

NYU  
LAW



ENGELBERG  
C E N T E R  
ON INNOVATION LAW & POLICY



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# ABOUT THE ENGELBERG CENTER

The Engelberg Center on Innovation Law & Policy provides a unique environment where scholars can examine the key drivers of innovation as well as the law and policy that best support innovation. By fostering interdisciplinary and collaborative research on innovation law and policy, the Engelberg Center attracts legal scholars and practitioners, technologists, economists, social scientists, physical scientists, historians, innovators, and industry experts who study, theoretically and empirically, the incentives that motivate innovators, how those incentives vary among different types of creative endeavor, and the laws and policies that help or hinder them. The Engelberg Center endeavors to facilitate programming, publications, and other interactions that refine our understanding of the policy implications of this research and communicate those implications to stakeholders and decision makers, both nationally and internationally.

In addition to the world-class faculty and scholars it attracts, the Engelberg Center draws on the diversity of New York City, which is a center for creativity in advertising, art, cuisine, entertainment, fashion, financial services, graphic design, law, life sciences, literature, marketing, music, and technology, among other fields. We seek to enhance the ecosystem that supports close connections between IP scholars and the innovator community in and around the city.

# WELCOME TO THE ENGELBERG CENTER



## **C. SCOTT HEMPHILL**

### **Professor of Law and Engelberg Center Co-Director**

Scott Hemphill joined the Engelberg Center as a co-director in August 2015. He teaches and writes about antitrust, intellectual property, and regulation of industry. His scholarship ranges broadly, from drug patents to net neutrality to fashion and intellectual property. Recent work examines the antitrust problem of parallel exclusion in concentrated industries and anticompetitive settlements of patent litigation by drug makers. Prior to joining NYU School of Law in July 2015, Scott Hemphill was a Professor of Law at Columbia Law School. He also served as Chief of the Antitrust Bureau in the Office of the Attorney General of the State of New York and clerked for Judge Richard Posner (Seventh Circuit) and Justice Antonin Scalia (U.S. Supreme Court). Professor Hemphill was the Caryl Louise Boies Visiting Professor at NYU School of Law in the 2014-15 academic year.



## **ANNE HASSETT**

### **Executive Director**

Anne Hassett joined the Engelberg Center in January 2015 following a distinguished 30-year career as a trial lawyer in complex business litigation, in particular intellectual property litigation. Anne most recently was a senior partner in the patent litigation practice at Goodwin Procter LLP and previously a partner in the intellectual property practice at Kirkland & Ellis LLP. Anne received her B.S. summa cum laude in chemistry from SUNY Albany, A.M. in chemistry from Harvard University, and J.D. cum laude from U.C. Hastings College of the Law. Anne was editor-in-chief of the Hastings Law Review and named to the Order of the Coif and the Thurston Society. She is currently First Vice President and serves on the board of the New York Intellectual Property Law Association (NYIPLA), is Board Liaison to the NYIPLA's Legislative Action Committee, and a member of the Honorable William C. Conner Inn of Court. Anne is Of Counsel to Amster, Rothstein, & Ebenstein, LLP. Anne is also a research scholar at NYU School of Law, with a particular interest in how diversity enhances innovation.

# FACULTY CO-DIRECTORS

## BARTON BEEBE

John M. Desmarais Professor  
of Intellectual Property Law

Barton Beebe specializes in the doctrinal, empirical, and cultural analysis of intellectual property law. He has been the Anne Urowsky Visiting Professor of Law at Yale Law School and a visiting professor of law at Stanford Law School. He has also taught courses at Hebrew University, Jerusalem, the Centre d'Études Internationales de la Propriété Intellectuelle at the Université de Strasbourg, the Munich Intellectual Property Law Center, the State Intellectual Property Office of the People's Republic of China, and the Hanken School of Economics in Helsinki, Finland. In 2007, Professor Beebe was a Special Master in the case of *Louis Vuitton Malletier v. Dooney & Bourke*. His published works include *Are We Running Out of Trademarks?: Evidence from the U.S. PTO Principal Register*, forthcoming (with Jeanne Fromer), *Intellectual Property Law and the Sumpuary*



*Code*, 123 Harvard Law Review 809 (2010), and *An Empirical Study of U.S. Copyright Fair Use Opinions, 1978-2005*, 156 Pennsylvania Law Review 549 (2008). Professor Beebe received his J.D. from Yale Law School, his Ph.D. in English Literature from Princeton University, and his B.A. from the University of Chicago. He clerked for Judge Denise Cote of the United States District Court for the Southern District of New York.

## ROCHELLE DREYFUSS

Pauline Newman Professor of Law

A trained research chemist, Rochelle Cooper Dreyfuss focuses her research and writing on the intersection between patents and science and examines the implications of technological change on patent law and policy. Her other interests include



procedural issues arising in intellectual property litigation, particularly in the international context. After graduating from Columbia Law School, she clerked for Chief Judge Wilfred Feinberg (Second Circuit) and Chief Justice Warren Burger (U.S. Supreme Court). A member of the American Law Institute, Professor Dreyfuss was the Reporter for its Project on Intellectual Property and is currently an adviser on its Restatement Third of Conflicts of Laws project. She has been a consultant to the Federal Courts Study Committee, the Presidential Commission on Catastrophic Nuclear Accidents, and the Federal Trade Commission. She has served on committees of the National Academy of Science and the Department of Health & Human Service, as well as on BNA's Advisory Board to USPO. She is a past chair of the Intellectual Property Committee of the American Association of Law Schools. In addition to articles in her specialty areas, Professor Dreyfuss has co-authored books on intellectual property law and international intellectual property law.

## JEANNE FROMER

Professor of Law

Jeanne Fromer teaches and writes on intellectual property, focusing on unified theories of copyright and patent law. In 2011, she was awarded the American Law Institute's inaugural Young Scholars Medal for her scholarship in intellectual property. Her work has been selected for presentation twice at the Stanford/Yale Junior Faculty Forum and for inclusion twice in West/Thomson's annual Intellectual Property Law Review. Professor Fromer was a visiting professor at Harvard Law School and also previously taught at Fordham Law School. She was a law clerk to Justice David H. Souter (U.S. Supreme Court) and Judge Robert D. Sack (Second Circuit). After working at Hale and Dorr LLP (now WilmerHale) in intellectual property, she was an Alexander Fellow with the NYU School of Law and a Resident Fellow with Yale Law School's Information Society Project. She earned her B.A. *summa cum laude* in Computer Science from Barnard College and her S.M. in Electrical Engineering and Computer Science



from MIT for research in artificial intelligence and computational linguistics, and worked at AT&T (Bell) Laboratories in those same areas. She received her J.D. *magna cum laude* from Harvard Law School, serving as Articles and Commentaries Editor of the Harvard Law Review and Editor of the Harvard Journal of Law and Technology.



## JASON SCHULTZ

Professor of Clinical Law

Jason Schultz is a Professor of Clinical Law and Director of NYU's Technology Law & Policy Clinic. His clinical projects, research, and writing primarily focus on the ongoing struggles to balance intellectual property and privacy law with the public interest in free expression, access to knowledge, and innovation in light of new technologies and the challenges they pose.



