an artist instead of a store. You're getting something unique to your style, and no one else has it. ■

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