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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 innovation, 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.

ABOUT THE ENGELBERG CENTER

FACULTY CO-DIRECTORS

BARTON BEEBE
John M. Deeney 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, a Visiting Professor of Law at Stanford Law School, and a Visiting Research Fellow at Merton College, Oxford University. 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, Inc., No. 04 Civ. 2990 (SAS) (SDNY). His published works include Intellectual Property Law and the Sumptuary Code, 123 Harvard Law Review 809 (2010), and An Empirical Study of U.S. Copyright Fair Use Opinions, 1978-2005, 136 Pennsylvania Law Review 549 (2008). Now in its third year, his free, online Trademark Law: An Open-Source Casebook has been adopted in over 25 law schools.

Recent Publications

"Are We Running Out of Trademarks?: An Empirical Study of Trademark Depletion at the U.S. Patent and Trademark Office" (forthcoming) (with Jeanne Fromer)


Trademark Law: An Open-Source Casebook v. 3.0 (2016)

Trademark Law: Unfair Competition, and Business Torts (with Thomas Cozma, Mark Lemley, Peter Menell, and Robert Merges, 2d ed. 2016)

ROCHELLE DREYFUSS  
Pauline Newman Professor of Law; Co-Director, Competition, Innovation, and Information Law Program

A trained research chemist, Rochelle Cooper Dreyfuss focuses her research and writing on the interaction between patents and science and examines the implications of technological change on patents law and policy. Her other interests include procedure issues 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 American Law Institute, and served as a consultant to the Federal Courts Study Committee, the President’s Commission on Catastrophic Nuclear Accidents, and the Federal Trade Commission. She has served on the Board of Directors of the Federal Communications Bar Association and was a member of the Board of Directors of the American Intellectual Property Law Association. She is a past chair of the Intellectual Property Committee of the American Bar Association of Law Schools. In addition to articles in her specialty areas, she has served on committees of the National Academy of Science and the Department of Health & Human Services, as well as on BNA’s Advisory Board to USPQ. 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 is a member of the National Academy of Science. She earned her BA summa cum laude in 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 JD magna cum laude from Harvard Law School, serving as Articles and Commentaries Editor of the Harvard Law Review and Editor-in-Chief of the Harvard Journal of Law and Technology.

Recent Publications


“Constructing an International Property Acquis for the Agricultural Sciences,” 30 J. Int. & Comp. L. 211 (2015) (with María de la Luz Díaz-Liñán and Susy Frankel)


JEANNE FROMER  
Professor of Law

Jeanne Fromer teaches and writes on intellectual property, focusing on unified theories of copyright and patent law. Her work on the copyright law 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 Mila and Durr 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 BA summa cum laude in Computer Science from Bard College and her SM 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 JD 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.

Recent Publications


“A Theory of Legal Protection for Industrial Design” (forthcoming) (with Christopher Sprigman)

“Claiming Design” (forthcoming) (with Mark McIlwain)

“Fashion’s Function in Copyright Law” (forthcoming) (with Christopher Buccafusco)

“Trademark Distinctiveness” (forthcoming)


“Constructing an International Property Acquis for the Agricultural Sciences,” 30 J. Int. & Comp. L. 211 (2015) (with María de la Luz Díaz-Liñán and Susy Frankel)


Recent Publications
Media Mergers, in 2015 Fordham Competition L. Inst: Int’l Antitrust L. & Pol’y 237 (panel discussion)

SCOTT HEMPHILL
Professor of Law

Scott Hemphill teaches and writes about antitrust, intellectual property, and regulation of industry. He holds a JD and PhD in economics from Stanford, an AB from Harvard, and an MS in economics from the London School of Economics, where he studied as a Fulbright Scholar. He served as Antitrust Bureau Chief for the New York Attorney General and clerked for Judge Richard Posner on the U.S. Court of Appeals for the Seventh Circuit, and Justice Antonin Scalia on the United States Supreme Court. Hemphill joined NYU from Columbia Law School, where he was a professor of law. Hemphill’s research focuses on the law and economics of competition and innovation. 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. His scholarship has been cited by the United States Supreme Court and California Supreme Court, among others, and formed the basis for congressional testimony on matters of regulatory policy. His writing has appeared in law reviews, peer-reviewed journals, and the popular press, including the Yale Law Journal, Science, and the Wall Street Journal.