Prior to joining NYU, Professor Schultz was an Assistant Clinical Professor of Law and Director of the Samuelson Law, Technology & Public Policy Clinic at the U.C. Berkeley School of Law (Boalt Hall). Before joining Boalt Hall, he was a Senior Staff Attorney at the Electronic Frontier Foundation, one of the leading digital rights groups in the world and before that practiced intellectual property law at the firm of Fish & Richardson, PC. He also served as a clerk to the Honorable D. Lowell Jensen of the Northern District of California. He is a member of the American Law Institute.

## CHRISTOPHER SPRIGMAN

Professor of Law

Christopher Sprigman teaches intellectual property law, antitrust law, competition policy, and comparative constitutional law. His scholarship focuses on how legal rules affect innovation and the deployment of new technologies. He is the author of numerous articles both in law reviews and in the popular press (including *Foreign Affairs*, *The New York Times*, *The Los Angeles Times*, *Slate*, *The Atlantic*, *Forbes*, *The Daily Beast*, and the *Freakonomics* blog) and a book, *The Knockoff Economy: How Imitation Sparks Innovation* (Oxford 2012) (with Kal Raustiala). Professor Sprigman received his B.A. with honors from the University of Pennsylvania in 1988. He graduated with honors from the University of Chicago Law School, serving as a comment editor of the *University of Chicago Law Review*. He clerked for Judge Stephen Reinhardt (Ninth Circuit) and Justice Laurens H.W. Ackermann (Constitutional Court, South Africa). Professor Sprigman also taught at the law school of the University of the Witwatersrand in Johannesburg,



South Africa. He later served as appellate counsel in the U.S. DOJ (Antitrust Division), where he worked on *U.S. v. Microsoft*, among other matters. Professor Sprigman joined King & Spalding, where he was elected a partner. In 2003, he became a Residential Fellow at the Center for Internet and Society at Stanford Law School. He joined the University of Virginia law faculty in 2005, and moved to NYU School of Law in 2013.

## KATHERINE STRANDBURG

Alfred E. Engelberg Professor of Law

Katherine Strandburg concentrates her teaching and research in the areas of patent law and innovation policy and information privacy law. Her scholarship considers how the law in these areas should reflect the importance of collaboration and social interactions and respond to technological change. Her legal analysis is informed by studies of user innovation and of knowledge commons governance. Professor Strandburg obtained her law degree from the University of Chicago Law School with high honors in 1995 and served as a law clerk to Judge



Richard D. Cudahy (Seventh Circuit). She is an experienced litigator, is licensed to practice before the United States Patent and Trademark Office, and has authored several amicus briefs to the U.S. Supreme Court and federal appellate courts dealing with patent law and privacy issues. Prior to her legal career, Professor Strandburg was a research physicist at Argonne National Laboratory, having received her Ph.D. from Cornell University in 1984 and conducted postdoctoral research at Carnegie Mellon. She was a visiting faculty member of the physics department at Northwestern University from 1990-92.

# RECENT FACULTY CO-DIRECTOR PUBLICATIONS

## BARTON BEEBE

*Are We Running Out of Trademarks?: Evidence from the U.S. PTO Principal Register* (forthcoming) (with Jeanne Fromer)

*The Luxury Economy and Intellectual Property: Critical Reflections* (B. Beebe, H. Sun and M. Sunder, eds.) (2015)

*Shanzhai, Sumptuary Law, and Intellectual Property Law in Contemporary China*, 47 U.C. Davis Law Review 849 (2014)

*The Suppressed Misappropriation Origins of Trademark Antidilution Law: The Landgericht Elberfeld's Odol Opinion and Frank Schechter's The Rational Basis of Trademark Protection*, in *Intellectual Property at the Edge: The Contested Contours of IP* (R. Dreyfuss and J. Ginsburg, eds.) (2014)

*Trademark Law: An Open-Source Casebook* (2014)

## ROCHELLE DREYFUSS

*Giving the Federal Circuit a Run for Its Money: Challenging Patents in the PTAB*, Notre Dame Law Review (forthcoming)

*From Incentive to Commodity to Asset: How International Law Is Reconceptualizing Intellectual Property*, Michigan Journal of International Law (forthcoming) (with Susy Frankel)

*An International Perspective II: A View From the United States*, in *The Unitary EU Patent System* (J. Pila and C. Wadlow, eds.) (2015)

*Foreword to Test Tubes for Global Intellectual Property Issues: Small Market Economies* (Susy Frankel) (2015)

*Tailoring Incentives: A Comment on Hemel and Ouellete's Beyond the Patent-Prize Debate*, Texas Law Review (2014)

*Abolishing Exclusive Jurisdiction in the Federal Circuit: A Response to Judge Wood*, Chicago-Kent Journal of Intellectual Property (2014)

*The Battle over Intellectual Property Laws and Access to Medicines in Latin America: A Primer on Global Administrative Law, Intellectual Property, and Political Contestation*, in *Balancing Wealth and Health: The Battle over Intellectual Property and Access to Medicines in Latin America* (R. Dreyfuss and C. Rodriguez-Garavito, eds.) (2014)

*Conclusion: Balancing Wealth and Health in a Transnational Regulatory Framework*, in *Balancing Wealth and Health: The Battle over Intellectual Property and Access to Medicines in Latin America* (R. Dreyfuss and C. Rodriguez-Garavito, eds.) (2014)

*Intellectual Property Lawmaking, Global Governance, and Emerging Economies*, in *Global Perspectives on Patent Law* (M. Bagley and R. Okediji, eds.) (2014)

## JEANNE FROMER

*Are We Running Out of Trademarks?: Evidence from the U.S. PTO Principal Register* (forthcoming) (with Barton Beebe)

*Dynamic Patent Disclosure*, 69 Vanderbilt Law Review (forthcoming)

*The Unregulated Certification Mark(et)* (forthcoming)

*Should the Law Care Why Intellectual Property Rights Have Been Asserted?*, 53 Houston Law Review (forthcoming)

*Market Effects Bearing on Fair Use*, 90 Washington Law Review 615 (2015)

*An Information Theory of Copyright Law*, 64 Emory Law Journal 71 (2014)

*The Audience in Intellectual Property Infringement*, Michigan Law Review (2014) (with Mark Lemley)

*Experimental Tests of Intellectual Property Laws' Creativity Thresholds*, Texas Law Review (2014) (with Christopher Buccafusco, Zachary Burns, and Christopher Sprigman)

*A Legal Tangle of Secrets and Disclosures in Trade: Tabor v. Hoffman and Beyond*, in *Intellectual Property at the Edge: The Contested Contours of IP* (R. Dreyfuss and J. Ginsburg, eds.) (2014)



## C. SCOTT HEMPHILL

*Antitrust Analysis: Problems, Text, and Cases* (with Philip Areeda, Louis Kaplow, and Aaron Edlin) (2014 & 2015 Professor's Update)

*The Actavis Inference: Theory and Practice*, 67 Rutgers University Law Review 585 (with Aaron Edlin, Herbert Hovenkamp, and Carl Shapiro) (2015)

*The Fashion Originators' Guild of America: Self-Help at the Edge of IP and Antitrust*, in *Intellectual Property at the Edge: The Contested Contours of IP* 159 (R. Dreyfuss and J. Ginsburg, eds.) (with Jeannie Suk) (2014)

*Actavis and Error Costs: A Reply to Critics*, Antitrust Source, Volume 14 Issue 1 (with Aaron Edlin, Herbert Hovenkamp, and Carl Shapiro) (October 2014)

