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ENGELBERG
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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.

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, 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*, 156 *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.

Professor Beebe received his JD from Yale Law School, his PhD in English Literature from Princeton University, and his BA from the University of Chicago. He clerked for Judge Denise Cote of the United States District Court for the Southern District of New York.

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)

Design Protection Law, in *The Oxford Handbook of Intellectual Property Law* (Rochelle Dreyfuss and Justine Pila, eds., Oxford University Press, forthcoming)

Empirical Studies of Trademark Law, in *Research Handbook on the Economics of Intellectual Property Law: Volume II, Analytical Methods* (Peter Menell and David Schwartz, eds., 2017)

“Bleistein, the Problem of Aesthetic Progress, and the Making of American Copyright Law,” 117 *Colum. L. Rev.* (forthcoming 2017)

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

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

The Luxury Economy and Intellectual Property: Critical Reflections (ed. with Haochen Sun and Madhavi Sunder, Oxford University Press, 2015)



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 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 Services, 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.

Recent Publications

“On Aiding Technological Development: The Max Planck Declaration on Patent Protection,” *U.C. Irvine L. Rev.* (forthcoming) (with Esteban Donoso)

Introduction, in *The Oxford Handbook of Intellectual Property Law* (Rochelle C. Dreyfuss & Justine Pila, eds., Oxford University Press, forthcoming) (with Justine Pila)

“The EU’s Romance with Specialized Adjudication,” *International Review of Intellectual Property and Competition Law* (forthcoming October 2016)

Enforcing Intellectual Property Claims Globally When Rights Are Defined Territorially, in *The Internet and the Emerging Importance of New Forms of Intellectual Property* (Susy Frankel and Daniel Gervais, eds., Kluwer Law International, 2016)

“Economic Espionage as Reality or Rhetoric: Equating Trade Secrecy with National Security,” 20 *Lewis & Clark L. Rev.* 419 (2016) (with Orly Lobel)

Entre la salud y las patentes: la disputa por la propiedad intelectual y el acceso a los medicamentos en América Latina (ed. with César Rodríguez-Garavito, Universidad de los Andes, 2016)

Constructing an International Property Acquis for the Agricultural Sciences, in *The Intellectual Property—Regulatory Complex: Overcoming Barriers to Innovation in Agricultural Genomics* 211 (Emily Marden et al., eds., UBC Press, 2016)

“From Incentive to Commodity to Asset: How International Law Is Reconceptualizing Intellectual Property,” 36 *Mich. J. Int’l L.* 557 (2015) (with Susy Frankel)

“Giving the Federal Circuit a Run for Its Money: Challenging Patents in the PTAB,” 91 *Notre Dame L. Rev.* 235 (2015)

An International Acquis: Integrating Regimes and Restoring Balance, in *International Intellectual Property: A Handbook of Contemporary Research* 121 (Daniel J. Gervais, ed., Northampton, Mass.: Edward Elgar Publishing, 2015) (with Graeme B. Dinwoodie)

An International Perspective I: A View from the United States, in *The Unitary EU Patent System* 145 (Justine Pila and Christopher Wadlow, eds., Portland, Or.: Hart Publishing, 2015)

Foreword, in *Test Tubes for Global Intellectual Property Issues: Small Market Economies* ix (Cambridge: Cambridge University Press, 2015)



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 BA summa cum laude in Computer Science from Barnard 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

“Are We Running Out of Trademarks?: An Empirical Study of Trademark Depletion at the U.S. Patent and Trademark Office” (forthcoming) (with Barton Beebe)

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

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

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

“Trademark Distinctiveness” (forthcoming)

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

“The Unregulated Certification Mark(et),” 69 *Stanford Law Review* (forthcoming)

United States Supreme Court, Brief of Professors Christopher Buccafusco and Jeanne Fromer as Amici Curiae in Support of Petitioner, in *Star Athletica, LLC v. Varsity Brands, Inc.*, No. 15-866 (with Christopher Buccafusco, Meir Feder, and Matthew J. Silveira) (2016)

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

“Should the Law Care Why Intellectual Property Rights Have Been Asserted?,” 53 *Houston Law Review* 549 (2015)



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

IP and Competition Law, in *The Oxford Handbook of Intellectual Property Law* (Rochelle C. Dreyfuss and Justine Pila, eds., Oxford University Press, forthcoming)

“Less Restrictive Alternatives in Antitrust Law,” 116 *Colum. L. Rev.* 927 (2016)

United States Supreme Court, Brief of Professors Jeannie Suk Gersen and C. Scott Hemphill as Amici Curiae in Support of Respondents, in *Star Athletica, LLC v. Varsity Brands, Inc.*, No. 15-866 (2016)

“The Actavis Inference: Theory and Practice,” 67 *Rutgers U. L. Rev.* 585 (2015) (with Aaron Edlin, Herbert Hovenkamp, and Carl Shapiro)

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



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.