Recent Publications
“The Internet of Things We Don’t Own?,” Comm. ACM (ACM/ New York, N.Y.), May 2016, at 36

JASON SCHULTZ
Professor of Clinical Law

Jason M. 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 UC Berkeley School of Law (Boalt Hall). Before joining Boalt Hall, he was a Senior Staff Attorney at the Electronic Frontier Foundation (EFF), 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 and was recently on leave to serve as Senior Advisor to United States Chief Technology Officer Megan Smith in the White House Office of Science and Technology Policy.
CHRISTOPHER SPRIGMAN
Professor of Law

Chris 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, as well as a book, The Knockoff Economy: How Imitation Sparks Innovation (Oxford 2012), co-authored with Kal Raustiala.

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“A Theory of Legal Protection for Industrial Design” (forthcoming) (with Joanna Froner)


Department of Justice, where he worked on

Division of the U.S. Department of Justice, where he worked on Reactions to Innovation: Users, Patents and Innovation Policy, in The Oxford Handbook of Intellectual Property Law (Claudia C. Dreifuss & Justin Pui, eds., Oxford University Press, forthcoming) 2017

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KATHERINE STRANDBURG
Alfred E. Engelberg Professor of Law

Katherine Stranburg 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 Stranburg obtained her law degree from the University Chicago Law School with high honors in 1995 and served as a law clerk to the Honorable Richard D. Cudahy of the U.S. Court of Appeals for the 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 Supreme Court and federal appellate courts dealing with patent law and privacy issues.

Prior to her legal career, Professor Stranburg was a research physicist at Argonne National Laboratory, having received her PhD 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 1990-1992.
ENGELBERG CENTER STAFF

ANNE HASSETT  
Executive Director

Anne Hassett joined the Engelberg Center 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 BS summa cum laude in chemistry from SUNY Albany, AM in chemistry from Harvard University, and JD 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 President-Elect 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 is a member of the Honorable William C. Canter 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.

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 BA in Fashion Merchandising with a minor in business from the University of Maryland.
AMY ADLER
Emily Kempink Professor of Law
A leading scholar of antitrust law, Amy Adler specializes in the legal regulation of artistic expression, sexuality, and free speech.

JANE ANDERSON
Assistant Professor of Anthropology and Museum Studies, NYU
Jane Anderson’s research focuses on the intersection of indigenous knowledge with intellectual property law and the complicated legal and social issues 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.

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.

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.

ELEANOR FOX
Walter J. Dorenberg 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 coauthors on U.S. antitrust law and European Union law.

DEEPAK HEGDE
Assistant Professor of Management and Organizations, NYU Stern School of Business
Deepek Hegde’s research focuses on the unique challenges posed by innovation to business strategy and public policy. His studies high-tech industries, including biomedicine, information, and communication technologies.

MYLES JACKSON
Gallatin Research Excellence Professor, NYU Gallatin School of Individualized Study
In addition to being the Gallatin Research Excellence Professor of the History of Science in NYU Gallatin, Myles Jackson is a Professor of History of the Faculty of Arts and Science at NYU as well as a professor in the Division of Medical Bioethics at NYU Faculty of Arts and Science. He is being transformed, as well as the challenges and opportunities the transformation entails for R&D organizations, professionals, and their work.

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ADJUNCT FACULTY

JODI BALSAAN
Associate Professor of Clinical Law, Director of Civil Externship Programs, Brooklyn Law School

MITCHELL ENGLER
Professor of Law, Benjamin N. Cardozo School of Law

VINAY JAIN
Vice President and Senior Counsel for Technology & IP, American Express Global Business Travel

MIGUEL KASDAH
Partner, Wiggin and Dana LLP

DAVID McCRAW
Assistant General Counsel, The New York Times

EUGENE VIELE
Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP

DAVID PASHMAN
General Counsel, Meetup, Inc.

BRUCE WEXLER
Partner, Paul Hastings LLP

DAVID BERNSTEIN
Partner, Debevoise & Plimpton LLP

JUDITH GERMANO
Senior Fellow, NYU School of Law

MICHAEL KASDAH
Partner, Wiggin and Dana LLP

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

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

VINAY GROTTEM
Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP

NICHOLAS GORDON
Partner, Franklin, Weinrib, Rudall & Vassallo, PC

DAY KROOK
Adjunct Professor of Law, NYU School of Law; NBC Universal (retired)

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

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Adjunct Professor of Law, NYU School of Law; NBC Universal (retired)

ROSE SCHWARTZ
Partner, Franklin, Weinrib, Rudall & Vassallo, PC

AARON WILLIAMSON
Partner, Tor Ekeland, PC

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NANCY GALLINI
Professor, Vancouver School of Economics, The University of British Columbia

Nancy Gallini’s research focuses on the economics of intellectual property, competition law policy, strategic alliances, licensing, and optimal patent policy. She has worked with the Competition Bureau and Industry Canada on projects related to Canada’s patent policy and Intellectual Property Enforcement Guidelines.