Testimony, *Examining the Role of Incentives in Advancing Treatments and Cures for Patients: Hearing Before the Subcommittee on Health of the House Committee on Energy and Commerce*, 113th Congress, June 11, 2014

Report, *Unjustified Delays in Generic Drug Competition: Expert Submission to Organization for Economic Cooperation and Development Competition Summit*, June 7, 2014

Testimony, *The Proposed Merger of Comcast and Time Warner Cable: Oversight Hearing Before the Subcommittee on Regulatory Reform, Commercial and Antitrust Law of the House Committee on the Judiciary*, 113th Congress, May 8, 2014

## CHRISTOPHER SPRIGMAN

*How Can Brands Flourish in the Knockoff Kingdom? What China Tells Us About the Bad — And Good — Effects of Luxury Goods Counterfeiting*, in *The Luxury Economy and Intellectual Property: Critical Reflections* (forthcoming) (with Kal Raustiala)

*Some Positive Thoughts About IP's Negative Space*, in *Creativity Without Law* (Darling and Perzanowski, eds.) (forthcoming)

*On the Shoulders of Giants or the Road Less Traveled?: An Experimental Approach to Sequential Innovation in Intellectual Property*, *Indiana Law Journal* (forthcoming) (with Christopher Buccafusco and Stefan Bechtold)

*Experimental Tests of Intellectual Property Laws' Creativity Thresholds*, *Texas Law Review* (2014) (with Christopher Buccafusco, Zachary Burns, and Jeanne Fromer)

*Berne's Vanishing Ban on Formalities*, *Berkeley Technology Law Journal* (2014)

## JASON SCHULTZ

*Big Data and Due Process: Toward A Framework to Redress Predictive Privacy Harms*, *Boston College Law Review* (2014) (with Kate Crawford)

*Legislating Digital Exhaustion*, *Berkeley Technology Law Journal* (2014) (with Aaron Perzanowski)

*Reconciling Intellectual & Personal Property*, *Notre Dame Law Review* (2014) (with Aaron Perzanowski)

## KATHERINE STRANDBURG

*Derogatory to Professional Character? Physician Innovation and Patents as Boundary-Spanning Mechanisms* (forthcoming)

*Progress and Competition in Design*, *Symposium on Design Patents in the Modern World*, *Stanford Technology Law Review* (2014) (with Mark McKenna)

*Membership Lists, Metadata and Freedom of Association's Specificity Requirement*, *I/S: A Journal of Law and Policy for the Information Society* (2014)

*Legal but Unacceptable: Pallin v. Singer and Physician Patenting Norms*, in *Intellectual Property at the Edge: The Contested Contours of IP* (R. Dreyfuss and J. Ginsburg, eds.) (2014)

# AFFILIATED FACULTY



## **AMY ADLER**

### **Emily Kempin Professor of Law**

A leading scholar of art law, Amy Adler specializes in the legal regulation of artistic expression, sexuality, and free speech.



## **HARRY FIRST**

### **Charles L. Denison Professor of Law**

Harry First is Co-Director of the Competition, Innovation, and Information Law Program and a specialist in antitrust and business crime. First's scholarly work has focused on various aspects of antitrust enforcement and theory.



## **JANE ANDERSON**

### **Assistant Professor of Anthropology and Museum Studies, New York University**

Jane Anderson's research focuses on the intersection of indigenous knowledge with intellectual property law and the complicated legal and social justice problems it presents. She is also an expert consultant for the World Intellectual Property Organization on a number of policy proposals for the protection of traditional knowledge and cultural expressions.



## **ELEANOR FOX**

### **Walter J. Derenberg Professor of Trade Regulation**

Eleanor Fox LLB '61 is a prominent antitrust and comparative competition law scholar. Her recent work includes articles on antitrust, markets, developing countries, and global governance, and casebooks on U.S. antitrust law and European Union law.



## **RICHARD EPSTEIN**

### **Laurence A. Tisch Professor of Law**

Considered one of the most influential thinkers in legal academia, Richard Epstein is known for his research and writings on a broad range of constitutional, economic, historical, and philosophical subjects.



## **DEEPAK HEGDE**

### **Assistant Professor of Management and Organizations, NYU Stern School of Business**

Deepak Hegde's research focuses on the unique challenges posed by innovation (i.e., the production and commercialization of new ideas) to business strategy and public policy. He studies high-tech industries including biomedical and information and communication technologies. His work has been published in journals such as *Science*, *Nature Biotechnology*, *Management Science*, *Journal of Law & Economics*, and *Research Policy*.



**HILA LIFSHITZ-ASSAF**  
**Assistant Professor of Information,  
 Operations and Management Sciences,  
 NYU Stern School of Business**

Hila Lifshitz-Assaf's research focuses on developing an in-depth empirical and theoretical understanding of the micro-foundations of scientific and technological innovation and knowledge creation processes in the digital age. She explores how the ability to innovate is being transformed, as well as the challenges and opportunities the transformation entails for R&D organizations, professionals, and their work.



**PETRA MOSER**  
**Professor, NYU Stern School of Business**

Petra Moser's research addresses a central question in economic history: Has the creation of property rights in ideas encouraged innovation and economic growth? She employs an empirical approach combining detailed knowledge of history with the creation of major data sets based on archival sources that capture variation in innovation and creativity. Her work has had a substantial international impact, both inside and outside of academia.



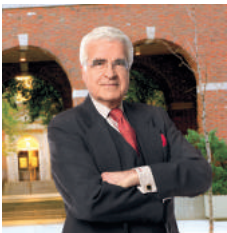
**FLORENCIA MAROTTA-WURGLER**  
**Professor of Law**

Florencia Marotta-Wurgler '01 is an expert in online and standard form contracting. Her research has addressed online standard form contracting with delayed disclosure, contracting in the presence of seller market power, and dispute resolution clauses.



**JOEL STECKEL**  
**Professor of Marketing,  
 NYU Stern School of Business**

Joel Steckel's primary research areas of interest include marketing research, marketing and branding strategy, approaches for one-to-one marketing, managerial decision processes, and methodologies for measuring consumer performance and behavior. Among other accomplishments, Professor Steckel was the founding president of the INFORMS Society for Marketing Science.



**ARTHUR MILLER**  
**University Professor**

Arthur Miller, CBE, is one of the nation's most distinguished legal scholars in the areas of civil litigation, copyright, unfair competition, and privacy. A renowned commentator on law and society, he won an Emmy for his work on PBS's *The Constitution: That Delicate Balance* and served for two decades as the legal editor for ABC's *Good Morning America*.



**DIANE ZIMMERMAN**  
**Samuel Tilden Professor of Law Emerita**

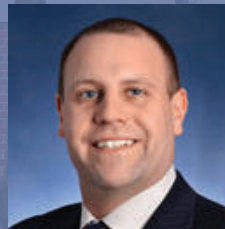
An award-winning reporter for *Newsweek* and the *New York Daily News*, Diane Zimmerman joined the faculty of NYU School of Law in 1977. Her specialties include freedom of speech and press and intellectual property.