Recent Publications

The End of Ownership: Personal Property in the Digital Economy (MIT Press) (2016)

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

“Legislating Digital Exhaustion,” 29 *Berkeley Tech. L.J.* 1535 (2015) (with Aaron Perzanowski)

Clues for Determining Whether Business and Service Innovations Are Unpatentable Abstract Ideas, in *Perspectives on Patentable Subject Matter* 8 (Michael B. Abramowicz, James E. Daily, and F. Scott Kieff, eds., New York: Cambridge University Press, 2015) (with Pamela Samuelson)



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 of the UCLA School of Law. He also serves as the Reporter for the American Law Institute’s Restatement of Law: Copyright. Sprigman received his BA with honors from the University of Pennsylvania in 1988. He attended the University of Chicago Law School, serving as a comment editor of the University of Chicago Law Review and graduating with honors in 1993. Following graduation, Sprigman clerked for Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit, and for Justice Lourens H. V. Ackermann of the Constitutional Court of South Africa. Sprigman also taught at the law school of the University of the Witwatersrand, in Johannesburg, South Africa. From 1999 to 2001, Sprigman served as appellate counsel in the Antitrust Division of the U.S. Department of Justice, where he worked on *U.S. v. Microsoft*, among other matters. Sprigman then joined the Washington, D.C., office of King & Spalding, where he was elected a partner. In 2003, he left law practice to become a Residential Fellow at the Center for Internet and Society at Stanford Law School. He joined the University of Virginia faculty in 2005, and moved from UVA to NYU School of Law in 2013.

Recent Publications

“A Theory of Legal Protection for Industrial Design” (forthcoming) (with Jeanne Fromer)

Experiments in Intellectual Property, in *The Research Handbook on the Economics of Intellectual Property Law Volume 1* (Ben Depoorter and Peter Menell, eds., forthcoming) (with Christopher Buccafusco)

When Are IP Rights Necessary? Evidence from Innovation in IP’s Negative Space, in *The Research Handbook on the Economics of Intellectual Property Law Volume 2* (Peter Menell and David Schwartz, eds., forthcoming) (with Kal Raustiala)

“Innovation Heuristics: Experiments on Sequential Creativity in Intellectual Property,” 92 *Indiana Law Journal* 1261 (2016) (with Christopher Buccafusco and Stefan Bechtold)

The Indigo Book: A Manual of Legal Citation (Public.Resource.Org, Inc., 2016)

United States Supreme Court, Brief of Amicus Curiae on Behalf of Intellectual Property Professors in Support of Petitioner, in *Star Athletica, LLC. v. Varsity Brands, Inc.*, No. 15-866 (with Mark Lemley, Mark McKenna, and Rebecca Tushnet) (2016)

United States Court of Appeals for the Second Circuit, Brief of Amicus Curiae Law Professors in Support of Defendant-Appellee, in *Louis Vuitton Malletier, S.A., v. My Other Bag, Inc.*, No. 16-0241 (with Rebecca Tushnet) (2016)

United States Court of Appeals for the Second Circuit, Brief of Amicus Curiae Professors of Intellectual Property Law in Support of Appellant/ Cross-Appellee, in *Fox News Network, LLC, v. TVEyes Inc.*, No. 15-3885 (with Michael Scott Leavy and Rebecca Tushnet) (2016)

Let Them Eat Fake Cake: The Rational Weakness of China’s Anti-Counterfeiting Policy, in *The Luxury Economy and Intellectual Property: Critical Reflections* 263 (Haochen Sun, Barton Beebe, and Madhavi Sunder, eds., Oxford: Oxford University Press, 2015) (with Kal Raustiala)



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 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 Strandburg 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.