MACHIE MURATA
Head of Legal Affairs, Office of Society-Academia Collaboration for Innovation (SACI), Kyoto University

The Engelberg Center hosted Machie Murata as a Hauser Global Fellow from Japan in the area of Practice & Government. At SACI, Kyoto University, Murata supervises technology transfer, including patent-related issues and seed fund management for startups, and research into related legal and practical issues. Murata’s research at NYU School of Law analyzed models used for university startups in the United States. Murata aims to apply her results by crafting a model for startups in Japan recognizing the culture and social customs of Japan vis-à-vis the United States.

BHAVEN SAMPAT
Professor, Columbia University Mailman School of Public Health

Bhaven Sampat, PhD, was 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. and the impact of pharmacovigilance 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.

ARGYRI PANEZI
Doctoral Candidate, European University Institute, Florence

Argyri Panazi’s research focuses on intellectual property law, technology, and access to knowledge. Panazi’s research at NYU School of Law as a Post-Doctoral Global Fellow will examine the impact of digitization on the future of public libraries and, specifically, the digital divide to adapt to the digital era and their strategies to reach and provide access to a broader demographic.

2016–17

KONSTANTINA BANIA
Research Associate, Robert Schuman Centre for Advanced Studies, European University Institute; External Research Collaborator, Centre for Commercial Law Studies, Queen Mary University of London

Konstantina Bania, who received her PhD from the European University Institute, specializes in antitrust law and media, telecommunications, and technology law. As a Post-Doctoral Global Fellow at NYU School of Law, Bania will work on a project examining the extent to which the collection, processing, and use of personal data affects antitrust enforcement and merger control.

AMAN GEBRU
Doctoral Candidate, The University of Toronto Faculty of Law

Aman Gebre’s research interests are international intellectual property, innovation, and development. His PhD dissertation focuses on intellectual property law, biotechnology research, and traditional knowledge. Gebre has taught intellectual property law (domestic and international), natural investment law, and development at the University of Ontario Institute of Technology and Haramaya University. As a Post-Doctoral Global Fellow at NYU School of Law, Gebre will research intellectual property protections for traditional knowledge, including proprietary and open-innovation concepts.

CHRISTOPHE GEIGER
Professor, Director General, and Director, Research Department, Centre for International Intellectual Property Studies (CEIPI), University of Strasbourg

Christophe Geiger specializes in national, European, international, and comparative copyright and intellectual property law. He also serves as an arbitrator at the Max Planck Institute for Innovation and Competition in Munich, as well as a Spangerberg Fellow at the Spangerberg Center for Law, Technology & the Arts, Case Western Reserve University School of Law. Geiger will be a Global Professor of Law at NYU School of Law in Spring 2017.

NARI LEE
Professor of Intellectual Property, Hanken School of Economics, Finland

Nari Lee’s research focuses on the intersection of law and technology. The topics of her recent publications include open innovation, pharmaceutical patents, and the governance of intellectual property in China and Europe. As a Senior Global Research Fellow at NYU School of Law, Lee will study the impact of disruptive innovation and intellectual property law focusing on the example of 3D-printing technology.

ADRIAN KUENZLER
Branco Weiss Fellow, Society in Science, Swiss Federal Institute of Technology (ETH) Zurich

Adrian Kuenzler’s scholarship draws on insights from the behavioral sciences to document the law’s role in stimulating new innovation and economic growth. Kuenzler is interested in developing a novel set of responses to problems of consumer sovereignty within antitrust and intellectual property law. As a Post-Doctoral Global Research Fellow at NYU School of Law, Kuenzler will study advertising and consumer sovereignty.

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Doctoral Candidate, European University Institute, Florence

Argyri Panazi’s research focuses on intellectual property law, technology, and access to knowledge. Panazi’s research at NYU School of Law as a Post-Doctoral Global Fellow will examine the impact of digitization on the future of public libraries and, specifically, the digital divide to adapt to the digital era and their strategies to reach and provide access to a broader demographic.