# ADJUNCT FACULTY



**DAVID BERNSTEIN**  
Partner, Debevoise &  
Plimpton LLP



**MICHAEL KASDAN**  
Partner, Wiggin and Dana LLP



**NICHOLAS GORDON**  
Partner, Franklin, Weinrib,  
Rudell & Vassallo, PC



**BRETT KAUFMAN**  
Staff Attorney, Center for Democracy,  
American Civil Liberties Union



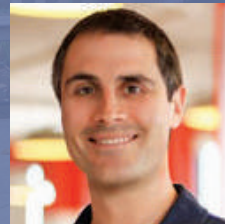
**NICHOLAS GROOMBRIDGE**  
Partner, Paul, Weiss, Rifkind,  
Wharton & Garrison LLP



**DAVID MCCRAW**  
Assistant General Counsel,  
The New York Times



**VINAY JAIN**  
Chief Legal Officer, Shake



**DAVID PASHMAN**  
General Counsel, Meetup, Inc.





**LEE BERKLEY ROWLAND**  
Staff Attorney, Speech, Privacy  
& Technology Project, American  
Civil Liberties Union



**IRA RUBINSTEIN**  
Research Fellow,  
Information Law Institute,  
NYU School of Law



**ROSE SCHWARTZ**  
Partner, Franklin, Weinrib,  
Rudell & Vassallo, PC



**ERIC STONE**  
Partner, Paul, Weiss, Rifkind,  
Wharton & Garrison LLP



**ELIZABETH WEISWASSER**  
Partner, Weil, Gotshal & Manges LLP



**BRUCE WEXLER**  
Partner, Paul Hastings LLP



**AARON WILLIAMSON**  
Partner, Tor Ekeland, PC



**DONN ZARETSKY**  
Partner, John Silberman Associates PC

# VISITING FACULTY

2014–15



## **DAVID ABRAMS**

### **University of Pennsylvania Law School**

David Abrams is Professor of Law, Business Economics, and Public Policy at the University of Pennsylvania Law School and the Wharton School. His work covers a range of topics tied together by the goal of understanding and measuring how individuals respond to incentives in various legal contexts.



## **RAINER FILITZ**

### **Technische Universität München (TU Munich)**

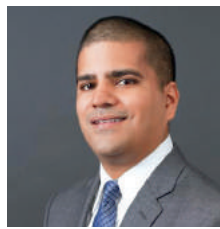
Rainer Filitz is a research associate and PhD candidate at the Scholler Chair in Technology and Innovation Management, TU Munich. His research is broadly concerned with the role of design in innovation and competition.



## **GRAEME DINWOODIE**

### **University of Oxford**

Graeme Dinwoodie is the Professor of Intellectual Property and Information Technology Law at the University of Oxford. He is also Director of the Oxford Intellectual Property Research Centre, and a Professorial Fellow of St. Peter's College.



## **NEEL SUKHATME**

### **Princeton University**

As a fifth-year Ph.D. student in Economics at Princeton University, Neel Sukhatme demonstrated expertise in three fields (Finance, Labor Economics, and Development Economics). Sukhatme received his J.D. cum laude from Harvard Law School. His current research focuses on empirical patent law, empirical civil procedure, and law and economics.



2015–16



**NANCY GALLINI**

**Vancouver School of Economics,  
The University of British Columbia**

Nancy Gallini is a Professor in the Vancouver School of Economics. Her research focuses on the economics of intellectual property, competition policy, strategic alliances, licensing, and optimal patent policy. Professor Gallini has worked with the Competition Bureau and Industry Canada on projects related to Canada's patent policy and Intellectual Property Enforcement Guidelines.



**BHAVEN SAMPAT**

**Associate Professor, Health  
Policy and Management,  
Columbia University Mailman  
School of Public Health**

Bhaven Sampat, Ph.D., is a Distinguished Scholar in Residence affiliated with the Engelberg Center on Innovation Law & Policy, and also a Visiting Professor at the Robert F. Wagner Graduate School of Public Service. An economist by training, Professor Sampat is centrally interested in issues at the intersection of health policy and innovation policy. His current work examines the causes and consequences of generic firms' challenges to pharmaceutical patents in the U.S., the impact of pharmaceutical patent laws on innovation and access to medicines in the developing countries, the political economy of the National Institutes of Health, and the returns to publicly funded medical research.

# ALSO AT NYU

EXPERTS IN THE HISTORY OF SCIENCE,  
TECHNOLOGY, AND INNOVATION



**MYLES JACKSON**

**Gallatin Research Excellence Professor,  
NYU Gallatin School of Individualized Study**

Myles Jackson is Gallatin Research Excellence Professor of the History of Science and Professor of History of the Faculty of Arts and Science at NYU. His research interests include molecular biology and intellectual property in Europe and the U.S., genetic privacy issues, and the history of 18th- and 19th-century German physics. His book *The Genealogy of a Gene: Patents, HIV/AIDS, and Race* was published by MIT Press in 2015. He is currently working on a popular book on the relationship between science, technology, and music from the 18th century to the present as well as continuing to conduct research on gene patenting and privacy issues in Europe.



**DANIEL KEVLES**

**Stanley Woodward Professor of History  
Emeritus, previously the Stanley Woodward  
Professor of History, History of Medicine &  
American Studies, Yale University, and Adjunct  
Professor, Yale Law School.**

Daniel Kevles' research and writing encompass the interplay of science, technology, and society past and present with a focus on the United States. His particular research interests include the history of physics, biology, scientific fraud and misconduct, plant and animal breeding, biotechnology, intellectual property, and science, arms, and the state. His teaching areas are the history of modern science and technology, including genetics, physics, science and technology in America; innovation and intellectual property in living organisms; science and national security; and the United States in the 1970s.

# ENGELBERG CENTER PROGRAM COORDINATOR



## **NICOLE ARZT**

### **Program Coordinator**

Nicole Arzt has overseen the daily operations of the Engelberg Center on Innovation Law & Policy since 2000 and coordinates the Center's various programs. Nicole recently received NYU's Give-A-Violet award, which annually recognizes NYU staff who perform above and beyond the normal scope of their responsibilities. She holds a B.A. in Fashion Merchandising with a minor in business from the University of Maryland.



# ENGELBERG CENTER EVENTS

## HOW ARE KNOWLEDGE, INFORMATION, AND OTHER SHARED INTELLECTUAL RESOURCES GOVERNED?

September 5-6, 2014

This interdisciplinary conference, co-sponsored with the International Association for the Study of the Commons, convened an international group of researchers studying cooperative arrangements for sharing intellectual resources, or “knowledge commons.” Focusing on the fields of medicine and the environment, presenters considered how knowledge commons work, what contributes to their durability and effectiveness, and what undermines them. Professor Katherine Strandburg was co-chair of the conference.

## COPYRIGHT VS. CREATIVITY: IS INTELLECTUAL PROPERTY RESERVED FOR THE 1%?

September 23, 2014

Coinciding with the U.S. launch of the graphic novel RICKY ROUSE HAS A GUN, this panel examined whether copyright has lost one of its principal functions: to protect authors and original ideas. In the digital age, does copyright have a purpose beyond protecting corporations from illegal copying and file sharing? Panelists included Jörg Tittel, Author, RICKY ROUSE HAS A GUN; Charles Brownstein, Executive Director, Comic Book Legal Defence Fund; and Professors Christopher Sprigman and Barton Beebe, NYU School of Law.