Recent Publications

Governing Medical Commons (ed. with Brett M. Frischmann and Michael J. Madison, Cambridge University Press, forthcoming)

Users, Patents and Innovation Policy, in *The Oxford Handbook of Intellectual Property Law* (Rochelle C. Dreyfuss & Justine Pila, eds., Oxford University Press, forthcoming)

Derogatory to Professional Character? Physician Innovation and Patents as Boundary-Spanning Mechanisms, in *Creativity without Law: Challenging the Assumptions of Intellectual Property* (K. Darling and A. Perzanowski, eds., NYU Press, forthcoming 2017)

Intellectual Property at the Boundary, in *Revolutionizing Innovation: Users, Communities, and Open Innovation*, Ch. 12 (Dietmar Harhoff and Karim Lakhani, eds., MIT Press, 2016)

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. 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.



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.



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.



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 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.



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. 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.



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 to business strategy and public policy. He studies high-tech industries, including biomedical, 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 at 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 the NYU-Langone School of Medicine. Jackson's 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.



DANIEL KEVLES

Interdisciplinary Fellow, NYU School of Law; Stanley Woodward Professor Emeritus of History, History of Medicine & American Studies, Yale University; 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.



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.



FLORENCIA MAROTTA-WURGLER

Professor of Law; Faculty Director, NYU Law in Buenos Aires

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



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*.



PETRA MOSER

Associate Professor of Economics; Jules I. Backman Faculty Fellow, 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.



JOEL STECKEL

Professor of Marketing and Vice Dean for Doctoral Education, 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.



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 the press and intellectual property.

ADJUNCT FACULTY



JODI BALSAM
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MITCHELL ENGLER
Professor of Law, Benjamin N.
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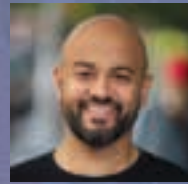
JUDITH GERMANO
Senior Fellow, NYU School of Law



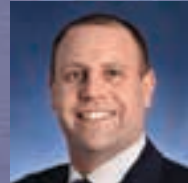
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Counsel for Technology & IP,
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BRETT MAX KAUFMAN
Staff Attorney, Center for Democracy,
America Civil Liberties Union



DAY KROLIK
Adjunct Professor of Law,
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NBC Universal (retired)



DAVID McCRAW
Assistant General Counsel,
The New York Times



DAVID PASHMAN
General Counsel, Meetup, Inc.



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



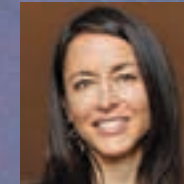
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ELIZABETH WEISWASSER
Partner, Weil Gotshal & Manges LLP



BRUCE WEXLER
Partner, Paul Hastings LLP



AARON WILLIAMSON
Partner, Tor Ekeland, PC



DONN ZARETSKY
Partner, John Silberman Associates PC

VISITING SCHOLARS

2015–16



NANCY GALLINI

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

Nancy Gallini's research focuses on the economics of intellectual property, competition 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. Professor Rochelle Dreyfuss was the faculty sponsor for Murata's research project.



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., 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.

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**

Konstantina Bania, who received her PhD from the European University Institute, specializes in antitrust law and media, technology, and telecommunications 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 Gebru's research interests are intellectual property, innovation, and development. His SJD dissertation focuses on intellectual property law, bio-prospecting, and traditional knowledge. Gebru has taught intellectual property law (domestic and international), international investment law, and 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, Gebru 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 affiliated senior researcher at the Max Planck Institute for Innovation and Competition in Munich, as well as a Spangenberg Fellow at the Spangenberg 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.



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. A Post-Doctoral Global Research Fellow at NYU School of Law, Kuenzler will study advertising and consumer sovereignty.



NARI LEE

**Professor of Intellectual Property,
Hanken School of Economics, Finland**

Nari Lee's research focuses on the interaction 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 issue of disruptive innovation and intellectual property law focusing on the example of 3D-printing technology.



ARGYRI PANEZI

**Doctoral Candidate,
European University Institute, Florence**

Argyri Panezi studies the intersection of intellectual property law, technology, and access to knowledge. Panezi'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, their efforts to adapt to the digital era and their strategies to reach and provide access to a broader demographic.



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 I099 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, Vimeo; Jameson Dempsey, Kelley Drye & Warren LLP; Julie Samuels, 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.

SIXTH ANNUAL TRI-STATE REGION IP WORKSHOP

January 15, 2016

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 Buccafusco, Cardozo School of Law
A Theory of Copyright Authorship
Commentator: Shyam Balganes, University of Pennsylvania Law School

Eva Subotnik, 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 Secrecy with National Security (with Orly Lobel)
Commentator: Michael Risch, Villanova University School of Law

Gregory Mandel, Temple Law School
Congress Versus the Supreme Court: 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

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 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 Shadlen, 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 Shadlen (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, Arochi & Lindner, Mexico); and Mariano Genovesi (CILFA, Argentina).