ADRIAN KUENZLER
Branco Weiss Fellow, Society in Science, Swiss Federal Institute of Technology (ETH) Zurich

Adrian Kuenzler’s scholarship draws on insights from the behavioral sciences to document the law’s role in stimulating new innovation and economic growth. Kuenzler is interested in developing a novel set of responses to problems of consumer sovereignty within antitrust and intellectual property law. As a Post-Doctoral Global Research Fellow at NYU School of Law, Kuenzler will study advertising and consumer sovereignty.
ENGELBERG CENTER EVENTS

TESTING WHETHER A PATENTED FEATURE DRIVES CUSTOMER DEMAND
September 10, 2015
Proving patent infringement damages is more challenging now that Federal Circuit law requires proof that the patented feature drives demand for the accused product. Professor Jacob Jacoby, NYU Stern School of Business, a renowned expert in the use of surveys in trademark infringement cases, discussed his new survey method designed for use in assessing damages for patent infringement. Following Professor Jacoby’s presentation, Professor Barton Beebe moderated a panel discussion among Professor Jacoby; Paul A. Bondor, Partner, Desmarais LLP; and Anne Hassett, Executive Director, Engelberg Center; on the survey method and its ramifications.

THE 1099 ECONOMY
September 17, 2015
This meeting was an off-the-record conversation with the New York State Attorney General Office’s Internet Bureau about labor and employment issues for NY tech startups.

NET NEUTRALITY AND BEYOND
November 16, 2015
The Engelberg Center co-hosted with Engine a panel discussion of the implications of the litigation challenging the FCC’s order implementing net neutrality (United States Telecom Association v. Federal Communications Commission, et al.) in the U.S. Court of Appeals for the D.C. Circuit, shortly before oral arguments on December 4, 2015. The discussion also considered the impact on Internet businesses if the Court upheld only portions of the order. Panelists included Michael Cheah, Yahoo; Jameson Dempsey, Kelley Drye & Warren LLP; Julie Samuel, Engine; and Professor Christopher Sprigman, NYU School of Law. Professor Jason Schultz organized this conference.

2015 IP INSTITUTE
November 19, 2015
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 Honorable Diane P. Wood (U.S. Court of Appeals for the Seventh Circuit) was the keynote speaker. The conference included a panel on Judicial Perspectives on IP featuring the Honorable Diane Wood, the Honorable Paul R. Michel (U.S. Court of Appeals for the Federal Circuit (Retired)), and the Honorable Robert W. Sweet (U.S. District Court for the Southern District of New York). Professor Rochelle Dreyfuss moderated a panel on Major Developments in the Trademark Area, and Professor Christopher Sprigman spoke on a panel discussing Copyrights – The Digital Area Accelerates Change. Professor Dreyfuss and David J. Kappos, Partner, Cravath, Swaine & Moore LLP, were co-organizers of this conference.

Participants in Net Neutrality and Beyond exchanged views on the arguments concerning the FCC’s Order.
The 2016 Tri-State Region IP Workshop brought together intellectual property scholars (including professors, fellows, visitors, graduate students, and practitioners) from New York, New Jersey, Connecticut, and Philadelphia to present their works in progress for commentary in a workshop environment. The papers examined issues concerning patent law, copyright law, institutions, and rhetorical framing in intellectual property, patent litigation, and trademark law.

Professors Barton Beebe and Jeanne Fromer organized the 2016 workshop, which featured the following articles, presenters, and commentators:

PATENT LAW: THE 19TH CENTURY AND TODAY
Steven Wilf, University of Connecticut School of Law
(Re-)Contextualizing Intellectual Property: Patent Social Conflict and Social Practice in Late 19th Century America
Commentator: Christopher Beauchamp, Brooklyn Law School
Ari Waldman, New York Law School
Information Diffusion in Patent Law
Commentator: Christina Mulligan, Brooklyn Law School

COPYRIGHT LAW
Christopher Bunick, Cardozo School of Law
A Theory of Copyright Authorship
Commentator: Shyam Balganesh, University of Pennsylvania Law School
Eva Subinovik, St. John’s University School of Law
Artistic Control After Death
Commentator: Brett Frischmann, Cardozo School of Law

INSTITUTIONS AND RHETORICAL FRAMING IN INTELLECTUAL PROPERTY
Rochelle Dreyfuss, NYU School of Law
Economic Espionage as Reality or Rhetoric: Equating Trade Secret with National Security (with Orly Lobel)
Commentator: Michael Buvanendran, Cardozo School of Law
Gregory Mandel, Temple Law School
Congress Versus the Litigation Game: Intellectual Property: Conflict and Majoritarian Democracy
Commentator: Christopher Sprigman, NYU School of Law

PATENT LITIGATION
Gaia Bernstein, Seton Hall University School of Law
The End User’s Predicament: Standing in Patent Litigation
Commentator: Michael Burstein, Cardozo School of Law
Jacob Sherkow, New York Law School
Patent Litigation, Patent Regulation: A Framework
Commentator: Scott Hemphill, NYU School of Law

TRADEMARK LAW
Irina Manta, Hofstra Law
Branded
Commentator: Jeremy Sheff, St. John’s University School of Law