# EMPIRICAL IP RESEARCH CONFERENCE

OCTOBER 24-25, 2014

This conference launched the Engelberg Center's Empirical Initiative for empirical research related to intellectual property law and other legal rules that affect innovation. The goal for the Initiative is to provide a foundation for data-driven consideration of whether, and how, to reform these areas of law. The conference brought together leaders in the empirical study of intellectual property and innovation, as well as scholars and researchers in related areas, to discuss existing research on intellectual property, assess where progress has been made toward producing policy-relevant evidence, identify key policy-relevant questions that are in need of further study, and consider the directions and methods for future research.

Colleen V. Chien (Senior Advisor to the CTO, Intellectual Property and Innovation White House Office of Science and Technology Policy) delivered the keynote address. Each of the three plenary panels (Copyright, Patent, and Trademark) discussed a specific empirical question of importance to IP policy. Professors Jeanne Fromer, Christopher Sprigman, and Katherine Strandburg organized the conference.

## Plenary Session:

### HOW DO PATENTS AFFECT INNOVATION?

**Heidi Williams** (Massachusetts Institute of Technology, Department of Economics)

*Measuring the Effects of Patents on Downstream Innovation*

Commenting on: Alberto Galasso & Mark Schankerman, Patents and Cumulative Innovation: Causal Evidence from the Courts

**Stefan Bechtold** (ETH Zurich)

*The Effects of Patents on Scientific Research*

Commenting on: Bhaven Sampat & Heidi L. Williams, How Do Patents Affect Follow-On Innovation? Evidence from the Human Genome

**Michael Meurer** (Boston University School of Law)

*Non-Patent Measures of Innovation*

Commenting on: Petra Moser, Patents and Innovation: Evidence from Economic History

**Petra Moser** (Stanford University, Department of Economics)

*Measuring the Effects of Patents on Private Incentives*

Commenting on: James Bessen et al., The Costs and Benefits of United States Patents



Plenary Session:  
**MEASURING CONSUMER CONFUSION  
IN TRADEMARK INFRINGEMENT**

**Joel Steckel** (New York University, Stern School of Business)  
*Consumer Confusion Surveys Used in Litigation*  
Commenting on: Robert H. Thornburg, Trademark Surveys:  
Development of Computer-Based Survey Methods

**Lisa Larrimore Ouellette** (Stanford Law School)  
*Cognitive/Psychological Approaches to Modeling When and How  
Consumers Get Confused*  
Commenting on: Thomas R. Lee et al., An Empirical and Consumer  
Psychology Analysis of Trademark Distinctiveness; Thomas R. Lee et al.,  
Trademarks, Consumer Psychology, and the Sophisticated Consumer

**Mark McKenna** (Notre Dame Law School)  
*Qualitative Studies of Consumers Becoming Confused During Shopping*  
Commenting on: G. Miaoulis & N. D'Amato, Consumer Confusion and  
Trademark Infringement; Vincent-Wayne Mitchell & Vassilios Papavassiliou,  
Exploring Consumer Confusion in the Watch Market

**Rebecca Tushnet** (Georgetown University Law Center)  
*Big Data Approach to Consumer Confusion*  
Commenting on: Lisa Larrimore Ouellette, The Google Shortcut to  
Trademark Law; Stefan Bechtold & Catherine Tucker, Trademarks,  
Triggers and Online Search

Plenary Session:  
**EFFECT OF COPYRIGHT INFRINGEMENT  
ON CREATIVE INCENTIVES**

**Joel Waldfoegel** (University of Minnesota, Carlson School of Management)  
*The Strengths and Limits of the Natural Experiment Methodology to Explore the  
Effects of Piracy on Both Industry Output and Creative Incentives*  
Commenting on: Brett Danaher & Michael Smith, Gone in 60 Seconds: The  
Impact of the Megaupload Shutdown on Movie Sales; Christian Peukert et  
al., Piracy and Movie Revenues: Evidence from Megaupload

**Christopher Buccafusco** (IIT Chicago-Kent College of Law)  
*Translating Piracy's Effect on Sales into Piracy's Effect on Creative Incentives*  
Commenting on: Brett Danaher & Michael Smith, Gone in 60 Seconds: The  
Impact of the Megaupload Shutdown on Movie Sales; Christian Peukert et  
al., Piracy and Movie Revenues: Evidence from Megaupload

**Peter DiCola** (Northwestern University School of Law)  
*Generalizability of Studies in One Creative Industry*  
Commenting on: Rahul Talang and Joel Waldfoegel, Piracy and New Product  
Creation: A Bollywood Story; Joel Waldfoegel, Copyright Protection,  
Technological Change, and the Quality of New Products: Evidence from  
Recorded Music Since Napster

**Pamela Samuelson** (University of California Berkeley School of Law)  
*Relevance of Empirical Research to Policymakers*  
Commenting on: National Academies of Science, Copyright in  
the Digital Era: Building Evidence for Policy

## IPNY: GOOGLE ON U.S. PATENT QUALITY

NOVEMBER 20, 2014



Laura Sheridan, Patent Counsel at Google, discussed ideas for improving the quality of U.S. patents, focusing both on institutional reforms that could make the PTO better at turning away low-quality patent applications and changes in the patent law that could also help us reach that goal. The Engelberg Center faculty co-directors also shared their insights.





## WARRANT CANARY WORKSHOP

November 3, 2014

This program focused on the political, legal, and technological questions raised by the increasing use of “warrant canaries” by technology companies to inform the public about government surveillance. Professor Jason Schultz was a co-organizer.

## POST-MORTEM PANEL ON *AUTHORS GUILD v. GOOGLE* HEARING

December 3, 2014

The Authors Guild lawsuits against Google and its library partners (brought separately as *Authors Guild, Inc. v. HathiTrust*) have set much of the stage for how U.S. copyright law impacts efforts to mass digitize book collections. On December 3, 2014, the Second Circuit heard argument in the appeal of *Authors Guild v. Google*, where Judge Denny Chin granted judgment in favor of Google, finding that its book digitizing activities constituted fair use under Section 107 of the U.S. Copyright Act. This panel focused on the contents of the appeal, including the questions presented, the briefing, the argument, and the implications for any certiorari petition to the Supreme Court. Featured speakers included: Greg Cram, Associate Director of Copyright and Information Policy, New York Public Library; Jeremy Goldman, Frankfurt Kurnit Klein + Selz PC, Counsel for the Authors Guild; Joseph Gratz, Durie Tangri LLP, Counsel for Google, Inc.; Corynne McSherry, Intellectual Property Director, Electronic Frontier Foundation; Professor Jason Schultz, Director, Technology Law & Policy Clinic and Co-Director of the Engelberg Center on Innovation Law & Policy; and Fred von Lohmann, Legal Director for Copyright, Google, Inc. Co-sponsored by the New York Public Library.

## 2014 IP INSTITUTE

December 4, 2014

This conference, presented jointly by the Engelberg Center and Cravath, Swaine & Moore LLP, assembled thought leaders in the field of IP for a day of discussion focused on cutting-edge issues affecting innovation, intellectual property law and practice, and competition in the domestic and international arenas. The keynote speaker was The Rt. Hon. Professor Sir Robin Jacob, University College London, who presented a European perspective on the U.S. IP system. The various panels examined the issues from the perspectives of industry, the judiciary, academia, and federal and state agencies. Together with Judge Faith Hochberg of the United States District Court for the District of New Jersey and Micky Minhas, Microsoft Corporation, Professor Rochelle Dreyfuss participated in a panel discussion on “What Litigators Need to Know About U.S. PTO Post-Grant Processes.” Professor Dreyfuss and David J. Kappos, partner, Cravath, Swaine & Moore LLP, were co-organizers of the IP Institute.