**Do Secondary Patents
(or Policies Restricting Them)
Matter for Innovation, Launch
Decisions, and Access?**

A discussion among Eduardo Fiuza (Institute for Applied Economic Research, Brazil); Margaret Kyle (University of Toulouse, France); and Carlos Correa (University of Buenos Aires, Argentina).





Many lively and informative exchanges occurred among the participants in the conference on *National Policies on Secondary Pharmaceutical Patents*.



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.

INNOVATION CLUSTERS

February 26, 2016

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 Schwartz (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.

The Engelberg Center presented this conference with support from Teva Pharmaceuticals; the American Intellectual Property Law Association; Amster, Rothstein & Ebenstein LLP; and Goodwin Procter LLP. Anne Hassett, Executive Director, Engelberg Center; Rivka Jungreis, Executive Counsel, U.S. I.P. Litigation, Teva Pharmaceuticals; and Frederick H. Rein, Partner, Goodwin Procter LLP, organized the conference.



Participants at *A Copyright Office for the 21st Century* exchanged ideas on ways to modernize the U.S. Copyright Office.

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 Georgetown University Law Center; 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 Rae** (Director of Music Licensing, Sirius XM)
- 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.



SELECTED 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 what counts 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 key question is how property concepts and doctrines can be profitably incorporated into discussions of privacy—and likewise, to what extent we should be wary about relying too much on a property-privacy analogy in lieu of theorizing privacy independently. The workshop was organized by the Information Law Institute. **Professor Katherine Strandburg** was a presenter.



NYU SCHOOL OF LAW IP COURSE OFFERINGS

SURVEY

Survey of Intellectual Property (1L elective)
Survey of Intellectual Property (2L, 3L, and LLM)

ART LAW

Art Law
Advanced Topics in Art Law

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
Branding & the Law

TRADE SECRET LAW

Trade Secret Law

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
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 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.

THE ENGELBERG CENTER COLLOQUIUM ON INNOVATION LAW & POLICY

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
Patient 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

LLM PROGRAM



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 Godfrey 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
From Fruit to Law: The Golden Delicious Apple and the Origins of the Plant Patent Act of 1930

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 Econômica (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

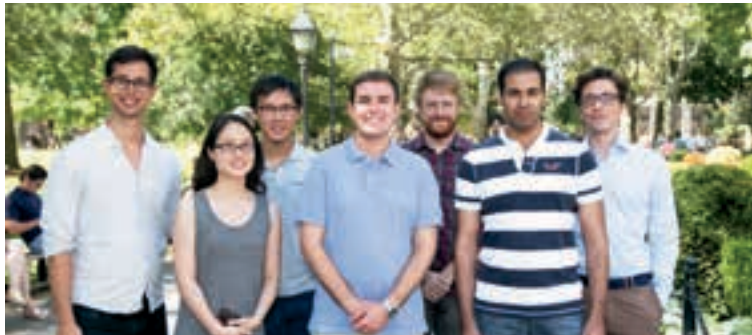
Howard Langer

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.



Some members of the JIPEL 2016–17 Board relax in Washington Square Park.



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 Collaborative, and Sports Law Association.

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



2Ls mingle at the reception following the 2016 IP Careers Symposium.





Congratulations to **Tina Lo '16**, 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. Lo 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.



Congratulations to **Scott G. Greene '16**, who won the **Seymour A. Levy Memorial Award** given to the graduating student who has written the most outstanding note for the Annual Survey of American Law. Greene's note, *The Return of the King: Rethinking Lear, MedImmune, and the Effects of Licensee Estoppel in the Context of AIA Post-Grant Procedures*, was published in New York University's Annual Survey of American Law (2015). Before entering NYU School of Law, Greene trained in chemistry and, as an undergraduate, researched improvements in methodologies for synthesizing chemical compounds. A registered Patent Agent at the United States Patent & Trademark Office, Greene started his career in Fall 2016 as an associate at Paul, Weiss, Rifkind, Wharton & Garrett LLP and will begin a clerkship for Judge Pauline Newman (U.S. Court of Appeals for the Federal Circuit) in 2017.



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.



ENGELBERG CENTER ON
INNOVATION LAW & POLICY

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