NATIONAL POLICIES ON SECONDARY PHARMACEUTICAL PATENTS: THEIR EFFECTIVENESS AND IMPLICATIONS FOR INNOVATION AND ACCESS TO MEDICINES

Over the past two decades the number of secondary pharmaceutical patents has grown in developed countries, together with concern about the diffusion of this practice to developing countries. Some developing countries have enacted policies restricting their grant on the view that such patents are not sufficiently innovative and can raise prices and create barriers to access medicines. The conference brought together academics and practitioners to examine (1) the restrictions that exist in developed and developing countries on obtaining and enforcing secondary patents and their effectiveness; and (2) whether and how secondary pharmaceutical patents affect prices and access to medicines, and their impact, if any, on innovation incentives.

This conference was organized by Bhaven Sampat, together with the Engelberg Center and Ken Shahden, The London School of Economics and Political Science.

The conference featured presentations by the speakers noted below on the following topics:

Restrictions on Secondary Pharmaceutical Patents in the Developing and Developed World and Their Effectiveness
Presentations by Bhaven Sampat (Columbia University, Mailman School of Public Health; Distinguished Scholar in Residence, Engelberg Center; NYU Wagner School of Public Service (visiting)); Ken Shahden (The London School of Economics and Political Science); and Scott Hemphill (NYU School of Law).

What is the Role of Secondary Pharmaceutical Patents in Patent Life Cycle Management in Different Regulatory Environments?
Amy Kapczynski (Professor of Law, Yale Law School Faculty Director, Global Health Justice Partnership) moderated this discussion among DG Shah (Indian Pharmaceutical Alliance, India); Heidi Lindner (Partner, Arctos & Lindner, Mexico); and Mariano Genovesi (CLIPA, Argentina).

Do Secondary Patents (or Policies Restricting Them) Matter for Innovation, Launch Decisions, and Access?
A discussion among Eduardo Fries (Institute for Applied Economic Research, Brazil); Margaret Kyle (University of Toulouse, France); and Carlos Correa (University of Buenos Aires, Argentina).
HOT TOPICS IN IP LAW
February 24, 2016
The Honorable Pauline Newman ’58 (United States Court of Appeals for the Federal Circuit) and the Honorable Timothy B. Dyk (United States Court of Appeals for the Federal Circuit) fielded questions from Professor Rochelle Dreyfuss, NYU School of Law, and Anne Hassett, Executive Director, Engelberg Center, regarding their perspectives on recent court rulings and the Supreme Court’s review of important issues in intellectual property law.

Many lively and informative exchanges occurred among the participants in the conference on National Policies on Secondary Pharmaceutical Patents.
At this conference, innovation experts from industry, government, and academia discussed the rise of successful technology clusters in Silicon Valley, Israel, and elsewhere, and the challenges facing the next generation. Professor Fiona Murray, MIT Sloan School of Management, gave the keynote address, followed by discussions among the conference speakers on the following topics:

Superstar Regional Clusters: How Did They Develop?

- Dan Breznitz (Munk School of Global Affairs, University of Toronto)
- Philip Budden (MIT Sloan School of Management)
- Bhaven Sampat (Columbia University, Mailman School of Public Health; Distinguished Scholar in Residence, Engelberg Center; NYU Wagner School of Public Service (visiting)) (moderator)
- Israel Shamay (Office of the Chief Scientist, Israel)
- Zur Shapira (NYU Stern School of Business)

Two Views from the Entrepreneur’s Perspective

- Amir Orad (CEO, Sisense; former CEO, NICE Actimize) in discussion with Zur Shapira
- Jeffrey Dachis (Founder, ONE DROP; Co-Founder & former CEO, Razorfish) in discussion with Anne Hassett (Executive Director, Engelberg Center)

Making Sense of Regional Clusters: The Next Generation

- Dan Breznitz (moderator)
- Michael Burstein (Cardozo School of Law)
- Frank Rimalovski (NYU Entrepreneurial Institute)
- David Rose (Gust, Rose Tech Ventures)
- Adam Shwartz (Director, Jacobs Technion-Cornell Innovation Institute)

The conference on Innovation Clusters drew a diverse audience interested in what it takes to make a region a hub for innovation.
IPNY: WHOSE KNOWLEDGE IS IT ANYWAY? INNOVATIONS IN TRADITIONAL KNOWLEDGE PROTECTION

March 3, 2016

This conference highlighted the project entitled Local Contexts, which is an online platform directed to the intellectual property needs of Native, First Nations, Aboriginal, and Indigenous peoples in relation to the extensive collections of cultural heritage materials currently held within museums, archives, libraries, and private collections. This project addresses the unique problem of public domain materials and third-party owned content that has become separated from the local native communities and is missing important information about use and circulation. One of the key devices for engaging this curatorial challenge is the suite of Traditional Knowledge (TK) Labels developed by this project and implemented on its website. Professor Jason Schultz, NYU School of Law, moderated the discussion among panelists Professor Jane Anderson, NYU; James Francis, Sr, Penobscot Nation; and Dr. Elizabeth Peterson, Director, The American Folklife Center at the Library of Congress.