# FIFTH ANNUAL TRI-STATE REGION IP WORKSHOP

JANUARY 9, 2015



The Annual Tri-State Region IP Workshop brought together intellectual property scholars (including professors, fellows, visitors, graduate students, and practitioners) from the tri-state region to present their works in progress for commentary in a workshop environment. The papers examined issues concerning patent litigation, patentability, downstream market effects of intellectual property, intellectual property in the high-tech sector, and copyright law.

Professors Barton Beebe and Jeanne Fromer organized the 2015 workshop, which featured the following articles, presenters, and commentators:

## PATENT LAW

**Chris Beauchamp**, Brooklyn Law School

*The First Patent Litigation Explosion*

Commentator: Gaia Bernstein, Seton Hall University School of Law

**Bryan Choi**, New York Law School

*Separating Patent-Able from Patent Act*

Commentator: Katherine Strandburg, NYU School of Law

## DOWNSTREAM EFFECTS OF INTELLECTUAL PROPERTY

**Michael Burstein**, Cardozo School of Law

*Secondary Markets for Patents: A Framework for Evaluation*

Commentator: David Abrams, University of Pennsylvania Law School

**Christopher Sprigman**, NYU School of Law

*Experiments in Sequential Innovation* (with Stefan Bechtold & Chris Buccafusco)

Commentator: Andrea Matwyshyn, University of Pennsylvania, Wharton School

## PROPERTY AND INTELLECTUAL PROPERTY

**Christina Mulligan**, Brooklyn Law School

*The Cost of Personal Property Servitudes: Lessons for the Internet of Things*

Commentator: Jeremy Sheff, St. John's University School of Law

**Shyam Balganes**, University of Pennsylvania Law School

*Copyright and Good Faith Purchasers*

Commentator: Amy Kapczynski, Yale Law School

## INTELLECTUAL PROPERTY IN THE HIGH- TECH SECTOR

**David Levine**, Princeton University Center for Information  
Technology Policy

*Why Do Startups Retain Trade Secrets?* (with Ted Sichelman)

Commentator: Neel Sukhatme, Princeton University and NYU  
School of Law

**Joel Reidenberg**, Fordham University School of Law

*Patents and Small Businesses in the Smartphone Industry* (with N.  
Cameron Russell, Maxim Price & Anand Mohan)

Commentator: Tejas Narechania, Columbia Law School

## COPYRIGHT LAW

**Brad Greenberg**, Columbia Law School

*Black Box Copyright*

Commentator: Ann Bartow, Pace Law School





## PANEL DISCUSSION ON PATENT REFORM: WILL FEE SHIFTING HELP OR HINDER PATENT ENFORCEMENT?

March 2, 2015

Professor Jason Schultz moderated a discussion on whether fee shifting in proposed patent reform legislation pending in Congress is needed in view of the relaxed standard for exceptional case recovery since the SCOTUS decisions in *Octane* and *Highmark*. Panelists included: Eric Cohen, Katten Muchin Rosenman LLP; John Desmarais, Desmarais LLP; Professor Rochelle Dreyfuss, NYU School of Law; Theresa Gillis, Mayer Brown LLP; David Kappos, Cravath, Swaine & Moore LLP; and John Pegram, Fish & Richardson.

## IPRs AT THE PTAB: SHOULD THEY BE DISTRICT COURT LITE OR A SECOND BITE AT THE PROSECUTION APPLE?

June 2, 2015

Engelberg Center Executive Director Anne Hassett moderated a panel discussion among industry representatives, including the pharmaceutical and high tech industries, on whether innovation is better supported by having the Patent Trial and Appeal Board (PTAB) apply in inter partes review (IPR) proceedings the same legal standards that U.S. District Courts apply in patent litigation or the standards which the USPTO applies in patent prosecution. Panelists included: Matthew Levy, Computer and Communications Industry Association; Hans Sauer, Biotechnology Industry Organization; Jaime Siegel, ACACIA Research Group LLC; Marian Underweiser, IP Policy & Strategy, IBM; Jane Wasman, Acorda Therapeutics, Inc.

## ETH/NYU TRANSATLANTIC INNOVATION SCHOLARSHIP CONFERENCE: DESIGN PROTECTION → DESIGN INNOVATION?

Zurich, Switzerland

June 10-12, 2015

The Engelberg Center co-hosted with ETH Zurich a conference examining how design innovation is influenced by design protection, including whether the nature of design protection differs among industries, whether the various forms of design protection actually provide incentives for firms or individual designers to create new designs, and how the U.S. examination-based design patent system compares with the EU registration-based design protection regime, in terms of use, effectiveness, provision of incentives, and effect on competition. Professor Christopher Sprigman was a co-organizer of the conference. He and Professors Barton Beebe and Jeanne Fromer participated.



## ENGELBERG CENTER 20TH ANNIVERSARY CELEBRATION

La Pietra, Florence, Italy  
July 7-11, 2014



The Faculty Co-Directors, Professor Zimmerman, and Dean Trevor Morrison relax at La Pietra.

In honor of the Engelberg Center's 20th anniversary, faculty co-directors Barton Beebe, Rochelle Dreyfuss, Jeanne Fromer, Jason Schultz, Christopher Sprigman, and Katherine Strandburg joined benefactor and trustee Alfred Engelberg '65, Dean Trevor Morrison, and others

for a celebration at NYU's La Pietra campus near Florence, Italy. The participants discussed a diverse range of topics, including IP's role in fashion, patents in the life sciences, software development's uneasy relationship to IP, and privacy in the age of "big data."

# SELECTED EVENTS RECENTLY HOSTED BY OTHER NYU SCHOOL OF LAW CENTERS

NYU School of Law is home to a diverse range of academic centers, which often collaborate on an interdisciplinary approach to consideration of issues related to innovation. Here are a few recent examples:

## ALGORITHMS AND ACCOUNTABILITY CONFERENCE February 28, 2015

Algorithms increasingly shape our news, economic options, and educational trajectories. This event addressed legal, policy, and ethical challenges related to algorithmic power in three specific contexts: media production and consumption, commerce, and education. Organized by the Information Law Institute, NYU School of Law, and co-sponsored by NYU Steinhart Department of Media, Culture and Communications, the Intel Science & Technology Center for Social Computing, and Microsoft.

## 3D PRINTING MEETS THE ARTS: REPRODUCTION AND AUTHENTICITY March 30, 2015

The Art Law Society hosted a panel moderated by **Professor Amy Adler**, in which legal practitioners, artists, and 3D printing entrepreneurs discussed how 3D printing works, how artists interact with this new medium, and the questions it poses for what society values in art.

