

Intellectual Property [Engelberg Center on Innovation Law & Policy] Past Events

Innovation Policy Colloquium

Spring semesters

[A Copyright Office for the 21st Century](#)

March 18, 2016

The conference brought together experts from academia, industry, and government to discuss 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. Speakers included Sandra Aistars, George Mason University Law School; Stuart Benjamin, Duke Law School; Troy Dow, Disney; Dave Green, Microsoft; Joseph Liu, Boston University Law School; Bill Raduchel, independent director and investor; Arti Rai, Duke Law School; Mary Rasenberger, The Authors Guild; Pam Samuelson, Berkeley Law School; Matt Schruers, Computer & Communications Industry Association and Georgetown Law School; and Chris Sprigman, New York University School of Law. The conference was jointly organized by the Duke Law School Center for Innovation Policy and the New York University Law School's Engelberg Center on Innovation Law & Policy.

Whose Knowledge Is It Anyway? Innovations in Traditional Knowledge Protection.

March 3, 2016

Whose Knowledge Is It Anyway? focused on the project entitled *Local Contexts* and its application from both tribal and institutional perspectives. *Local Contexts*, www.localcontexts.org, is an online platform that was developed to address 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 is divorced from local communities and 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. Professor Jason Schultz (Professor of Clinical Law) NYU School of Law, moderated the discussion along with panelists Professor Jane Anderson, NYU, James Francis, Sr., Penobscot Nation, and Dr. Elizabeth Peterson, American Folklife Center.

[Innovation Clusters](#)

February 26, 2016

Innovation experts from industry, government, and academia discussed the rise of successful technology clusters in Silicon Valley, Israel and elsewhere, and whether there's a "special sauce" that others can copy to develop their local regional innovation centers. The conference was jointly organized by Teva Pharmaceuticals, AIPLA, Goodwin Procter LLP, and NYU School of Law Engelberg Center on Innovation Law & Policy.

Hot Topics in IP Law

February 24, 2016

A discussion with the Honorable Pauline Newman and the Honorable Timothy B. Dyk, United States Court of Appeals for the Federal Circuit, as they fielded questions from Professor Rochelle C. Dreyfuss, NYU School of Law, and Anne Hassett, Engelberg Center Executive Director, regarding their perspectives on Supreme Court review of important issues in intellectual property law.

National Policies on Secondary Pharmaceutical Patents: Their Effectiveness and Implications for Innovation and Access to Medicines

January 23, 2016

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 inventive and can raise prices and create barriers to access to 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; (2) whether and how secondary pharmaceutical patents affect prices and access to medicines, and their impact, if any, on innovation incentives. This conference was sponsored by NYU School of Law's Engelberg Center on Innovation Law & Policy and The London School of Economics and Political Science.

Sixth Annual Tri-State Region IP Workshop

January 15, 2016

The Workshop brought together intellectual property scholars (including professors, fellows, visitors, graduate students, and practitioners) from the tri-state region (broadly defined to include Philadelphia also) to present their works in progress for commentary in a workshop environment.

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 keynote speaker was The Honorable Diane P. Wood, U.S. Court of Appeals for the Seventh Circuit.

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, which will be argued on December 4, 2015. The discussion also considered the impact on Internet businesses if the Court upholds only portions of the order. Panelists included: Michael Cheah, Vimeo, Jameson Dempsey, Kelley Drye & Warren LLP, Julie Samuels, Engine, and Professor Christopher Sprigman, NYU School of Law.

"1099 economy" Meeting with NY AG Office

September 17, 2015

The meeting was an off-the-record conversation about labor and employment issues for NY Tech startups with the NY Attorney General's Internet bureau.

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, 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 of the survey method and its ramifications

ETH/NYU Transatlantic Innovation Scholarship Conference: Design Protection → Design Innovation?

June 10-12, 2015

The Engelberg Center co-hosted with ETH 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.

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 A. Siegel, ACACIA Research Group LLC; Marian Underweiser, IP Policy & Strategy, IBM; Jane Wasman, Acorda Therapeutics, Inc.

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 as proposed 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 Law; Theresa Gillis, Mayer Brown LLP; David Kappos, Cravath, Swaine & Moore LLP; John Pegram, Fish & Richardson.

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.

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 the Honorable Faith S. Hochberg (U.S. D.N.J.) and Micky Minhas, Microsoft Corporation, Professor 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 were co-organizers of the IP Institute.

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 at 2 p.m., 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 were 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); 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 and Policy; and Fred von Lohmann, Legal Director for Copyright, Google. Co-sponsored by the New York Public Library.

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 on Innovation Law & Policy faculty 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.

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.