A COPYRIGHT OFFICE FOR THE 21ST CENTURY

March 18, 2016

Jointly hosted with the Duke Law School Center for Innovation, this conference drew experts from academia, industry, and government for a discussion on how to modernize the U.S. Copyright Office to best serve the needs of content creators, distributors, users, and the general public in the digital era. The discussion focused on what a modern copyright agency should be doing, how to improve registration and recordation functions, the possibility of adding regulatory and adjudicatory functions, and the congressional perspective. Speakers included Sandra Aistars, George Mason University Law School; Troy Dow, Disney; Dave Green, Microsoft; Joseph Liu, Boston College Law School; William Patry, Google; Arti Rai, Duke Law School; Mary Rasenberger, The Authors Guild; Pamela Samuelson, UC Berkeley School of Law; Matt Schruers, Computer & Communications Industry Association; and Christopher Sprigman, NYU School of Law. Professor Sprigman was an organizer of the conference, together with Professor Rai.
MUSIC LICENSING: INNOVATIONS FOR MODERN TIMES

June 17, 2016

The conference assembled distinguished academics, industry representatives, and policy experts to discuss how the music licensing ecosystem can compensate the right people more transparently, fairly, and efficiently. Together with the Technology Policy Institute, Professor Christopher Sprigman organized this conference, which presented roundtable discussions by the following speakers on the topics noted below:

Roundtable 1: How do we structure a modern digital music distribution and licensing ecosystem to be more competitive and work efficiently and fairly for all stakeholders?

Michael Katz (U.C. Berkeley, Sarin Chair in Strategy and Leadership and professorships in both the Economics Department and the Haas School of Business)

David Levin (Vice President, Digital Licensing, Broadcast Music, Inc. (BMI))

Steven Marks (Chief, Digital Business & General Counsel Recording Industry Association of America)

Larry Miller (Clinical Associate Professor and Director, Music Business Program, at NYU Steinhardt) (moderator)

Katherine Oyama (Senior Policy Counsel, Google, Inc.)

Daniel Rubinfeld (Robert L. Bridges Professor of Law and Professor of Economics Emeritus at the University of California, Berkeley, and Professor of Law, NYU)

Christopher Sprigman (Professor, NYU School of Law)

Roundtable 2: Deep Dive into Digital Databases

Jacqueline Charlesworth (General Counsel and Associate Register of Copyrights, United States Copyright Office)

Mark Eisenberg (Vice President, Strategic Initiatives, SoundExchange, Inc.)

Andrea Finkelstein (Senior Vice President, Business Affairs, Sony Music Entertainment)

James Griffin (Managing Director, OneHouse)

Casey Rau (Director of Music Licensing, SiriusXM)

Christopher Sprigman (moderator)

Lawrence J. White (Robert Kavesh Professor of Economics at New York University Leonard N. Stern School of Business and Deputy Chair of the Economics Department at Stern)

Roundtable 3: What Changes to the Current System Are Feasible That Would Facilitate a Transition to a More Competitive Market?

Dale Collins (Partner, Shearman & Sterling LLP; Adjunct Professor of Law, NYU School of Law)

Lee Knife (Executive Director, Digital Media Association)

Thomas M. Lenard (President and Senior Fellow, Technology Policy Institute) (moderator)

Richard Masio (Director of Music Licensing, Pandora)

Brad Prendergast (Senior Counsel, Licensing & Enforcement, SoundExchange, Inc.)

Tim Quirk (Founder/CEO, Freeform Development)

Participants at Music Licensing: Innovations for Modern Times discussed how to make the music licensing market more effective and competitive.
SELKET EVENTS 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 consideration of issues related to innovation. Here are a few recent examples:

ANTITRUST IN EMERGING AND DEVELOPING ECONOMIES: AFRICA, BRAZIL, CHINA, INDIA, MEXICO ...
October 23, 2015
Rapidly emerging economies such as Africa, Brazil, China, India, and Mexico are taking center stage in antitrust enforcement. This program addressed the coming of age of developing countries' competition law systems and the impact on law, policy, and on-the-ground reality for entrepreneurs, consumers, “the people,” and the world. Professor Scott Hemphill was a speaker on the Competition Policy for Pharmaceuticals: Access, Abuse, and Incentives panel.