## PRIVACY IN THE MODERN AGE: THE SEARCH FOR SOLUTIONS BOOK TALK April 29, 2015

The threats to privacy abound: the NSA tracks our phone calls, Google records where we go online, companies constantly lose our personal information, and our children are fingerprinted and their test scores saved for posterity. Professors Helen Nissenbaum, Frank Pasquale, and **Katherine Strandburg**; and policy experts Sheila Kaplan and Faiza Patel, among others, celebrated the publication of *PRIVACY IN THE MODERN AGE: THE SEARCH FOR SOLUTIONS*. The discussion was moderated by Strandburg, who is a contributing editor. Co-sponsored by NYU Information Law Institute and Electronic Privacy Information Center.

## SYMPOSIUM ON GOVERNMENT ACCESS TO DATA IN THE CLOUD May 26-27, 2015

This symposium, co-hosted by the Information Law Institute and the Center on Law and Security, and co-organized by Professor Katherine Strandburg and Zachary Goldman '09, executive director of the Center on Law and Security, presented cutting-edge research on domestic, international, and transnational legal approaches to regulating government access to data stored in the cloud. The symposium brought together legal scholars and participants from law enforcement, industry, privacy advocacy, and human rights perspectives to debate this rapidly evolving issue.



# NYU SCHOOL OF LAW

## IP COURSE OFFERINGS

### **SURVEYS**

Intellectual Property Law (1L elective)

Intellectual Property Law (2L and 3L)

### **COPYRIGHT LAW**

Copyright Law

Advanced Copyright Law

### **PATENT LAW**

Patent Law

Patent Licensing

Patent Litigation

Life Sciences Patent Law

Bio-Tech Patent Law

### **TRADEMARK LAW**

Trademarks & Unfair Competition Law

Trademark Law on the Internet

Advanced Trademark & Advertising Law

### **TRADE SECRET LAW**

Trade Secret Law

### **ADVANCED TOPICS IN**

### **INNOVATION LAW & POLICY**

Advanced Privacy Seminar

Advanced Technology Law and Policy Clinic

Art Law

Advanced Topics in Art Law

Colloquium on Innovation Law & Policy

Cyber Crime

Entertainment Law

Fashion: Law and Business

First Amendment Law

Free Speech

Information Privacy Law

Innovation Law and Economics

Innovation Without IP

Intellectual Property and Traditional Knowledge

Intellectual Property Crimes Seminar

Intelligence Gathering and Law Enforcement: Post 9/11

International Intellectual Property Law

Internet and Business Law for Technology Companies

Internet Contracts

Labor and Employment in the Entertainment Industry

Mass Media Law

Sports Law

Taxation of Intellectual Property

Technology Law & Policy Clinic

The Law of the Startup



# TECHNOLOGY LAW & POLICY CLINIC

With technological advances driving greater social, economic, and political change—from access to information, health care, and entertainment to impacts on the environment, education, and commerce to facilitating greater surveillance by law enforcement agencies—issues related to privacy, consumer rights, free speech, and intellectual property are becoming increasingly critical and complex.

The **Technology Law & Policy Clinic** is a semester-long, 6-credit course that focuses on the representation of individuals, nonprofits, and consumer groups who are engaged with these questions from a public interest point-of-view. The clinic is a mixture of fieldwork and seminar discussion ranging from technology law and policy to the ethical challenges of representing public interest organizations. The seminar includes problem-solving workshops, guest speakers, and other components that expose students to the practice of technology law in the public interest.

Past representative matters include:

- Challenging suspicionless searches of laptops at the international border;
- Filing public records requests and lawsuits to inform the public about government surveillance programs;
- Challenging unconstitutional Internet filtering;
- Counseling open source software, open science, and DIY makers to develop appropriate licensing mechanisms;
- Filing patent oppositions on behalf of non-profit and public health groups to prevent artificial price inflation of life saving HIV drugs in poor countries by pharmaceutical companies;
- Counseling the New York Public Library on the legal rules and risks associated with open source software production; and
- Filing amicus briefs in key copyright, patent, trademark, and other intellectual property cases.

The Technology Law & Policy Clinic is directed by **Professor Jason Schultz** and co-taught with Adjunct Professors Brett Max Kaufman, Lee Rowland, and Aaron Williamson.

# THE ENGELBERG CENTER COLLOQUIUM ON INNOVATION LAW & POLICY

Each year in the spring term the Engelberg Center sponsors a Colloquium on Innovation Law & Policy examining a different topic chosen by the Colloquium instructors. In addition to NYU School of Law students, the Colloquium is open to members of the innovation community, faculty at NYU and other universities, law practitioners, and industry representatives.

The 2015 Colloquium, which was co-taught by Professors Jeanne Fromer and Christopher Sprigman, examined the topic of design in intellectual property law. Starting with theories of intellectual property law, the Colloquium went on to examine the legal regimes that allow and/or restrain protection of aspects of design (copyright and its useful-articles doctrine; utility patent; design patent; trademark, trade dress, and their functionality doctrine; and sui generis protections); industries in which design is important (such as fashion, industrial design, and marketing generally); the value of design in society and legal and non-legal incentives to produce valuable designs; and the role of norms in design. The Colloquium drew on legal sources as well as related work in economics, sociology, history, and disciplines in which design is particularly important, such as engineering, fashion, home furnishings, and marketing.

The 2016 Colloquium topic is the law and economics of intellectual property and will be co-taught by Professors Scott Hemphill and Christopher Sprigman.



**JANUARY 29**

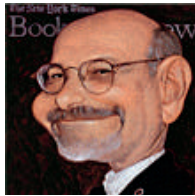
**Michael Bierut**

Pentagram



**Allan Chochinov**

School of Visual Arts; Core77



**Steven Heller**

School of Visual Arts



**Frank Martinez**

The Martinez Group; School of Visual Arts

*Thoughts on Design from Designers*



**FEBRUARY 5**

**Frédéric Godart**

INSEAD

***Popularity and Embeddedness of Cultural Elements: The Case of Global High-Fashion***



**FEBRUARY 12**

**Karl Ulrich**

University of Pennsylvania

The Wharton School

***The Importance of the Raw Idea in Innovation: Testing the Sow's Ear Hypothesis***



**FEBRUARY 19**

**Sarah Burstein**

The University of Oklahoma College of Law

***The Beauty of Product-Specific Design Protection***



**FEBRUARY 26**

**Carliss Baldwin**

Harvard Business School

***Modularity and Intellectual Property Protection***



**MARCH 5**

**Tanuka Ghoshal**

Indian School of Business

***When Does Aesthetics of Ambient Product Cues like Container Packaging Influence Product Evaluations?***

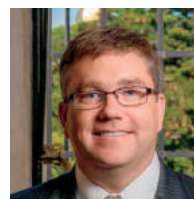


**MARCH 12**

**Jason Du Mont**

Indiana University Maurer School of Law

***Creativity in Design***



**MARCH 26**

**Mark McKenna**

Notre Dame Law School

***Scope***



# LL.M. PROGRAM



Combining state-of-the-art policy and technical expertise with sophisticated legal analysis, the LL.M. Program in Competition, Innovation, and Information Law (CIIL) is unique in its approach to training students by developing an integrated understanding of the dynamic forces that shape contemporary economic activity and innovation. In the CIIL program, students choose to focus on one of two areas—Antitrust and Competition Policy, or Intellectual Property and Information Law—while gaining an introductory

foothold in the other area along with exposure to other related areas of law.

The CIIL program also draws on NYU's strength in international law. The faculty includes leading experts in international and comparative aspects of competition policy and intellectual property law. Their courses and seminars offer students the opportunity to understand the importance of competition policy and intellectual property law in today's global economy.