Copyright vs. Creativity: Is Intellectual Property Reserved for the 1%?

September 23, 2014

Coinciding with the US launch of the graphic novel, *RICKY ROUSE HAS A GUN*, this panel asked whether copyright has lost one of its principle 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 include Jörg Tittel, Author, *RICKY ROUSE HAS A GUN*; Charles Brownstein, Executive Director, Comic Book Legal Defence Fund; Professors Christopher Sprigman and Barton Beebe, NYU School of Law.

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.

Engelberg Center 20th Anniversary Celebration

July 7-11, 2014

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.”

Workshop on Medical User Innovation and Medical Commons

May 15-16-17, 2014

This focused interdisciplinary workshop brought together researchers studying medical and health innovation from the user innovation and knowledge commons governance approaches; explored potential synergies between these two groups of researchers, who brought different backgrounds, methodologies, and expertise to these issues; and interrogated and critiqued the role of intellectual property in medical research and innovation in light of the potential for user innovation and knowledge commons approaches.

IPNY: The Role of Geographical Indications

April 17, 2014

The inaugural IPNY event; a new series of public lectures from experts on contemporary issues of IP and innovation law and policy. For the first installment of IPNY, Richard Mendelson and Professor Sprigman had a lively debate on the role of geographical indications.

50 Years Later: The New York Times v. Sullivan

April 2, 2014

March 9, 2014 marked the 50th anniversary of the U.S. Supreme Court's landmark decision on the freedom of the press in *New York Times Co. v. Sullivan*. In the decision, the Supreme Court held that the First Amendment protects reports about public officials -- even false ones -- unless they have been made with actual malice (with knowledge that they are false or in reckless disregard of their truth or falsity). This case allowed much of the press reports on civil rights in the South to move forward. Fifty years later, we convened to consider the implications and lasting significance of the Supreme Court's decision.

Innovation Law & Policy Edit-a-Thon

March 8, 2014

The inaugural Innovation Law & Policy Edit-a-thon, co-sponsored by the Engelberg Center on Innovation Law & Policy and the Wikimedia Foundation, brought together a coalition of experienced editors, as well as law professors, activists, and other professionals, to create and improve Wikipedia articles at the intersection of law and policy.

Fourth Annual Tri-State Region IP Workshop

January 10, 2014

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.

Drones & Aerial Robotics Conference

October 11-13, 2013

The Drones & Aerial Robotics Conference was a multidisciplinary conference about UAVs and drones—with a special emphasis on civilian applications. DARC broadens the public conversation beyond the privacy and targeted killing debates. We delved deep into the impact of unmanned systems on society and advance knowledge in legal and practical domains.

Rob Reid Year Zero Book Talk

April 30, 2013

The entire cosmos has been hopelessly hooked on humanity's music ever since "Year Zero" (1977 to us), when American pop songs first reached alien ears. This addiction has driven a vast intergalactic society to commit the biggest copyright violation since the Big Bang. The resulting fines and penalties have bankrupted the whole universe. We humans suddenly own everything—and the aliens are not amused. Join author and entrepreneur Rob Reid for a unique look at the institution of copyright law, followed by a conversation with David Pashman (General Counsel, Meetup) and a Year Zero book signing.

The Relationship between the Federal Circuit and the Supreme Court in the Development of Patent Law

March 13, 2013

An informal discussion between Judges Timothy Dyk and Pauline Newman. The interchange was lively as both are judges on the U.S. Court of Appeals for the Federal Circuit with very different ideas about intellectual property policy and theories of adjudication.

Defensive Patent License Project

February 1, 2013

The Defensive Patent License (DPL) is a new legal mechanism to protect innovators by networking patents into powerful, mutually-beneficial legal shields that are 100% committed to defending innovation – no bullies, trolls, or other leeches allowed. It is designed to address the most broken parts of the patent system. The DPL also helps prevent adversaries from patenting open technologies and pulling them out of the public domain. It is an open source-style patent license that seeks to promote the use of patents to encourage freedom to innovate & to operate instead of using them to shut down competition, for rent-seeking, or to inhibit access to knowledge. This approach offers several potential benefits, especially to open innovation communities and/or start-ups: 1) A way to legally bind companies/patents to exclusive defensive use; 2) A way to allow those who are skeptical/critical of the patent system to participate without worry that their innovations will be offensively weaponized; 3) A way to improve prior art by filing defense-oriented patent applications that will preempt future offensive applications; 4) A way to prevent patent trolls from exploiting patents by preemptively committing them to defensive-only use; and 5) A way to provide access to a clear

collection of patents that anyone can use for free as long as they are also committed to defensive uses.