CONFERENCE ON RESPONSIBLE USE OF OPEN DATA: GOVERNMENT AND THE PRIVATE SECTOR
November 19-20, 2015
The conference, co-organized by the NYU Information Law Institute, NYU Department of Media, Culture, and Communication, and the Berkeley Center for Law & Technology, focused on two related issues: First, a set of normative challenges associated with the open data movement, including privacy and other civil liberties, equitable access to data, and whose interests as a public interest; and second, the obligations of private/commercial holders of data to make their holdings available for public and research purposes. Dr. Amen Ra Mashariki, City of New York’s Chief Analytics Officer in charge of the Mayor’s Office of Data Analytics, gave the keynote address.

NEXT GENERATION OF ANTITRUST SCHOLARS CONFERENCE IV
January 22, 2016
This conference, which was co-sponsored by NYU School of Law and the American Bar Association, Section of Antitrust Law, provided a forum for antitrust/competition law professors who began their full-time professorial careers since September 2008 to present their latest research. Senior antitrust scholars and practitioners in the field commented on the papers. Professor Scott Hemphill was a discussant on the panel on Antitrust and Intellectual Property, and Professor Christopher Sprigman was a discussant on the panel on Antitrust Economics.

DELIVERING BITS AND BYTES THROUGH A VICTROLA: A CONVERSATION ON THE FUTURE OF THE DIGITAL MUSIC INDUSTRY
February 3, 2016
Presented by the Media Law Collaborative, the event featured Casey Rae, CEO of the Future of Music Coalition, and Raza Panjwani, Policy Counsel at Public Knowledge, in conversation with Professor Christopher Sprigman about the current state of the digital music licensing landscape and the Copyright Office’s recommendations for how to reshape it.

AT THE INTERSECTION OF PRIVACY AND PROPERTY
May 6, 2016
This workshop provided a forum for research exploring the benefits and drawbacks of thinking about privacy—legally, practically, and conceptually—in terms of property. A keynote address on the theme of privacy and property by Dr. Katherine Strandburg was presented. The workshop featured a panel on property and privacy as an analogy in law and the workshop was co-organized by the Information Law Institute and the Center for Law, Technology, and Society.
# NYU School of Law
## IP Course Offerings

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**ADVANCED TOPICS IN INNOVATION LAW & POLICY**

- Advanced Privacy Seminar
- Advanced Technology Law & Policy Clinic
- Advanced Technology Law & Policy Clinic Seminar
- Colloquium on Innovation Law & Policy
- Cyber Crime
- Entertainment Law
- Fashion Law and Business
- First Amendment Law
- Free Speech
- Informatics 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 Seminar
- 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
- Technology Law & Policy Clinic Seminar
- The Law of the Startup

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.

## Technology Law & Policy Clinic

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.

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.
- Developing ACLU policy priorities and state legislative strategies for ensuring that new laws regulating access to digital assets after death are privacy protective.
- Contributing to various criminal and civil cases, through direct representation or amicus support that challenge government national-security surveillance.
- 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 Professor Brett Max Kaufman and Clinical Teaching Fellow Amanda Levendowski.
Each year the Engelberg Center sponsors a Colloquium on Innovation Law & Policy that includes both students and members of the innovation community, including other faculty at NYU, faculty at other universities, law practitioners, and industry representatives. Topics are chosen on a yearly basis by those serving as the Colloquium faculty for that year.

The 2016 Colloquium, which was co-taught by Professors Scott Hemphill and Christopher Sprigman, examined the topic of the law and economics of intellectual property. Starting with theories of intellectual property law, the professors went on to review some of the latest IP law and economic scholarship.

The 2017 Colloquium will examine the legal and policy challenges raised by society’s increasing reliance on so-called “big data” in a broad range of public and private endeavors, such as targeted advertising, assessment of credit worthiness, urban management, healthcare, and law enforcement and counterterrorism. The Colloquium will be co-taught by Professors Helen Nissenbaum and Katherine Strandburg.

FEBRUARY 4
Barton Beebe
NYU School of Law
Are We Running Out of Trademarks? Evidence from the U.S. PTO Principal Register

Jeanne Fromer
NYU School of Law
Are We Running Out of Trademarks? Evidence from the U.S. PTO Principal Register

FEBRUARY 11
Tim Wu
Columbia Law School
Attention Brokers

FEBRUARY 18
Hong Luo
Harvard Business School
Copyright Enforcement: Evidence from Two Field Experiments

FEBRUARY 25
Shane Greenstein
Harvard Business School
How the Internet Became Commercial: Innovation, Privatization, and the Birth of a New Network

MARCH 24
Douglas Lichtman
UCLA School of Law
Patent Patents: Can Certain Types of Patent Litigation be Beneficially Delayed?