## 2014-15 COMPETITION, INNOVATION, AND INFORMATION LAW LUNCH SPEAKERS

OCTOBER 1

**Eric Stock**

Chief, Antitrust Bureau, Office of the New  
York State Attorney General

***Comparing the US and EU Systems of  
Antitrust Federalism***

OCTOBER 22

**Kiran Nandinee Meetarbhan**

Executive Director, Competition Commission  
of Mauritius

***Competition Law in Mauritius: The  
Design and Special Problems of a Small  
Developing Island Economy***

NOVEMBER 12

**Ethan Orlinsky**

Vice President and General Counsel,  
Major League Baseball Properties

***Counseling Major League Baseball***

APRIL 1

**Wolfgang Kerber**

Professor of Economics, Marburg Center  
of Institutional Economics, School of Business  
Administration and Economics, Phillips University of  
Marburg

***Patent Settlements in the Pharmaceutical Industry:  
What Can We Learn from Economic Analysis?***

APRIL 22

**Martha Gifford**

Law Office of Martha Gifford

***The Final Judgments in US v. Apple Inc. et al:  
Lessons for Compliance or Outliers?***

APRIL 29

**Jennifer Pariser**

Vice President and Executive Director, Academic  
Outreach, Motion Picture Association of America

***A Conversation with Jennifer Pariser '89, Vice  
President and Director of Academic Outreach,  
Motion Picture Association of America***

# STUDENT LIFE IN NYU SCHOOL OF LAW'S INNOVATION COMMUNITY



The **NYU Journal of Intellectual Property & Entertainment Law (JIPEL)** is a student-run academic journal dedicated to encouraging scholarly discourse among academics, practitioners, and students interested in intellectual property and entertainment law topics. JIPEL publishes scholarly articles on timely and cutting-edge topics, along with comments on and criticism of those articles by industry professionals. As NYU School of Law's first and only online journal, JIPEL provides a unique opportunity for online discourse through comments from its readers. In keeping with its open-access and free discourse goals, JIPEL's content is available for free to anyone interested in intellectual property and entertainment law. JIPEL also sponsors academic programs and networking events that bring together members of the Intellectual Property and Entertainment Law Society, the Engelberg Center co-directors and affiliated faculty, innovators, industry and government experts, and practitioners.



**Spencer Joffrion '15** was awarded the 2015 *Journal of Intellectual Property and Entertainment Law Prize* for the greatest contribution by a third-year editor. As Editor-in-Chief of JIPEL (2014-15), Joffrion spearheaded the effort to have JIPEL sponsor its first symposium. In Fall 2015 Joffrion will join Cravath Swaine & Moore LLP as an associate in its corporate law practice.



Congratulations to **Lin Weeks '15**, who won NYU School of Law's 2015 award to the graduating student who wrote the most outstanding note for JIPEL. Week's article, *Media Law and Copyright Implications of Automated Journalism*, 4 **JIPEL** 1 (December 31, 2014), will be included in the 2015 edition of the *Entertainment, Publishing and the Arts Handbook*, published annually by Thomson Reuters. Weeks will begin his career as an associate in the patent litigation practice at Holland & Knight in Fall 2015.



**The Intellectual Property and Entertainment Law Society (IPELS)** of the NYU School of Law is a student-run organization that organizes panels, events, and educational and networking opportunities that promote an understanding of entertainment, sports, fashion, information, internet, and technology law. By connecting NYU law students with industry professionals, **IPELS** helps them obtain valuable career and academic advice.

Recent IPELS events include lunch discussions with practitioners, a panel on the U.S. Supreme Court's decision in *Elonis v. United States*, a program discussing appropriate legal remedies for "revenge porn," and the Fourth Annual NYU Law Sports Law Colloquium, hosted by IPELS' Sports Law Committee.



**Adine Mitrani '16** is interested in the legal issues surrounding design, sui generis protections, and privacy. Through the weekly discussions with academics and practitioners in NYU's **Colloquium on Innovation Law & Policy**, Mitrani developed a research paper assessing jewelry rings' intrinsic utilitarian function in the copyright system. As co-chair of the Art Law Society, Mitrani helped put together a presentation by artists and industry experts on authenticity and reproduction in 3D printing. Mitrani also assists Pondy ART in implementing large format photography exhibitions in public spaces to raise awareness of issues challenging India's growing society.



*Members of IPELS 2015-16 Board relax in Washington Square Park.*



**Florina Yezril '16** exemplifies the diverse IP experiences available at NYU School of Law. As a 1L, Yezril joined NYU Law's Alternative Spring Break Program trip to San Francisco, where she worked on projects at the Electronic Frontier Foundation. She has summered at Google, Inc., and Mayer Brown LLP, working in IP law. As President of IPELS, Yezril coordinated with the Media Law Collaborative, Art Law Society, and Sports Law Association to keep the NYU Law community up to date on the many events sponsored by those groups or of interest to their members. Yezril has had the opportunity in NYU School of Law classes to hear directly from attorneys at companies like Foursquare, Etsy, Spotify, Tumblr, and BuzzFeed on topics important to startups. In response to the significant patent law activity at the Supreme Court and Federal Circuit in 2015, Yezril and other NYU School of Law students formed a Patent Law Reading Group to discuss the cases and their potential implications outside the classroom setting.





During his year at NYU School of Law, **Edwin Mok** LL.M. '15 focused on IP and privacy law, taking advantage of the many NYU School of Law courses offered on those topics. As a student in the 2015 Colloquium on Innovation Law & Policy taught by Professors Jeanne Fromer and Christopher Sprigman, Mok wrote an empirically based research paper, *A Drug By Any Other Design: The Role of Design Patents in the Protection of Pill Appearance*. Mok will begin his career as a patent litigator in Fall 2015.



Congratulations to **Oliver J. Richards** '15, who won the **Walter J. Derenberg Prize**, which is awarded to the graduating student having the highest academic grade in the area of copyright law. Richards will begin a clerkship for Judge Timothy B. Dyk (Federal Circuit) in Fall 2015.



**Jordan Joachim** '15 won the 2014 **Robert C. Watson Award** for his paper *Is the AIA the End of Grace? Examining the Effect of the America Invents Act on the Patent Grace Period*. The American Intellectual Property Law Association (AIPLA) gives the award annually to honor the student whose article best contributes to knowledge in intellectual property and displays original and creative thought or information not previously written or published by an author. Joachim wrote the paper for the Colloquium on Innovation Law & Policy taught by Professors Katherine Strandburg and Jeanne Fromer in Spring 2014. The AIPLA presented the award to Joachim at its October 2014 Annual Meeting in Washington, DC. The New York University Law Review will publish an updated version of the paper this year. Joachim will begin a clerkship for Judge Joel M. Flaum (Seventh Circuit) in Fall 2015.




**Christopher Morten** '15, trained in chemistry, came to NYU School of Law to study patent law. Morten notes that discussions in his IP law classes “were enriched by the wealth of experience of my classmates—biologists, computer scientists, materials engineers, physicists, and mathematicians among them.” In Fall 2015, Chris will begin a clerkship for Judge Timothy B. Dyk (Federal Circuit).




ENGELBERG CENTER ON  
INNOVATION LAW & POLICY

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