Third Annual Tri-State Region IP Workshop

January 11, 2013

Professors, fellows, visitors, graduate students, and practitioners from the tri-state region presented their works in progress for commentary in a workshop environment. Topics were related to intellectual property or information law. The format involved a series of plenary sessions chaired by a senior commentator. This annual workshop will make it possible for IP and information law scholars located in the tri-state region to get together on a more regular basis to share and discuss each other's work.

Life as a New IP Associate

October 4, 2012

A panel discussion on how to transition from law school to private practice.

Convening Cultural Commons

September 23-24, 2011

The purpose of this workshop was to gather scholars from a variety of disciplines who share interests in the study of commons as governance regimes in information, knowledge, and other cultural contexts. The focus was on institutional analysis of commons, common pool resources, and related institutions for governance of knowledge and information and rights in knowledge and information. Relevant disciplines included law, political science, economics, sociology, organizational science, information science, Science and Technology Studies (STS), and the history of science and technology, among others.

Cultural Protocols Workshop

August 19, 2011

This workshop brought together a small group of legal and cultural scholars to explore the concept and the utility of cultural protocols in relation to Indigenous and local knowledge management issues. The focus of the workshop was predominately legal – and this is quite deliberate. In thinking about the possibilities of protocols and how they can be used as a useful strategy as well as a tool of leverage for Native American communities in the United States, as well as elsewhere, it is critical that there is an inter-linked and robust legal framework that can work in support of the further development of cultural protocols. This will not only contribute to the ability for communities to make informed decisions about how cultural protocols can be effectively utilized, but also provide significant background work in the instances where specific cultural protocols are undermined or delegitimized by third parties.

Balancing Wealth and Health: Access to Medicines in Latin America as a Case Study of the Global Administration of Intellectual Property Law

May 25-26, 2011

This Workshop considered the draft report of a project undertaken as part of NYU's Global Administrative Law (GAL) Network, sponsored by the International Development Research Centre (IDRC) of Canada and jointly coordinated by the University of the Andes (Colombia) and NYU. The project was aimed at examining, through a series of case studies, the processes and administrative mechanisms that states use internally to negotiate the balance between intellectual property rights and other policy and human rights considerations.

User and Open Innovation: How Should Intellectual Property Law Respond?

May 28-29, 2010

The NYU's Engelberg Center and the UC Berkeley Center for Law & Technology co-sponsored a workshop to consider the implications of user and open innovation for intellectual property doctrine. The importance of these creative paradigms relative to centralized innovation by manufacturers and mass media producers is increasingly recognized in the business community, yet has not been systematically addressed by intellectual property law. The workshop brought together an interdisciplinary group of scholars of law, management, and economics to consider whether and in what specific ways intellectual property law should be modified to accommodate the increasing importance of innovation by users for their own use and of collaborative and open processes of innovation.

Enough is Enough!: Ceilings on Intellectual Property Rights Workshop

May 1-2, 2009

The Engelberg Center at NYU School of Law and the Max Planck Institute for Intellectual Property, Competition and Tax Law [MPI] held a two-day workshop to consider whether Enough is Enough: whether it is time to consider limits on the expansion of intellectual property rights within the international framework. The intent is to talk about existing limits within, and outside, intellectual property law (including human rights and competition law). Also considered were existing proposals for mandatory limits imposed through international intellectual property law.

Workshop on Trade Secrecy

February 20-21, 2009

A workshop for the authors of the Trade Secrecy book in the hope of making the final volume better integrated and giving the authors the opportunity to benefit from one another's feedback.

Digital Convergence and Copyright

April 7, 2008

The Intellectual Property and Entertainment Law Society of NYU School of Law hosted a symposium on digital convergence and copyright. The Symposium was held under the aegis of Engelberg Center on Innovation Law and Policy. The Symposium addressed copyright issues associated with emerging media services, from both a business as well as legal perspective, discussing digital distribution of entertainment and phenomenon that blurs the boundaries between different media and copyrightable subject matters.

Working Within the Boundaries of Intellectual Property – Conference of the Engelberg Center on Innovation Law and Policy

June 5-6, 2007

In June, 1998, The Engelberg Center convened a conference at La Pietra to examine the expanding boundaries of intellectual property protection. Various proposals were made for cabining the trend. Subsequent experience has demonstrated, however, that cabining is politically unfeasible and administratively difficult. In the face of increasing concern that strong rights could hinder innovation and slow dynamic competitiveness, this conference was organized to investigate approaches to working within the expanding intellectual property paradigm.

Anti-Dilution: The Theory and Reality of Extended Trade Mark Protection in the US and EU

December 8, 2006

This workshop explored the case for expanding trademark protection beyond its traditional realm, examined its implementation in practice, and considered countervailing considerations.