APRIL 21
Mark Lemley
Stanford Law School
Patent Licensing, Technology Transfer, and Innovation

APRIL 28
Zorina Khan
Bowdoin College
Inventing Prizes: A Historical Perspective on Innovation Awards and Technology Policy
Combining state-of-the-art policy and technical expertise with sophisticated legal analysis, the LLM 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 one of two areas of focus—Antitrust and Competition Policy, or Intellectual Property and Information Law—while gaining an introductory foothold in the other area of focus 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.

2015–16 COMPETITION, INNOVATION, AND INFORMATION LAW LUNCH SPEAKERS

SEPTEMBER 30
Stephen Susman
Partner, Susman Godrey LLP; Executive Director, Civil Jury Project, NYU School of Law
Have Jury Trials Killed Antitrust and Patent Enforcement Litigation?

OCTOBER 28
Daniel Kevles
Stanley Woodward Professor of History Emeritus, Yale University; Adjunct Professor, Yale Law School

NOVEMBER 18
The Honorable Raymond Chen
United States Circuit Judge of the United States Court of Appeals for the Federal Circuit
The Institutions of Patent Law

FEBRUARY 17
Vinicius Carvalho
President, Brazilian Competition Authority (Conselho Administrativo de Defesa Economica (CADE))
Snapshots of Competition Enforcement from Brazil

MARCH 23
David Kappos
Partner, Cravath, Swaine & Moore LLP
Thoughts About the Patent System from the Former Director of the USPTO and Under Secretary of Commerce for Intellectual Property

APRIL 13
Howard Langer
Founding Partner, Langer, Grogan & Diver P.C.
Suing Major League Baseball: The Obstacles to the Consumer
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 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 dialogue through comments from its readers. In keeping with its goals of open access and discourse, JIPEL makes its content 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.

Congratulations to Caroline B. Epstein ’16, who was awarded the 2016 Journal of Intellectual Property and Entertainment Law Prize for the greatest contribution by a third-year editor. As Editor-in-Chief (2015–16), Epstein led JIPEL through a stimulating and successful year culminating in a popular and informative IP Careers Symposium directed at 2Ls. Epstein joined Kirkland & Ellis LLP as an associate in Fall 2016.

Florina Yezril ’16 won NYU School of Law’s 2016 award to the graduating student who wrote the most outstanding note for JIPEL. Yezril’s article, entitled “Somewhere Beyond the ©: Copyright and Web Design,” which appears at 5 JIPEL 1 (December 17, 2015), originated as a paper for the Colloquium on Innovation Law & Policy taught by Professors Jeanne Fromer and Chris Sprigman in Spring 2015. A former computer scientist, in Fall 2016 Yezril began her career in law as an associate at Mayer Brown in New York City.

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

Across: Some officers and committee chairs of the 2016–17 IPELS Board gather at Vanderbilt Hall.

Some members of the JIPEL 2016–17 Board relax in Washington Square Park.
Daryl L. Steiger ’16 won the Jack J. Katz Memorial Award honoring the student who has demonstrated excellence in the field of entertainment law. Steiger also won second place in the 2016 Honorable William Conner Writing Competition sponsored by the New York Intellectual Property Law Association. This annual writing competition, which is open to law students across the United States, recognizes exceptionally well-written papers authored by law students. In Fall 2016, Steiger joined the transactional group practice at O’Melveny & Myers LLP in New York City.

Joseph M. Elks ’16 was awarded the Frank T. Diersen Prize for Distinction in the LLM Competition, Innovation, and Information Law Program. Elks previously practiced intellectual property litigation at an international law firm in Sydney, Australia. He is continuing his career in patent litigation at the New York office of WilmerHale in September 2016.

Congratulations to Tina Lu ’16, who won the Walter J. Dorenberg Prize, which is awarded to the graduating student having the highest academic grade in the area of copyright law. Lu began her career in Fall 2016 as a litigator focusing on intellectual property matters at Quinn Emanuel Urquhart & Sullivan, LLP in San Francisco.

Joseph M. Elks ’16 was awarded the Frank T. Diersen Prize for Distinction in the LLM Competition, Innovation, and Information Law Program. Elks previously practiced intellectual property litigation at an international law firm in Sydney, Australia. He is continuing his career in patent litigation at the New York office of WilmerHale in September 2016.


